

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2024

COUNCIL BILL NO. CB24-0766
COMMITTEE OF REFERENCE:
Business, Arts, Workforce, Climate & Aviation Services

A BILL

For an Ordinance concerning the organization and creation of the Ballpark Denver General Improvement District, in the City and County of Denver, creating the District Advisory Board and appointing the initial members thereof, and approving the 2024 and 2025 Work Plan and Budget thereof, and making appropriations for the Budget Years 2024 and 2025.

WHEREAS, pursuant to Part 6 of Article 25 of Title 31, C.R.S., a Petition for The Organization of the Ballpark Denver General Improvement District (the "Petition") for the proposed Ballpark Denver General Improvement District ("District") was filed on May 29, 2024, in the office of the Clerk and Recorder, ex officio Clerk, of the City and County of Denver (the "City") as City Clerk File No. 20240064; and

WHEREAS, a proposed 2024 and 2025 Work Plan and Budget for the District ("Work Plan and Budget") was filed on May 29, 2024, in the office of the Clerk and Recorder, ex officio Clerk, of the City as City Clerk File No. 20240064A; and

WHEREAS, such Petition has been reviewed by the City; and

WHEREAS, such Petition has been signed by not less than thirty percent or two hundred of the electors of the proposed District, whichever is less (the "Petitioners"); and

WHEREAS, Section 31-25-609, C.R.S., provides that the governing body of the municipality in which the District is located shall constitute ex officio the Board of Directors of the District and shall be authorized to exercise certain powers under the laws of Colorado concerning improvement districts in municipalities, Sections 31-25-601, *et seq.*, C.R.S.; and

WHEREAS, the City Council of the City and County of Denver, Colorado, ("Council"), desires to create the District Advisory Board of the District and to delegate the authority to exercise certain powers granted to the Board of Directors of the District under Sections 31-25-601, *et seq.*, C.R.S., to the District Advisory Board as set forth herein; and

WHEREAS, the Petitioners are in compliance with the requirement for a bond or other security

as specified in Section 31-25-605, C.R.S., and as further described herein; and

WHEREAS, Ordinance No. 838, Series of 1998 created the local maintenance district for the Broadway Viaduct Pedestrian Mall (“Broadway Viaduct LMD”) in conformance with the Charter for the City (“Charter”) and the Denver Revised Municipal Code (as may be amended from time to time, the “DRMC”); and

WHEREAS, Ordinance No. 779, Series of 1997 created the local maintenance district for the Consolidated Larimer Street Pedestrian Mall (“Consolidated Larimer Street LMD”) in conformance with the Charter and the DRMC; and

WHEREAS, Ordinance No. 822, Series of 1994 created the local maintenance district for the 20th Street Pedestrian Mall (“20th Street LMD”) in conformance with the Charter and the DRMC; and

WHEREAS, Ordinance No. 1090, Series of 1994 created the local maintenance district for the 22nd Street and Park Avenue West Pedestrian Mall (“22nd Street and Park Avenue West LMD”) in conformance with the Charter and the DRMC; and

WHEREAS, collectively, the Broadway Viaduct LMD, the Consolidated Larimer Street LMD, the 20th Street LMD and the 22nd Street and Park Avenue West LMD shall be referred to herein as the “LMDs”; and

WHEREAS, if the District is declared organized as a result of the Election (as that term is defined in Section 5, below), subject to the approval of one or more ballot issues presented to the electors of the District at the Election, the District shall assume responsibility from the LMDs for the continuing care, operation, repair, maintenance and replacement of the improvements located within their respective boundaries; and

WHEREAS, in the event of such electoral approvals at the Election, the LMDs shall no longer be required and shall be dissolved by Council in accordance with the terms and conditions contained herein; and

WHEREAS, all capitalized terms not otherwise defined in these Recitals shall have the meaning further ascribed within this Creation Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY AND COUNTY OF DENVER, COLORADO:

Section 1. Findings. The Council, acting as City Council, hereby accepts the Petition which requests the formation of a general improvement district to be known as the “Ballpark Denver General Improvement District” (the “District”). The Council hereby finds that: (a) the signatures on the Petition are genuine; (b) the Petition is signed by not less than thirty percent or two hundred of

1 the electors, whichever is less, of the proposed District; (c) all requirements for notice, mailing,
2 publication and a hearing set forth in Sections 31-25-606 and 31-25-607, C.R.S., respectively, have
3 been performed; (d) Petitioners have provided a bond with security approved by Council sufficient
4 to comply with the provisions of Section 31-25-605, C.R.S., and that the same shall be sufficient to
5 pay all expenses connected with these proceedings, including necessary services rendered by the
6 City in connection with its review of the Petition; (e) the proposed improvements and services do not
7 duplicate or interfere with any municipal improvement or service already constructed or planned to
8 be constructed or furnished within the limits of the proposed District; (f) the creation of the District
9 and proposed improvements and services therein will confer a general benefit on the District; (g) the
10 costs of the proposed improvements and services will not be excessive as compared with the value
11 of the property in the District; (h) the organization of the District will serve a public use and will
12 promote the health, prosperity, security and general welfare of the inhabitants of the City and the
13 District; and (i) the allegations of the Petition are true, and that the District should be established.

14 **Section 2. Additional Finding.** It appearing that the Petition has been duly signed and
15 presented in conformity with Colorado law, specifically including Part 6, Article 25, Title 31, C.R.S.,
16 and that the allegations of the Petition are true, the Council, by this ordinance, hereby finds that it
17 has full jurisdiction under the law to adopt this ordinance (the "Creation Ordinance").

18 **Section 3. District Name.** The Council hereby determines that the District shall be known
19 by its corporate name specified in the Petition as the "Ballpark Denver General Improvement
20 District," by which, in all proceedings, it shall be known.

21 **Section 4. Public Purpose.** The District, having the purposes and powers provided in Part
22 6 of Article 25, Title 31, C.R.S., as amended and as limited by this Creation Ordinance, will serve a
23 public use and will promote the health, safety, prosperity, security, and general welfare of the
24 inhabitants of said District.

25 **Section 5. Creation.** The District is hereby declared organized, subject to approval of the
26 electors of the District voting for or against the organization of the District by a majority of the votes
27 cast for the organization at an election to be held on November 5, 2024, as provided in Part 6 of
28 Article 25 of Title 31, C.R.S. (the "Election"). Upon its creation, the District will be a public or quasi-
29 municipal subdivision of the State of Colorado and a body corporate with the limited proprietary
30 powers set forth in Part 6, Article 25, Title 31, C.R.S., except as set forth herein.

31 **Section 6. Election.** The Petitioners may proceed with the Election, to be held on November
32 5, 2024, consistent with Part 6 of Article 25 of Title 31, C.R.S. The Election may, in the discretion of

the Petitioners, be conducted by the Petitioners or in coordination with the City. At the Election, the electors of the District shall vote for or against the creation of the District, certain revenue and spending authority including the imposition of property tax, rates, tolls, charges, special assessments, the issuance of debt, and any other matters for which approval is required under Section 20 of Article X of the Colorado Constitution. The District's designated election official for the Election shall be Courtney Linney of the law firm of Spencer Fane LLP, or the designated election official's designee ("Designated Election Official"). The Designated Election Official is authorized to act on behalf of the Petitioners and the proposed District in all Election matters. The Petitioners shall provide a copy of the certified Election results to the City within seven (7) days of such certified Election results being reviewed by a duly-appointed board of canvassers and thereafter certified in accordance with applicable law. In the event that the electors of the District vote to disapprove the creation of the District at the Election, this Creation Ordinance shall automatically be of no further legal effect with no further action needed from Council, and nothing shall prohibit the Petitioners from re-seeking the creation of the District in conformance with the requirements of Part 6 of Article 25 of Title 31, C.R.S., as applicable.

Section 7. District Boundaries. The District is located entirely within the boundaries of the City and a description of the District boundaries is as follows:

A parcel of land lying in Sections 27 and 34, Township 3 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

Beginning at a point on the northeasterly right-of-way of the Regional Transportation District for Union Station, at its intersection with the centerline of 20th Street, said point lying approximately 80 feet southwest of the western point of parcel/schedule number 0227916043000 also known by address as 2001 Blake Street;

Thence northeasterly, with the northwesterly property boundary of parcel/schedule number 0227916043000 also known by address as 2001 Blake Street, to its intersection with the centerline of West Park Avenue;

Thence southerly, with the centerline of West Park Avenue, to its intersection with the centerline of Wazee Street;

1 Thence northeasterly, with the centerline of Wazee Street and its extension,
2 Potter Court, to the northerly point of parcel/schedule number 0227704004000 also
3 known by address as 2601 Blake Street,

4 Thence southeasterly, with the northeasterly line of said property, to its
5 intersection with the centerline of Blake Street;

6 Thence southwesterly, with the centerline of Blake Street, to its intersection
7 with the centerline of 26th Street;

8 Thence southeasterly, with the centerline of 26th Street, to its intersection with
9 the centerline of the alley between Blake Street and Walnut Street;

10 Thence southwesterly, with the centerline of the alley between Blake Street and
11 Walnut Street to its extended intersection with the northerly point of parcel/schedule
12 number 0227708010000 also known by address as 2500 North Broadway;

13 Thence southeasterly, with the northeasterly line of said property, across
14 Walnut Street, and with the northeasterly line of address 2500 Walnut Street, to its
15 intersection with the centerline of the alley between Walnut Street and Larimer Street;

16 Thence northeasterly, with the centerline of the alley between Walnut Street
17 and Larimer Street, to its intersection with the northeasterly point of parcel/schedule
18 number 0227707021999 also known by address as 2500 Walnut Street;

19 Thence following the northeasterly line of said property, turning southwesterly
20 with the southeasterly line of said property to intersection with the centerline of 25th
21 Street;

22 Thence southeasterly, with the centerline of 25th Street to its intersection with
23 the centerline of Larimer Street;

24 Thence southwesterly, with the centerline of Larimer Street to its extended
25 intersection with the northerly point of parcel/schedule number 0234208024024 also
26 known by address as 2400 N Broadway;

27 Thence southeasterly, with the northeasterly line of said property to its
28 intersection with the centerline of the alley between Larimer Street and Lawrence
29 Street;

30 Thence southwesterly, with the centerline of the alley between Larimer Street
31 and Lawrence Street to its intersection with the centerline of 24th Street;

1 Thence southeasterly, with the centerline of 24th Street to its intersection with
2 the centerline of Curtis Street;

3 Thence southwesterly, with the centerline of Curtis Street to its intersection with
4 the centerline of West Park Avenue;

5 Thence southeasterly, with the centerline of West Park Avenue to its
6 intersection with the centerline of the alley between California Street and Welton
7 Street;

8 Thence southwesterly, with the centerline of the alley between California Street
9 and Welton Street to its intersection with the centerline of 20th Street;

10 Thence northwesterly, with the centerline of 20th Street, to the point of
11 beginning.

12 A description and a map of the proposed District boundaries are also provided in the Petition
13 and are incorporated by reference herein.

14 **Section 8. District Board of Directors and District Advisory Board.**

15 (a) The Council shall act as the ex officio Board of Directors of the District ("Board of
16 Directors"). The Board of Directors of the District shall retain the management and control of the
17 business and the affairs of the District, specifically including:

18 (i) Approval of the District's annual work plan and budget and amendments thereto
19 (the "Work Plan and Budget") submitted by the District Advisory Board.

20 (ii) Approval of the issuance of debt and other Obligations (as that term is defined
21 in Section 9(b), below).

22 (iii) Approval of property taxes, rates, tolls, charges, and/or special assessments, if
23 any, based upon recommendations of the District Advisory Board.

24 (iv) Approval of inclusions or exclusions of parcels of property into or from,
25 respectively, the District in accordance with Section 31-25-618, C.R.S.

26 (v) Approval of any exercise by the District of eminent domain or dominant eminent
27 domain pursuant to Section 31-25-611(1)(i), C.R.S.

28 (vi) Approval of contracts exceeding \$100,000; provided that the District Advisory
29 Board may be authorized to approve and execute District contracts in excess of \$100,000 if the
30 Board of Directors provides its specific and express prior approval of such authorization in narrative
31 form as described in an annual Work Plan and Budget or amendment thereto that has been approved
32 by the Board of Directors.

(b) The Ballpark Denver General Improvement District Advisory Board ("District Advisory Board") is hereby created. The Council hereby delegates certain authority of the District to the District Advisory Board as set forth herein. Any authority not expressly delegated to the District Advisory Board pursuant to this Creation Ordinance shall be expressly retained by the Council, acting as ex officio Board of Directors of the District.

(c) The District Advisory Board shall be comprised of eleven (11) members, all voting members, nine (9) of whom shall be appointed by the Mayor and confirmed by Council, and two (2) of whom shall be ex officio City representatives, as set forth below. A majority of the members then-serving shall constitute a quorum for the purposes of conducting meetings of the District Advisory Board and taking votes and official actions. The initial appointed members of the District Advisory Board detailed in Section 8(d), below, shall be considered to be appointed upon the effective date of the certified Election results demonstrating a successful creation Election of the District pursuant to Section 6, above, and shall not require a separate appointment by the Mayor.

(d) The following initial nine (9) appointed members of the District Advisory Board are hereby appointed and confirmed, and consist of the following:

- (i) Stevenson Farnsworth, for an initial term lasting through December 31, 2026;
- (ii) Traci Lounsbury, for an initial term lasting through December 31, 2026;
- (iii) Kevin Kahn, for an initial term lasting through December 31, 2026;
- (iv) Patrick McMichael, for an initial term lasting through December 31, 2026;
- (v) Marti Page, for an initial term lasting through December 31, 2028;
- (vi) Candice Pineda, for an initial term lasting through December 31, 2028;
- (vii) Chris Riedl, for an initial term lasting through December 31, 2028;
- (viii) Jay Soneff, for an initial term lasting through December 31, 2028;
- (ix) Joshua Geppelt, for an initial term lasting through December 31, 2028.

(e) The following shall be the ex officio members of the District Advisory Board:

- (i) The Executive Director of the City's Department of Transportation and Infrastructure, or the Executive Director's designated representative.

- (ii) The Council District member whose district overlaps a majority of the total acreage of the District, or the Council District member's designated representative.

- (iii) Additionally, the following City representatives shall be invited to attend all regular and special meetings of the District Advisory Board at the same time as the District Advisory Board members are notified of such meetings: (1) The Manager of Finance, or the Manager of

1 Finance's designated representative; (2) the Chief Housing Officer/Executive Director of the
2 Department of Housing Stability, or the Chief Housing Officer's/Executive Director's designated
3 representative; (3) the Chief of the Denver Police Department, or the Chief's designated representative;
4 and (4) the Executive Director/Public Health Administrator of the Denver Department of Public Health
5 and Environment, or the Executive Director's/Public Health Administrator's designated representative.

6 (f) For the Mayor-appointed members, following the initial terms, which initial terms shall
7 not count toward the term limit, the length of the term is four (4) years and the consecutive term limit
8 shall be two (2) terms; after a member has fulfilled two consecutive terms, that person may not be a
9 member of the District Advisory Board for at least two (2) years before being reappointed.

10 (g) The District Advisory Board shall inform the Mayor of any District Advisory Board
11 vacancy that comes to its attention. Appointment to the District Advisory Board in future years shall
12 occur as follows:

13 (i) The District Advisory Board shall accept submissions of interest for any existing or
14 upcoming vacancy(ies).

15 (ii) The District Advisory Board shall provide posted notice, in the same manner in which
16 it notices its meetings, of a public hearing on submissions of interest for any existing or upcoming
17 vacancy(ies), hold a public hearing, and thereafter provide the Mayor with one (1) or more
18 recommended nominees to fill the vacancy(ies), taking into account the qualifications thereof, the
19 desired diversity of the District Advisory Board, and the nominee's willingness to serve. Newspaper
20 publication of the foregoing notice is not required.

21 (iii) The Mayor shall review the recommendation(s) and may require additional
22 information from the District Advisory Board or the nominee(s). The Mayor, with confirmation by
23 Council resolution, will approve all District Advisory Board appointments.

24 (iv) Subject to appointment, reasonable efforts will be made to include a mix of
25 Mayor-appointed District Advisory Board members with the following characteristics:

26 (1) at least one (1) representative from an owner of commercial
27 property in the District boundaries;

28 (2) at least one (1) representative from a business owner in the
29 District boundaries;

30 (3) at least one (1) representative from an owner of residential
31 property in the District boundaries;

32 (4) at least one (1) resident living in the District boundaries;

1 (5) one (1) representative from the Colorado Rockies Baseball Club,
2 Ltd.; and

3 (6) one (1) representative from a social service provider operating in
4 the District boundaries.

5 (h) Members of the District Advisory Board are not required to be electors of the District,
6 as the term "electors" is defined in Section 31-25-602(2), C.R.S. The members of the District
7 Advisory Board shall serve at the pleasure of the Mayor. Vacancies on the District Advisory Board
8 shall be filled for the remainder of any unexpired term by appointment by the Mayor and confirmed
9 by Council resolution. An individual appointed by the Mayor and confirmed by Council to fill a
10 vacancy on the District Advisory Board shall not have the remainder of the unexpired term count
11 toward any term limit restrictions described above in this Section 8, but shall have the term limit
12 restrictions apply in event of a re-appointment to the District Advisory Board at the end of the initial
13 appointed term.

14 (i) The District Advisory Board, subject to approval of the Board of Directors, shall conduct
15 and manage all affairs of the District as the authorized agent of the Board of Directors, including but
16 not limited to its financial and legal affairs, the engineering, contracting, constructing and monitoring
17 of the public improvements, services and other affairs of the District in accordance with the laws of
18 the State of Colorado and this Creation Ordinance. Notwithstanding the foregoing, overall control
19 and supervision of the affairs of the District shall remain vested in the Board of Directors, specifically
20 including: (i) approval of the annual Work Plan and Budget, and (ii) approval of property taxes, rates,
21 tolls, charges, special assessments and mill levies. Nothing herein shall be construed to permit the
22 District Advisory Board to act except by authority of the Board of Directors.

23 (j) The District Advisory Board is hereby authorized to exercise the powers and conduct
24 the duties specified below as the authorized agent of the Board of Directors in accordance with the
25 provisions of Sections 31-25-601, *et seq.*, C.R.S., and this Creation Ordinance:

26 (i) To elect officers and conduct meetings. Officers shall include a President,
27 Treasurer, and Secretary, and such other officers as the District Advisory Board deems necessary
28 or convenient.

29 (ii) To keep, maintain, and store, at an appropriate location, all records of the
30 District.

31 (iii) To receive and disburse funds and to deposit or invest any legally available
32 revenues of the District subject to Sections 11-10.5-101, *et seq.*, C.R.S. (Public Deposit Protection

Act, "PDPA") and Sections 24-75-601, *et seq.*, C.R.S. (Legal Investments). There shall be at least two (2) signatures required upon any warrants or checks issued by the District.

(iv) To obtain a federal and sales tax identification number and PDPA number for the District.

(v) To obtain errors and omissions insurance for the members of the District Advisory Board, general liability insurance and such other insurance, if any, as deemed reasonable and necessary by the District Advisory Board for the District.

(vi) To prepare and recommend an annual Work Plan and Budget for the District to the Board of Directors, and any amendments thereto; provided, however, that the Board of Directors shall adopt the annual Work Plan and Budget, and any amendments thereto, for the District.

(vii) To give public notice and hold public meetings and hearings and recommend property taxes, fees, charges or special assessments for capital, maintenance, operations, and other purposes to the Board of Directors for adoption.

(viii) To comply with the Colorado Local Government Audit Law, Part 6 of Article 1 of Title 29, C.R.S. ("Colorado Local Government Audit Law"). A copy of each audit and each audit exemption prepared pursuant to the Colorado Local Government Audit Law shall be filed with the City's Manager of Finance no later than the date such audit or audit exemption is required to be filed with the State Auditor pursuant to Section 29-1-606, C.R.S., or Section 29-1-604, C.R.S., respectively. Notwithstanding the foregoing, the District shall conduct an independent audit no less frequently than every three (3) years after its organization. In addition, if the District issues any indebtedness, it shall cause an audit to be performed in each year in which such indebtedness is outstanding. The District Advisory Board shall be authorized to execute any audit exemption application.

(ix) To prepare, deliver and recommend to the Board of Directors for the Board's approval, at least once a year on or before September 30, a Work Plan and Budget describing the major activities to be undertaken by the District for the next succeeding fiscal year; provided, however, that the District Advisory Board may from time to time request that the Board of Directors amend or supplement such Work Plan and Budget.

(x) To recommend to the Board of Directors rates, tolls, charges, assessments and/or property taxes necessary for the next year's Work Plan and Budget in accordance with this Creation Ordinance and Section 31-25-613, C.R.S.

(xi) To recommend to the Board of Directors the creation of any special

1 improvement districts in accordance with Section 31-25-611.5, C.R.S., if any, and, if created, act on
2 behalf of the Board of Directors regarding such special improvement district(s) as may be described
3 in ordinance(s) creating such special improvement district(s).

4 (xii) To enter into contracts affecting the affairs of the District up to \$100,000 and
5 such greater amounts subject to the conditions of Section 8(a)(vi), above, including any contracts
6 with the City.

7 (xiii) To engage appropriate professional consultants on behalf of the District,
8 including but not limited to accounting, auditing, engineering and legal consultants.

9 (xiv) To design, acquire, review, evaluate, recommend, value engineer, construct,
10 install and maintain improvements as approved by the Board of Directors in a Work Plan and Budget,
11 or amendments thereto.

12 (xv) To develop and recommend design guidelines or standards applicable to the
13 territory within the District, provided that such guidelines or standards do not conflict with applicable
14 guidelines or standards of the City.

15 (xvi) To have management, control and supervision of business and affairs of the
16 District, as approved by the Board of Directors in a Work Plan and Budget subject to the limitations
17 set forth herein.

18 (xvii) To apply for, in the name of the District, obtain and maintain such permits and
19 licenses as may be needed for improvements or services of the District.

20 (xviii) To construct and install improvements along any public street or alley; except
21 that plans and specifications of proposed improvements shall be approved by the City's Department
22 of Transportation and Infrastructure and/or the Colorado Department of Transportation, as
23 applicable, and all permits are obtained before construction or installation of improvements is
24 commenced.

25 (xix) To adopt reasonable by-laws or amended by-laws not contrary to applicable law
26 or this Creation Ordinance.

27 (xx) To receive petitions for inclusions and exclusions of property on behalf the
28 District and to publish notice of inclusion and exclusion hearings; except that such inclusion or
29 exclusion hearings shall be conducted by the Board of Directors. The District Advisory Board shall
30 cause a certified copy of any inclusion ordinance or exclusion ordinance to be recorded in the real
31 property records of the Clerk and Recorder for the City and County of Denver.

32 (xxi) The following State of Colorado statutes apply to the business and affairs of the

District Advisory Board:

- (1) The Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*
- (2) The Colorado Sunshine Act (Open Meetings Law), C.R.S. §§ 24-6-201, *et seq.*, specifically including the requirement for public notice of meetings.
- (3) The Colorado Open Records Act, C.R.S. §§ 24-72-101, *et seq.*
- (4) The Fair Campaign Practices Act, specifically C.R.S. § 1-45-117.
- (5) The Colorado Local Government Budget Law, C.R.S. §§ 29-1-101, *et seq.*
- (6) The Colorado Local Government Audit Law, C.R.S. §§ 29-1-601, *et seq.*
- (7) The Legal Investment Law, C.R.S. §§ 24-75-601.1, *et seq.*
- (8) The Local Government Delinquency Charge Law, C.R.S. §§ 29-1-1101, *et seq.*
- (9) The Supplemental Public Securities Act, C.R.S. §§ 11-57-201, *et seq.*
- (10) The Code of Ethics, C.R.S. §§ 24-18-101, *et seq.* and C.R.S. § 18-8-308.
- (11) The statutes concerning entry into intergovernmental agreements and the creation of authorities, C.R.S. §§ 29-1-201, *et seq.*

(xxii) To exercise all rights and powers necessary or incidental to the powers specifically delegated to the District Advisory Board.

(xxiii) To accept notice on behalf of the District pursuant to the Urban Renewal Law, Sections 31-25-101, *et seq.*, C.R.S., and to negotiate, enter into, and execute on behalf of the District one or more agreements between the District, the Denver Urban Renewal Authority ("DURA"), and other necessary parties, if any, related to the utilization of tax increment financing and/or other revenues, provided any such agreements shall be subject to later ratification by the Board of Directors as a part of the Board of Directors' consideration and approval of the District's annual Work Plan and Budget. The District Advisory Board President, with attestation from the District Advisory Board Secretary, shall be authorized to execute such agreement(s) with DURA, and other necessary parties, if any, referenced in this Section 8(k)(xxiii) on behalf of the District. Nothing contained in this Creation Ordinance shall be construed as limiting or waiving any rights or authority that the City has pursuant to the Urban Renewal Law, Sections 31-25-101, *et seq.*, C.R.S., and other applicable law to review, consider or approve any urban redevelopment plans or enter into agreements with DURA or other parties relating thereto.

(xxiv) To accept notice on behalf of the District pursuant to the Downtown Development Authority Law, Sections 31-25-801, *et seq.*, C.R.S., and to negotiate, enter into, and execute on behalf of the District one or more agreements between the District, Denver Downtown Development Authority (“DDDA”), and other necessary parties, if any, related to the utilization of tax increment financing and/or other revenues, provided any such agreements shall be subject to later ratification by the Board of Directors as a part of the Board of Directors’ consideration and approval of the District’s annual Work Plan and Budget. The District Advisory Board President, with attestation from the District Advisory Board Secretary, shall be authorized to execute such agreement(s) with the DDDA, and other necessary parties, if any, referenced in this Section 8(k)(xxiv) on behalf of the District. Nothing contained in this Creation Ordinance shall be construed as limiting or waiving any rights or authority that the City has pursuant to the Downtown Development Authority Law, Sections 31-25-801, *et seq.*, C.R.S., and other applicable law to review, consider or approve any development plans or amended development plans, or enter into agreements with the DDDA or other parties relating thereto.

Section 9. District Powers and Obligations. Except as limited by the Election, subsequent elections, and this Creation Ordinance, the District shall have all of the limited powers set forth in Part 6 of Article 25 of Title 31, C.R.S., including but not limited to Sections 31-25-611 and 31-25-611.5, C.R.S., as follows:

(a) If approved by a majority of the electors of the District voting in an election as required by law, the District may assess property taxes, rates, tolls, charges and special assessments as allowed by Part 6 of Article 25 of Title 31, C.R.S., and as set forth herein, subject to the provisions of the Work Plan and Budget;

(b) The District shall not be authorized pursuant to this Creation Ordinance to incur indebtedness, issue debt, or enter into multi-fiscal year financial obligations or other lawful obligations evidencing or securing a borrowing by the District for any purpose (collectively “Obligations”) other than as described in section 9(c). The District shall not be authorized pursuant to this Creation Ordinance to impose or collect any capital charges or fees to pay for any Obligations. It is anticipated that the District may in the future desire to incur, issue and/or enter into Obligations to further the purposes of the District, and therefore the Election may include ballot issues and questions to authorize such Obligations. However, the District shall not be authorized to actually incur, issue and/or enter into Obligations, or impose or collect any capital charges or fees to pay for such Obligations, unless and until the District is provided such authorization by separate ordinance

1 duly adopted by Council.

2 **Section 10. District Improvements and District Services.**

3 (a) District Improvements. The District shall have the power to provide improvements
4 consistent with the provisions of Sections 31-25-601, *et seq.*, C.R.S., and any applicable, Board of
5 Directors-approved Work Plan and Budget.

6 (b) District Services. The District shall have the power to provide services consistent with
7 the provisions of Sections 31-25-601, *et seq.*, C.R.S., and any applicable, Board of Directors-
8 approved Work Plan and Budget. The District shall be authorized to undertake operations and
9 maintenance functions with respect to the improvements and area within and without the District, as
10 necessary and within the limits set forth in this Creation Ordinance and the statutes and any revenue
11 and spending limits approved by the electors of the District in the Election or a subsequent election,
12 subject to future agreements and permits with the City for use of right-of-way, as applicable. Further,
13 the District shall be authorized to provide the following specific services:

14 (i) safety and security services, only pursuant to separate intergovernmental
15 agreement(s) with the City;

16 (ii) outreach services to the unhoused and coordination with social service
17 providers, only pursuant to separate intergovernmental agreement(s) with the City;

18 (iii) enhanced cleaning services;

19 (iv) community ambassador services;

20 (v) installation, operation and maintenance of pedestrian, street, and landscaping
21 improvements, together with all necessary, incidental, and appurtenant facilities, equipment, land,
22 easements and extensions of, and improvements to such facilities, and services related thereto.

23 **Section 11. District Mill Levy and Initial Rate.**

24 (a) If approved at the Election, the District may impose annually an ad valorem property
25 tax mill levy not to exceed five (5) mills, and use the revenues derived therefrom, and from any
26 payment- or fee-in-lieu-of taxes arrangement or agreement related thereto, for any lawful purpose
27 of the District. To clarify the foregoing, it is anticipated that real property located within the
28 boundaries of the District that is owned by tax-exempt entity(ies) and considered tax exempt, except
29 for property owned by the City, may pay to the District an annual payment- or fee-in-lieu-of-taxes in
30 an amount equal that amount the property would pay to the District based on its ad valorem property
31 tax mill levy imposed on such property if the property were taxable, subject to the terms of one or
32 more separate agreements or other arrangements, if any.

1 (b) The foregoing maximum mill levy of (5) mills is not subject to adjustment for any local,
2 State of Colorado, or other change to assessed valuation.

3 (c) In order to generate revenue in 2025, the District may impose a rate upon all taxable
4 real property in the District's boundaries in 2024, for collection in 2025 (the "2025 Rate"). The
5 foregoing 2025 Rate may be imposed by the District against all taxable real property located in the
6 District boundaries on the basis of up to five (5) mills applied against the 2024 assessed values as
7 provided by the City Assessor such that the amount owed by each property will be the same as the
8 amount that would be owed by the property if the District did in fact impose a 2024 ad valorem
9 property tax mill levy on the same basis. This 2025 Rate will not be imposed on tax-exempt property
10 unless agreed upon by any tax-exempt property owners. The foregoing 2025 Rate may be billed at
11 the same time and in the same form and manner as ad valorem taxes. Further, the 2025 Rate may
12 be collected by the District, or in the discretion of the District Advisory Board, may be collected and
13 enforced by the City Treasurer consistent with Denver Revised Municipal Code Section 20-303; if
14 the 2025 Rate is collected by the City Treasurer on behalf of the District, the full amount of the 2025
15 Rate will be due and payable no later than February 28, 2025. It is expected that, subject to Election
16 results, the District will commence imposing its ad valorem mill levy in 2025 for collection in 2026.
17 Therefore, while authorized hereunder, the foregoing 2025 Rate is not expected to be imposed for
18 collection beyond 2025. Under no circumstances shall the District be authorized to impose any
19 revenue-generating rate similar to the 2025 Rate in any future years (starting in 2025 for collection
20 in 2026) at the same time that the District imposes an ad valorem mill levy.

21 (d) Except for the 2025 Rate described in the foregoing subsection, any and all District
22 fees, rates, tolls, charges, penalties or special assessments must be approved by the Board of
23 Directors in an annual Work Plan and Budget.

24 (e) Unless the Board of Directors expressly approves it in an annual Work Plan and
25 Budget, the District shall be prohibited from imposing or enforcing any fees, rates, tolls, charges,
26 penalties or special assessments against the City.

27 (f) The limitation on tax revenues in this Creation Ordinance shall not be a limitation on
28 other revenues that may be collected and spent by the District, including tolls, charges, rates, gifts,
29 grants, charges, interest, special assessments, and enterprise revenue, provided such authority is
30 approved by the electors of the District, as applicable, exercised in conformance with applicable
31 State law and this Creation Ordinance, and set forth in an approved Work Plan and Budget. The
32 District may have additional authority to issue debt or other multiple fiscal year Obligations in the

future in amounts as approved by the voters of the District, the District Board of Directors, and Council.

Section 12. Approval of 2024 and 2025 Annual Work Plan and Budget; Preparation of Annual Work Plan and Budget.

(a) The District's Work Plan and Budget for the years 2024 and 2025 is hereby approved by this Ordinance.

(b) Beginning in 2025 and every year thereafter, on or before September 30 of each year and after a hearing, in such detail as may be reasonably requested by the Board of Directors, the District Advisory Board shall prepare and submit a written proposal for the District Work Plan and Budget for the ensuing year. The District Advisory Board shall provide notice of the public hearing on the proposed Work Plan and Budget in accordance with the Local Government Budget Law of Colorado. After the public hearing and upon approval by the District Advisory Board, the Work Plan and Budget shall be submitted to the Board of Directors for its consideration. The Board of Directors shall approve or disapprove the Work Plan and Budget by December 5 of the year in which such documents are submitted. The District Advisory Board may from time-to-time request that the Board of Directors amend or supplement such Work Plan and Budget. In addition to other information required by statute, each Work Plan and Budget shall include a summary of the current status and progress of the relevant land use approvals and development within the District's boundaries. Following approval, the District's services, improvements, and financial arrangements shall conform so far as practicable to the approved Work Plan and Budget.

Section 13. Standard of Construction.

(a) Construction. All public improvements constructed by the District shall be designed and constructed in accordance with applicable standards of the City, except as modified by agreement with the City, and in compliance with the applicable provisions of the Denver Revised Municipal Code. No public improvements shall be funded by the District until the City, acting through the Executive Director of the Department of Transportation and Infrastructure, or the Executive Director's designated representative, has approved the plans and specifications as being in conformance with the standards of the City and all required permits and approvals are obtained.

(b) Certain Ordinances.

(i) All construction and maintenance performed by the District shall comply with the prevailing wage requirements of DRMC 20-76 or a successor ordinance in substantially the same manner as the City.

1 (ii) The District shall comply with DRMC 20-85 to 20-89 or a successor ordinance
2 concerning public art in substantially the same manner as the City.

3 (iii) The District shall comply with Articles III and VII of Chapter 28, DRMC, or a
4 successor ordinance concerning small business, minority, and women business enterprise in
5 substantially the same manner as the City.

6 (iv) The District shall comply with all applicable state laws concerning public bidding
7 and construction contracting.

8 (c) Conveyance of Improvements. All public improvements constructed by the District
9 shall be conveyed, at the City's request, to the City upon acceptance of such improvements by the
10 Department of Transportation and Infrastructure.

11 **Section 14. Inclusions, Exclusions.** Inclusions or exclusions of property into and from the
12 District may be made pursuant to the procedures in Section 31-25-618, C.R.S.

13 **Section 15. Recorded Notice of Organization.** The District shall provide notice of its
14 existence to all persons acquiring property within the District by recording a notice of organization in
15 the real property records of the Clerk and Recorder of the City and County of Denver.

16 **Section 16. Conclusive.** Subject to the Election, this Creation Ordinance finally and
17 conclusively establishes the regular organization of the District against all persons unless an action
18 attacking the validity of the organization is commenced in a court of competent jurisdiction within
19 thirty (30) days after the certification of the Election results creating the District. Thereafter, any such
20 action shall be perpetually barred.

21 **Section 17. Confirmation of Actions and Powers.** The District may seek confirmations of
22 Board actions and powers as authorized in Section 31-25-631, C.R.S.

23 **Section 18. Intergovernmental Agreements.** The District may enter into one or more
24 intergovernmental agreements as approved by the District Advisory Board or the Board of Directors.

25 **Section 19. Dissolution.** The District may be dissolved as provided in Section 31-25-625,
26 C.R.S.

27 **Section 20. City Fees and Charges.** The District shall pay the City such fees and charges
28 as may be required by statute, ordinance, charter, and City rules and regulations including but not
29 limited to: (a) a 1% fee for billing and collections by the Treasurer on behalf of the District, if any; and
30 (b) an annual fee for costs that the City incurs for the annual review and monitoring of the District
31 which shall be reasonably related to the City's administrative cost associated with the District, not to

1 exceed the fees set forth in City Policy and the Manager of Finance Rules and Regulations as they
2 currently exist or may be adopted or amended from time to time.

3 **Section 21. Dissolution of Local Maintenance Districts**

4 (a) Broadway Viaduct LMD. All of the property contained within the Broadway Viaduct
5 LMD is encompassed within the District created herein; therefore, contingent upon the electoral
6 creation of the District and the approval of one or more ballot issues conforming to Article X, Section
7 20 of the Colorado Constitution to be considered at the Election and the final determination of the
8 results as certified by the Designated Election Official in accordance with applicable law, it is the
9 intent of the proponents of the District to seek Council approval of an ordinance dissolving the
10 Broadway Viaduct LMD shortly after the effective date of creation of the District. The District Advisory
11 Board shall coordinate and cooperate with the City in any such dissolution efforts, as may be
12 requested by the City. Upon such dissolution, the Broadway Viaduct LMD shall no longer exist except
13 as may be necessary to wind up its business in accordance with the Charter and the DRMC at the
14 discretion of the Executive Director of the City's Department of Transportation and Infrastructure.
15 Upon such dissolution, any surplus funds remaining in the accounts of the Broadway Viaduct LMD
16 shall be distributed over to the District for use only within the boundaries of the Broadway Viaduct
17 LMD; the District shall segregate and account for such funds upon receipt. Upon the effective date
18 of such dissolution, the District shall assume responsibility from the Broadway Viaduct LMD for the
19 continuing care, operation, repair, maintenance and replacement of the improvements located within
20 its respective boundaries.

21 (b) Consolidated Larimer Street LMD. All of the property contained within the Consolidated
22 Larimer Street LMD is encompassed within the District created herein; therefore, contingent upon
23 the electoral creation of the District and the approval of one or more ballot issues conforming to
24 Article X, Section 20 of the Colorado Constitution to be considered at the Election and the final
25 determination of the results as certified by the Designated Election Official in accordance with
26 applicable law, it is the intent of the proponents of the District to seek Council approval of an
27 ordinance dissolving the Consolidated Larimer Street LMD shortly after the effective date of creation
28 of the District. The District Advisory Board shall coordinate and cooperate with the City in any such
29 dissolution efforts, as may be requested by the City. Upon such dissolution, the Consolidated Larimer
30 Street LMD shall no longer exist except as may be necessary to wind up its business in accordance
31 with the Charter and the DRMC at the discretion of the Executive Director of the City's Department
32 of Transportation and Infrastructure. Upon such dissolution, any surplus funds remaining in the

accounts of the Consolidated Larimer Street LMD shall be distributed over to the District for use only within the boundaries of the Consolidated Larimer Street LMD; the District shall segregate and account for such funds upon receipt. Upon the effective date of such dissolution, the District shall assume responsibility from the Consolidated Larimer Street LMD for the continuing care, operation, repair, maintenance and replacement of the improvements located within its respective boundaries.

(c) 20th Street LMD. All of the property contained within the 20th Street LMD is encompassed within the District created herein; therefore, contingent upon the electoral creation of the District and the approval of one or more ballot issues conforming to Article X, Section 20 of the Colorado Constitution to be considered at the Election and the final determination of the results as certified by the Designated Election Official in accordance with applicable law, it is the intent of the proponents of the District to seek Council approval of an ordinance dissolving the 20th Street LMD shortly after the effective date of creation of the District. The District Advisory Board shall coordinate and cooperate with the City in any such dissolution efforts, as may be requested by the City. Upon such dissolution, the 20th Street LMD shall no longer exist except as may be necessary to wind up its business in accordance with the Charter and the DRMC at the discretion of the Executive Director of the City's Department of Transportation and Infrastructure. Upon such dissolution, any surplus funds remaining in the accounts of the 20th Street LMD shall be distributed over to the District for use only within the boundaries of the 20th Street LMD; the District shall segregate and account for such funds upon receipt. Upon the effective date of such dissolution, the District shall assume responsibility from the 20th Street LMD for the continuing care, operation, repair, maintenance and replacement of the improvements located within its respective boundaries.

(d) 22nd Street and Park Avenue West LMD. All of the property contained within the 22nd Street and Park Avenue West LMD is encompassed within the District created herein; therefore, contingent upon the electoral creation of the District and the approval of one or more ballot issues conforming to Article X, Section 20 of the Colorado Constitution to be considered at the Election and the final determination of the results as certified by the Designated Election Official in accordance with applicable law, it is the intent of the proponents of the District to seek Council approval of an ordinance dissolving the 22nd Street and Park Avenue West LMD shortly after the effective date of creation of the District. The District Advisory Board shall coordinate and cooperate with the City in any such dissolution efforts, as may be requested by the City. Upon such dissolution, the 22nd Street and Park Avenue West LMD shall no longer exist except as may be necessary to wind up its business in accordance with the Charter and the DRMC at the discretion of the Executive Director of the City's

1 Department of Transportation and Infrastructure. Upon such dissolution, any surplus funds
2 remaining in the accounts of the 22nd Street and Park Avenue West LMD shall be distributed over to
3 the District for use only within the boundaries of the 22nd Street and Park Avenue West LMD; the
4 District shall segregate and account for such funds upon receipt. Upon the effective date of such
5 dissolution, the District shall assume responsibility from the 22nd Street and Park Avenue West LMD
6 for the continuing care, operation, repair, maintenance and replacement of the improvements located
7 within its respective boundaries.

8 **Section 22. Statutory or Ordinance Citations.** All references to specific statutory or
9 ordinance citations hereunder shall include if such citations are amended or supplemented in the
10 future from time to time and shall include any successor statutes or ordinances.

11 **Section 23. Severability.** If any section, paragraph, clause or provision of this ordinance
12 shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such
13 section, paragraph, clause or provision shall in no manner affect any remaining provisions of this
14 ordinance.

15
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17

1 COMMITTEE APPROVAL DATE: June 12, 2024
2 MAYOR-COUNCIL DATE: June 18, 2024
3 PASSED BY THE COUNCIL _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9
10 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____
11 PREPARED BY: Thomas N. George, Spencer Fane LLP
12 REVIEWED BY: Bradley T. Neiman, Assistant City Attorney DATE: June 20, 2024
13 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
14 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
16 § 3.2.6 of the Charter.
17 Kerry Tipper, Denver City Attorney
18 BY: _____, Assistant City Attorney DATE: _____