



Legislation Details (With Text)

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On agenda: 8/24/2021 **Final action:** 8/24/2021

Title: Ordinance No. 21-68 ordering that the question of organization of the Colorado Springs Briargate General Improvement District 2021 and approving a mill levy be submitted to the electors of the proposed district at the coordinated election conducted by mail ballot to be held on Tuesday, November 2, 2021; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and providing the effective date of this ordinance

Presenter:
 Council Member Randy Helms, District 2
 Eric Becker, Special Improvement Maintenance District Administrator

Sponsors:

Indexes:

Code sections:

Attachments: 1. BriargateGID_ORD-2021-07-29 (002), 2. 2020042B-DESCRIPTION PG 2 Final, 3. 2020042B-DESCRIPTION PG 1 Final, 4. 2020042B-PLAN Final, 5. Signed Ordinance 21-68

Date	Ver.	Action By	Action	Result
8/24/2021	2	City Council	finally passed	Pass
8/10/2021	2	City Council	approved on first reading	Pass
8/9/2021	2	Council Work Session	referred	
7/27/2021	2	City Council	denied	
7/27/2021	2	City Council	postpone to a date certain	Pass
6/22/2021	1	City Council	approved	Pass

Ordinance No. 21-68 ordering that the question of organization of the Colorado Springs Briargate General Improvement District 2021 and approving a mill levy be submitted to the electors of the proposed district at the coordinated election conducted by mail ballot to be held on Tuesday, November 2, 2021; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and providing the effective date of this ordinance

Presenter:

Council Member Randy Helms, District 2
 Eric Becker, Special Improvement Maintenance District Administrator

Summary:

The Briargate Special Improvement Maintenance District (BSIMD) has been experiencing budget shortfalls for several years, resulting in a decline in the overall maintenance operations and appearance of the community. This item proposes to refer a ballot question on the November 2021 Coordinated Election ballot for the voters within the boundaries of the BSIMD to create a new

General Improvement District with the same boundaries and requirements that would include all of the properties served by the improvements. Of the 9,864 properties within the logical benefit area of the BSIMD, only 7,603 have been formally included in this district and currently pay the associated property tax to support BSIMD operations. This is an effort to preserve community assets by having all properties that benefit share equitably in the district's operational costs. If the ballot issue is successful, the newly created Colorado Springs Briargate General Improvement District 2021 ("the GID") would assume all pertinent powers and functions of the BSIMD, and the property tax mill levy of the BSIMD would be set at zero. If the ballot issue is not successful, the expectation is that the BSIMD would continue with its current mill levy and role.

Background:

UPDATE FOLLOWING JULY 26, 2021 WORK SESSION:

Upon request of City Council, staff updated the referral ordinance to include language in the ballot question clarifying the voters', and the City Council's, intent to have the BSIMD mill levy set to 0.00 upon a successful passage of the question at the November 2, 2021 coordinated election. The updated question is contained in this packet.

STAFF REPORT FOR JULY 26, 2021 WORK SESSION:

The BSIMD's purpose "is to provide for the maintenance of certain public improvements of general benefit to the residents of the district." The public improvements, "may include parks, open space, trails, bicycle paths, landscaping, fencing, pillars, medians, entry islands, utility rights-of-way, irrigation facilities and associated water system improvements, theme areas and neighborhood theme signage," located primarily, but not exclusively, on and along primary streets within the district.

The BSIMD is funded by a property tax levy and on average, each parcel owner pays about \$100 in annual property taxes to the BSIMD. The maintenance of the common areas in the BSIMD is administered by the City of Colorado Springs Parks, Recreation, and Cultural Services Department. SIMD maintenance is conducted by a combination of fulltime and seasonal park maintenance staff and contracted services.

The BSIMD is experiencing budget shortfalls. As stated in the summary, of the 9,864 properties within the boundary of the BSIMD, only 7,603 currently pay the associated property tax to support BSIMD operations, while the rest of the properties do not. This is not equitable as 2,261 properties receive the benefits, including higher home values, yet they do not pay the tax.

This has created a condition of inequity and subsequently a shortage of tax base to preserve neighborhood community assets. Over the years, there have been attempts to address the omissions, while continuing to maintain these public areas on a dwindling budget. Each of these efforts have fallen short, resulting in a decline in the overall maintenance and appearance of the community.

In 2018, then District 2 City Council Member David Geislinger held a series of community Town Halls to provide property owners a general update on the BSIMD with a focus on the history and resulting financial challenges facing the BSIMD. He called for citizen involvement and input to help determine the best way forward. A BSIMD Planning Committee was formed at his request and have met most months since to seek a solution. The group held four additional public meetings in 2019 at Library 21C in the Chapel Hills area and used an online survey to continue the information and education

process and gather citizen input.

The outcome of this process revealed a strong desire by residents for a pathway to get the district back to its original objectives and principles of equitable cost apportionment, sustainable maintenance operations, and sharing by all who benefit in order to ensure community asset preservation and sustain property values. District 2 Council Member Randy Helms has become involved and educated on this issue and is carrying this option forward.

The process for creating and administering GIDs is governed by Colorado Revised Statutes § 31-25-601 et seq. City Council serves as and separately convenes as the GID board to set the annual budget and attend to other required matters. As with the existing SIMD, Council will have the discretion to appoint an advisory committee to provide input on the budget and district priorities.

The CRS defines “eligible electors” for GIDs. Generally, this definition includes residents along with the owners or spouses of owners of properties proposed be included in the district. The CRS requires mailed notice of this election be provided to electors prior to the election.

Previous Council Action:

City Council created the BSIMD in 1983 (Ordinance 83-163). At some time thereafter, a decision was made to involve the City Parks Department as the entity responsible for budgeting and operations. Numerous inclusions of property were undertaken between 1984 and 2001.

Financial Implications:

The GID will add 2,268 new parcels with \$82,351,250 of total assessed valuation which will generate \$363,087 in revenue. The existing BSIMD mill levy will be set to zero.

City Council Appointed Board/Commission/Committee Recommendation:

The Briargate Special Improvement Maintenance District Board recommends that City Council refer a ballot measure to the electors to approve formation of the Colorado Springs Briargate General Improvement District 2021.

Stakeholder Process:

Former Council Member David Geislinger, City staff and the Council of Neighbors and Organizations have been working with the Briargate SIMD Planning Committee (consisting of volunteers that live in the SIMD area) to discuss financial options for the SIMD. Former City Council Member David Geislinger and the Briargate SIMD Planning Committee invited the public to attend a series of four community Town Halls to discuss future options for the BSIMD.

The following meetings were held at Library 21C, 1175 Chapel Hills Drive

- Monday, August 26, 2020 6-7:30 p.m.
- Monday, September 16, 2020 6-7:30 p.m.
- Thursday, October 10, 2020 Noon-1:30 p.m.
- Tuesday, December 3, 2020 6-7:30 p.m.

At the town halls, the Briargate SIMD Planning Committee and City staff gave a short presentation about the current status of the Briargate SIMD followed by a community discussion regarding future options for the District.

A hearing notice was published three times in the Gazette and a hearing notice was mailed to the

eligible electors prior to the July 27, 2021 hearing.

Alternatives:

City Council could choose to not refer a ballot measure to the electors to approve formation of the Colorado Springs Briargate General Improvement District 2021. The Briargate Special Improvement Maintenance District would continue its operations under existing conditions.

Proposed Motion:

A motion to refer a measure to the November 2nd Coordinated Election to approve the formation of the Colorado Springs Briargate General Improvement District 2021.

An Ordinance ordering that the question of organization of the Colorado Springs Briargate General Improvement District 2021 and approving a mill levy be submitted to the electors of the proposed district at the coordinated election conducted by mail ballot to be held on Tuesday, November 2, 2021; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and providing the effective date of this ordinance.