



## Legislation Text

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**File #:** 15-00525, **Version:** 2

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Ordinance No. 15-71 Amending Ordinance 04-238 to Allow City Council to Fill Vacancies on the Board of Directors of the Interquest South Business Improvement District by Appointment.  
(Legislative)

**From:**

Carl Schueler, Comprehensive Planning Manager, Land Use Review Division

**Summary:**

This request pertains to interim appointment of members of the Board of Directors of the Interquest South Business Improvement District (the "BID"). State Statute (§ 31-25-1209(d) C.R.S.) provides that the governing body of a municipality may provide by ordinance that the Board of Directors of a Business Improvement District may be elected by the electors of the district. By Ordinance No. 04-238, City Council organized the BID and provided that the members of the Board of Directors would be elected by election. Ordinance No. 04-238 did not include a process by which vacancies on the Board would be filled. The C.R.S. states that vacancies will be filled in the same manner as the original appointment. C.R.S. §§ 31-25-1209(d) and 31-25-1209(b)(1). Because there was no original appointment, there is no mechanism by which vacancies on the Board may be filled other than by election. Therefore, staff recommends that Ordinance No. 04-238 be amended to include a provision that allows Council to fill vacancies on the Board until the next regular special district election. Once the ordinance is amended, the Council could appoint members of the Board of Directors by the proposed resolution to serve until the next regular special district election in May 2016. This item is related to the immediately preceding items on today's agenda, along with the immediately following item.

**Previous Council Action:**

The BID was established pursuant to Ordinance 04-238 adopted by Council on October 26, 2004, which approved the initial operating plan and budget ("Operating Plan") for the BID. In 2009 City Council approved Ordinance 09-21, which included additional property into this BID. The BID's Operating Plan has been approved annually in accordance with Section 31-25-1211, C.R.S., and most recently in November 2014. Council has not approved issuance of any debt by this BID.

**Background:**

BIDs are created under Colorado Statute and City Policy to finance and/or maintain certain public improvements in non-residential areas, utilizing a property tax mill levy as the revenue source. BIDs are a separate legal entity from the City, but their budgets and operating plans must be approved annually by the City.

This BID has largely been inactive to-date. Although authorized to levy up to 50.0 mills for debt service, to-date the BID has only certified a levy of 1.0 mill for operations purposes. This BID has

never issued debt, although it has accumulated developer advances.

By Ordinance No. 04-238, City Council organized the BID and provided that the members of the Board of Directors would be elected by election. At this point the BID has only one director. Because the one director owns property proposed for exclusion from the boundaries of the BID, upon exclusion that individual would no longer be eligible to serve on the Board of Directors of the BID. The proposed City Council ordinance amends the original 2004 ordinance that created the BID to include a process for appointments to the Board to fill vacancies. The immediately following resolution would appoint two directors affiliated with the to-be-included properties, thereby allowing the BID to function until the next regular election in May 2016. The two individuals proposed for appointment to the Board of Directors will constitute the only qualified electors from the BID at this time. A full BID board consists of five (5) directors. Although it is possible to qualify additional electors at this time, the petitioners desire to postpone that action until such time as additional property owners become directly involved in the BID area.

**Financial Implications:**

There should be no direct financial implications to the City from this action.

**Board/Commission Recommendation:**

The City's staff-level Special District Committee has been provided copies of these materials. All comments received have been in support and/or stated no concerns.

**Stakeholder Process:**

Not applicable.

**Alternatives:**

City Council could choose to approve, not approve or modify the proposed ordinance.

**Proposed Motion:**

Move approval of the attached ordinance amending Ordinance No. 04-238 to allow City Council to fill vacancies on the Board of Directors of the Interquest South Business Improvement District by Appointment.

Ordinance Amending Ordinance 04-238 to Allow City Council to Fill Vacancies on the Board of Directors of the Interquest South Business Improvement District by Appointment.