



Legislation Details (With Text)

File #: 21-454 **Version:** 1 **Name:** BID Operating Plan & Budget Amendment
Type: Resolution **Status:** Mayor's Office
File created: 7/19/2021 **In control:** City Council
On agenda: 8/24/2021 **Final action:** 8/24/2021
Title: A Resolution Amending Annual Model Business Improvement District Operating Plan and Budget

Presenter:
Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department
Peter Wysocki, Director of Planning and Community Development

Sponsors:

Indexes: BID

Code sections:

Attachments: 1. RES_BID ModelOperatingPlanandBudget, 2. Exhibit A- Amended BID Operating Plan and Budget- Concealed Carry, 3. Redline BID Model Operating Plan Template- Concealed Carry

Date	Ver.	Action By	Action	Result
8/24/2021	1	City Council	adopted	Pass
8/9/2021	1	Council Work Session	referred	

A Resolution Amending Annual Model Business Improvement District Operating Plan and Budget

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department
Peter Wysocki, Director of Planning and Community Development

Summary:

This limited amendment of the City's currently adopted model template for business improvement district (BID) annual Operating Plans and Budgets, would insert language limiting the authority of these districts to limit the carrying of concealed weapons. Recent changes to Colorado Revised Statutes (Senate Bill 21-256) now provide authority for special districts to adopt concealed carry limits that may be more restrictive than those allowed by Colorado or the overlying local government (e.g. El Paso County or the City of Colorado Springs) if applicable.

Because Colorado Revised Statutes do not define BIDs as special districts, the inserted has been revised reflect this distinction.

Beginning with BID Operating Plans and Budgets for 2022, this requirement will be applicable to all newly created or existing BIDs in the City.

This item was introduced at a Council Work Session on August 9, 2021.

Note: A PowerPoint presentation summarizing both this request and a similar change to the metropolitan district model service plans, is attached with the immediately preceding agenda item.

Background:

In 2014 Colorado Springs adopted a standard form Operating Plan and Budget template to be used for all newly created BIDs, as well as for the Operating Plans and Budgets that need to be annually submitted and approved by City Council.

Recently Colorado Senate Bill 21-256 was enacted into law. Colorado Revised Statutes have now been amended in § 18-12-214 (c) (I) to specifically authorize special districts to limit the carrying of otherwise permitted concealed weapons within their buildings or other areas of control. A copy of the bill is attached.

As noted, because BIDs are specifically excluded from the definition of “special district in Colorado Revised Statutes, this limitation is worded similar to the limitation on use of eminent domain authority, which is similarly not authorized for BIDs.

This limited amendment of the model operating plan would insert an added paragraph 7 (f) in the Section entitled “Municipal Oversight of District Activities” as follows:

(f) Concealed Carry Prohibition. Although the Colorado Revised Statutes do not currently provide this authority, in no case shall the District adopt or enact an ordinance, resolution, rule or other regulation that prohibits or restricts an authorized permittee from carrying a concealed handgun in a building or specific area under the direct control or management of the District.

A draft Council resolution and amended BID Model Operating Plan and Budget are attached, along with a copy of SB 21-256.

Previous Council Action:

Council adopted the current Special District Policy (which applies to BIDs) on January 24, 2006 (by Resolution 9-06). The current version of the Model BID Operating Plan and Budget was adopted by Council on August 26, 2014 (Resolution 83-14).

Financial Implications:

N/A

Board/Commission Recommendations:

N/A

Stakeholder Process:

The staff-level Special District Committee has been provided notice of this proposed change. Staff have also provided e-mail notice a distribution list of special district professionals as well as the Housing and Building Association (HBA) and Council of Neighbors and Organizations (CONO). To date there have been no comments or concerns.

Alternatives:

City Council has the options of approving, denying or modifying this resolution or the attached amendment of the Model BID Operating Plan and Budget.

Proposed Motion:

Adopt the Resolution Approving an Amended Model Business Improvement District Operating Plan and Budget