

TOWN OF PARKER MY MAINSTREET GENERAL IMPROVEMENT DISTRICT AGENDA

May 15, 2023

Immediately following the Adjournment of the Town Council Meeting

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC COMMENTS - 3 Minute Limit (No action will be taken on these items.)

3. RESOLUTIONS

A. RESOLUTION NO. 2023-001

A Resolution Providing for Posting of Public Notices, Adoption of Ordinances and Officers of the Board

Department: Attorney, Kristin Hoffmann

B. RESOLUTION NO. 2023-002

A Resolution Calling a Special Election for the Town of Parker My Mainstreet General Improvement District; and Providing Other Details Relating Thereto

Department: Attorney, Kristin Hoffmann

4. ADJOURNMENT

Request for Board Action

Date: May 15, 2023

Submitted By: Kristin Hoffmann, Attorney

Title: **RESOLUTION NO. 2023-001**
A Resolution Providing for Posting of Public Notices, Adoption of Ordinances and Officers of the Board

Department: Attorney, Kristin Hoffmann

EXECUTIVE SUMMARY

This resolution provides the procedure for the adoption of ordinances, adopts the public meeting notice requirements of the Town as those of the District, adopts the seal for the District, and specifies the officers of the Board of Directors of the District and the officers of the District.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

This resolution provides that the procedure for the adoption of ordinances by the District shall be as set forth in Chapter 1.05 of the Parker Municipal Code. This resolution also designates that the posting of notices for the District shall be as set forth in the Town of Parker's resolution concerning posting of meeting notices. This resolution adopts a seal, which is attached as Exhibit 1 to the resolution. Finally, it specifies that the Mayor shall be ex officio the presiding officer, the Town Clerk shall be ex officio the secretary, the Finance Director shall be ex officio the treasurer and the Town Attorney shall be ex officio the general counsel, as outlined in C.R.S. § 31-25-609.

FINANCIAL IMPACT

None.

ATTACHMENTS

1. Resolution No. 2023-001

RECOMMENDED MOTION

I move to approve Resolution No. 2023-001.

TOWN OF PARKER MY MAINSTREET GENERAL IMPROVEMENT DISTRICT

RESOLUTION NO. 2023-001, Series of 2023

TITLE: A RESOLUTION PROVIDING FOR POSTING OF PUBLIC NOTICES, ADOPTION OF ORDINANCES AND OFFICERS OF THE BOARD

WHEREAS, the Town of Parker My Mainstreet General Improvement District (the “District”) is a public improvement district and a quasi-municipal corporation duly organized pursuant to Part 6, Article 25, Title 31, Colorado Revised Statutes, and by Ordinance No. 13.110, Series of 2023, adopted by the Town Council of the Town of Parker on April 17, 2023;

WHEREAS, the members of the Town Council have been duly elected and qualified, and serve ex officio as the Board of Directors of the District (the “Board”); and

WHEREAS, the Board meets to conduct business and at times may hold hearings to adopt Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE TOWN OF PARKER MY MAINSTREET GENERAL IMPROVEMENT DISTRICT, AS FOLLOWS:

Section 1. The Board hereby adopts the ordinance adoption requirements set forth in Chapter 1.05 of the Parker Municipal Code for the adoption of the Town of Parker My Mainstreet General Improvement District ordinances.

Section 2. The Board hereby adopts the public meeting notice requirements set forth in the resolution establishing a designated public place for the posting of meeting notices as required by the Colorado Open Meetings Law as approved by the Town Council of the Town of Parker.

Section 3. The Board hereby adopts the seal attached as **Exhibit A**, which is attached hereto and incorporated by this reference.

Section 4. The Mayor shall be ex officio the presiding officer of the Board.

Section 5. The Town Clerk shall be ex officio the secretary of the Board.

Section 6. The Finance Director shall be ex officio the treasurer of the Board and the District.

Section 7. The Town Attorney shall be ex officio the general counsel of the Board and the District.

RESOLVED AND PASSED this _____ day of _____, 2023.

**TOWN OF PARKER MY MAINSTREET
GENERAL IMPROVEMENT DISTRICT**

Jeff Toborg
Chair of the Board of Directors

ATTEST:

Chris Vanderpool
Secretary to the Board

APPROVED AS TO FORM:

Kristin Hoffmann
District Counsel

EXHIBIT A



Request for Board Action

Date: May 15, 2023

Submitted By: Kristin Hoffmann, Attorney

Title: **RESOLUTION NO. 2023-002**
A Resolution Calling a Special Election for the Town of Parker My Mainstreet General Improvement District; and Providing Other Details Relating Thereto

Department: Attorney, Kristin Hoffmann

EXECUTIVE SUMMARY

The purpose of this resolution is to call a special election for November 7, 2023, to submit to the eligible electors of the District a ballot question discussed below.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

This resolution calls for a special election to be conducted on November 7, 2023, for the consideration of a ballot question by the District's eligible electors. The purpose of the ballot question is to ask whether the eligible electors of the District wish to impose an ad valorem tax, not to exceed 45 mills, on the real property contained within the District. The taxes generated will be used to finance the improvements and services described in the petition submitted to the Town requesting the creation of the District. This resolution also designates the Town Clerk to serve as the designated election official and provides that the election be conducted as an independent mail ballot election under the Municipal Election Code.

FINANCIAL IMPACT

If a majority of the votes cast on the ballot question authorize the tax increase as proposed, it will result in the imposition of up to 45 mills on the property contained within the District (currently only the surface estate of Lot 4, Mainstreet and Pine Marketplace 4th Amendment).

ATTACHMENTS

1. Resolution No. 2023-002

RECOMMENDED MOTION

I move to approve Resolution No. 2023-002.

TOWN OF PARKER MY MAINSTREET GENERAL IMPROVEMENT DISTRICT

RESOLUTION NO. 2023-002, Series of 2023

TITLE: A RESOLUTION CALLING A SPECIAL ELECTION FOR THE TOWN OF PARKER MY MAINSTREET GENERAL IMPROVEMENT DISTRICT; AND PROVIDING OTHER DETAILS RELATING THERETO

WHEREAS, the Town of Parker My Mainstreet General Improvement District (the “District”) is a public improvement district and a quasi-municipal corporation duly organized pursuant to Part 6, Article 25, Title 31, Colorado Revised Statutes, and by Ordinance No. 13.110, Series of 2023, adopted by the Town Council of the Town of Parker on April 17, 2023;

WHEREAS, the members of the Town Council have been duly elected and qualified, and serve ex officio as the Board of Directors of the District (the “Board”);

WHEREAS, Article X, Section 20, of the Colorado Constitution (“TABOR”) requires voter approval for incurring debt, the creation of any tax, and for spending moneys above limits established thereby;

WHEREAS, C.R.S. § 31-25-611(1)(n) authorizes the District to conduct an election in accordance with Title 31, Article 10, C.R.S., for any purpose the Board deems necessary or required;

WHEREAS, TABOR requires ballot issues (as defined in TABOR) be submitted to the electors of the District (as so defined in C.R.S. § 31-25-602(2), the “Electors”) on limited election days before action can be taken on such ballot issues;

WHEREAS, November 7, 2023, is the first Tuesday in November of an odd-numbered year, and is one of the election dates at which ballot issues and spending questions may, under TABOR, be submitted to the District Electors;

WHEREAS, the Board hereby determines that it is necessary to submit to the Electors of the District at an independent mail ballot election to be held on November 7, 2023 (the “Election”), a question regarding the imposition of an additional ad valorem tax on the taxable surface estate of the real property within the District to finance improvements and services set forth in the petition submitted to the Town requesting the creation of the District (the “Improvements” and “Services”) and to pay the annual administrative expenses to the District;

WHEREAS, the Board elects to utilize the provisions of the Municipal Election Code of 1965, Title 31, Article 10, C.R.S., as amended (the “Municipal Election Code”), to conduct the Election;

WHEREAS, the Town Clerk of the Town (“Town Clerk”) will conduct the Election as an independent mail ballot election; and

WHEREAS, it is necessary to set the language for the mail ballot and to set forth certain procedures concerning the conduct of the Election.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE TOWN OF PARKER MY MAINSTREET GENERAL IMPROVEMENT, AS FOLLOWS:

Section 1. All action heretofore taken (consistent with the provisions of this resolution) by the District and the officers thereof, directed toward the Election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Municipal Election Code.

Section 3. Pursuant to TABOR and the Municipal Election Code, the Board hereby determines to call a special election to be conducted on November 7, 2023, as an independent mail ballot election. The Board hereby determines that at the Election there shall be submitted to the Electors of the District the question set forth in Section 4 hereof.

Section 4. The Board hereby designates the Town Clerk as the designated election official and certifies thereto the following question in substantially the form hereinafter set forth to be submitted to the Electors of the District at the Election:

OPERATING TAX

SHALL THE TOWN OF PARKER MY MAINSTREET GENERAL IMPROVEMENT DISTRICT TAXES BE INCREASED \$1,500,000.00 IN 2024 AND ANNUALLY THEREAFTER BY WHATEVER AMOUNTS AS MAY BE GENERATED IN ANY YEAR FROM A MILL LEVY NOT TO EXCEED 45 MILLS; PROVIDED THAT SUCH MILL LEVY MAY BE ADJUSTED TO ACCOUNT FOR CHANGES IN THE METHOD BY WHICH ASSESSED VALUATION IS CALCULATED; FOR THE PURPOSE OF FUNDING A PORTION OF THE COSTS OF FINANCING, OPERATING, AND MAINTAINING A MIXED USE DEVELOPMENT PROJECT, INCLUDING THE IMPROVEMENTS AND SERVICES SET FORTH IN THE PETITION FOR ORGANIZATION OF THE DISTRICT; AND SHALL THE PROCEEDS OF SUCH TAXES AND ANY OTHER REVENUE RECEIVED BY THE DISTRICT, BE COLLECTED AND SPENT WITHOUT REGARD TO ANY LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW, INCLUDING THE 5.5% PROPERTY TAX REVENUE LIMIT IN C.R.S. § 29-1-301?

Section 5. If a majority of the votes cast on the question to authorize the increase of tax submitted at the Election shall be in favor of the increase of tax as provided in such question, the Board shall be authorized to proceed with the necessary action to increase such tax in accordance with such question. Any authority for the increase in tax, if conferred by the results of the Election, shall be deemed and considered a continuing authority to increase taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 6. Pursuant to C.R.S. § 31-10-1308(2), any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 7. The ballot title in Section 4 hereof is set based upon the requirements of TABOR and, pursuant to C.R.S. § 31-11-102, are an alternative to the provisions of C.R.S. § 1-11-203.5 regarding both a title and a submission clause. Pursuant to C.R.S. § 1-11-203.5, any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 8. The Board hereby delegates to the Town Clerk the authority and responsibility to appoint judges of election.

Section 9. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

Section 10. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 11. The effective date of this resolution shall be immediately upon adoption.

RESOLVED AND PASSED this _____ day of _____, 2023.

**TOWN OF PARKER MY MAINSTREET
GENERAL IMPROVEMENT DISTRICT**

Jeff Toborg
Chair of the Board of Directors

ATTEST:

Chris Vanderpool
Secretary to the Board

APPROVED AS TO FORM:

Kristin Hoffmann
District Counsel

STATE OF COLORADO)
)
COUNTY OF DOUGLAS)
)
TOWN OF PARKER)
MY MAINSTREET GENERAL)
IMPROVEMENT DISTRICT)

I, Chris Vanderpool, the duly elected, qualified and acting Secretary of the Board of Directors of the Town of Parker My Mainstreet General Improvement District (the “District”) do hereby certify:

1. That the foregoing pages are a true, correct and complete copy of a resolution (the “Resolution”) adopted by the Board of Directors (the “Board”) of the District at a regular meeting of the Board held at the Town Hall on May 15, 2023.

2. The passage of the Resolution was duly moved and seconded, and the Resolution was approved by a vote of a ___ to ___ of the members of the Board as follows:

Name	“Yes”	“No”	Absent	Abstain
Jeff Toborg, Chair				
Anne Barrington				
John Diak				
Laura Hefta				
Todd Hendreks				
Josh Rivero				
Brandi Wilks				

3. The members of the Board were present at such meeting and voted on the passage of the Resolution as set forth above.

4. The Resolution has been signed by the Chair, sealed with the corporate seal of the District, attested by me as Secretary, and duly recorded in the books of the District; and that the same remains of record in the book of records of the District.

5. There are no bylaws, rules or regulations of the District which might prohibit the adoption of the Resolution.

6. Notice of the meeting of May 15, 2023, in the form attached hereto as **Exhibit A**, was duly given and was posted in a designated public place no less than twenty-four hours prior to the meeting, as required by law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District this _____ day of _____, 2023.

(SEAL)

Secretary to the Board

EXHIBIT A

Notice of Meeting

TOWN OF PARKER MY MAINSTREET GENERAL IMPROVEMENT DISTRICT AGENDA
May 15, 2023
Immediately following the Adjournment of the Town Council Meeting

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Department: Attorney, Kristin Hoffmann
4. **ADJOURNMENT**