

RESOLUTION NO. 2024-056

A Resolution of the Board of County Commissioners of Boulder County describing a proposal to authorize the formation of the Eldorado Springs Public Improvement District and other related matters.

Recitals

- A. Part 5, Article 20, Title 30 of the Colorado Revised Statutes (“C.R.S.”), as amended, provides that a public improvement district may be formed to acquire, construct, install, operate and maintain improvements or provide services authorized by law, including fixing and from time to time increasing or decreasing rates, tolls or charges for any revenue-producing services or facilities furnished by the district.
- B. Pursuant to C.R.S. § 30-20-512(1)(e), a public improvement district may incur debt to fund its purposes, to be repaid from property tax revenues.
- C. The Eldorado Springs sewage treatment plant and sewage collection system currently serve residents of the Eldorado Springs Local Improvement District. This Local Improvement District was formed in 2003 to fund the construction of the Eldorado Springs sewage treatment plant. The debt incurred by the Local Improvement District will be retired by December 2025 and the Local Improvement District will be dissolved per Part 6, Article 20, Title 30, C.R.S.
- D. A petition was filed (the “Petition”) with the office of the clerk of the Board of County Commissioners of Boulder County (the “Board”) which, among other things, requests the organization of the “Eldorado Springs Public Improvement District” (the “District”). The purposes of the District will be to transition the ownership, operation and maintenance of the Eldorado Springs sewage treatment plant and sewage collection system away from the Local Improvement District to the Public Improvement District and to continue to provide associated wastewater treatment and sewerage services.
- E. The present operating costs of the treatment system are approximately \$140,000 annually. These operating costs do not include any estimated non-routine maintenance and capital replacement of the treatment system. Future increases in operating budget due to inflation and other reasonable factors are possible.
- F. Under the proposal in the Petition, the current system of setting rates, fees and charges for residents of the District will continue as described in Section 6 of the Boulder County Eldorado Springs Wastewater and Electric Local Improvement District Rules and Regulations.
- G. The proposed District does not seek a mill levy or other taxation authority, but it may seek to establish such a funding measure in the future to address longer-term capital project needs.
- H. The signers of the Petition have requested that the Board place the questions of district formation on the November 5, 2024 ballot.

- I. The District boundaries will consist of the boundaries described in the attached Exhibit A.
- J. A duly noticed public hearing was held on August 1, 2024, at which the Board reviewed the Petition and the public was given the opportunity to comment on the question of formation of the District.
- K. After review of the Petition, material presented by County staff, and testimony from the public at the public hearing, the Board desires to refer to the electors of the District, to be determined by a majority vote, the question of whether the District shall be formed for the purposes described in the Petition.
- L. Pursuant to C.R.S. § 30-20-508(4)(a), the Board may order that the question of the organization of the District be submitted to the electors at an election to be held for that purpose in accordance with Articles 1-13 of Title 1, C.R.S. (the “Uniform Election Code”).

Therefore, the Board resolves:

- 1. The Petition properly included the information required by C.R.S. § 30-20-505.
- 2. The requirement for a bond in C.R.S. § 30-20-506 is waived.
- 3. As of the August 1, 2024 public hearing, as ascertained from the tax rolls of the County and the last official registration list, the Petition was signed by more than 30% of eligible electors, as required by C.R.S. § 30-20-505(1).
- 4. The allegations of the Petition are deemed to be true.
- 5. The Board of County Commissioners has jurisdiction to review and approve the Petition under C.R.S. §§ 30-20-501 et seq.
- 6. The operations and services proposed by the District will confer a general benefit on the District and the estimated costs are not excessive as compared to the value of the property in the District.
- 7. The proposed District shall be called The Eldorado Springs Public Improvement District.
- 8. There shall be referred to the electors of the District at the coordinated election to be held on Tuesday, November 5, 2024, a ballot issue seeking authorization for the formation of the District.
- 9. The cost of the election shall be paid from the general fund of the County.
- 10. The conduct of the election shall conform so far as is practicable to the general election laws of the State of Colorado.
- 11. The Board sets the ballot title for purposes of C.R.S. § 1-11-203.5, as amended, for the proposal. The ballot language shall read:

Question ____ (formation of Eldorado Springs Public Improvement District):

Shall Eldorado Springs Public Improvement District be organized as more particularly set forth in Board of County Commissioners' Resolution 2024-056?

Yes No

12. No later than September 6, 2024, the Designated Election Official shall certify the order of the ballot and ballot content to the Clerk and Recorder of the County (the "County Clerk"). The "Designated Election Official" shall be Natalie Springett, Commissioners' Deputy.
13. The Designated Election Official is authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and comply with the Uniform Election Code and other applicable laws and election rules; provided that all acts required or permitted by the Uniform Election Code relevant to voting by early voters' ballots, absentee ballots, and emergency absentee ballots which are to be performed by the designated election official shall be performed by the County Clerk. The election shall be conducted in accordance with the Uniform Election Code and all other applicable laws.
14. If a majority of the votes cast at the election are in favor of the organization of the District, the Board shall adopt a resolution declaring the District organized, pursuant to C.R.S. § 30-20-508(4)(b).
15. The Designated Election Official, the County Clerk, and other officers and employees of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.
16. All actions not inconsistent with the provisions of this Resolution taken by the members of the Board and the officers and employees of the County and directed toward holding the election are ratified, approved, and confirmed.
17. All prior acts, orders or resolutions or parts of those acts orders or resolutions, created by the County in conflict with this Resolution are repealed, except that this repeal shall not revive any act, order or resolution, or part thereof, previously repealed.
18. If any section, paragraph, clause or provision of this Resolution shall be adjudged invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts are severable.
19. This Resolution shall take effect immediately upon its passage.

A motion to this effect was made at the August 1, 2024 public hearing by Commissioner _____, seconded by Commissioner _____, and passed by a ___ vote of the Board.

ADOPTED on this ____ day of _____, 2024.

BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY:

Ashely Stolzmann, Chair

Marta Loachamin, Commissioner

Claire Levy, Commissioner

ATTEST:

Clerk to the Board

EXHIBIT A

Description of District boundaries:

Eldorado Springs platted townsite area including amended plat of Moffat Lakes, amended plat of First Addition to Moffat Lakes, amended plat of Second Addition to Moffat Lakes, and amended Plat of Barbers Addition to Moffat Lakes, with the exception of 27 parcels currently listed on the Boulder County Assessor's records as "vacant land." The service area encompasses approximately 138 dwellings and other occupied buildings within the district boundaries.

The boundaries of the proposed district do not include Eldorado Springs Canyon west of the State Park gate, or Valle del Rio subdivision east of the canyon, or any properties east of 3450 and 3461 Eldorado Springs Drive.

The boundaries of the proposed district and the area included is portrayed on the attached map.

