



City and County of Denver Statutory Special Districts Rules and Regulations

Title 31 Business Improvement Districts and General Improvement Districts

This document addresses the City and County of Denver's rules and regulations only for Business Improvement Districts and General Improvement Districts created under C.R.S. Title 31. For information and policy statements related to local improvement and local maintenance districts created under the City charter, please refer to Denver Charter Sections 7.6.1 and 7.6.2.

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CITY AND COUNTY OF DENVER TITLE 31 BUSINESS IMPROVEMENT AND GENERAL IMPROVEMENT DISTRICT OBJECTIVES

The City adopts these regulations pursuant to Section 2.5.3(I) of the City's Charter, Article VI of Chapter 2 of the Denver Revised Municipal Code, and Parts 6 and 12 of Article 25 of Title 31, Colorado Revised Statutes. These rules replace and supersede existing rules regarding Title 31 business improvement and general improvement districts. The Manager of Finance retains the authority to waive any regulation or fee, in whole or in part, contained herein.

The City shall consider creation of districts under the provisions of C.R.S. Title 31 based upon the statutory provisions and the City's objectives. The City's objectives include fostering economic growth, improving and maintaining public assets, promoting the vitality of Denver neighborhoods, and improving the overall quality of life for Denver citizens¹. Districts will need agreements with the appropriate City department before providing any public services beyond infrastructure maintenance and marketing unless such services are otherwise authorized by a district's creation ordinance.

In addition to aligning with and supporting City objectives, Business Improvement Districts ("BIDs") and General Improvement Districts ("GIDs") within the City shall be established to serve unique purposes in conformance with the requirements set forth in state statute and should be created only when alternative structures are unable to accommodate the objectives of the proposed districts or when the alternative mechanisms are exceedingly burdensome. District organizers should be prepared to demonstrate why the creation of a special district is the optimal mechanism for meeting the identified objective(s) as part of the application process.

SPECIAL DISTRICT WORKING GROUP

The special district working group shall review all applications requesting the creation of a district. The working group is made up of representatives from several City departments, including the Department of Finance, Department of Public Works, Department of Parks and Recreation, Department of Community Planning and Development, Department of Law, and Office of Economic Development. The working group will review district applications to ensure compliance with Denver's Title 31 BID and GID Rules and Regulations and other City requirements or regulations.

STATE OF COLORADO REQUIREMENTS

All districts must follow applicable state legal requirements including, but not limited to, audits, reporting, budget submission, debt issuance, election requirements, financial regulations, and other governance actions. State budget submission requirements can be found on the state of Colorado, Department of Local Affairs website. Audit submission requirements can be found on the Office of the State Auditor website.

¹ Additional details on the City's goals and objectives can be found on the City's website <http://www.denvergov.org/>

CREATION PROCESS

The City has established a process for the creation of Title 31 BIDs and GIDs to help streamline the district application process. The creation process includes determining a mutually agreed upon City Council calendar which aligns with future election dates or other significant milestones.

1. **Letter of Intent** – All applicants must submit a formal Letter of Intent (LOI) to the City providing high-level commentary on the proposed district. The LOI must describe or include the following:
 - a. Type of statutory district being proposed;
 - b. Description of the proposed district structure, location, size, and primary objective or purpose of the district after creation;
 - c. Overview of the district’s proposed sources and uses of funds;
 - d. Whether the district will request debt authority, and if so, the approximate principal amount of debt anticipated;
 - e. Identification of any overlapping or neighboring districts and the opportunity for consolidation or coordination with the existing districts;
 - f. Identification of any services to be provided beyond infrastructure maintenance and marketing;
 - g. Requested timeline for the District creation;
 - h. Description of why creating the district is the preferred mechanism for meeting the identified objective(s) as compared to alternative entities or organizations;

City staff will not provide comment on the feasibility of the district’s structure or the likelihood of approval until a formal LOI is received. Applicants can email LOIs to capitalplanning_and_programming@denvergov.org. A hard copy of the LOI should also be mailed to: *Department of Finance Attention: CPP, 201 W. Colfax, 10th Floor Denver, CO 80202.*

2. **Response to Letter of Intent** – Within 30 calendar days of receiving the LOI, the working group will provide a written response to the applicant. The response will provide high-level comments on the proposed district, along with specific questions or concerns the applicant should address in the formal application process. Applicants will be given the opportunity to meet with the working group after the written response is provided to discuss the LOI response if desired.
3. **Creation Application Submission** – Once all comments or questions related to the LOI have been addressed, the applicant must submit a draft ordinance for creation of the district. The working group shall review the ordinance and provide feedback within the agreed upon calendar milestones. City Council approval of the proposed district’s request for creation is not guaranteed.
4. **Begin City Council Process** – When the ordinance is substantially complete, the working group shall initiate the City Council process. The applicant and the working group will mutually establish a City Council schedule to approve the creation ordinance including submission of petitions and a public hearing.

FEE STRUCTURE

Fees will be charged to BID and GID applicants in accordance with the level of City resources required to administer, monitor, and review the districts creation process and ongoing operations. No fee will be charged for the submission of the LOI. The required fees for BIDs and GIDs are described below and outlined in Table 1. No request to create a district shall proceed until the fees set forth herein are paid.

Fees for districts are set by the Manager of Finance and are subject to change. Checks shall be made payable to the Manager of Finance and sent to: City and County of Denver Department of Finance – capital Planning and Programming Division, Department 1010, 201 W. Colfax Ave Denver, CO 80202.

Table 1:

Title 31 Business Improvement and General Improvement District Fees:			
Fee Type	Fee Amount	Fee Frequency	Time of Payment
Application Fee	\$500	One Time	At time of creation application submission
Property Data Request Fee	\$55 ¹	Per Hour	At time of data request
Late Budget Submission Fee	\$500	Per occurrence	As billed by City
Treasurer Collection Fee	1% of Funds Collected	At Funds Disbursement	Deducted at time of fund disbursement to district
Costs incurred by City for legal, financial, or other external support	Cost Incurred	Per occurrence	As billed by City

¹ Fee is a pass-through of Assessor's Office rates and subject to change.

Application Fee:

The application fee shall be imposed on all applicants when the creation ordinance draft is submitted for either a BID or GID and shall be paid at the time of ordinance submission.

Property Data Request Fee:

The applicant may request property data information within the proposed District's boundary to support the applicant's petitioning effort. Applicants wishing to submit a formal data request should fill out the property data request form outlined in Exhibit A. Data requests should be directed to the Department of Finance Capital Planning and Programming Division. The applicant's data request must provide a map of the proposed District boundary along with a description of the boundary and payment of the property request fee outlined in Table 1. The City shall provide real property data to the applicant within 30 days of receiving a completed request form and payment of the data request fee. If the request seeks personal property data, the City's response will take longer.

Budget Submission Late Fee:

Districts that are unable to submit an annual budget and a completed annual operating plan (or work plan for GIDs) by the September 30th deadline shall incur a late budget submission fee.

Treasurer Collection Fee:

The City Treasurer shall withhold a one percent fee for property tax or fee collection on behalf of the District in accordance with state law.

REPORTING REQUIREMENTS

Business Improvement District (BID) Budget Process:

BIDs located within the City and County of Denver shall be required to file an annual operating plan and budget with the City Clerk by September 30th of each year. Duplicate copies shall be sent to the City's Manager of Finance c/o Capital Planning and Programming Division by September 30th each year. The City prefers all BIDs to hold a public hearing for the proposed budget prior to the September 30th City submission, but requires a public hearing to be held no later than November 1st each year.

C.R.S. Section 31-25-1211, as amended, outlines requirements of the annual operating plans and budgets for BIDs. The statute states that the operating plans and budgets shall specifically identify the services or improvements to be provided by the District, the taxes, fees, or assessments to be imposed by the District, the estimated principal amount of bonds to be issued by the District, and the City may require the District to supplement its annual operating plan and budget.

After the City receives the District's annual operating plan and budget, City staff will coordinate the City Council review and approval process. Representatives for each BID shall attend City Council committees and City Council meetings at the reasonable request of City Council or City staff. City Council will vote on all BID annual operating plans and budgets no later than December 5th each year.

General Improvement District (GID) Budget Process:

As required per statute and creation ordinances, GID Advisory Boards in the City shall submit an annual work plan and budget to the City Clerk by September 30th each year. Duplicate copies shall be sent to the City's Manager of Finance c/o Capital Planning and Programming Division. The City prefers all GIDs to hold their public hearing for the proposed budget prior to the September 30th City submission each year.

After the annual work plan and budget is received, City staff will coordinate the City Council review and approval process. Representatives from each GID shall attend City Council committees and City Council meetings as reasonably requested by City Council or City staff. City Council will vote on all GID annual work plans and budgets no later than December 5th each year.

EXHIBITS

Exhibit A - Proposed Special District Property Data Request Form



Proposed Special District Property Data Request Form

Proposed District Information

Proposed District Name:	Date:
Submitter Name(s):	Neighborhood:
Submitter(s) Phone:	City Council District:

Proposed District Type

Metropolitan District
 Business Improvement District
 General Improvement District

Property Data Request

<input type="checkbox"/> Market Value	<input type="checkbox"/> Property Type	<input type="checkbox"/> Exempt Amount
<input type="checkbox"/> Total Assessed Value	<input type="checkbox"/> Personal Property Value	<input type="checkbox"/> Assessed Value of Improvements
<input type="checkbox"/> Schedule Number	<input type="checkbox"/> Owner Address	<input type="checkbox"/> Assessed Value of Land
<input type="checkbox"/> Site Address	<input type="checkbox"/> Tax Rate	<input type="checkbox"/> Assessed Value of Personal Property
<input type="checkbox"/> Owner Name	<input type="checkbox"/> Square Footage	

Details

Please provide a general description of the proposed district boundary:

Please provide an attached map of the proposed district boundary:

Signature of Submitter

By signing this form, you confirm that the applicable data request fee has been paid and that in absence of a formal text description of the property boundary by a licensed land survey professional, the data provided by the City will be done based on the best interpretation of the map and/or description provided above.

Submitter Signature Date

Submitter Signature Date

Exhibit B – Title 31 Business Improvement District and General Improvement District
Application Form



Business Improvement District or General Improvement District Application

Proposed District Information

Proposed District Name:	Date:
Submitter Name(s):	Neighborhood:
Submitter(s) Phone:	City Council District:

District Information

1. Include a copy of the petition and describe any variances from the petition.

Signature of Submitter

By signing this form, you certify that you are the BID or GID applicant and, to the best of your knowledge, the information contained in this application is true.

Submitter Signature Date

Submitter Signature Date