

EFFECTIVE DATE: 09-25-2021

ORDINANCE NO. 2021-27

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO APPROVING THE SECOND AMENDED AND RESTATED SERVICE PLAN FOR WH METROPOLITAN DISTRICT NO. 1 AND CONSOLIDATED SERVICE PLAN FOR WH METROPOLITAN DISTRICT NOS. 2-10 AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICTS

WHEREAS, pursuant to Section 32-1-204.5, C.R.S., as amended, and Section 122-29 of the City Code, a Second Amended, Restated, and Consolidated Service Plan (the "Second Amended, Restated, and Consolidated Service Plan") for WH Metropolitan District No. 1 and WH Metropolitan Districts 2-10 (the "Districts") has been submitted to the City Council (the "City Council") of the City of Aurora, Colorado (the "City"); and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, and Chapter 122 of the City Code, the City Council is to hold a public hearing on the Second Amended, Restated, and Consolidated Service Plan for the Districts; and

WHEREAS, notice of the hearing before the City Council was duly published in the *Aurora Sentinel*, a newspaper of general circulation within the City, as required by law, and mailed to all interested persons, the Division of Local Government, and the governing body of each municipality and title 32 district that has levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of three miles of the District; and

WHEREAS, the Aurora Regional Improvement mill levy imposed within the City's model service plan allows for the formation of an Authority by three (3) or more districts to fund regional infrastructure with the pledge of their ARI mill levies collected from all member districts; and

WHEREAS, the petitioners for the Districts have determined that the imposition of the ARI mills as defined by City Code §122-26 is not sufficient to provide the bonding capacity necessary to fund the improvements within the Districts' boundaries; and

WHEREAS, the Second Amended, Restated, and Consolidated Service Plan defines the applicable ARI Mill Levy as 5 mills if the Districts have executed and ARI Authority Establishment Agreement or such lesser amount as is necessary to satisfy any debt issued by such ARI Authority; and

WHEREAS, the Districts intend to enter into an ARI Authority Establishment Agreement within one (1) year of the passage of this ordinance; and

WHEREAS, the Second Amended, Restated, and Consolidated Service Plan provides that the ARI Mill Levy will revert to amounts defined in City Code §122-26 if the Districts have not executed an ARI Establishment Agreement within one (1) year following the date of the approval of the Second Amended, Restated, and Consolidated Service Plan; and

WHEREAS, the City Council previously approved the Amended and Restated Service Plan for WH Metropolitan District No. 1 on June 28, 2021 which provided for the change in the ARI Mill Levy; and

WHEREAS, the petitioners for the Districts wish to consolidate the Amended and Restated Service Plan for WH Metropolitan District No. 1 with the newly proposed WH Metropolitan District Nos. 2-10; and

WHEREAS, the newly proposed WH Metropolitan District Nos. 2-10 will serve the same geographic area that WH Metropolitan District No. 1 currently serves, and will allow for a phased approach to the development; and

WHEREAS, the City Council has considered the Second Amended, Restated, and Consolidated Service Plan and all other testimony and evidence presented at the hearing; and

WHEREAS, the City Council finds that the Second Amended, Restated, and Consolidated Service Plan should be approved unconditionally, as permitted by Sections 32-1-203(2) and 32-1-204.5(1)(a), C.R.S., as amended, and Section 122-34(a) of the City Code; and

WHEREAS, all legislative enactments must be in the form of ordinances pursuant to Section 5-1 of the Charter of the City of Aurora, Colorado and City Council Rule F.1 provides that an ordinance remains in effect until otherwise rescinded or amended by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The City Council hereby finds and determines that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, and Chapter 122 of the City Code relating to the filing of the Second Amended, Restated, and Consolidated Service Plan for the Districts have been fulfilled and that notice of the hearing was given in the time and manner required by law and that City Council has jurisdiction to act on the Second Amended, Restated, and Consolidated Service Plan.

Section 2. The City Council further determines that all pertinent facts, matters and issues were submitted at the public hearing; that all interested parties were heard or had the opportunity to be heard and that evidence satisfactory to the City Council of each of the following was presented:

- a. There is sufficient existing and projected need for organized service in the area to be serviced by the Districts;
- b. The existing service in the area to be served by the Districts is inadequate for present and projected needs;
- c. The Districts are capable of providing economical and sufficient service to the area within their proposed boundaries;

- d. The area to be included in the Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
- e. Adequate service is not, or will not be, available to the area through the City, Adams County, or other existing municipal or quasi-municipal corporations, including other existing title 32 districts, within a reasonable time and on a comparable basis;
- f. The facility and service standards of the Districts are compatible with the facility and service standards of the City;
- g. The proposed Second Amended, Restated, and Consolidated Service Plan is in substantial compliance with the comprehensive plan of the City as adopted pursuant to the City Code;
- h. The proposed Second Amended, Restated, and Consolidated Service Plan is in compliance with any duly adopted City, regional, or state long-range water quality management plan for the area; and
- i. The creation of the Districts will be in the best interests of the area proposed to be served.

Section 3. The City Council hereby approves the Second Amended, Restated, and Consolidated Service Plan for the Districts as submitted.

Section 4. The ARI Mill Levy defined in this Service Plan applies only to the WH Metropolitan District No. 1. and WH Metropolitan Districts 2-10. In all other instances the definition of ARI Mill Levy in City Code §122-26 shall remain in full force and effect.

Section 5. The Districts shall not be authorized to incur any bonded indebtedness until such time as the Districts have approved and executed the IGA.

Section 6. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title.

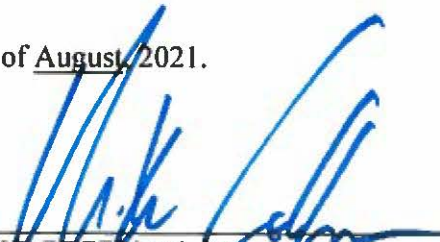
Section 7. A certified copy of this ordinance shall be submitted to the petitioners for the Districts for the purpose of filing in the District Court of Adams County.

Section 8. All prior resolutions or any parts thereof, to the extent that they are inconsistent with this Ordinance, are hereby rescinded.


Section 9. Future amendments to the Intergovernmental Agreement Between the City and the Districts as well as amendments to the Second Amended, Restated, and Consolidated Service Plan shall be by resolution.

INTRODUCED, READ AND ORDERED PUBLISHED this 9th day of August, 2021.

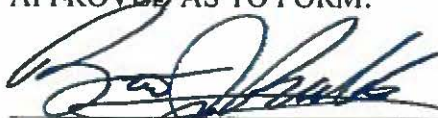
PASSED AND ORDERED PUBLISHED this 23rd day of August, 2021.


MIKE COFFMAN, Mayor

ATTEST:


KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM: *CMC*


BRIAN J. RULLA, Assistant City Attorney