

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0657.01 Bob Lackner x4350

HOUSE BILL 15-1348

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A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO STATUTORY PROVISIONS GOVERNING**
102 **URBAN REDEVELOPMENT TO PROMOTE THE EQUITABLE**
103 **FINANCIAL CONTRIBUTION AMONG AFFECTED PUBLIC BODIES IN**
104 **CONNECTION WITH URBAN REDEVELOPMENT PROJECTS**
105 **ALLOCATING TAX REVENUES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill modifies statutory provisions governing an urban renewal authority (URA) in the following respects:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 20, 2015

HOUSE
2nd Reading Unamended
April 17, 2015

- ! **Section 1** of the bill modifies the number of commissioners of a URA. Specifically, the bill deletes the requirement that a URA have an odd number of commissioners and allows a URA to have up to 13 commissioners.
- ! In all cases where an urban renewal plan (plan) managed by the URA includes an allocation of property tax increment generated by the mill levy imposed by one or more counties, except where the municipality is a city and county, section 1 of the bill requires one commissioner to be appointed by agreement of the boards of county commissioners of each county whose property taxes are subject to allocation under any such plan. Where any plan managed by the authority includes an allocation of property tax increment generated by the mill levy imposed by any special district or school district, one such commissioner must also be a board member of a special district whose property taxes are subject to allocation under any such plan, selected by agreement of such special districts whose property taxes are subject to allocation under any such plan, and one such commissioner must also be an elected member of a board of education of a school district, selected by agreement of the school districts whose property taxes are subject to allocation under any such plan. This section of the bill also specifies the time by which such representational appointments must be made and the terms of such appointments.
- ! **Section 4** of the bill imposes similar representational requirements when the governing body of a municipality designates itself as the URA.
- ! Under current law, if the property taxes collected as a result of the county levy will be used in the plan, the governing body of the municipality or the URA is required to submit a report discussing the impact to the county (report). **Section 2** of the bill clarifies that the report is required to be sent to the board of county commissioners and also to the governing body of each taxing entity for which the revenues from its general fund mill levy is proposed to be allocated under the plan. The report is required to be developed in consultation with such board as well any such governing bodies. This section of the bill also extends the time by which the report must be initially submitted and requires the report to address impacts on districts in addition to those of the county.
- ! Section 2 of the bill clarifies that the provisions in a plan allowing for tax increment financing apply with respect to

- the property taxes of specifically designated public bodies.
- ! Section 2 of the bill also requires that, in the case of the special fund established to collect the revenues from certain taxes allocated to the URA upon the payment of indebtedness, all funds remaining in the special fund that have not previously been rebated and that originated as property tax increment generated based on the mill levy of a taxing body within the boundaries of the urban renewal area must be repaid to each taxing body based on requirements specified in the bill.
 - ! Before any urban renewal plan containing any tax allocation provisions that allocates any taxes of any public body other than the municipality may be approved by the municipal governing body, section 2 of the bill also requires the governing body to notify the board of county commissioners of each county and the governing boards of each other public body whose property tax revenues would be allocated under such proposed plan. Representatives of the municipal governing body and each board of county commissioners and each public body are then required to meet and attempt to negotiate an agreement governing the types and limits of tax revenues of each taxing entity to be allocated to the urban renewal plan. Any allocated shared tax revenues governed by any agreement are limited to all or any portion of the taxes levied upon taxable property by the public body within the area covered by the urban renewal plan in addition to any sales tax revenues generated within the area covered by the urban renewal plan by the imposition of the sales tax of the municipality and any other public body.
 - ! In the absence of an agreement between the municipality and any taxing entity, section 2 of the bill prohibits the percentage of property tax increment revenues of any public body that may be allocated to the URA from exceeding the percentage of municipal sales tax increment revenues allocated to the URA under the provisions of the urban renewal plan. The bill specifies the manner in which the percentage of municipal sales tax increment revenue allocated to the URA is to be determined as well as the determination of the amount of any moneys that the municipality pays to, contributes to, or invests in the URA for the project.

1 *Be it enacted by the General Assembly of the State of Colorado:*

1 **SECTION 1. In Colorado Revised Statutes, 31-25-104, amend**
2 **(2) (a) and (2) (b); and add (2.5) as follows:**

3 **31-25-104. Urban renewal authority. (2) (a) (I) EXCEPT AS**
4 **PROVIDED IN SUBSECTION (2.5) OF THIS SECTION, an authority shall consist**
5 **CONSISTS of any odd number of THIRTEEN commissioners, which shall be**
6 **not less than five nor more than eleven each NOT FEWER THAN TEN of**
7 **whom shall MUST be appointed by the mayor, who shall designate the**
8 **chairman CHAIRPERSON for the first year. Such IN ORDER TO REPRESENT**
9 **THE COLLECTIVE INTERESTS OF THE COUNTY AND ALL TAXING BODIES**
10 **LEVYING A MILL LEVY IN ONE OR MORE URBAN RENEWAL AREAS MANAGED**
11 **BY THE AUTHORITY, REFERRED TO IN THIS PART 1 AS AN URBAN RENEWAL**
12 **AUTHORITY AREA, OTHER THAN THE MUNICIPALITY, ONE SUCH**
13 **COMMISSIONER ON THE AUTHORITY MUST BE APPOINTED BY THE BOARD OF**
14 **COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE TERRITORIAL**
15 **BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED,**
16 **ONE SUCH COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL**
17 **DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING**
18 **A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL**
19 **AUTHORITY AREA, AND ONE COMMISSIONER MUST ALSO BE AN ELECTED**
20 **MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A**
21 **MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY**
22 **AREA. IF THE URBAN RENEWAL AUTHORITY AREA IS LOCATED WITHIN THE**
23 **BOUNDARIES OF MORE THAN ONE COUNTY, THE APPOINTMENT IS MADE BY**
24 **AGREEMENT OF ALL OF THE COUNTIES IN WHICH THE BOUNDARIES OF THE**
25 **URBAN RENEWAL AUTHORITY AREA ARE LOCATED.**

26 **(II) IF NO COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT**
27 **APPOINTS A COMMISSIONER TO THE AUTHORITY, THEN THE COUNTY,**

1 SPECIAL DISTRICT, OR SCHOOL DISTRICT APPOINTMENT REMAINS VACANT
2 UNTIL SUCH TIME AS THE APPLICABLE APPOINTING AUTHORITY MAKES THE
3 APPOINTMENT PURSUANT TO THIS PARAGRAPH (a).

4 (III) IF THE APPOINTING COUNTY IS A CITY AND COUNTY, THE
5 REQUIREMENTS OF THIS PARAGRAPH (a) PERTAINING TO COUNTY
6 REPRESENTATION ON THE AUTHORITY BOARD NEED NOT BE SATISFIED.

7 (IV) ALL MAYORAL appointments and designation shall be CHAIR
8 DESIGNATIONS ARE subject to approval by the governing body OF THE
9 MUNICIPALITY WITHIN WHICH THE AUTHORITY HAS BEEN ESTABLISHED.
10 Not more than one of the commissioners APPOINTED BY THE MAYOR may
11 be an official of the municipality.

12 (V) In the event that an official of the municipality is appointed
13 as commissioner of an authority, acceptance or retention of such
14 appointment shall not be IS NOT deemed a forfeiture of his OR HER office,
15 or incompatible therewith, or AND DOES NOT affect his OR HER tenure or
16 compensation in any way. The term of office of a commissioner of an
17 authority who is a municipal official shall IS not be affected or curtailed
18 by the expiration of the term of his OR HER municipal office.

19 (b) The commissioners who are first appointed shall MUST be
20 designated by the mayor to serve for staggered terms so that the term of
21 at least one commissioner will expire each year. Thereafter, the term of
22 office shall be IS five years. A commissioner shall hold HOLDS office until
23 his OR HER successor has been appointed and has qualified. Vacancies
24 other than by reason of expiration of terms shall MUST be filled by the
25 mayor for the unexpired term; EXCEPT THAT, IN THE CASE OF A
26 COMMISSIONER ON THE AUTHORITY WHO HAS BEEN APPOINTED BY THE
27 BOARD OF COMMISSIONERS OF A COUNTY PURSUANT TO PARAGRAPH (a) OF

1 THIS SUBSECTION (2), A VACANCY ON THE AUTHORITY BOARD FOR THE
2 BALANCE OF THE UNEXPIRED TERM MUST BE FILLED BY THE BOARD OF
3 COMMISSIONERS OF THE COUNTY THAT MADE THE ORIGINAL
4 APPOINTMENT, A VACANCY OF THE SPECIAL-DISTRICT APPOINTED SEAT
5 MUST BE FILLED BY AGREEMENT OF THE AFFECTED SPECIAL DISTRICTS,
6 AND A VACANCY OF THE SCHOOL-DISTRICT APPOINTED SEAT MUST BE
7 FILLED BY AGREEMENT OF THE AFFECTED SPECIAL DISTRICTS. A majority
8 of the commissioners ~~shall constitute~~ CONSTITUTES a quorum. The mayor
9 shall file with the clerk a certificate of the appointment or reappointment
10 of any commissioner, and such certificate ~~shall be~~ IS conclusive evidence
11 of the due and proper appointment of such commissioner. A
12 commissioner ~~shall receive~~ RECEIVES no compensation for his OR HER
13 services, but ~~he shall be~~ IS entitled to the necessary expenses, including
14 traveling expenses, incurred in the discharge of his OR HER duties.

15 (2.5) WHEN THE GOVERNING BODY OF A MUNICIPALITY
16 DESIGNATES ITSELF AS THE AUTHORITY OR TRANSFERS AN EXISTING
17 AUTHORITY TO THE GOVERNING BODY PURSUANT TO SECTION 31-25-115
18 (1), AN AUTHORITY CONSISTS OF THE SAME NUMBER OF COMMISSIONERS
19 AS THE NUMBER OF MEMBERS OF THE GOVERNING BODY. IN ADDITION, IN
20 ORDER TO REPRESENT THE COLLECTIVE INTERESTS OF THE COUNTY AND
21 ALL TAXING BODIES LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF
22 THE URBAN RENEWAL AUTHORITY AREA OTHER THAN THE MUNICIPALITY,
23 ONE ADDITIONAL COMMISSIONER ON THE AUTHORITY MUST BE APPOINTED
24 BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE
25 TERRITORIAL BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE
26 LOCATED, ONE ADDITIONAL COMMISSIONER MUST ALSO BE A BOARD
27 MEMBER OF A SPECIAL DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL

1 DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN
2 RENEWAL AUTHORITY AREA, AND ONE ADDITIONAL COMMISSIONER MUST
3 ALSO BE AN ELECTED MEMBER OF A BOARD OF EDUCATION OF A SCHOOL
4 DISTRICT LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN
5 RENEWAL AUTHORITY AREA. IF THE NUMBER OF MEMBERS OF THE
6 GOVERNING BODY CAUSES THE AUTHORITY TO HAVE AN EVEN NUMBER OF
7 COMMISSIONERS, THE MAYOR SHALL APPOINT AN ADDITIONAL
8 COMMISSIONER TO RESTORE AN ODD NUMBER OF COMMISSIONERS TO THE
9 AUTHORITY. AS APPLICABLE, THE APPOINTMENT OF THE COUNTY, SPECIAL
10 DISTRICT, AND SCHOOL DISTRICT REPRESENTATIVES ON THE AUTHORITY
11 PURSUANT TO THIS SUBSECTION (2.5) MUST BE MADE IN ACCORDANCE
12 WITH THE PROCEDURES SPECIFIED IN SECTION 31-25-104 (2).

13 **SECTION 2.** In Colorado Revised Statutes, 31-25-107, **amend**
14 **(9) (a) introductory portion and (9) (a) (II); and **add** (9) (i) and (9.5) as**
15 **follows:**

16 **31-25-107. Approval of urban renewal plans by local**
17 **governing body.** (9) (a) Notwithstanding any law to the contrary, any
18 urban renewal plan, as originally approved or as later modified pursuant
19 to this part 1, may contain a provision that THE PROPERTY taxes OF
20 SPECIFICALLY DESIGNATED PUBLIC BODIES, if any, levied after the
21 effective date of the approval of such urban renewal plan upon taxable
22 property in an urban renewal area each year or that municipal sales taxes
23 collected within said area, or both such taxes, by or for the benefit of **any**
24 THE DESIGNATED public body ~~shall~~ MUST be divided for a period not to
25 exceed twenty-five years after the effective date of adoption of such a
26 provision, as follows:

27 (II) That portion of said property taxes or all or any portion of said

1 sales taxes, or both, in excess of the amount of property taxes or sales
2 taxes paid into the funds of each such public body in accordance with the
3 requirements of subparagraph (I) of this paragraph (a) shall MUST be
4 allocated to and, when collected, paid into a special fund of the authority
5 to pay the principal of, the interest on, and any premiums due in
6 connection with the bonds of, loans or advances to, or indebtedness
7 incurred by, whether funded, refunded, assumed, or otherwise, the
8 authority for financing or refinancing, in whole or in part, an urban
9 renewal project, or to make payments under an agreement executed
10 pursuant to subsection (11) of this section. Any excess municipal sales tax
11 OR PROPERTY TAX collections not allocated pursuant to this subparagraph
12 (II) shall MUST be paid into the funds of the municipality OR OTHER
13 TAXING ENTITY, AS APPLICABLE. Unless and until the total valuation for
14 assessment of the taxable property in an urban renewal area exceeds the
15 base valuation for assessment of the taxable property in such urban
16 renewal area, as provided in subparagraph (I) of this paragraph (a), all of
17 the taxes levied upon the taxable property in such urban renewal area
18 shall MUST be paid into the funds of the respective public bodies. Unless
19 and until the total municipal sales tax collections in an urban renewal area
20 exceed the base year municipal sales tax collections in such urban
21 renewal area, as provided in subparagraph (I) of this paragraph (a), all
22 such sales tax collections shall MUST be paid into the funds of the
23 municipality. When such bonds, loans, advances, and indebtedness, if
24 any, including interest thereon and any premiums due in connection
25 therewith, have been paid, all taxes upon the taxable property or the total
26 municipal sales tax collections, or both, in such urban renewal area shall
27 MUST be paid into the funds of the respective public bodies, AND ALL

1 MONEYS REMAINING IN THE SPECIAL FUND ESTABLISHED PURSUANT TO
2 THIS SUBPARAGRAPH (II) THAT HAVE NOT PREVIOUSLY BEEN REBATED AND
3 THAT ORIGINATED AS PROPERTY TAX INCREMENT GENERATED BASED ON
4 THE MILL LEVY OF A TAXING BODY, OTHER THAN THE MUNICIPALITY,
5 WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AREA MUST BE REPAID
6 TO EACH TAXING BODY BASED ON THE PRO RATA SHARE OF THE PRIOR
7 YEAR'S PROPERTY TAX INCREMENT ATTRIBUTABLE TO EACH TAXING
8 BODY'S CURRENT MILL LEVY IN WHICH PROPERTY TAXES WERE DIVIDED
9 PURSUANT TO THIS SUBSECTION (9). ANY MONEYS REMAINING IN THE
10 SPECIAL FUND NOT GENERATED BY PROPERTY TAX INCREMENT ARE
11 EXCLUDED FROM ANY SUCH REPAYMENT REQUIREMENT.
12 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY ADDITIONAL
13 REVENUES THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL
14 DISTRICT RECEIVES EITHER BECAUSE THE VOTERS HAVE AUTHORIZED THE
15 MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT TO
16 RETAIN AND SPEND SAID MONEYS PURSUANT TO SECTION 20 (7) (d) OF
17 ARTICLE X OF THE STATE CONSTITUTION SUBSEQUENT TO THE CREATION
18 OF THE SPECIAL FUND PURSUANT TO THIS SUBPARAGRAPH (II) OR AS A
19 RESULT OF AN INCREASE IN THE PROPERTY TAX MILL LEVY APPROVED BY
20 THE VOTERS OF THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR
21 SCHOOL DISTRICT SUBSEQUENT TO THE CREATION OF THE SPECIAL FUND,
22 TO THE EXTENT THE TOTAL MILL LEVY OF THE MUNICIPALITY, COUNTY,
23 SPECIAL DISTRICT, OR SCHOOL DISTRICT EXCEEDS THE RESPECTIVE MILL
24 LEVY IN EFFECT AT THE TIME OF APPROVAL OR SUBSTANTIAL
25 MODIFICATION OF THE URBAN RENEWAL PLAN, ARE NOT INCLUDED IN THE
26 AMOUNT OF THE INCREMENT THAT IS ALLOCATED TO AND, WHEN
27 COLLECTED, PAID INTO THE SPECIAL FUND OF THE AUTHORITY.

1 (i) WITHIN THE TWELVE-MONTH PERIOD PRIOR TO THE EFFECTIVE
2 DATE OF THE APPROVAL OR MODIFICATION OF THE URBAN RENEWAL PLAN
3 REQUIRING THE ALLOCATION OF MONEYS TO THE AUTHORITY PURSUANT
4 TO PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION, THE
5 MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT IS
6 ENTITLED TO THE REIMBURSEMENT OF ANY MONEYS THAT SUCH
7 MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT PAYS TO,
8 CONTRIBUTES TO, OR INVESTS IN THE AUTHORITY FOR THE PROJECT. THE
9 REIMBURSEMENT IS TO BE PAID FROM THE SPECIAL FUND OF THE
10 AUTHORITY ESTABLISHED PURSUANT TO PARAGRAPH (a) OF THIS
11 SUBSECTION (9).

12 (9.5) (a) BEFORE ANY URBAN RENEWAL PLAN CONTAINING ANY
13 TAX ALLOCATION PROVISIONS THAT ALLOCATES ANY TAXES OF ANY
14 PUBLIC BODY OTHER THAN THE MUNICIPALITY MAY BE APPROVED BY THE
15 MUNICIPAL GOVERNING BODY PURSUANT TO SUBSECTION (4) OF THIS
16 SECTION, THE GOVERNING BODY SHALL NOTIFY THE BOARD OF COUNTY
17 COMMISSIONERS OF EACH COUNTY AND THE GOVERNING BOARDS OF EACH
18 OTHER PUBLIC BODY WHOSE PROPERTY TAX REVENUES WOULD BE
19 ALLOCATED UNDER SUCH PROPOSED PLAN. REPRESENTATIVES OF THE
20 MUNICIPAL GOVERNING BODY AND EACH BOARD OF COUNTY
21 COMMISSIONERS AND EACH PUBLIC BODY SHALL THEN MEET AND ATTEMPT
22 TO NEGOTIATE AN AGREEMENT GOVERNING THE TYPES AND LIMITS OF TAX
23 REVENUES OF EACH TAXING ENTITY TO BE ALLOCATED TO THE URBAN
24 RENEWAL PLAN. THE AGREEMENT MUST ADDRESS, WITHOUT LIMITATION,
25 ESTIMATED IMPACTS OF THE URBAN RENEWAL PLAN ON COUNTY OR
26 DISTRICT SERVICES ASSOCIATED SOLELY WITH THE URBAN RENEWAL PLAN.
27 THE AGREEMENT MAY BE ENTERED INTO SEPARATELY AMONG THE

1 MUNICIPALITY, THE AUTHORITY, AND EACH SUCH COUNTY OR OTHER
2 PUBLIC BODY, OR THROUGH A JOINT AGREEMENT AMONG THE
3 MUNICIPALITY, THE AUTHORITY, AND ANY PUBLIC BODY THAT HAS CHOSEN
4 TO ENTER THAT AGREEMENT. ANY SUCH ALLOCATED SHARED TAX
5 REVENUES GOVERNED BY ANY AGREEMENT ARE LIMITED TO ALL OR ANY
6 PORTION OF THE TAXES LEVIED UPON TAXABLE PROPERTY BY THE PUBLIC
7 BODY WITHIN THE AREA COVERED BY THE URBAN RENEWAL PLAN IN
8 ADDITION TO ANY SALES TAX REVENUES GENERATED WITHIN THE AREA
9 COVERED BY THE URBAN RENEWAL PLAN BY THE IMPOSITION OF THE SALES
10 TAX OF THE MUNICIPALITY AND ANY OTHER PUBLIC BODY.

11 (b) THE AGREEMENT DESCRIBED IN PARAGRAPH (a) OF THIS
12 SUBSECTION (9.5) MAY PROVIDE FOR A WAIVER OF ANY PROVISION OF THIS
13 PART 1 THAT PROVIDES FOR NOTICE TO THE PUBLIC BODY, REQUIRES ANY
14 FILING WITH OR BY THE PUBLIC BODY, REQUIRES OR PERMITS CONSENT
15 FROM THE PUBLIC BODY, OR PROVIDES ANY ENFORCEMENT RIGHT TO THE
16 PUBLIC BODY. THE MUNICIPALITY MAY DELEGATE TO THE AUTHORITY THE
17 RESPONSIBILITY FOR NEGOTIATING THE AGREEMENT DESCRIBED IN
18 PARAGRAPH (a) OF THIS SUBSECTION (9.5) AS LONG AS FINAL APPROVAL OF
19 THE PLAN OR ANY MODIFICATION OF THE PLAN IS MADE BY THE
20 GOVERNING BODY OF THE MUNICIPALITY IN ACCORDANCE WITH
21 SUBSECTION (4) OF THIS SECTION.

22 (c) IF, AFTER A PERIOD OF ONE HUNDRED TWENTY DAYS FROM THE
23 DATE OF NOTICE OR SUCH LONGER OR SHORTER PERIOD AS THE MUNICIPAL
24 GOVERNING BODY AND ANY PUBLIC BODY MAY AGREE, THERE IS NO
25 AGREEMENT BETWEEN THE MUNICIPAL GOVERNING BODY AND ANY PUBLIC
26 BODY AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5), THE
27 MUNICIPAL GOVERNING BODY AND ANY APPLICABLE PUBLIC BODY ARE

1 SUBJECT TO THE PROVISIONS AND LIMITATIONS OF PARAGRAPH (d) OF THIS
2 SUBSECTION (9.5).

3 (d) IN AN ABSENCE OF AN AGREEMENT BETWEEN THE
4 MUNICIPALITY AND ANY TAXING ENTITY AS DESCRIBED IN PARAGRAPH (a)
5 OF THIS SUBSECTION (9.5), THE PARTIES MUST SUBMIT TO A NEUTRAL
6 THIRD-PARTY EXPERT SELECTED BY AGREEMENT OF THE PARTIES A
7 REQUEST FOR AN APPROPRIATE ALLOCATION OF URBAN RENEWAL PROJECT
8 COSTS AMONG THE MUNICIPALITY AND ALL OTHER TAXING ENTITIES
9 WHOSE TAXES WILL BE ALLOCATED PURSUANT TO AN URBAN RENEWAL
10 PLAN. IN MAKING A DETERMINATION OF THE APPROPRIATE ALLOCATION,
11 THE THIRD PARTY EXPERT MUST CONSIDER THE NATURE OF THE PROJECT,
12 THE NATURE AND RELATIVE SIZE OF THE REVENUE AND OTHER BENEFITS
13 THAT ARE EXPECTED TO ACCRUE TO THE MUNICIPALITY AND OTHER
14 TAXING ENTITIES AS A RESULT OF THE PROJECT, ANY LEGAL LIMITATIONS
15 ON THE USE OF REVENUES BELONGING TO THE MUNICIPALITY OR ANY
16 TAXING ENTITY, AND ANY CAPITAL OR OPERATING COSTS THAT ARE
17 EXPECTED TO RESULT FROM THE PROJECT. WITHIN NINETY DAYS, THE
18 THIRD-PARTY EXPERT MUST ISSUE HIS OR HER FINDINGS OF FACT AS TO THE
19 APPROPRIATE ALLOCATION OF COSTS AND SHALL PROMPTLY TRANSMIT
20 SUCH INFORMATION TO THE PARTIES. THE MUNICIPALITY MAY AGREE TO
21 THE THIRD PARTY EXPERT'S FINDINGS BY INCLUDING IN THE URBAN
22 RENEWAL PLAN PROVISIONS THAT ALLOCATE MUNICIPAL AND
23 INCREMENTAL PROPERTY TAX REVENUES OF TAXING BODIES IN
24 ACCORDANCE WITH THE COST ALLOCATIONS DETERMINED BY THE
25 THIRD-PARTY EXPERT OR BY ENTERING INTO AN INTERGOVERNMENTAL
26 AGREEMENT WITH THE TAXING ENTITY PROVIDING AN ALTERNATIVE COST
27 ALLOCATION METHODOLOGY. NOTWITHSTANDING ANY OTHER PROVISION

1 OF LAW, NO PAYMENTS MAY BE MADE INTO THE SPECIAL FUND OF THE
2 AUTHORITY IN ACCORDANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (a)
3 OF SUBSECTION (9) OF THIS SECTION UNLESS THE MUNICIPALITY OR THE
4 AUTHORITY HAS SATISFIED THE REQUIREMENTS OF THIS SUBSECTION (9.5).

5 (e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
6 A CITY AND COUNTY IS NOT REQUIRED TO REACH AN AGREEMENT WITH A
7 COUNTY SATISFYING THE REQUIREMENTS OF THIS SUBSECTION (9.5).

8 **SECTION 3. In Colorado Revised Statutes, 31-25-115, add (1.5)**
9 **as follows:**

10 **31-25-115. Transfer - abolishment. (1.5) WHEN THE GOVERNING**
11 **BODY OF A MUNICIPALITY DESIGNATES ITSELF AS THE AUTHORITY OR**
12 **TRANSFERS AN EXISTING AUTHORITY TO THE GOVERNING BODY PURSUANT**
13 **TO SUBSECTION (1) OF THIS SECTION, ONE SUCH COMMISSIONER ON THE**
14 **AUTHORITY MUST BE APPOINTED BY THE BOARD OF COUNTY**
15 **COMMISSIONERS OF THE COUNTY IN WHICH THE TERRITORIAL BOUNDARIES**
16 **OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED, ONE SUCH**
17 **COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL DISTRICT**
18 **SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING A MILL**
19 **LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY**
20 **AREA, AND ONE COMMISSIONER MUST ALSO BE AN ELECTED MEMBER OF A**
21 **BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A MILL LEVY**
22 **WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA.**
23 **APPOINTMENTS MADE PURSUANT TO THIS SUBSECTION (1.5) MUST BE**
24 **MADE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION**
25 **31-25-104 (2).**

26 **SECTION 4. Act subject to petition - effective date -**
27 **applicability. (1) This act takes effect at 12:01 a.m. on the day following**

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly (August 5, 2015, if adjournment sine die is on May 6,
3 2015); except that, if a referendum petition is filed pursuant to section 1
4 (3) of article V of the state constitution against this act or an item, section,
5 or part of this act within such period, then the act, item, section, or part
6 will not take effect unless approved by the people at the general election
7 to be held in November 2016 and, in such case, will take effect on the
8 date of the official declaration of the vote thereon by the governor.

9 (2) This act applies to:

10 (a) Municipalities, urban renewal authorities and any urban
11 renewal plans created on or after January 1, 2016; and

12 (b) Municipalities, urban renewal authorities considering urban
13 renewal plan amendments or modifications on or after January 1, 2016,
14 including, without limitation, any addition of an urban renewal project;
15 an alteration in the boundaries of an urban renewal area; any change in
16 the structure of the tax increment financing components of any such plan,
17 including, without limitation, any change in the mill levy or the sales tax
18 component of any such plan or any modifications of the percentages of
19 sales tax increment revenue used in any such plan; or an extension of an
20 urban renewal plan or the duration of a specific urban renewal project
21 regardless of whether such extension or related changes in duration
22 require actual alteration of the terms of the urban renewal plan.