



Legal Notice

Date: 11/17/2022

Subject: An ordinance of the City of Littleton, Colorado, creating and establishing the Littleton Downtown Development Authority in the City of Littleton and determining organizational aspects of the Littleton Downtown Development Authority Board

Passed/Failed: Passed on first reading on 11/15/2022

CITY OF LITTLETON, COLORADO

**ORDINANCE 29
SERIES 2022**

1 CITY OF LITTLETON, COLORADO

2
3 ORDINANCE NO. 29

4
5 Series, 2022

6
7 AN ORDINANCE OF THE CITY OF LITTLETON,
8 COLORADO, CREATING AND ESTABLISHING THE
9 LITTLETON DOWNTOWN DEVELOPMENT AUTHORITY
10 IN THE CITY OF LITTLETON AND DETERMINING
11 ORGANIZATIONAL ASPECTS OF THE LITTLETON
12 DOWNTOWN DEVELOPMENT AUTHORITY BOARD

13
14 WHEREAS, in accordance with the Taxpayer’s Bill of Rights, Article X, Section
15 20 of the Colorado Constitution (“TABOR”) the City of Littleton sought voter approval a new
16 tax increase; and

17
18 WHEREAS, at an election held on November 8, 2022, voters within the
19 boundaries of the Downtown Development Authority approved the formation of the Littleton
20 Downtown Development Authority, the imposition of a mill levy, and the use of certain
21 revenues; and

22
23 WHEREAS, an active downtown contributes to the vibrancy of the city for both
24 residents and visitors as a civic, historic, cultural, and economic focal point; and

25
26 WHEREAS, partnerships are at the heart of 2040 Envision Littleton, the city’s
27 Comprehensive Plan, which requires collaboration for both programmatic and funding support
28 from the public, private, and nonprofit sectors and the development of the Downtown
29 Development Authority has been a collaborative process with many stakeholders; and

30
31 WHEREAS, Downtown Development Authorities provide organizational focus
32 and financing to support downtown economic development and improvements.

33
34 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
35 THE CITY OF LITTLETON, COLORADO, AS FOLLOWS:

36
37 **Section 1: Status.** There is hereby created and established pursuant to §§ 31-25-
38 801, *et seq.*, C.R.S. (the “DDA Act”) a downtown development authority in the City of Littleton,
39 Colorado to be known as the Littleton Downtown Development Authority (the “DDA”). The
40 DDA shall be a body corporate with all the purposes and powers now or hereafter authorized by
41 the DDA Act, all additional and supplemental powers necessary or convenient to carry out and
42 effectuate its purposes, and such other powers and authority as provided by law.

43
44 **Section 2: Boundaries.** The boundaries of the DDA shall be as set forth in
45 Ordinance 16, Series 2022. The DDA boundary includes four planning “subareas” entitled:

46 North Gateway, Downtown Core and Gateway, South Gateway, and Riverside. The Authority
47 may include additional property within the boundaries as provided in the DDA Act.
48

49 **Section 3: DDA Board.** The DDA shall have a Board of Directors (the “Board”)
50 comprised of 9 members appointed by resolution of city council, constituted as follows:
51

- 52 a) One member shall be a member of the city council, appointed to serve at the pleasure of
53 the city council;
- 54 b) One property owner and/or businesses lessee from each of the three-planning subareas:
55 North Gateway, South Gateway, and Riverside,
- 56 c) Two property owners and/or businesses lessees from the Downtown Core and Gateway
57 subarea;
- 58 d) Two members that own businesses as lessees within the DDA, but do not own property;
- 59 e) One member residing within the boundary of the DDA;
- 60 f) No officer, or employee of the city, other than an appointee from the city council, shall be
61 eligible for appointment to the Board.
62

63 **Section 4: Terms.** A Board member shall hold office until their successor has
64 been appointed and qualified. After the terms of the initial members of the Board have expired,
65 terms of all members except the city council member appointed to the Board shall be four (4)
66 years. Within 30 days after the occurrence of a vacancy, the city council shall appoint a
67 successor for the remainder of the unexpired term. The term of the initial Board members shall
68 be as follows:
69

- 70 a) The city council member shall serve at the pleasure of city council.
- 71 b) The terms of 2 members shall expire on June 30, 2023.
- 72 c) The terms of 2 members shall expire on June 30, 2024.
- 73 d) The terms of 2 members shall expire on June 30, 2025.
- 74 e) The terms of 2 members shall expire on June 30, 2026.
75

76 **Section 5: Board Vacancies.** To fill Board vacancies, the Board will seek
77 nominations through a publicly advertised solicitation from property owners, business lessees,
78 and residents located within the DDA boundary that meet the criteria as outlined in Section 3. A
79 slate of nominations for each vacant board seat will be submitted to city council for
80 consideration. Council will select a board member from the slate or seek additional nominations
81 from the Board.
82

83 **Section 6: Removal.** After notice and an opportunity to be heard, an appointed
84 member of the Board may be removed for cause by city council.
85

86 **Section 7: Compensation.** Members of the Board shall serve without
87 compensation, but they may be reimbursed for actual and necessary expenses.
88

89 **Section 8: Indemnity.** The DDA shall, to the extent permitted and within the
90 limitations of the Colorado Governmental Immunity Act, indemnify and defend each director,

91 officer, and employee of the DDA in connection with an claim or action or threatened suit,
92 action, or proceeding in which he or she may be involved in his or her official capacity by reason
93 of their being or having been such director, officer, or employee, or by reason of any action or
94 omission by them in any such capacity.
95

96 **Section 9: Procedures.** The Board shall adopt and promulgate rules governing its
97 procedure, including election of officers, and these rules shall be filed in the office of the city
98 clerk. The Board shall hold regular and special meetings in the manner provided in the rules of
99 the Board. All meetings shall be in accordance with the Colorado Open Meetings Law.

100
101 **Section 10: Plan of Development.** The Board may plan or propose and adopt a
102 plan or plans of development outlining potential development of public facilities or
103 improvements to public or private property that will aid and improve the property within the
104 boundaries of the DDA. Such plan or plans of development as adopted or modified by the Board
105 will be presented to city council for their consideration and may contain a provision allowing for
106 property or sales tax increment financing as authorized by C.R.S. § 31-25-807, with such tax
107 increment financing to be approved by city council as set forth in the DDA Act.
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109 **Section 11: Budget.** The DDA shall submit a budget to city council for review no
110 later than July 31 of each year, including expected revenues and expenditures. The DDA shall
111 maintain accounting records and records of transactions for the DDA, invest any funds not
112 required for immediate disbursement in legal investments for public funds authorized by C.R.S.
113 § 24-75-601, *et seq.*, and deposit any funds not required for immediate disbursement in any
114 depository authorized by C.R.S. § 24-75-603.
115

116 **Section 12: Funding.** The operations and financial obligations of the Authority
117 shall be principally financed from:
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- 119 a) Donations to the Authority for the performance of its functions;
- 120 b) Moneys borrowed and to be repaid from other funds received under the DDA Act;
- 121 c) Tax increment funds if the plan of development provides for such tax increment funding;
- 122 d) Fees, rates, tolls, rents, charges, grants, contributions, loans, income or other revenues
123 imposed, collected or authorized by law to be imposed or collected by the DDA or by the
124 city on behalf of and for use by the DDA;
- 125 e) An ad valorem mill levy on all real and personal property within the boundaries of the
126 DDA; and
- 127 f) Such other sources as may be approved by the city council.
128

129 **Section 13: Severability.** If any part, section, subsection, sentence, clause or
130 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
131 validity of the remaining sections of this ordinance. The city council hereby declares that it
132 would have passed this ordinance, including each part, section, subsection, sentence, clause or
133 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
134 clauses or phrases may be declared invalid.

135 **Section 14: Repealer.** All ordinances or resolutions, or parts thereof, in conflict
136 with this ordinance are hereby repealed provided that this repealer shall not repeal the repealer
137 clauses of such ordinance nor revive any ordinance thereby.

138
139 **Section 15: Safety.** This ordinance is deemed necessary for the protection of the
140 public health, safety, and welfare.

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142
143
144 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
145 of the City of Littleton on the 15th day of November, 2022, passed on first reading by a vote of 6
146 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
147 Municipal Courthouse and on the City of Littleton Website.

148 PUBLIC HEARING on the Ordinance to take place on the 6th day of December,
149 2022, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at
150 the hour of 6:30 p.m., or as soon thereafter as it may be heard.

151
152 PASSED on second and final reading, following public hearing, by a vote of ___ FOR and
153 ___ AGAINST on the 6th day of December, 2022 and ordered published by posting at Littleton
154 Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

155 ATTEST:

156 _____
157 Colleen L. Norton
158 CITY CLERK

Kyle Schlachter
MAYOR

159 APPROVED AS TO FORM:

160
161 _____
162 Reid Betzing
163 CITY ATTORNEY
164

