

# **BACA GRANDE INCORPORATION**

## **Feasibility Analysis**

**Prepared by**

**Baca Grande Governance Research Committee**

**March 2003**

## **Baca Grande Governance Research Committee**

The following individuals have served during the term of this committee.  
Appreciation is extended to all for their contribution.

### **Membership**

Reynold Bean  
Kimberly Bryant  
Frederick Dunets  
Penny Hauglid  
Lee Mitchell  
Robert Philleo  
Nancy Van Domelen

Miriam Brannon  
Caryl Dennis  
Jim Erdman  
Michael Miller  
Sam Pace  
Pamela Rose  
Lanita Williams

### **Consultants**

Hamilton Brannon  
Baca Grande Survey

Debbie Downs, Regional Manager  
Colorado Department of Local Affairs

Judy Egbert, City  
Clerk of Alamosa

Joshua Hillman POA Comptroller

Marvin Koleis, Colorado  
Dept. of Local Government

Dee Laird, former POA Board Treasurer

Jackie Stephens  
Saguache County Assessor

Pete McGee, GIS/GPS Authority

Peter Van Domelen, Attorney

Geoff Withers  
Colorado Dept. of Local Affairs

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## FEASIBILITY REPORT SUMMARY

In April 2000, the Baca Grande Property Owners Association (POA) held a community meeting to explore whether other forms of governance might be more effective for the Baca Grande subdivision. The fifty residents attending the meeting indicated enough interest to warrant further study of the question. A Governance Research Committee was formed to study various governance alternatives to the current POA non-profit corporation structure.

The Governance Research Committee identified the following tasks:

- Compile a current community profile
  - Review all services currently provided by the POA
  - Study all recent documents reflecting community values and opinions
  - Provide an updated boundary configuration study
  - Study Colorado State Statutes relating to forms of governance
  - Conduct an in-depth review of principal governance options with particular emphasis on a metropolitan district and a municipality
  - Identify the optimum form of governance, identifying its sources of revenue and operating costs
  - Determine the property owner tax assessments for the new form of governance
  - Provide the above information in a feasibility analysis with an appendix of all researched supplemental governance materials
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- The updated community profile found many changes in the Baca Grande since its inception in the 1970's as a retirement community of 15,000 acres at the base of the Sangre de Cristo Mountains in Saguache County, Colorado. The original 10,800 platted lots in the subdivision have been reduced to 4,700 by 2003, primarily through lot consolidation and the vacating of lots and larger parcels of land.
  - The demographic make-up of the community has changed from a retirement community to a more diverse profile. Now numerous individuals operate small businesses in their homes. Professionals spend a portion of their time working in the area, with the balance spent in larger metropolitan cities. And approximately ten religious and spiritual organizations are located on land in or adjacent to the subdivision, bringing many visitors to the Baca Grande.
  - According to the Baca Grande POA Land Use Department, the subdivision has experienced a 243% increase in homes completed or under construction from 1990 to 2000. In 1990, there were 190 homes in the Baca Grande; in 2002, there were 463. If growth continues at this pace, it can be projected that there will be 1125 homes in 2010. The Year 2000 Census reported 457 housing units in the Baca Grande with a population of 682.

- The POA, faced with an increasing demand for services, has a declining revenue base because of limitations on dues collections (more than a 20% bad debt ratio) and lot consolidations. Because of the limited revenue base and inflexible dues structure, it will be difficult for the POA to continue to provide services to a growing population without a continually escalating dues structure.
- The Governance Research Committee reviewed in depth the following: services provided by the POA, the Saguache County Survey, the POA membership Survey of 1998, the revised POA Covenants and Restrictions, the Sub-Area Master Plan, and the goals developed by the 1995 CMB Community Vision Search Conference.
- Over 100 residents filled out a Governance Needs Identification Questionnaire. Out of thirteen aspects of government, the top five priorities were: (1.) equitable and reasonable taxes or dues (2.) Preservation of wildlife and rural areas (3.) Control of growth and development (4.) Good emergency services and fire department (5.) Road maintenance and improvement.

Control of growth and development was a high priority in the survey; however, enforcement of ordinances, laws and rules – the primary method of enforcing controls – was ranked a low priority. This dichotomy highlights the importance of further community review regarding the goal of controlling growth and development and the means of enforcement that make it possible.

- The Committee did a Boundary Configuration Study to determine the feasibility of incorporation. The Colorado Department of Local Affairs supplied the required research parameters. Legal review of the Colorado Revised Statutes found that “the proposed area of incorporation has to have an average of at least fifty registered electors residing within the boundaries of the proposed area of incorporation for each square mile of area”.
- It was determined that Chalets 1, 2, 3, Casita Park, the Baca Townhouse area and certain POA lands would qualify for a municipal incorporation. The high number of square miles and the low number of registered electors in the Grants would make it impossible to include the Grants in the initial incorporation. 150 additional registered electors will be required in the subdivision to include the Grants in incorporation, or the Grants could be added through annexation within one month following an incorporation election.
- The Year 2000 Census tabulated the total number of houses in the Baca Grande at 457. The total number of households in the Grants was 70, leaving the remainder of the subdivision at 387. The Year 2000 Census tabulated a resident population of 682, which would give a number per household of 1.5. The house vacancy rate of 3% was determined by a survey of local realtors.

- The Committee studied three different governance options for the subdivision: a metropolitan district, a statutory town, and a home-rule municipality. The Committee reviewed the activities, powers, financing mechanisms, and advantages and disadvantages of the metropolitan district and voted unanimously to eliminate it as a governance option. The primary reasons were the lack of enforcement capability to manage and control growth and the inability to qualify for some state and federal funding.
- The Committee researched the two types of towns allowed under Colorado State Statute: a statutory town and a home-rule municipality. After thorough consideration of the legal structure, requirements, advantages and disadvantages of both options, the Committee voted unanimously to recommend the statutory town as the most effective form of governance for the Baca Grande. The primary reasons for not pursuing the home-rule municipality were the added cost and the time and complexity required to develop a home-rule charter for a new municipality. The appendix of this report contains the steps required for incorporation and the election calendar.
- The Committee projected estimated revenues available for a municipality that would include Chalets 1, 2, 3, Casita Park, the Grants, the Baca Townhouse, area, recognizing that the Grants would have to be annexed to be a part of the proposed municipality. The total revenues, other than tax revenues, were \$313,080.
- The Committee then estimated the annual cash operating expenses for the municipality. The expenses were predicated on the assumption that the municipality would assume all of the functions of the POA. A budget was not prepared for the POA operating in a reduced capacity in tandem with the municipality, although that could be an option that could be considered.

The operating costs were also predicated on the assumptions that the municipality would offer the same level of service as the POA and that the POA assets would be transferred to the municipality. The estimated annual cash operating expenses for the municipality before depreciation were \$710,340. The net amount to the municipality to be raised by property taxes, after addition of the tax collection fee to Saguache County, was \$390,794. A mill levy of 47.5 would be required to raise this amount.

- Property taxes are computed by multiplying the assessed value of the property by the millage rate. The projected property tax assessments are : Actual value of a house of \$100,000 = \$435; a house of \$150,000 = \$652; a house of \$200,000 = \$870; a house of \$250,000 = \$1,087; a house of \$300,00 = \$1,304; actual value of a vacant lot of \$5,000 = \$69; a vacant lot of \$10,000 = \$138

- The property tax could be reduced by: (1.) An increased home buildup, which would raise the tax base (2.) Increased property tax and sales revenue from commercial activity (3.) A reduction in administrative operating costs

In the event an incorporation effort for the Baca Grande is initiated, the following tasks should be undertaken:

1. A final boundary configuration study with an official survey to guarantee the square mileage of the proposed municipality
2. A determination as to whether the Grants could be added through incorporation or annexation
3. A recheck of all revenue figures to reflect any changes
4. A finalization of the role of the POA in relationship to the proposed municipality
5. A complete budget of operating costs with dollar amounts for each line item
6. A determination of the property taxes that would be paid by Baca Grande property owners and the resulting costs of services provided by Saguache County

#### Incorporation Feasibility Analysis Conclusion

The Baca Grande Governance Research Committee has reached the following conclusion: Municipal incorporation is not feasible at this time for the reasons stated below.

1. There are not enough registered electors to incorporate the entire Baca Grande. The Grants can not be included in incorporation until 150 more registered electors reside in the Baca Grande. The Committee determined that incorporation without the Grants was too problematic to contemplate.
2. At the present time, there would be a heavy dependency upon residential property taxes to finance the municipality. With an increased population base, this burden might become more acceptable to the residents of the Baca Grande.
3. Currently there is a very small commercial tax base in the Baca Grande. If the commercial tax base were to increase, the property taxes required by residential property owners could be significantly reduced.

## SECTION I – INTRODUCTION

The Baca Grande Property Owners Association (POA) is located in the San Luis Valley of south central Colorado. The POA is a 501-(c)(4) non-profit corporation governed by a board of directors with an administrative organizational service structure. Periodically during the past fifteen years, the issue has been raised as to whether other forms of governance might be more effective for the Baca Grande.

In 1995, the Baca Grande Property Owners Association asked the Colorado Department of Local Government to do a boundary configuration study of the Baca Grande to determine the feasibility of incorporation. The findings indicated that incorporation was not possible at that time, primarily because of a lack of population.

In April 2000, the Baca Grande POA Board of Directors held a community meeting to explore again other options for governing the subdivision. Approximately fifty residents and representatives from the Colorado Department of Local Affairs were in attendance. Following this meeting, a community Governance Research Committee was formed to study other options for governing the Baca Grande subdivision.

The Governance Research Committee identified the following tasks:

- Compile a current community profile
- Review the services currently provided property owners by the POA
- Study all recent documents reflecting community values and opinions
- Conduct a governance needs identification survey to identify priorities
- Provide an updated boundary configuration study
- Study Colorado State Statutes relating to forms of governance
- Conduct an in-depth review of principal governance options with particular emphasis on a metropolitan district and a municipality
- Identify the optimum form of governance and identify its sources of revenue and operating costs
- Determine the property owner tax assessments for the new form of governance
- Provide the above information in a feasibility analysis with an appendix of all researched supplemental governance materials



## SECTION II- COMMUNITY PROFILE

The Baca Grande Subdivision is located on the eastern edge of the San Luis Valley at the base of the Sangre de Cristo Mountains in Saguache County, Colorado. The Baca Grande Subdivision of nearly 15,000 acres was planned in the 1970's as a retirement community. Originally there were 10,800 lots platted in the subdivision. By 2003, the number of lots has been reduced to 4,700, primarily through the vacating of lots and larger parcels of land and through lot consolidation.

The subdivision is comprised of the Chalets, the Grants, Casita Park, a RV park, POA property, and numerous private land holdings. Although the subdivision was originally planned as a retirement community, its demographic makeup has changed through the years. Numerous individuals operate small businesses within their homes. Professionals spend a portion of their time working in the area, with the balance spent in larger metropolitan cities.

The Baca Grande has developed a growing reputation for its spiritual centers. By 2003, approximately ten religious and spiritual institutions are located on land in or adjacent to the subdivision. The presence of these groups continues to bring people to the subdivision. Some of the visitors purchase property or decide to reside in the community, one of the factors which has contributed to the population growth of the past decade.

According to the Baca Grande POA Land Use Department, the subdivision has experienced a 243% increase in homes completed or under construction from 1990 to 2000. In 1990, there were 190 homes in the Baca; in 2000, there were 463. The homes completed or under construction by 2001 were 517 and in 2002 were 568. If growth continues at this pace, it can be projected that there will be 1125 homes in the Baca Grande in 2010. This increase in homes and population, more than any other factor, is the reason for research into other forms of governance that might deal more effectively with the pressures of growth.

The Year 2000 Census reported 457 housing units in the Baca Grande with a population of 682. Saguache County has estimated that there was considerable undercounting in the 2000 Census. Using the Census figures however, it is possible to calculate the number of persons per household at 1.5. Using the projection of 1125 homes in 2010, there could be a population of 1687 people in the Baca Grande by 2010.

Presently, the Baca Grande Water and Sanitation District provides drinking water and sanitary sewers within District boundaries. Law enforcement, limited road maintenance, and land use regulation is provided by Saguache County. The subdivision has 102 miles of roads, most of which are unpaved. There is virtually no commercial development in the Baca Grande with very few jobs available to the residents.

The POA is faced with an increasing demand for services. However, the revenue base is declining because of lot consolidations (average more than 130 lots per year), foreclosures (60 lots in 2001) and limitations on dues collection (more than a 20% bad debt ratio).

The primary interest in incorporation is to control the extent and quality of land use and to provide services on a more equitable and efficient basis. Because of the limited revenue base and inflexible dues structure, it will be difficult for the POA to continue to provide services to a growing population without a continually escalating dues structure.

The trend in municipal government is to rely more on sales tax revenue and less on property taxes to finance general governmental services. Conversely, those municipalities without a strong retail sales base typically have a large property tax. At the current time, any municipal formation in the Baca Grande will have to rely on property tax since there is virtually no commercial development.

### **Services Currently Provided by the Baca Grande POA**

The Baca Grande Property Owners Association (POA) Board assesses \$220 per lot dues, and in return provides the following services:

#### **Administration**

- Manages the operational framework of the POA
- Provides a financial function by collecting dues, disbursing funds, and performing regular accounting functions

#### **Road Maintenance**

- Maintains more than a hundred miles of roadway, which are public rights-of-way under a Declaratory Judgment
- Maintains road maintenance equipment and materials

#### **Building and Land-Use Compliance**

- Manages the Environmental and Architectural Review building process
- Enforces land use covenants
- Offers a land-use conflict resolution process

#### **Safety**

- Provides ambulance service for the Baca Grande, two adjacent towns—Moffat and Crestone, and areas north and south of the Baca Grande
- Provides fire service for the Baca Grande and mutual aid to surrounding areas

#### **Amenities**

- Leases out a 9 hole golf course and stables
- Supports a community library

- Maintains and manages an RV park and a mobile home park
- Maintains tennis courts, a playground, a ball field, a wetlands area, greenbelts and three parks

Community Support

- Provides information to tourists and potential land purchasers
- Maintains a POA hall for community use
- Funds community service and youth programs
- Publishes and distributes a property-owner newsletter
- Offers a POA website as an informational resource for property owners

### **SECTION III – GOVERNANCE NEEDS IDENTIFICATION RESEARCH**

The primary function of this phase of the feasibility analysis was to identify community governance needs and priorities. To accomplish this goal, the Governance Research Committee reviewed in depth the following: the Saguache County Survey, the Baca Grande POA Membership Survey of 1998, the revised POA Covenants and Restrictions, the Sub-Area Master Plan, and the 1995 Crestone, Moffat, Baca Community Vision Search Conference.

The Community Vision Search Conference, held January 13-15, 1995 developed the following goals for the Baca Grande:

A community where each individual actively shares in the responsibility for sustaining and enhancing a quiet, simple, rural way of life, in which ...

- Inconvenience is a virtue
- Spirituality is honored
- Wildness in nature is revered and protected
- Sense of small community is sustained
- Governance is participative and democratic
- Ecological sustainability is encouraged in agriculture, architecture, business and life-styles
- Physical infrastructure minimally impacts the environment
- Social structures reflect our diverse, experimental life-styles and serve all age groups
- Businesses are small, provide basic community needs and employ local residents
- Open space and agricultural lands are preserved.

The Baca Grande POA Membership Survey of 1998 had 888 property owner respondents and basically supported the Community Vision Search Goals.

In 2001, a Governance Needs Identification Questionnaire was circulated throughout the Baca Grande to learn what aspects of government were important to the residents, since they would be the ones voting for incorporation. Over 100 residents filled out the survey, providing a return of approximately 17%. Listed below are the aspects of government residents said they wanted in order of priority:

1. Equitable and reasonable taxes or dues
2. Preservation of wildlife and rural areas
3. Control of growth and development
4. Good emergency services and fire department
5. Road maintenance and improvement
6. Ability to qualify for federal/state/county funding
7. Ability to qualify for long term financing for capital equipment and improvements

8. Enforcement of animal control
9. Enforcement in the collection of revenues
10. Resident voter control
11. Enforcement of ordinances and laws
12. Building codes
13. Community center

It is of interest to note that control of growth and development was a high priority in the returns of the Governance Needs Identification Survey and the Baca Grande POA Membership Survey. However, enforcement of ordinances, laws and rules – the primary way of guaranteeing growth controls – was ranked a low priority. This opposing opinion regarding control of growth and opposition to enforcement of ordinances highlights the importance of further community education and review regarding this matter.

## SECTION IV – BOUNDARY CONFIGURATION STUDY

A boundary configuration study of the Baca Grande Subdivision was done to determine the feasibility of incorporation. The Colorado Department of Local Government indicated that the following information would be necessary for a boundary configuration study:

- A legal opinion on the minimum population density requirement and any other pertinent legalities
- The number of houses within the anticipated boundaries
- The number of persons per household
- A house vacancy rate

### Minimum Population Density Requirement

Legal review of the Colorado Revised Statutes found that "the proposed area of incorporation has to have an average of at least fifty registered electors residing within the boundaries of the proposed area of incorporation for each square mile of area". Pete McGee of the GIS-GPS Authority provided the square mileage figures. The square miles contained within the Baca Grande Subdivision are:

Casita Park	0.20 square miles
Chalet 1	3.98 square miles
Chalet 2	1.60 square miles
Chalet 3	0.10 square miles
Grants	9.94 square miles
Baca Townhouse area and POA lands	0.60 square miles
Total	16.42 square miles

Based upon the statutory requirements, 821 registered electors are required for the 16.42 square miles within the proposed boundaries. The Year 2002 registered electors' list shows 544 registered electors for the Chalets and Casita Park and 127 registered electors in the Grants for a total of 671 registered electors. This total is 150 registered electors short of the statutory requirement for incorporation.

It would be possible to reduce the initial area of incorporation to the Chalets, Casita Park, the Baca Townhouse area and the POA lands, which have a total area of 6.48 square miles and 544 registered electors and meet the statutory requirements. If this course were followed, there would be two options for the Grants: (1.) Defer the incorporation until such time as there are an additional 150 registered electors, so that the Grants can be included in the boundary of the municipality (2.) Add the Grants after the incorporation election through the annexation process. Annexation does not have the registered voter requirement but does require the approval of the majority of the landowners. The annexation

alternative runs the risk of not being approved by the landowners in the Grants with an array of problems that would be created.

Casita Park can be included in the boundary for a municipality through the flag pole ruling. This ruling states that a non-contiguous area can be included within the boundary of a town, even though it is not directly adjacent, if a connecting road ties in to a road within the proposed town's boundary. Debbie Downs of the Colorado Department of Local Affairs supplied this information.

It is of interest to note that in 1995, Marvin Koleis of the Colorado Department of Local Government did a boundary configuration study of the Baca Grande to determine the feasibility of incorporation. He found that only Chalet 1 and Casita Park met the population density requirements at that time. The growth occurring in the Baca Grande is reflected in the fact that Chalets 2 and 3 could be included eight years later within the legal requirements for incorporation.

### **The Number of Houses Within the Anticipated Boundaries**

There appear to be different figures for the number of houses in the Baca Grande. The 2000 Census listed the following:

- Total number of households for the Baca Grande = 457
- Total number of households in Chalets 1,2,3 and Casita Park = 387
- Total number of households in the Grants = 70

There has been some dispute at the Saguache County level regarding the accuracy of these figures, because voter records indicate a larger number of residents in some areas than the Census numbers indicate. When the number of households is needed for funding or incorporation purposes, a case can be made for revising the Census numbers based on POA building permits, voter registration records or other substantial records.

### **The Number of Persons Per Household**

The 2000 Census count indicated that the average number of persons per household in the Baca Grande was 1.5. The figure given for the average number of residents per household in Colorado is 2.5. Again, the case can be made for reviewing voter registration records to determine if there is a more accurate count since the Baca Grande does appear to fall substantially below the state average.

### **House Vacancy Rate**

Local realtors were contacted to determine the number of homes that were vacant in the Baca Grande. They identified from 13 to 16 homes as unoccupied, drawing an average of 15 as an accurate representation for the vacancy rate figure. This is a 3% vacancy rate, using the census figure of 457 households

## SECTION V – INCORPORATION OPTIONS

### Introduction

The Governance Research Committee studied three different governance options for the Baca Grande Subdivision: a metropolitan district, a statutory town, and a home-rule municipality. Listed below is the research on all three options with the conclusions formed by the committee as to which one would be best suited for the Baca Grande.

### Metropolitan District

The governing body for a metropolitan district is a directly elected Board of Directors. Metropolitan districts can provide two or more of the following: water, sanitation, fire, street, safety protection (not police), mosquito control, transportation systems, TV relay and translation, parks and recreation.

The district has the powers of construction, operation, and maintenance, and condemning property. It can levy property taxes and charge rates, tolls and fees. It can issue general obligation bonds, revenue bonds, and special assessment bonds.

### Advantages

- Provides access to public improvements and services in areas where general purpose local governments are unable or unwilling to finance such improvements and services
- Offers more efficiently limited improvements and services than establishing a municipality
- Provides more local control, since directors are elected from the district
- Provides developers with a mechanism for raising capital when economic conditions make it difficult to obtain capital from conventional sources
- Has authority to operate and maintain improvements and/or services after they are completed or established

### Disadvantages

- Is unable to manage or control growth through ordinances and planning
- Adds to the unnecessary proliferation and fragmentation of local governments and to the diffusion of local tax sources if other options, such as annexation, are available
- Bonds issued by districts in expectation of continued economic expansion may be at default
- Developer boards may put developer interests ahead of citizens' interests
- May disrupt regional planning efforts, especially if the district is established to finance new development



## **Conclusion**

After careful review of the activities, powers, financing mechanisms, advantages and disadvantages of the metropolitan district, the Governance Research Committee voted unanimously to eliminate the metropolitan district as a governance option for the Baca Grande. The primary reason for this decision was the lack of enforcement capability to manage and control growth. One of the three top priorities in the Governance Needs Identification Study was the control of growth and development. Also, a metropolitan district does not qualify for some federal and state funding available to a municipality.

## **Statutory Towns and Home-Rule Municipalities**

### **How to Incorporate:**

The following description of the process of incorporation is intended only to give a basic understanding of the steps that must be taken when attempting to incorporate a new municipality. The Governance Research Committee recommends that the professional staff of the Colorado Municipal League, or other persons with expertise in municipal law and management, be consulted before any effort is made toward incorporation. All steps to incorporation are found in the Colorado Revised Statutes Title 31, Article 2, Part 1.

### **Step One: Petition to District Court (CRS-32-2-101)**

To incorporate, a petition must be filed in the District Court in the county where the proposed city or town is located. 150 qualified electors who are residents and landowners within the proposed city or town must sign this petition for incorporation. (If the county has fewer than 25,000 persons, only 40 electors need to sign the petition). The 2000 population of Saguache County is 5,917 persons. Thus, the petition requires only 40 signatures of electors.

This petition must accurately describe the area to be incorporated and include a map. It must state the name of the proposed municipality, and the number of persons residing within the designated boundaries. The area to be incorporated must be urban in character and have an average of at least fifty registered electors residing within the boundaries of the area for each square mile of area.

If the proposed area of incorporation will have fewer than 500 registered electors, the county commissioners must hold a public hearing to rule on whether the petitioners may conduct an incorporation election. The public hearing must have at least a 30 days notice. Since the number of registered electors will in any event exceed 500, no public hearing will be required.

### **Step Two: Incorporation Elections**

If the district court finds and determines that the territory described in the petition

and the petition itself meets the requirements, it will appoint from five to nine commissioners, who are registered electors within the territory. It is the responsibility of these commissioners to arrange for an election on the Incorporation issue.

The time needed to prepare for an election is estimated at 75 to 120 days. The Colorado Municipal Elections Code of 1965 must be used and followed. The form of the ballot shall simply be "For Incorporation" and "Against Incorporation."

### **Step Three: Organization of a new city or town (31-2-104)**

If a majority of votes cast at the incorporation election favor incorporation, and the election is certified by the District Court, the Election Commissioners proceed to arrange for the election of municipal officers. As with any public election, adequate public notice must be provided for the election of officers.

The incorporation process is completed when newly elected officers are installed, and the new municipal ordinances are adopted and published. Challenges to the legality of the various elections may arise only during the first six months after the election.

If the incorporation election succeeds, the new municipality must bear the costs of that election, and the cost of electing officers. If the incorporation election fails, the bond filed in court by the original petitioners must bear these costs.

The county in which the new city or town is located will, upon request of the municipality, continue to provide services to the area for a period not to exceed one year. This gives the new municipality the opportunity to collect its first taxes before attempting to provide services.

### **Step Four: Home Rule Charters**

If the residents of the proposed municipality wish to adopt a home rule charter upon incorporation, the original incorporation petition must state that intent and be signed by 5% or approximately 35 voters of the registered electorate. In this event, voters are asked, on the same ballot, if they wish to incorporate, and if they wish to form a home rule charter commission. Also, on the ballot will usually be a list of nominations for candidates to sit on the Charter Commission. If a majority of voters favor incorporation but reject the development of a charter commission, the municipality is established statutorily. A home rule charter can be adopted at any time thereafter pursuant to: Colorado Revised Statutes, Title 31, Article 1, Part 2.

### **Authority of Municipal Government:**

In the United States, all political power originates with the citizens. The power of

the federal government is limited by the Constitution that specifically enumerates those powers that the federal government is permitted to exercise. Any power not specifically reserved to the federal government in the Constitution, is reserved for the individual states. The powers of states are limited by individual State Constitutions, which are approved and amended only by citizens of that state. States, through provisions of their constitutions, can delegate some of their authority to municipal governments.

There are four classes of municipal government presently empowered in Colorado. These are: (1) statutory towns; (2) statutory cities; (3) home-rule municipalities, and; (4) territorial charter cities.

**STATUTORY TOWNS:** These municipalities are empowered and limited by provisions of state statutes. By statutory definition, towns generally have populations no greater than 2000. When this threshold population level is reached, statutory towns may reorganize as statutory cities.

Town governments are required by statute to have a mayor, a board of trustees, a town clerk, a treasurer, a town attorney, judge and a marshal. General corporate authority of the town is vested in the board of trustees. The mayor presides over meetings of the board. The board consists of six trustees who have resided in the area for at least one year, and who have been duly elected in a general election.

The clerk of the town is responsible for determining the specific duties and responsibilities of officers, as well as salary levels. Further, this board may choose to employ other officers, or assistant officers not otherwise mandated by statute, if these officers are needed in the interests of good government.

**STATUTORY CITIES:** There are two major types of statutory city governments: Mayor with a city council, and city council with a city manager. Statutory cities are established under mayor-council administrations and may elect at any time thereafter to reorganize into a council-manager administration, pending petition and vote of the residents.

Mayor-council cities must hold regular elections for residents to elect a mayor, a city clerk, a city treasurer and a city council composed of two elected council members from each ward in the city. The responsibilities of these officers are similar to those of the corresponding officers of a town. However, since statutory cities are usually larger than statutory towns, the workload of these city officers is usually heavier.

The city council appoints other city officers including a city attorney, a municipal judge, and other necessary officers. Each of these officers is subject to the orders and control of the mayor.

City council-city manager forms of government differ from mayor-council systems primarily in the delegation of municipal administrative authority. In the manager system, voters elect members of the city council, who themselves elect members of their own ranks to the positions of mayor and mayor pro tem. The council also appoints a city manager that becomes the chief administrative officer of the city. Managers are selected solely on the basis of professional, executive and administrative expertise and need not be a resident at the time of appointment.

In the manager system, the mayor is considered the ceremonial head of the city government but has little, if any, powers other than the power of any other alderman. Managers, however, have significant administrative authority which includes the supervision, and in some cases, the appointment of city officers. Managers are usually expected to attend council meetings but they do not have a vote in any of the proceedings.

**HOME-RULE MUNICIPALITIES:** Municipalities, regardless of the size of their population, have the right to adopt home-rule charters that free these municipalities from many of the legal obligations of statutory cities and towns.

Historically, municipalities throughout the nation have been viewed as 'creatures of the state', dependent upon the state for their creation and continued existence. As a result of this viewpoint, municipalities were often allowed to exercise only those powers expressly granted to them by the state (Colorado Municipal League, Home-rule Handbook (1978) p.1.). However, in Colorado and many other states, it was often found that the state governments were overly involved in the internal affairs of cities, or too slow to react to individual cities' problems.

Early in this century, citizens of Colorado adopted Article XX of the Colorado State Constitution, which created a mechanism whereby cities with population of more than 2000 could compose and adopt their own home-rule charters. This authority was extended to towns with population less than 2000 by the adoption of Section 9 of Article XX in 1970.

The Colorado Municipal League has published a handbook on home rule. Listed below are some of the advantage and disadvantages.

### **Advantages**

1. A home rule municipality need not depend solely on state legislation for its power to act, but may also look to the specific and general grants of power in Article XX of the Colorado Constitution.
2. Because home rule municipalities have more sources of power than statutory municipalities, home rule municipalities have greater flexibility when finding solutions to local problems, thus making possible a more effective and efficient local government.
3. Home rule increases local control over local problems and may thereby

result in increased citizen interest and participation in their local government.

4. Home rule enables a municipality to establish its own form of government as well as its administrative organization and resolutions.
5. A home rule municipality may establish its own procedures for adopting ordinances and resolutions.
6. Home rule allows a municipality to exercise more control over its own finances by: creating new tax sources; tailoring taxes to fit the needs and desires of the municipality; setting its own debt limitations or having no limitations, as it desires; establishing procedures for the issuance, funding and repayment of bonds; and allowing the expeditious transfer of funds among municipal departments.
7. Home rule places local decision-making in the hands of those officials who are closest to the people and makes those officials totally responsible for decisions.
8. A home rule charter may be amended at any time with the consent of the citizens and the citizens may initiate any such amendment.
9. Home rule places the responsibility for the quality of municipal government more firmly in the hands of the municipality own citizens and officials.
10. Home rule protects the municipality from undue legislative interference.

#### **Disadvantages**

1. The cost of adopting a home rule charter may be moderately heavy.
2. The exact limits of home rule powers have not been precisely defined so that the power of a home rule municipality to act in a relatively new area may be subject to question.
3. If a municipality adopts a very restrictive home rule charter, the very advantages of home rule may well be lost.

#### **Advantages and Disadvantages of Incorporation In General:**

##### **Advantages**

1. The municipal corporation can be the most satisfactory form of government for the performance of many services and functions of primarily local concern. It is the only form of local government that can perform some of these functions. Other functions can be performed by county and state governments but the result can be less local control over local issues and services. Some of the services that are often best performed by a local municipal government include:
  - a. Local law enforcement, i.e., the maintenance of a city police force and a municipal court.
  - b. The construction and maintenance of a local street system (which also makes the city eligible for certain highway funds shared by the state with cities).

- c. The construction of a sanitary sewer system, a storm sewer system, a water delivery system and a street lighting system, or in conjunction with a Water and Sanitary District.
  - d. The possible operation of a fire department.
  - e. The optional adoption of building, fire and health codes and other ordinances to protect the lives and property of residents.
  - f. The creation and use of a planning body to help bring about orderly development of a community.
  - g. The development of parks and recreation facilities.
  - h. The management of local finances, including the collection of local taxes.
2. Incorporation will provide a city government through which the community can express itself and more effectively meet its local problems.
  3. Separate incorporation may help to preserve the unity and pride of a community, as well as its individuality.
  4. Incorporation areas are discrete political units that cannot be annexed, in whole or part, by neighboring cities.
  5. If considerable growth is anticipated in an area, it may be best to incorporate at an early stage before problems become too complex.

**General Disadvantages**

1. Additional taxes are needed to provide services. When an area incorporates, certain services previously provided by the county become the responsibility of the city, including land use controls and zoning, law enforcement, street and road maintenance and construction. Local funds must be obtained to provide these services, but most county taxes are not decreased.
2. If citizens aren't interested or constructively involved in their municipal government, local problems may not be resolved any better through their local government than through existing government entities. New cities depend on the involvement of residents when formulating policies and ordinances. Without such involvement, local policies and ordinances may not truly represent the will of the citizens.
3. Depending on the particular area, its size and growth potential, citizens may be unable or unwilling to afford an additional layer of government.
4. The performance of functions by a city sometimes results in duplication of services, if those functions are being adequately performed by the county, state or local special districts.

5. Some services, such as those rendered by County Health Departments, can sometimes be performed most adequately, efficiently and economically if performed on a county or regional basis.
6. The creation of numerous cities in a region may disrupt regional planning and regional service coordination, since each city is empowered to act independently.

### **Conclusions**

After thorough consideration of the legal structure, requirements, advantages and disadvantages of statutory town and a home-rule municipality government, the Governance Research Committee voted unanimously to recommend the statutory town instead of the home-rule municipality as its choice for the most effective form of governance for the Baca Grande. The primary reasons were: the cost and time required to develop a home-rule charter and the complexity in doing so when converting from a non-profit property owners association to a municipality.

## SECTION VI - ANNEXATION

### General Consideration:

The newly incorporated town in the Baca Grande Subdivision can annex property within a 3-mile limit of the newly formed corporate boundaries. One strategy would be to establish the incorporated town (Chalets, etc.), and then, as quickly as possible, annex the Grants area (9.94 square miles).

Annexation is a form of self-determination (Annexation in Colorado, 1991 Edition, Colorado Municipal League). For the annexing municipality it represents the most effective (and sometimes the only) means by which it can guide its own future. For the annexing property owners and residents, it represents a personal decision to become a formal part of a community to which they already relate. In Colorado, it is particularly significant that present annexation law allows only a few limited circumstances in which the consent of the landowners and residents of the area is not needed as a prerequisite to annexation. The vast majority of all annexations in Colorado are initiated by and subject to the approval of the landowners in the area to be annexed.

At least one of these conditions must exist before an unincorporated area may be annexed to a municipality:

1. The questions of annexation has been submitted to a vote of the landowners and registered electors of the area to be annexed, and the majority of such persons voting have voted for annexation; or
2. The annexing municipality has received a petition for annexation signed by more than 50% of the landowners in the area who own more than 50% of the land; or
3. The area in entirely surrounded by or is solely owned by the annexing municipality.

Additionally, as a precondition to any valid annexation, the parcel annexed must not have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year.

### Advantages:

1. Annexation eliminates the need to form a new municipal government with its attendant "start up costs," or continuing costly special districts.
2. Annexation both protects and enhances the municipal tax base. The increase in municipal property valuation increases a municipality's ability to issue general obligation bonds that, in Colorado, are generally limited to



a percentage of total assessed evaluation of all property in the municipality.

3. Annexation may avoid future fragmented police services. A fundamental problem confronting law enforcement is that of fragmented crime suppression efforts resulting from a large number of uncoordinated law enforcement agencies.
4. Annexation gives rural residents a voice in the government of the larger community in which they live. Residents in the unincorporated fringe areas can be substantially affected by actions of the municipality, but they have no direct participation in its governmental affairs.
5. Business, professional, and community leaders who live in the fringe area can have a more direct role in community affairs by being elected or appointed to public office in the municipality.
6. Annexation causes political boundaries to reflect existing sociological, economical, and physical realities. This in turn recognizes that the municipality and its fringe areas share common social and cultural attributes; the artificial presence of a municipal boundary separating portions of this cultural and social community is unwelcome and unnecessary.
7. Annexation increases a municipality's size and population, and in some instances raises its level of political influence, its prestige, and its ability to attract desirable commercial development.

**Disadvantages:**

1. Annexation may destroy the rural character of the fringe area.
2. In some cases, residents and businesses chose to locate in the fringe area specifically to avoid municipal taxes for municipal services they do not desire. Annexation subjects them to these unwanted taxes.
3. Residents of the fringe area may distrust or oppose the government and politics of the annexing municipality.
4. Depending upon the development density granted after annexation, the annexed territory may become a financial drain on the annexing municipality.
5. Annexation may be unnecessary if the community's needs or resources are limited. It may be unwise if the community is not physically, economically, or socially related to the annexing municipality.

6. Residents of the fringe community may desire a higher degree of community identity than they believe they will enjoy as part of a large municipality.

## SECTION VII - REVENUE PROJECTIONS

The following revenue projections are based on a municipality that includes Chalets 1, 2, 3, Casita Park, the Grants, the Baca Townhouse area and POA land.

### 1. Saguache County Road and Bridge Fund - \$3,102

Colorado Revised Statute 43-2-20 requires counties to apportion an amount of County Property Tax that is allocated to County Road and Bridge Fund back to municipalities within that county. Compilation is based on County Road and Bridge Fund Mill Levy X one-half X the Municipal Assessed Value. Saguache County Road and Bridge mill levy is 0.771 mills. The actual Assessed Value for the Baca Grande, which includes Chalets 1, 2, 3, Casita Park and the Grants, is \$8,047,073.

### 2. Highway Users Tax Fund - \$209,000

The proposed municipality of the Baca Grande has an estimated 102 miles of roads. HUTF's are primarily state gasoline taxes and license fees that are proportioned back to the counties and municipalities. A municipality's proportion is based on a formula that weighs the number of miles of roads in a town as a percentage of all road miles in the state and the number of vehicle registrations in the town as a percentage of statewide vehicle registration.

Roads are weighted 20 per cent and auto registration 80 per cent. The critical variable is the level of auto registration. 95% of this revenue must be used for road maintenance and construction. Although the mileage in the Chalets and the Grants is roughly equal, the Grants contain 16% of the housing units and vehicle registration. It is estimated that 70% of the revenue from the Highway Users Tax Fund would be available for the proposed municipality.

### 3. Motor Vehicle Special Assessment - \$2,823

Colorado motorists are obligated to register their vehicles and pay a fee. Part of the fee is returned to the municipality in which the vehicle is registered. The average per capita revenue is \$4.60. The probable revenue figure is based upon the Saguache County formula for the Crestone area, which is 659.50 registered vehicles X 4.28 estimated per capita revenue.

### 4. Licenses and Permits - \$9,264

This revenue category includes liquor, dog and business licenses and building permits. In the ten study towns, the revenues collected from licenses

and permits were \$12 per capita. Assuming the proposed municipality will choose low fees initially, the figure of \$8.00 per person is selected.

**5. Fines, Fees, and Forfeits - \$11,580**

This revenue is generated from fines paid to the city for violations of municipal ordinances. The revenue is proportional to the size of the population. Per capita estimates for revenues equaled \$10.00.

**6. Cigarette Tax - \$165**

A municipality receives a portion of the tax on cigarettes collected by the State of Colorado. Because of the low sales tax in the Baca Grande, a comparison of other cities generated the projected revenue.

**7. Sales Tax – \$12,000**

There are very few sources of sales tax in the Baca Grande. Based on interviews and estimates and based upon a 3% sales tax rate (\$400,000 retail sales X .03), the projected revenue is \$12,000. The nearby towns of Crestone and Saguache have a 3% sales tax rate.

**8. Transient Occupancy Tax - \$1,988**

The Transient Occupancy Tax is a fee attached to the rental of rooms. Based upon interviews, a rough estimate of transient rentals is \$133,000. The yield is based on a tax of 1.5%.

**9. Use Tax - \$0**

Statutory Municipalities may impose a Use Tax only on vehicles and building materials. Use taxes are similar to sales taxes in that they are levied in proportion to the purchase price of consumer goods. However, where sales taxes are paid to the city in which the purchase is made, use taxes are paid to the city where the purchaser resides or operates. This tax is too complex for a small jurisdiction to collect effectively and is not recommended.

**10. Miscellaneous Revenue - \$15,000**

Miscellaneous revenues averaged \$32.00 per capita annually in the ten comparison communities. Interest on savings and checking accounts are the largest contributors in this category. Rents, charges for service, and sales of property also fall into this category. While the Baca Grande will not have much, if any, first year's miscellaneous income, a conservative estimate of \$15,000 is realistic.

**11. Franchise Agreements - \$0**

Public utilities, such as electric and natural gas, can be required to obtain franchises to operate within municipal boundaries. Given the current service delivery pattern, franchise agreements are probably not possible. The burden of franchise fees is placed on the consumer and not the utility.

**12. Specific Ownership Tax - \$9,264**

This is a tax paid by owners of motor vehicles, trailers, semi-trailers and trailer coaches in lieu of any property taxes. The amount of the tax paid is a function of the class, age and value of the vehicle. The average per capita for comparable jurisdictions is \$8.00.

**13. Conservation Trust - \$9,264**

Colorado Revised Statute 29-21-1-0 requires a portion of the revenue collected by the state from lottery funds to be apportioned to municipalities, counties and recreation districts. The amount apportioned back to local governments varies annually, but it usually ranges from \$8 to \$9 per capita. These revenues are restricted to capital improvement associated with recreation and parks. This study has utilized \$8 per capita.

**14. Baca Grande POA Departmental Revenues – \$29,632**

This figure is taken from the actual revenue generated by the Baca Grande Maintenance Department, Fire Department, and Ambulance Service in 2002.

**Total Revenues - \$313,082**

\* A municipality has the capability of applying for state and federal grants. No estimate for this revenue source was included in these calculations.

## **SECTION VIII – EXPENSE ANALYSIS**

### **Expense/Revenue Comparison**

#### **Assumptions**

This is a projected budget for the municipality, which includes the annexed Grants. This budget is predicated on the following assumptions:

1. That a municipality for the Baca Grande could take over all of the functions of the POA, or it could undertake a major portion of the POA functions with the POA operating in a reduced capacity in tandem with the municipality. However, this projected budget is predicated upon the municipality assuming all of the POA functions.
2. That the municipality would provide the same level of services as are currently being provided by the POA. The actual cash operating costs of the POA for fiscal year 2002, before audit and depreciation, were used as a basis for the financial projections, subject to adjustments as specifically set forth in this report.
3. That the cost and revenue projections are based on the premise that Chalets 1, 2, 3, Casita Park, the Grants, the Baca Townhouse area and POA land will be a part of the municipality. The inclusion of other adjacent private property, while not included merits consideration.
4. That all POA assets would be transferred to the municipality in exchange for the municipality assuming the functions presently conducted by the POA.

#### **Estimated Annual Cash Operating Expenses for the Municipality**

Projected operating expenses for the municipality were taken from POA 2002 actual operating costs, before audit and before depreciation (rounded to the nearest \$10.). It was decided to list the totals only in each budgetary category and not include salaries because of the variables that could be used in establishing job responsibilities.

#### **Administration**

Mayor, Town Council (voluntary)  
General Manager  
Treasurer  
Clerk/Office Administrator  
Land Use Administrator  
Part-time Administrative Assistant

Attorney	
All other administrative costs	\$295,470

**Maintenance**— Roads, parks, amenities, buildings

Operations Manager	
2 Maintenance Operators	
All other maintenance costs	\$257,950

**Fire Department**

Fire Administrator – part time	
Contract labor	
All other Fire Department costs	\$55,900

**Ambulance Services**

EMT Administrator	
All other Ambulance Service costs	\$77,710

**Library**

Library Administrator – part time	
Library cataloger – part time	
Selected library costs	\$23,310

<b>Total</b>	<b>\$710,340</b>
--------------	------------------

**Adjustments to Actual POA Operating Expenses**

Addition of expenses, which would be incurred by a municipality, that were not included in the actual POA expenses:

Judicial functions – Judge and Marshal	\$6,000
Annual reserves (6% of operating expenses)	\$40,000
<b>Total</b>	<b>\$46,000</b>

Deduction for costs incurred by the POA that would not be incurred by the municipality:

County Real Estate and Personal Property Taxes	<b>\$16,410</b>
Recording fees on assessment liens	<b>\$ 1,190</b>
Newsletter	<b>\$14,590</b>
Administrative salary for billing and collection of dues	<b>\$32,000</b>
<b>Total</b>	<b>(\$64,190)</b>

**Estimated annual cash operating expenses for the municipality before depreciation:**

**\$692,150**

**Comments**

- This budget does not include operating costs for a police officer with attending expenses. Because of the expressed opposition by many residents to local law enforcement during the Needs Identification Survey, it was determined that polling of the residents would be advisable before a decision could be made to include this cost in the budget. The cost for a police officer with uniform, salary and car was estimated at between \$40,000 and \$50,000.
- Colorado State Statutes mandate the following: a town administrator, clerk, treasurer and town attorney, judge and marshal. All of these positions are included in the budget for the municipality.
- It was determined that the responsibilities of a town clerk, required for the municipality, could be assigned within the existing administrative structure without an increase in administrative monies.
- An annual reserve allocation of \$40,000, although not technically an operating cost, has been included in the budget as a part of prudent fiscal management.
- If an incorporation effort is undertaken, a new budget should be established with updated revenue figures and operating costs listing actual job positions, salaries and line items.



## SECTION IX - MILL LEVY ASSESSMENT

Municipality annual operating costs	<b>\$692,150</b>
Municipal revenue projections	<b>\$313,080</b>
Net amount that the municipality needs to raise by property taxes	<b>\$379,068</b>
Tax collection fee payable to Saguache County (3% of total taxes)	<b>\$11,726</b>
<b>Total amount to be raised by property tax</b>	<b>\$390,794</b>

Based upon the total assessed valuation of the Baca Grande (Chalets 1, 2, 3, the Grants, Casita Park, the Baca Townhouses, and the Desert Sage) for year 2002 of \$8,228,726, a mill levy of 47.5 per thousand (.0475) will be required to raise \$390,794. Applying this mill levy to houses and vacant lots will result in the following municipal property taxes:

<u>Actual value</u>	x	<u>Factor</u> *	=	<u>Assessed Value</u>	x	<u>Millage</u>	=	<u>Property Tax</u>
House \$100,000		9.15%		9,150		.0475		\$435
House \$150,000		9.15%		13,725		.0475		\$652
House \$200,000		9.15%		18,300		.0475		\$870
House \$250,000		9.15%		22,875		.0475		\$1,087
House \$300,000		9.15		27,470		.0475		\$1,304
Vacant lot \$5,000		29%		1,450		.0475		\$69
Vacant lot \$10,000		29%		2,900		.0475		\$138

\*This factor is set annually by the State of Colorado to convert actual value to assessed value. Property taxes are computed by multiplying the assessed value by the millage rate. In March 2003, the assessed value of Chalets 1, 2, 3, the Grants and Casita Park is \$8,047,073. The assessed value for the Baca Townhouses and lots and the Desert Sage is \$181,653. The total assessed value for the Baca Grande is \$8,228,726.

- It should be noted that, in the event of incorporation, the Baca Grande property owners will still pay the Saguache County taxes currently being assessed them.
- In order to determine the actual out of pocket costs to Baca Grande property owners if incorporation occurred, the annual POA dues should be subtracted from the property tax to determine what property owners will have to pay for their governmental services. One estimate was that POA dues could be reduced to \$35 or \$65 a year. If all functions of the POA were incorporated into the town, there would be no POA dues assessed to Baca Grande property owners.
- The current existing tax base is:

Saguache County	22.531 Mill Levy
Moffat School District	54.394 Mill Levy
Rio Grande Water District	2.35 Mill Levy
Baca Grande Water and Sanitation District	<u>38.792 Mill Levy</u>
 Total	 118.067 Mill Levy

**Comments**

Property tax could be reduced by the following:

1. Increased number of homes, which would raise the tax base
2. Property tax and sales tax revenue from commercial activity
3. A reduction in administrative operating costs

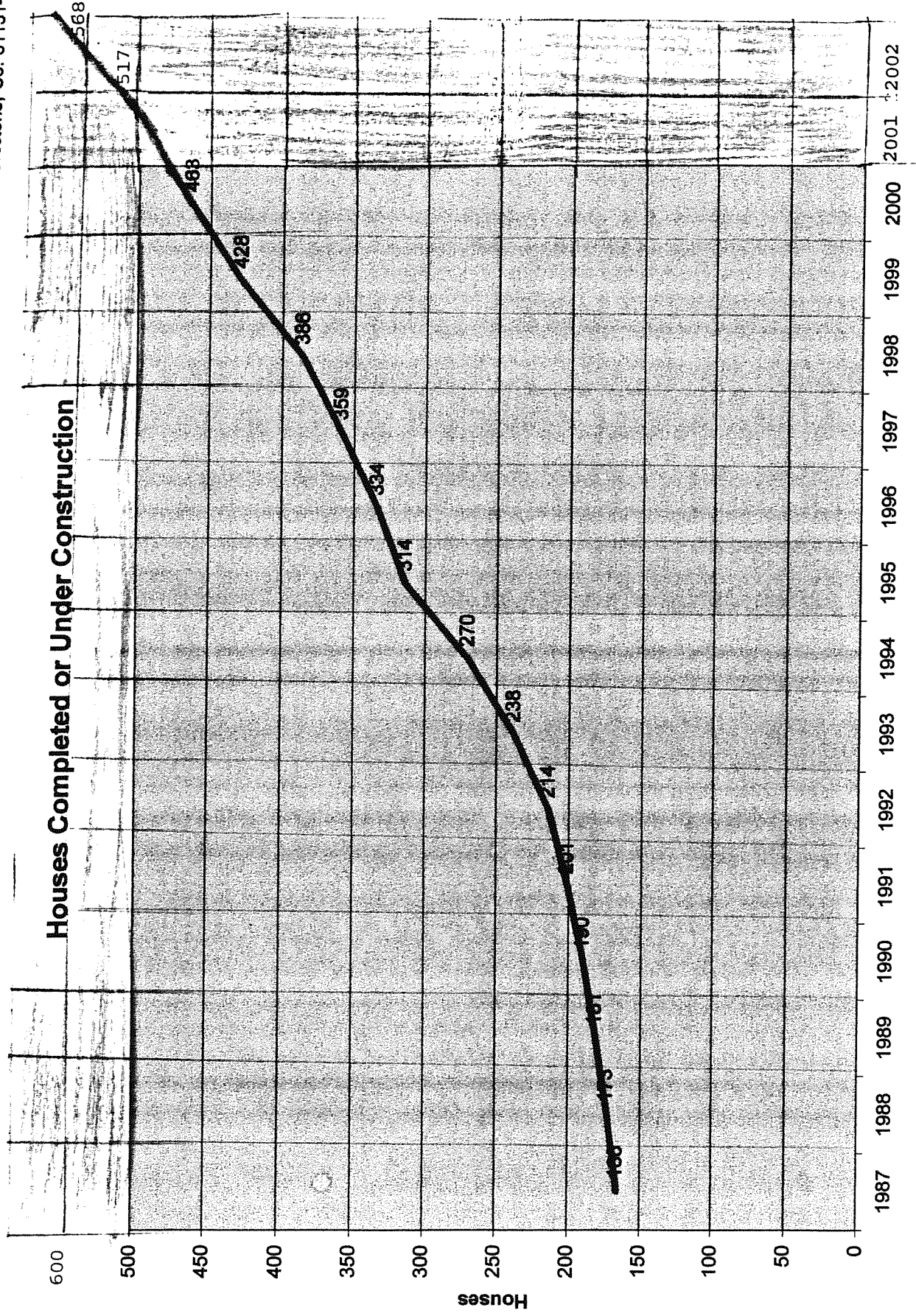
**APPENDIX A**

**PROPOSED MUNICIPAL BOUNDARIES**

**APPENDIX B**

**BACA GRANDE POA HOUSES  
COMPLETED OR UNDER  
CONSTRUCTION**

BACA GRANDE POA  
P.O. Box 237  
Crestone, Co. 81131-0237

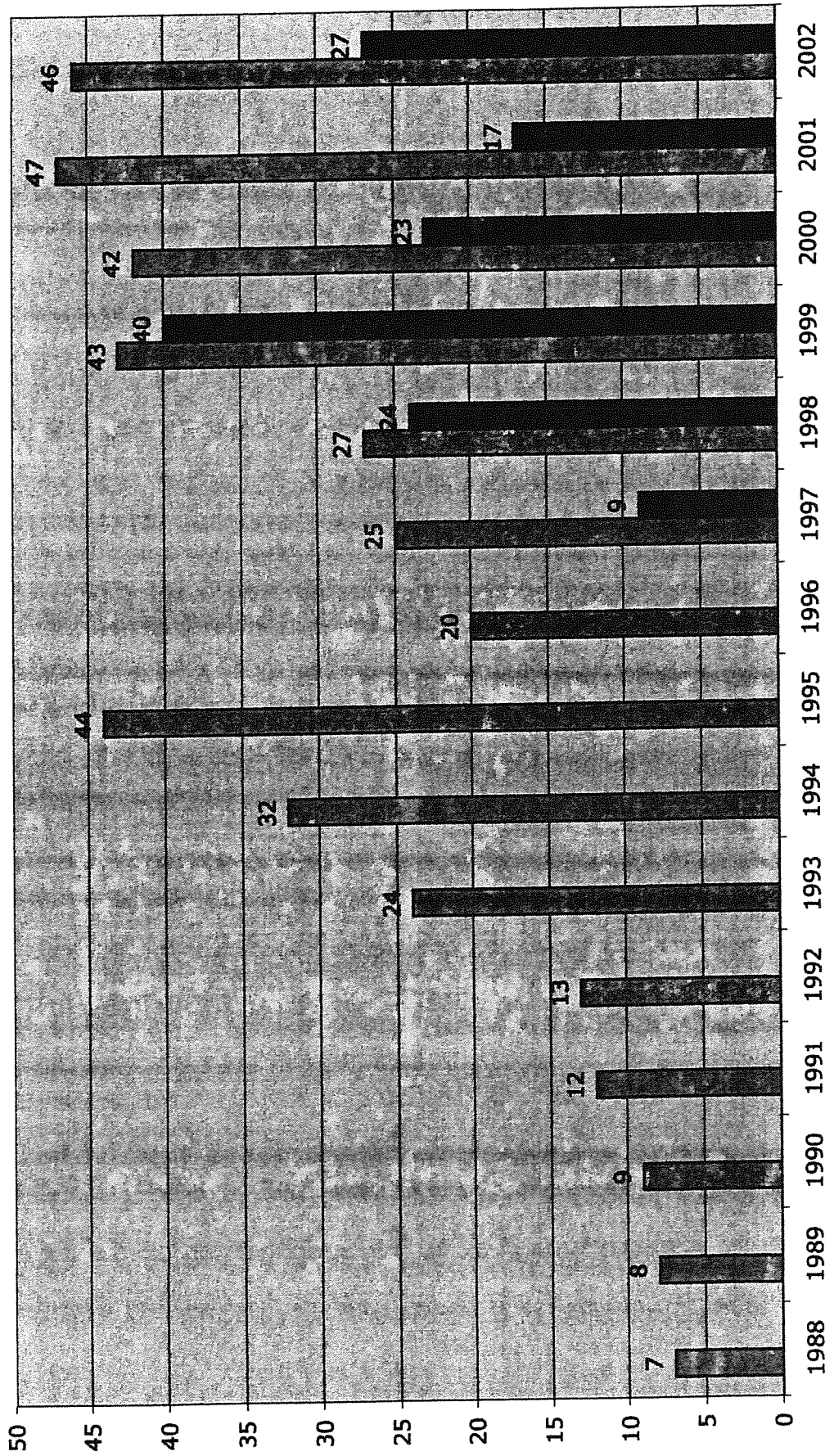


**APPENDIX C**

**BACA GRANDE POA NEW AND OTHER  
CONSTRUCTION**

# Baca Grande POA

## New and Other Construction



New Construction  
 Other Construction  
 HOUSE STARTS      REMODELS, ADDITIONS, SHEDS, ETC.

Information on other construction not charted before 1997  
 2002 statistics through September

**APPENDIX D**

**COMPARISON AMONG SIMILAR CITIES**



COMPARISON AMONG SIMILAR CITIES

	Bow Mar	Dolores	Fowler	Haxtun	Kersey	Manassa	Pierce	San Luis	Simla	Silver Cliff	Average Per Capita
TOTAL REVENUE	\$379.00	\$953.00	\$353.00	\$445.00	\$397.00	\$156.00	\$314.00	\$479.00	\$318.00	\$319.00	\$411.00
TOTAL TAXES	\$243.00	\$315.00	\$144.00	\$208.00	\$196.00	\$68.00	\$164.00	\$125.00	\$104.00	\$170.00	\$174.00
PROPERTY TAX	\$200.00	\$65.00	\$32.00	\$67.00	\$78.00	\$26.00	\$170.00	\$42.00	\$43.00	\$24.00	\$75.00
S.O. TAX	\$21.00	\$9.00	\$9.00	\$10.00	\$8.00	\$6.00	\$8.00	\$1.00	\$8.00	\$0.00	\$8.00
SALES TAX	\$0.00	\$195.00	\$82.00	\$123.00	\$3.00	\$20.00	\$70.00	\$70.00	\$33.00	\$132.00	\$73.00
FRANCHISE TAX	\$21.00	\$1.00	\$21.00	\$8.00	\$25.00	\$15.00	\$18.00	\$12.00	\$18.00	\$13.00	\$15.00
OCC TAX	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
OTHER TAX	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LIC/PERMITS	\$26.00	\$14.00	\$5.00	\$0.00	\$24.00	\$1.00	\$15.00	\$2.00	\$12.00	\$21.00	\$12.00
TOTAL INTGOVT	\$58.00	\$594.00	\$87.00	\$110.00	\$62.00	\$67.00	\$53.00	\$319.00	\$57.00	\$100.00	\$151.00
TOTAL FED REV	\$0.00	\$74.00	\$0.00	\$0.00	\$2.00	\$3.00	\$0.00	\$279.00	\$0.00	\$0.00	\$36.00
TOT STATE REV	\$48.00	\$513.00	\$82.00	\$52.00	\$56.00	\$62.00	\$50.00	\$39.00	\$46.00	\$98.00	\$105.00
HWY USES TAX	\$33.00	\$26.00	\$29.00	\$36.00	\$32.00	\$47.00	\$34.00	\$27.00	\$33.00	\$38.00	\$33.00
CIGARETTE TAX	\$2.00	\$2.00	\$1.00	\$2.00	\$0.00	\$0.00	\$1.00	\$1.00	\$2.00	\$2.00	\$1.00
MV REG FEES	\$5.00	\$4.00	\$29.00	\$5.00	\$6.00	\$6.00	\$5.00	\$3.00	\$4.00	\$2.00	\$7.00
CONSERV TRUST	\$7.00	\$9.00	\$7.00	\$9.00	\$9.00	\$9.00	\$9.00	\$9.00	\$8.00	\$9.00	\$9.00
OTH STATE REV	\$0.00	\$6.00	\$42.00	\$0.00	\$9.00	\$0.00	\$1.00	\$0.00	\$0.00	\$6.00	\$6.00
CHARGES/ SE RV	\$0.00	\$0.00	\$38.00	\$84.00	\$61.00	\$2.00	\$22.00	\$0.00	\$75.00	\$4.00	\$29.00
FINES/FORFEIT	\$21.00	\$5.00	\$24.00	\$4.00	\$6.00	\$11.00	\$12.00	\$0.00	\$12.00	\$0.00	\$10.00
MISC REVENUE	\$30.00	\$24.00	\$31.00	\$28.00	\$50.00	\$6.00	\$42.00	\$33.00	\$58.00	\$21.00	\$32.00
TRANSFER IN	\$0.00	\$0.00	\$25.00	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4.00
PER ROAD MILE HUFT REVENUE - 1999											AVERAGE PER ROAD MILE
HWY USERS TAX	\$3308.00	\$3900.00	\$3737.00	\$3364.00	\$5097.00	\$2997.00	\$3705.00	\$3470.00	\$3087.00	\$2398.00	\$3506.00
MILL LEVY											AVERAGE MILL LEVY
MILL LEVY	18.338	12.889	12.867	20.289	17.05	17.888	18.242	25.323	17.562	3.186	16.3634

**APPENDIX E**

**EXPENSES FOR SELECTED  
MUNICIPALITIES**

EXPENSES FOR SELECTED MUNICIPALITIES - 1999

	Bow Mar	Dolores	Fowler	Haxtun	Kersey	Manassa	Pierce	San Luis	Simla	Silver Cliff	Average
TOTAL OP EXP	\$249474.	\$257341.	\$355429.	\$461764.	\$339410.	\$129920.	\$157838.	\$112727.	\$197749.	\$110143.	\$237180.
GEN GOVT EXP	\$66828.	\$136553.	\$89566.	\$44449.	\$72835.	\$26429.	\$44526.	\$82913.	\$60217.	\$42394.	\$66671.
JUDICIAL	\$14888.	\$0.	\$8139.	\$0.	\$4756.	\$0.	\$5528.	\$0.	\$1793.	\$1200.	\$3630.
PUB SAFETY - TOT	\$104655.	\$7829.	\$130173.	\$124762.	\$97101.	\$63563.	\$20865.	\$0.	\$32607.	\$4513.	\$58607.
POLICE	\$96000.	\$7829.	\$127635.	\$117876.	\$86847.	\$63563.	\$12237.	\$0.	\$27112.	\$0.	\$53910.
OTH PUB SAFETY	\$8655.	\$7829.	\$2538.	\$6886.	\$10254.	\$0.	\$8628.	\$0.	\$5495.	\$4513.	\$5480.
STREETS & HWY	\$56541.	\$88340.	\$43678.	\$127213.	\$38984.	\$31118.	\$58079.	\$16763.	\$35553.	\$51900.	\$54817.
SOLID WASTE	\$0.	\$0.	\$14934.	\$70307.	\$29052.	\$0.	\$19354.	\$0.	\$49847.	\$0.	\$18349
OTH PUB WORKS	\$0.	\$0.	\$0.	\$0.	\$10254.	\$0.	\$0.	\$0.	\$0.	\$0.	\$1025.
HEALTH	\$0.	\$0.	\$27932.	\$0.	\$1227.	\$0.	\$0.	\$1076.	\$5919.	\$0.	\$3615.
CULTURE/REC	\$6562.	\$24619.	\$40090.	\$95033.	\$97455.	\$10810.	\$9306.	\$11975.	\$11843.	\$22.	\$30772.
MISC EXPENSE	\$0.	\$0.	\$917.	\$0.	\$0.	\$0.	\$0.	\$0.	\$0.	\$0.	\$0.
CAPITAL OUTLAY	\$15404.	\$724810.	\$65109.	\$94252.	\$29786.	\$6032.	\$9289.	\$293211.	\$36154.	\$23213.	\$129726.
ASSESSED VALUE	\$9983.	\$5304.	\$2980.	\$3456.	\$4856.	\$1453.	\$3758.	\$1197.	\$1861.	\$2928.	\$3,777,600.
MILES OF ROAD	9.22	6.93	9.22	11.15	6.78	15.17	8.5	6.8	7.96	19.19	10.1
MILL LEVY	18.338	12.889	12.867	20.289	17.05	17.888	18.242	25.323	17.562	4.443	16.3634
POPULATION	914	1051	1197	1044	1068	971	929	889	747	468	928
SALES (000's)	\$0.	\$1292.	\$139654.	\$35852.	\$4717.	\$2849.	\$4234.	\$3573.	\$84717.	N/A	\$3,076,533.
VEH REG-MUN	785	864	1146	1065	1356	1161	1029	645	672.	471	919

**APPENDIX F**

**PER CAPITA EXPENSES FOR  
SELECTED MUNICIPALITIES**

PER CAPITA EXPENSES FOR SELECTED MUNICIPALITIES - 1999

	Bow Mar	Dolores	Fowler	Haxtun	Kersey	Manassa	Pierce	San Luis	Simla	Silver Cliff	Average Per Capita
TOTAL OP EXP	\$273.00	\$245.00	\$297.00	\$442.00	\$318.00	\$134.00	\$170.00	\$127.00	\$265.00	\$237.00	\$251.00
GEN GOVT EXP	\$73.00	\$130.00	\$75.00	\$43.00	\$68.00	\$27.00	\$48.00	\$93.00	\$81.00	\$91.00	\$73.00
JUDICIAL	\$16.00	\$0.00	\$7.00	\$0.00	\$4.00	\$0.00	\$6.00	\$0.00	\$2.00	\$3.00	\$4.00
PUB SAFETY - TOT	\$115.00	\$7.00	\$101.00	\$120.00	\$91.00	\$63.00	\$22.00	\$0.00	\$44.00	\$10.00	\$57.00
POLICE	\$105.00	\$7.00	\$107.00	\$113.00	\$81.00	\$63.00	\$13.00	\$0.00	\$36.00	\$0.00	\$53.00
OTH PUB SAFETY	\$10.00	\$7.00	\$2.00	\$7.00	\$10.00	\$0.00	\$9.00	\$0.00	\$7.00	\$10.00	\$6.00
STREETS & HWY	\$62.00	\$84.00	\$36.00	\$122.00	\$37.00	\$32.00	\$63.00	\$19.00	\$48.00	\$111.00	\$61.00
SOLID WASTE	\$0.00	\$0.00	\$13.00	\$67.00	\$27.00	\$0.00	\$21.00	\$0.00	\$67.00	\$0.00	\$20.00
OTH PUBLIC WKS	\$0.00	\$0.00	\$2.00	\$0.00	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.00
HEALTH	\$0.00	\$0.00	\$0.00	\$0.00	\$1.00	\$0.00	\$0.00	\$1.00	\$8.00	\$0.00	\$0.00
CULTURE/REC	\$7.00	\$23.00	\$34.00	\$91.00	\$91.00	\$11.00	\$10.00	\$13.00	\$16.00	\$22.00	\$32.00
MISC EXPENSE	\$0.00	\$0.00	\$1.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CAPITAL OUTLAY	\$17.00	\$690.00	\$54.00	\$90.00	\$28.00	\$6.00	\$10.00	\$330.00	\$48.00	\$50.00	\$132.00
	PER ROAD MILE STREET & HIGHWAY EXPENSES - 1999									AVERAGE PER ROAD MILE	
STREETS & HWY	\$6132.00	\$12747.00	\$5930.00	\$11409.00	\$5455.00	\$2051.00	\$6832.00	\$2465.00	\$4718.00	\$2704.00	\$6044.00

**APPENDIX G**

**MUNICIPALITIES WITH 50 OR MORE  
MILES OF ROAD**

**Municipalities with 50 or More Miles of Road**

<b>Jurisdiction/Population</b>	<b>Vehicle Registration/ Miles of Road</b>	<b>Highway Users Tax/Mile*</b>
Brighton/16,957	11,008/84.28	\$4,565.00
Broomfield/35,788	27,393/134.77	\$6,736.00
Canon City/16,076	12,437/83.62	\$5,146.00
Castle Rock/16,290	12,929/113.59	\$3,899.00
Commerce City/17,257	16,243/125.93	\$4,809.00
Durango/14,485	10,089/56.20	\$5,910.00
Englewood/32,336	30,895/118.96	\$9,201.00
Fountain/13,939	9,437/59.61	\$5,196.00
Golden/15,779	12,520/60.98	\$6,376.00
Greenwood Village/13,699	10,887/85.20	\$4,498.00
Lafayette/20,703	15,911/74.65	\$6,605.00
Lamar/8,748	7,254/56.15	\$4,749.00
Louisville/18,783	14,677/83.00	\$6,152.00
Montrose/31,541	1,085/79.67	\$4,500.00
Northglenn/29,865	23,025/97.28	\$7,664.00
Parker/17,187	12,594/64.45	\$5,473.00
Steamboat Springs/8,729	8,966/61.19	\$5,015.00
Sterling/11,242	9,345/64.54	\$5,244.00
Trinidad/9,882	7,500/67.68	\$4,218.00
Wheat Ridge/31,281	26,713/129.69	\$7,411.00
Windsor/8,447	8,130/52.39	\$4,421.00
Woodland Park/7,227	6,878/49.84	\$4,988.00
<b>AVERAGE TAX PER MILE</b>		<b>\$5,581.00</b>

\*Actual formula weighs the number of miles of roads in town as a percentage of all road miles in the state, and the number of vehicle registrations in the town as a percentage of state-wide vehicle registrations. Roads are weighted 20 percent and registration 80 percent. Of this, 955 of this revenue must be used for road maintenance and construction.

**APPENDIX H**

**BACA GRANDE POA COMPATATIVE  
UNAUDITED STATEMENT OF INCOME  
AND EXPENSE SUMMARY**



BACA GRANDE PROPE...ERS ASSOC  
 COMPARATIVE STATEMENT OF INCOME & EXPENSES TO BUDGET  
 CONSOLIDATED OPERATIONS SUMMARY  
 For the 12 Periods Ended December 31, 2002

UNAUDITED

EVENUE	CURRENT PERIOD ACTIVITY	CURRENT MO. BUDGET	UNAUDITED		YTD ACTUALS	YTD BUDGET	BUDGET VARIANCE	Annual Budget
			BUDGET	VARIANCE				
Administration - Gross	\$ 2,166.28	\$ 583.34	271.36	%	\$ 1,090,845.87	\$ 1,069,500.00	2.00	% \$ 1,069,500.00
Less Bad Debt Expense					227,000.00	227,000.00		227,000.00
Net Administration Revenue	\$ 2,166.28	\$ 583.34	271.36	%	\$ 863,845.87	\$ 842,500.00	2.53	% \$ 842,500.00
Maintenance Operations	\$ 978.81	\$ 800.00	22.35	%	\$ 10,431.59	\$ 14,600.00	(28.55)	% \$ 14,600.00
Fire Department					255.00			
Ambulance	8,971.00	1,000.00	797.10		18,946.08	19,500.00	(2.84)	19,500.00
Library								
<b>TOTAL REVENUE</b>	<b>\$ 12,116.09</b>	<b>\$ 2,383.34</b>	<b>408.37</b>	<b>%</b>	<b>\$ 893,478.54</b>	<b>\$ 876,600.00</b>	<b>1.93</b>	<b>% \$ 876,600.00</b>
<b>OPERATING EXPENSE</b>								
Administration	\$ 30,524.63	\$ 20,141.11	51.55	%	\$ 297,620.59	\$ 287,727.00	3.44	% \$ 288,727.00
Maintenance Operations	18,069.55	20,698.23	(12.70)		258,395.43	299,739.00	(13.79)	299,879.00
Fire Department	5,132.48	2,029.73	152.87		55,896.34	61,011.00	(8.38)	61,011.00
Ambulance	8,228.85	5,254.07	56.62		77,714.10	88,050.00	(11.74)	88,048.00
Library	2,146.53	1,634.82	31.30		23,292.24	22,332.00	4.30	22,332.00
<b>TOTAL OPERATING EXPENSE</b>	<b>\$ 64,102.04</b>	<b>\$ 49,757.96</b>	<b>28.83</b>	<b>%</b>	<b>\$ 712,918.70</b>	<b>\$ 758,859.00</b>	<b>(6.05)</b>	<b>% \$ 759,997.00</b>
<b>NET OPERATING PROFIT</b>	<b>\$ (51,985.95)</b>	<b>\$ (47,374.62)</b>	<b>9.73</b>	<b>%</b>	<b>\$ 180,559.84</b>	<b>\$ 117,741.00</b>	<b>53.35</b>	<b>% \$ 116,603.00</b>
<b>IMPROVEMENT &amp; CONTINGENCY EXPENSE</b>								
Administration	\$ 3,442.50				\$ 5,033.28	\$ 7,440.00	(32.35)	% \$ 7,440.00
Maintenance Ops					14,894.93	3,045.00	389.16	3,045.00
Fire Department	657.60	300.00	119.20		14,569.12	23,245.00	(37.32)	23,545.00
Ambulance	7.58	372.00	(97.96)		7.58	2,744.00	(99.72)	2,744.00
Library					1,784.20	2,800.00	(36.28)	2,800.00
<b>TOTAL IMPROVEMENTS &amp; CONTINGENCY</b>	<b>\$ 4,107.68</b>	<b>\$ 672.00</b>	<b>511.26</b>	<b>%</b>	<b>\$ 36,289.11</b>	<b>\$ 39,274.00</b>	<b>(7.60)</b>	<b>% \$ 39,574.00</b>
<b>NET BUDGETED PROFIT</b>	<b>\$ (56,093.63)</b>	<b>\$ (48,046.62)</b>	<b>16.75</b>	<b>%</b>	<b>\$ 144,270.73</b>	<b>\$ 78,467.00</b>	<b>83.86</b>	<b>% \$ 77,029.00</b>
<b>OTHER / NON-CASH ACTIVITY</b>								
Loss (gain) on disposal of asset					\$ (2,200.00)			
Depreciation					106,099.55			
<b>TOTAL NON-CASH ACTIVITY</b>					<b>\$ (103,899.55)</b>			
<b>SATELLITE ACTIVITY</b>								
Fire Satellite Revenue	\$ 17,020.79				\$ 256,233.87			
Fire Satellite Expenses	(3,609.79)				(242,539.71)			
EMS Satellite Revenue	932.09				2,722.46			
EMS Satellite Expenses					(768.85)			
Library Satellite Revenue	344.03				6,035.30			
Library Satellite Expenses	(300.00)				(4,872.86)			
<b>TOTAL SATELLITE ACTIVITY</b>	<b>\$ 14,387.12</b>				<b>\$ 16,810.21</b>			
<b>NET PROFIT (LOSS)</b>	<b>\$ (147,806.06)</b>	<b>\$ (48,046.62)</b>	<b>207.63</b>	<b>%</b>	<b>\$ 57,181.39</b>	<b>\$ 78,467.00</b>	<b>(27.13)</b>	<b>% \$ 77,029.00</b>

**APPENDIX I**

**HOW TO INCORPORATE**

### 3. How to Incorporate

The following description of the process of incorporation is intended to give the reader a basic understanding of the legal steps which must be taken when attempting to incorporate a new municipality. It is recommended that persons with expertise in municipal law, such as the staff at the Colorado Municipal League, should be contacted prior to any incorporation effort. A copy of the Incorporation Statute is included in Appendix F. In addition, planning is fundamental. The time from initiating the petition to the election can take up to a year. If the election results in a vote for incorporation, more planning and work will be required to coordinate the organization of the new municipality. A sample time line and initial incorporation tasks have been provided in Appendix G.

#### **Step 1: Petition to District Court (31-2-101)<sup>3</sup>**

To incorporate, a petition must be filed in the District Court in the county where the proposed city or town is located. This petition for incorporation must be signed by at least 150 qualified electors who are residents and landowners within the proposed city or town. For areas located in counties with populations of 25,000 or less, the petition must be signed by at least 40 qualified electors.

The petition must accurately describe the area to be incorporated and include a map. It must state the name of the proposed municipality and the number of persons residing within the designated boundaries. Incorrect boundary lines can suspend this process in mid-stream, as recently experienced by the citizens supporting the Centennial and Fairmount incorporation efforts. To avoid this problem, petitioners should obtain a surveyor's description and map of the proposed boundaries. At the time of filing, the petitioners must provide a bond to cover the expenses associated with the proceedings. In addition, for any undivided tract of land consisting of 40 acres or more located within the proposed area, the petition must include the approval and consent of those landowners. This consent is another crucial factor when creating the boundaries and trying to fashion a contiguous land area. The petition may also include a request for any matters related to Section 20 of Article X (TABOR) pursuant to section 31-2-102(1.5) such as mill levy increases that may be necessary to operate the new municipality.

For a proposed incorporation where the area is within one mile of any existing municipality, the proposed area must be composed of a least 320 acres. The area to be incorporated must be urban in character and the area has an average of at least 50 registered electors residing within the boundaries of the proposed area for each quare mile of area.

If the proposed area has fewer than 500 registered electors, a public hearing shall be held before the board of county commissioners to consider whether the petitioners may hold an incorporation election. After the public hearing, the board of country commissioners may refuse to permit the election if it finds evidence of the following:

---

<sup>3</sup>Numbers in parenthesis refer to "Colorado Revised Statutes, Title 31, Article 2, Part 1 .

- a) any criteria set for special districts in section 32-1-203(2) exists with respect to the proposed area;
- b) annexation to a nearby municipality would avoid unnecessary duplication of services referred to above;
- c) proposed incorporation is inconsistent with any applicable county or regional comprehensive plan;

If the proposed area includes more than one country, the board of county commissioners of each county included may meet and create a procedure for a joint hearing to determine whether the petitioners may hold an incorporation election.

If after the filing and up to ten days prior to the election, any subsequent petitions are submitted that meet the above requirements and include any of the proposed area, the court may order that all proposals be submitted to the registered electors of the affected area and voted on at one election. The court may also order any of the following:

- the recession of any prior call for an election
- discharge any commissioners
- order the appointment of a new commission to call the election on all proposals
- or the court may order the inclusion of all subsequent proposals in the call of an election by the original commissioners

### **Step 2: Incorporation Election (31-2-102)**

If the court approves the petition, it will appoint an election commission of at least five and no more than nine commissioners who reside in the area. Each commissioner within ten days after the appointment, shall affirm the intent to serve as commissioners. The commissioners must hold a meeting within ten days after acceptance and elect a chairman and other officers as advised to assist in the performance of their duties. At that time, the commissioners must arrange for an election to be held not later than ninety days after the date of call. The commissioners will report the provisions of the call for election to the court.

For any incorporation election, the commissioners will also place on the ballot any local government matters related to Section 20, Article X of the state constitution (TABOR) as noted in the original petition and in accordance with the requirements set forth in the statute (see Appendix D). The commissioners shall establish one or more precincts within the area and will designate one polling place for each precinct. These precinct boundaries will be provided to the county clerk and recorder of the county where the area is located. The county clerk and recorder will then prepare a registration list for each precinct as required by the "Colorado Municipal Election Code of 1965."

Registration of potential voters and change of address may be made with the county clerk and recorder up to and including the twenty ninth day prior to the election. The county clerk and recorder have up to the twenty ninth day prior to the election to conduct registration

at their discretion.

The note of election will be given by the commissioners in accordance with the "Colorado Municipal Election Code of 1965." The notice will include a description of the boundaries of the proposed area and will state that the information and land plat are on file in the office of the clerk of the district court.

The commissioners will conduct the election in conformance with the "Colorado Municipal Election Code of 1965" and shall act as judges and clerks of the election. In addition, the commissioners will report the results to the court within three days following the election. The ballots used at the election will be "For Incorporation" and "Against Incorporation."

If more than one proposal is voted on and no proposal receives a majority of favorable votes, all proposals will fail. If there is a tie for any proposals, those proposals will be voted on in a runoff election.

**Step 3: Approval of Incorporation Election (31-2-103)**

Within three days after the election, the commissioners will file a report with the court which includes the following: a statement that the election was held in accordance with the law, a copy of the election notice, names of the election judges, numbers of votes cast, and the results of the election. If the election is deemed fair, the court will validate the election. A notice will be published in the newspaper or posted in five public places within the proposed area if no newspaper is published in the county. Filing of the record will be completed by the county clerk and recorder as required.

**Step 4: Organization of a New City or Town (31-2-104)**

If a majority of votes cast at the incorporation election favor incorporation, the election is certified by the District Court. The commissioners will divide the city into wards in accordance with the provisions in this section. Each ward will contain at least one precinct and the boundaries will be the same as those established during the election. This resolution will be filed with the district court. However, the first governing body has the authority to change the boundaries and number of wards prior to the next regular election.

The commissioners, at least four weeks before the date of the first election of officers, shall give preliminary notice of the election in newspapers published in the county that are in general circulation for the proposed area as stated in the "Colorado Municipal Election Code of 1965."

**Step 5: Incorporation Complete / Legal Incorporation (31-2-105/31-2-106)**

The incorporation process is completed when newly elected officers are installed and the new municipal ordinances are adopted and published. Challenges to the legality of the various elections may only be presented within the first six months after the election. If the incorporation election succeeds, all costs and expenses connected with this proceeding shall be paid by the governing body of the newly incorporated area within one year from the date of incorporation. If the incorporation elections fails, the bond filed in court by the original petitioners must be applied to the cost of the election. The county in which the new

city or town is located will, upon request of the municipality, continue to provide services to the area for a period not to exceed one year. This gives the new municipality the opportunity to collect its first taxes before attempting to provide services.

**Step 6: Adoption of Home Rule Charter Upon Incorporation (31-2-107)**

If a municipality petitions for a home rule city or town upon incorporation and the adoption is passed, other matters relating to this will be governed by 31-2-109 cited below.

**Step 7: Continued County Services (31-2-108)**

The county where the newly incorporated area is located will continue to perform all duties and responsibilities as required by law for a period of ninety days after the election of officers or until superseded by ordinance, whichever is sooner. The county, upon request, will also continue to provide the same services it was providing prior to the incorporation until the ad valorem taxes levied by the new municipality for the provision of such services are collected and become available. However, this is limited to a period no longer than one year from the date of the municipality's incorporation.

**Step 8: Assessment - Taxes - Collection (31-2-109)**

A newly incorporated municipality, after the annual assessment for taxation has passed, may, by ordinance or resolution, provide for the assessment of taxable property within the incorporated boundaries. When the assessment is made, the city may levy the necessary taxes for the fiscal year and the county will collect the taxes as provided by law. This section will only apply to the assessment and collection of taxes for the first fiscal year after incorporation.

**Step 9: Home Rule Charters**

If the residents of the proposed municipality wish to adopt a home rule charter upon incorporation, the original incorporation petition must state that intent and be signed by at least 5% of the registered electorate. In this event, voters are asked on the same ballot, if they wish to incorporate and if they wish to form a home rule charter commission. Also, the ballot includes a list of nominations for candidates to sit on the charter commission. If a majority of voters favor incorporation but reject the development of a charter commission, the municipality is established statutorily. A home rule charter can be adopted at any time thereafter pursuant to Colorado Revised Statutes, Title 31, Article 1, Part 2 (see Appendix I). Further discussion of the various types of governmental structures and authority are included in the next two sections.

**APPENDIX J**

**ELECTION CALENDAR**

## ELECTION CALENDAR FOR

DATE	ACTION
JANUARY 1	Earliest day to apply for an absentee ballot. 1-8-104(3), C.R.S.
100 days before	If, by one hundred (100) days before the election, a political subdivision has taken formal action to participate in a general election or other election that will be coordinated by the county clerk and recorder, the political subdivision shall notify the county clerk and recorder. 1-7-116(5), C.R.S.
No later than 90 days prior	<b>Polling Places.</b> Coordinated polling places established. 1-5-102.5, C.R.S.
No later than 60 days prior	<b>Intergovernmental Agreement</b> between the county clerk and recorder and the special district shall be signed. 1-7-116(2), C.R.S.
No later than 55 days before or 55 day prior	<p><b>Certify ballot content.</b> The designated election official shall certify the ballot content to the county clerk and recorder. The ballot shall include the name and office of each candidate for whom a petition has been filed with the election official and any ballot issue or ballot questions to be submitted to the eligible electors. 1-5-203(3), C.R.S.</p> <p><b>Mail ballot</b> plan submitted to the secretary of state. The notification shall include a proposed plan for conducting the mail ballot election. 1-705-105(1), C.R.S.</p>
45 days before	<p><b>TABOR requirement</b> Since Section 20 (3) (b) (v) of Article X of the State Constitution requires that comments pertaining to a ballot issue be filed forty-five (45) days before the election and since such day is always a Saturday, all comments shall be filed by the end of the business day on the Friday before the forty-fifth (45<sup>th</sup>) day before the election. 1-7-901(4), C.R.S.</p> <p><b>Appointment of election judges.</b> The governing body with authority to call elections shall appoint election judges for the district. 1-6-105(1), C.R.S.</p>
No later than 43 days before	<p><b>Summary of TABOR comments.</b> Petition representatives required to summarize comments in favor of their petition shall submit the summary, in typewritten form, to the designated election official for the jurisdiction in which the petition is presented, no later than forty-three (43) days before the election. If a summary is not filed by the petition representatives within the time allowed, the designated election official shall print the following in the ballot notice where the summary would appear: "No summary was filed by the statutory deadline." 1-7-903(3), C.R.S.</p>



No later than 42 days before	<p><b>Transmittal of TABOR notice.</b> The designated election official or the official's designee for the special district conducting an election in November, shall prepare and deliver to the county clerk and recorder for the county or counties in which the special district is located no later than forty-two (42) days before the election the full text of any required ballot issue notices. 1-7-904, C.R.S.</p>
No later than 40 days prior	<p>Approval or disapproval of the written plan by the secretary of state for conducting a <b>mail ballot</b> election by a written notice of the affected district. 1-7.5-105(2), C.R.S.</p> <p><b>Registration records</b> The designated election official shall <b>order</b> the registration records from the county clerk and recorder. 1-5-303(1), C.R.S.</p> <p><b>List of property owners</b> The designated election official shall <b>order</b> the list or property owners from the county assessor. 1-5-304(1), C.R.S.</p>
30 days prior	<p><b>Registration records</b> The county clerk and recorder shall <b>certify</b> and make available a complete copy of the <b>initial registration list</b>. 1-5-303(1), C.R.S.</p> <p><b>List of property owners.</b> The county assessor shall <b>certify and deliver</b> an <b>initial list</b> of all recorded owners of real property within the district. 1-5-304(1), C.R.S.</p> <p>For special district <b>mail ballot elections</b>, the county clerk and recorder and county assessor of each county in which a special district is located shall <b>certify and submit</b> to the election official a property owner's list and a list of registered electors residing within the affected district. 1-7.5-107(2)(a), C.R.S.</p> <p><b>Printing ballots.</b> The official ballots shall be printed and in the possession of the designated election official at least thirty (30) days before the election. 1-5-406, C.R.S.</p> <p><b>TABOR NOTICE MAILED</b> Article X Section 20 of the State Constitution requires the mailing of the ballot issue package (TABOR Notice) at least thirty (30) days before the election.</p>
No later than 29 days before	<p><b>Registration Deadline.</b> Electors shall be permitted to register no later than twenty-nine (29) days before any election. 1-2-201(3), C.R.S.</p>

25 days prior

**Mail ballot packets mailed.**

First day the designated election official shall mail to each ACTIVE REGISTERED elector, at the last mailing address appearing in the registration records, a mail ballot packet. 1-7.5-107(3)(a), C.R.S.

**Mail ballots available.**

Mail ballots shall be made available at the designated election official's office for eligible electors who are not listed or who are listed as "INACTIVE" on the county voter registration records or, for special district mail ballot elections, on the property owners' list or the registration list if otherwise authorized to vote. 1-7.5-107(3)(c), C.R.S.

Changes in the boundaries of precincts or the creation of new precincts for nonpartisans elections shall be completed. 1-5-104(1), C.R.S.

No polling place shall be changed after this date. 1-5-104(4), C.R.S.

**Election may be canceled - when.**

...if the only matter before the electors is the consideration of ballot issues or ballot questions, no later than twenty-five (25) days before an election conducted as a coordinated election in November, and at any time prior to any other elections, a governing body may by resolution cancel the election. 1-5-208(2), C.R.S.

Unless otherwise provided by an intergovernmental agreement (1-7-116), upon receipt of an invoice, the governing body shall within thirty (30) days promptly pay all costs accrued by the county clerk and recorder and any coordinating political subdivision attributable to the canceled election. 1-5-208(5), C.R.S.

The governing body shall provide notice by publication of the cancellation of the election. A copy of the notice shall be posted at each polling place, in the office of the designated election official, and in the office of the clerk and recorder for each county in which the political subdivision is located and a copy of the notice shall be filed in the office of the division of local government. 1-5-208(6), C.R.S.

20 days prior

**Registration records**

The county clerk and recorder shall certify and make available a **supplemental list** of the eligible electors who have become eligible since the earlier list was certified. 1-5-301(1), C.R.S.

**List of property owners.**

The county assessor shall certify and deliver the **supplemental** list of all recorded owners of real property within the district. 1-5-304, C.R.S.

**Mail ballot.**

The county clerk and recorder and county assessor required to submit a preliminary list shall submit the appropriate authority a supplemental list of the names of eligible electors or property owners whose names were not included on the preliminary list. 1-7.5-107(2)(b), C.R.S.

**Classes for election judges.**

The county clerk and recorder or the designated election official shall hold a class of instruction concerning the tasks of an election judge and a special school of instruction concerning the task of a supply judge no more than twenty (20) days prior to each election. 1-6-101(5), C.R.S.

The designated election official or the coordinated election official if so provided by an intergovernmental agreement, shall provide notice by publication of a mail ballot election. The notice shall be in lieu of election notification (see Oct. 26). 1-7.5-107(2.5)(a)&(b), C.R.S.

<p>15 days prior</p>	<p><b>Early voters' polling place.</b>          Early voting shall be made available during regular business hours unless the board of county commissioners by resolution increase the hours that the early voters' polling place may be open. 1-8-202, C.R.S.</p> <p>The early voters' polling place shall be opened. 1-8-205, C.R.S.</p> <p><b>Canvassers for district elections.</b>          The governing body which called the election shall appoint a member of the governing body and one eligible elector of the district to assist the designated election official in the survey of returns. 1-10-201(1), C.R.S.</p> <p><b>Canvassers for Coordinated Elections.</b>          Returns for coordinated elections may be surveyed by the county board of canvassers or by a separate board of canvassers, by the option of the political subdivisions holding the coordinated election. 1-10-202, C.R.S.</p> <p>Last day to mail the Mail Ballot packages. 1-7.5-107(3)(a), C.R.S.</p> <p><b>Post card notice and notice by publication.</b>          No later than fifteen (15) days before all nonpartisan elections except elections conducted by mail ballots and court ordered elections, the designated election official shall mail to each household where one or more eligible electors reside a voter notification card or voter notification letter which shall contain the household's address, precinct number, polling locations, the specific election being noticed, and any other applicable information. The information contained on the voter notification card or voter notification letter may be included with the ballot issue notice, and if so included, no separate mailing is required. 1-5-206(2)(a), C.R.S.</p>
<p>No later than 12 days before</p>	<p><b>Change of polling place - handicapped accessibility.</b>          Any request for a change of polling place to a polling place which is accessible to the physically handicapped must be received by the designated election official no later than twelve (12) days before the election for which the change is requested. 1-2-225(6), C.R.S.</p> <p><b>Polling place - designated by sign.</b>          All polling places shall be designated by a sign conspicuously posted at least twelve (12) days before each election. 1-5-106, C.R.S.</p>

<p>No later than 10 days before</p>	<p><b>Published and posted notice of election.</b>  The designated election official, or the coordinated election office if so provided by an intergovernmental agreement, no later than ten (10) days before each election, shall provide notice by publication of the election. A copy of the notice shall be posted until two (2) days after the election in a conspicuous place in the office of the designated election official. Sample ballots may be used as notices so long as the information required is included in the sample ballot. (This includes mail ballots.) The designated election official shall also mail a copy of the notice to county clerk and recorders of the counties in which the political subdivision is located. 1-5-205(1),(1.3), and (2), C.R.S.</p>
<p>10 days prior</p>	<p><b>Counting mail ballots.</b>  The election official at the mail ballot counting place may receive and prepare mail ballots delivered and turned over to them by the designated election official for tabulation. Counting of the mail ballots may begin ten (10) days prior to the election and continue until counting is completed. The election official in charge of the mail ballot counting place shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day. 1-7.5-107.5, C.R.S.</p> <p><b>Hours absentee and early voters' counting place open for receiving and counting absentee ballots.</b>  The election officials at the absentee and early voters' counting place may receive, cast, and prepare for tabulation absentee and early voters' ballots delivered and turned over to them by the designated election official. Counting of the absentee and early voters' ballots may begin ten (10) days prior to the election and continue until counting is completed. The election officials in charge of the absentee ballot counting place shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day. 1-8-302, C.R.S.</p>
<p>Friday before</p>	<p><b>Last day for early voting.</b>  Early voting shall not be permitted after the close of business on the Friday immediately preceding the election. 1-8-208(3), C.R.S.</p> <p><b>Last day to request an absentee ballot.</b>  The application for absentee ballot shall be filed with the designated election official no later than the close of business on the Friday immediately preceding the election. 1-8-104(3), C.R.S.</p>