

SENATE FILE NO. SF0113

Community development districts.

Sponsored by: Senator(s) Nethercott, Anselmi-Dalton,
Christensen, Driskill and Kinskey and
Representative(s) Burkhart, Byrd, Henderson,
Lindholm, Olsen, Stith and Zwonitzer

A BILL

for

1 AN ACT relating to cities and towns; authorizing
2 municipalities to create community development districts as
3 specified; specifying requirements; providing definitions;
4 specifying duties and powers of community development
5 districts and district boards of directors; authorizing
6 assessments; specifying duties of municipalities; amending
7 definitions; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 15-12-101 through 15-12-113 are
12 created to read:

13

14

CHAPTER 12

1 COMMUNITY DEVELOPMENT DISTRICTS

2

3 **15-12-101. Community Development District Act; short**
4 **title.**

5

6 This article may be known and may be cited as the
7 "Community Development District Act."

8

9 **15-12-102. Definitions.**

10

11 (a) As used in this act:

12

13 (i) "Assessed value" means the total assessed
14 value of real property within the district. Assessed value
15 shall be determined from the last assessment roll of the
16 county within which the district is located;

17

18 (ii) "Board" means the board of directors of a
19 community development district;

20

21 (iii) "District" means a community development
22 district as organized under the terms of this act;

23

1 (iv) "Elector" or "voter" means a person who is
2 a qualified elector or an owner of land in the proposed or
3 established district, including any corporation,
4 partnership or association owning land in the district
5 provided the individual who casts the vote for a
6 corporation, partnership or association presents the
7 election judge with a written authorization to vote for the
8 corporation, partnership or association. No person is a
9 qualified elector who is under eighteen (18) years of age,
10 a mentally incompetent person, or who has been convicted of
11 a felony and his civil or voting rights have not been
12 restored. In applying provisions of the Special District
13 Elections Act of 1994 to this act, the terms "elector" or
14 "voter" shall include qualified electors and landowners;

15
16 (v) "General plan" means the plan described in
17 W.S. 15-12-106, and as the plan may be amended;

18
19 (vi) "Governing body" means, unless otherwise
20 specified in this act, as defined in W.S. 15-1-101(a) (vi);

21
22 (vii) "Improvement" means and includes
23 buildings, structures and all facilities of a public nature

1 intended for public use, including but not limited to
2 streets, sidewalks, curbs, gutters, bridges, alleys and
3 other public ways, parks, recreational facilities, water,
4 sewage, solid waste disposal and other sanitary systems and
5 facilities, telecommunications and public utility upgrades,
6 and with respect to the foregoing, such additional
7 facilities or improvements that are necessary for the
8 maintenance and functioning of improvements;

9

10 (viii) "Landowner" or "owner of land" means the
11 person or persons holding a majority interest in the record
12 fee title to one (1) or more parcels of real property or a
13 person or the persons who are obligated to pay general
14 property taxes under a contract to purchase real property;

15

16 (ix) "Municipality" means any incorporated or
17 chartered city or town as established under Wyoming law;

18

19 (x) "Service" means any of the following:

20

21 (A) The operation and maintenance of
22 improvements and any other service authorized by this act;

23

1 (B) Snow removal;

2

3 (C) The provision of enhanced
4 transportation services;

5

6 (D) Contracting for enhanced
7 telecommunications services;

8

9 (E) The provision of recreation services.

10

11 (xi) "This act" means W.S. 15-12-101 through
12 15-12-113.

13

14 **15-12-103. Districts authorized; general function.**

15

16 (a) Any area exclusively within the boundaries of a
17 municipality may be formed into a community development
18 district to perform any of the following functions:

19

20 (i) Acquire, construct, operate and maintain
21 improvements of local necessity and convenience;

22

1 (ii) Obtain improvements and services by
2 contracting for the same with any city, town, county or
3 other entity;

4

5 (iii) Furnish or perform any special local
6 service that enhances the use or enjoyment of any
7 improvement or facility.

8

9 (b) A district shall not be formed to provide
10 improvements and services defined by the municipality as
11 basic and customarily available to residents of the
12 municipality pursuant to W.S. 15-1-402(c)(iii), except that
13 a district may be formed to provide such an improvement or
14 service if the improvement or service is not in fact
15 available to residents of the proposed district at the time
16 of formation. If a municipality subsequently provides an
17 improvement or service that a district was created to
18 provide, the district shall either:

19

20 (i) Dissolve pursuant to W.S. 22-29-401 through
21 22-29-408; or

22

1 (ii) Amend its general plan pursuant to W.S.
2 15-12-106(b) to provide other improvements or services in
3 accordance with this act.

4

5 (c) A district is a separate entity and a political
6 subdivision of the state.

7

8 **15-12-104. Jurisdiction.**

9

10 The governing body of a municipality shall hear proceedings
11 for the creation of community development districts within
12 the municipality which unless specifically otherwise
13 provided, shall be governed by the Special District
14 Elections Act of 1994.

15

16 **15-12-105. Creation of district; commencement by**
17 **petition; hearing and election procedures.**

18

19 (a) Proceedings for the formation of a district shall
20 commence by filing a petition addressed to the governing
21 body of the municipality in which the land proposed to be
22 included in the district is situated. A petition to form a
23 district shall be signed by not less than twenty-five

1 percent (25%) of the persons owning land within the
2 territory proposed to be included in the district, whose
3 land in the proposed district has an assessed value of
4 twenty-five percent (25%) or more of the assessed value of
5 all of the land within the proposed district. The petition
6 shall be accompanied by a general plan as described in W.S.
7 15-12-106 and a filing fee of two hundred dollars
8 (\$200.00).

9

10 (b) Upon receipt of a valid petition, the governing
11 body of the municipality shall review the petition and hold
12 a hearing on the formation of the district. Upon request of
13 the governing body, the petitioners may submit an amended
14 petition that modifies the boundaries of the district. The
15 governing body shall call an election for the formation of
16 the district and for the members of the board.

17

18 (c) A hearing and election under subsection (b) of
19 this section shall be deemed waived if one hundred percent
20 (100%) of the landowners within the proposed district sign
21 the petition as originally prepared and agree on all of the
22 members of the board.

23

1 (d) The boundaries of the district shall be certified
2 to the county assessor of the county in which the
3 municipality is located within sixty (60) days after
4 formation of the district.

5

6 **15-12-106. District general plan.**

7

8 (a) A petition for the formation of a district under
9 W.S. 15-12-105 shall be accompanied by a general plan. The
10 general plan at a minimum shall include:

11

12 (i) A description of the purposes of the
13 district and how the purposes will be realized through the
14 creation of the district;

15

16 (ii) A description of any improvements
17 anticipated by the general plan and how those improvements
18 will be constructed, operated, maintained and financed and
19 when the improvements are expected to be completed;

20

21 (iii) A description of any services anticipated
22 by the general plan and when the services are expected to
23 be available;

1

2 (iv) A description of the general duties and
3 responsibilities of the district to be paid for from the
4 mill levy assessed pursuant to this act;

5

6 (v) A statement that assessments will exist only
7 for the period of time required to complete improvements
8 and complete the duties and responsibilities of the
9 district at which time the district shall recommend to the
10 municipality that the levy be discontinued. Upon receipt of
11 a recommendation, the municipality shall submit the
12 proposal to discontinue the levy to the voters of the
13 district pursuant to W.S. 15-12-112(c);

14

15 (vi) Any other information the district or the
16 municipality deems appropriate for disclosure within the
17 general plan.

18

19 (b) The general plan may be amended under the
20 following procedure:

21

22 (i) A proposed amendment to the general plan
23 shall be submitted by the board to the governing body of

1 the municipality for consideration. If the governing body
2 approves the amendment by resolution, the proposed
3 amendment shall be delivered to the clerk of the
4 municipality. The clerk shall mail the proposed amendment
5 to every landowner in the district;

6

7 (ii) Within thirty (30) days of the date of
8 mailing the proposed amendment, any landowner in the
9 district may object in writing to the proposed amendment
10 and request a hearing before the governing body to offer
11 objections to the proposed amendment;

12

13 (iii) If no objection is filed or upon the
14 governing body's approval of the proposed amendment after a
15 hearing on objections, the general plan as amended shall
16 become the general plan of the district.

17

18 (c) The board shall implement the general plan and
19 unless otherwise specified in this act shall have all
20 powers necessary to implement the general plan.

21

22 (d) The clerk of the district and the clerk of the
23 municipality shall maintain the general plan and make the

1 general plan available for inspection at their respective
2 offices. Upon direction from the governing body of the
3 municipality, the governing plan may also be recorded in
4 the offices of the county clerk of the county where the
5 district is located.

6

7 **15-12-107. Powers of district.**

8

9 (a) Each district may:

10

11 (i) Have and use a corporate seal;

12

13 (ii) Sue and be sued, and be a party to suits,
14 actions and proceedings;

15

16 (iii) Enter into contracts for the purpose of
17 providing any authorized improvements and the maintenance
18 and operation thereof, or otherwise to carry out the
19 purposes of the district;

20

21 (iv) Accept from any public or private source
22 grants, contributions and any other benefits available for
23 use in furtherance of its purposes;

1

2 (v) Borrow money and incur indebtedness and
3 other obligations and evidence the same by certificates,
4 notes or debentures and issue bonds;

5

6 (vi) Assess the costs of improvements within the
7 district against the real property specially benefited upon
8 a frontage, zone or other equitable basis, in accordance
9 with benefits;

10

11 (vii) Adopt rules and regulations not
12 inconsistent with law;

13

14 (viii) Establish and collect charges for the use
15 of improvements and services provided by the district,
16 including authority to change the amount or rate thereof,
17 and to pledge the revenues therefrom for the payment of
18 district indebtedness;

19

20 (ix) Acquire and own or lease real or personal
21 property, including easements and rights-of-way, within or
22 without the district for district purposes;

23

1 (x) Contract with other districts for common use
2 of improvements and services for the benefit of the
3 inhabitants of all contracting districts;

4

5 (xi) Provide all services not customarily
6 available within the municipality and necessary to protect
7 the health and welfare of residents in the district and the
8 value of real property therein, and to enter into
9 agreements with any public or private agency, institution
10 or person for the furnishing of such services;

11

12 (xii) Provide for recreation by means of parks,
13 including but not limited to playgrounds, golf courses,
14 swimming pools or recreation buildings;

15

16 (xiii) Provide for street lighting;

17

18 (xiv) Provide for the opening, widening,
19 extending, straightening and surfacing in whole or in part
20 of any street and maintenance, reconstruction, snow removal
21 and clearance for the same or other roads and streets;

22

1 (xv) Provide for the construction, maintenance,
2 reconstruction and improvement of bridges, culverts, curbs,
3 gutters, drains and works incidental to any street
4 improvement;

5

6 (xvi) Provide enforcement of covenants,
7 reservations and restrictions of record;

8

9 (xvii) Establish and collect charges for the use
10 of any improvement to cover the cost of operating and
11 maintaining the improvement;

12

13 (xviii) Contract for telecommunications
14 enhancements, including but not limited to internet access,
15 bandwidth upgrades and wireless internet access;

16

17 (xix) Do any and all other things necessary to
18 carry out the purposes of the district.

19

20 **15-12-108. District board of directors; compensation.**

21

22 (a) The district shall be managed and controlled by a
23 board of directors consisting of either three (3) or five

1 (5) voting members. The initial board members shall be
2 elected at the organizational election or by petition
3 approved by one hundred (100). A simple majority of members
4 shall serve an initial term of two (2) years and the
5 remaining members shall serve an initial term of four (4)
6 years after formation of the district and until their
7 successors are elected and qualified at the regular
8 scheduled subsequent director election as provided in W.S.
9 22-29-112. Thereafter, members shall be elected for terms
10 of four (4) years. A vacancy occurring on the board during
11 the term of an original director or his successor shall be
12 filled as provided in the Special District Elections Act of
13 1994.

14

15 (b) A member of the governing body of the
16 municipality where the district is located shall serve as a
17 nonvoting member on the board. The nonvoting member shall
18 be selected by a vote of the governing body. The nonvoting
19 member shall serve a term of four (4) years or until the
20 member is no longer on the governing body of the
21 municipality, whichever occurs first. Vacancies under this
22 subsection shall be filled by the governing body, which
23 shall select a new member by vote.

1

2 (c) The members of the board shall serve without
3 compensation but shall receive reimbursement for actual and
4 necessary expenses incurred in connection with the
5 performance of their duties.

6

7 **15-12-109. Intent to provide for special assessment.**

8

9 (a) The board may by written declaration order
10 improvements or services to be paid for by assessment. The
11 declaration shall specify all of the following:

12

13 (i) The nature of the improvement or service
14 proposed;

15

16 (ii) The property within the district to be
17 improved or served;

18

19 (iii) The probable cost as shown by estimates of
20 a qualified person;

21

22 (iv) The time in which the cost will be payable;

23

1 (v) The time when a declaration authorizing the
2 improvements or services will be considered.

3
4 **15-12-110. Notice of declaration; hearing;**
5 **objections.**

6
7 (a) At the request of the board the governing body
8 shall, by advertisement once in a newspaper of general
9 circulation in the municipality where the district is
10 located, provide notice to the owners of the property to be
11 assessed that specifies all of the following:

12
13 (i) The nature of the improvement or service
14 proposed;

15
16 (ii) The property within the district to be
17 improved or served;

18
19 (iii) The probable cost of the improvement or
20 service;

21
22 (iv) The time at which the cost will be payable;

23

1 (v) The time when a declaration authorizing the
2 improvements or services will be considered by the board;

3
4 (vi) That maps, estimates and schedules showing
5 the approximate amounts to be assessed and all
6 declarations, resolutions and proceedings are on file and
7 may be examined at the office of the governing body or
8 other designated place;

9
10 (vii) That all complaints and objections
11 concerning the proposed improvement or service by owners of
12 real property subject to assessment will be heard and
13 considered by the board before final action, under the
14 provisions of the Wyoming Administrative Procedure Act.

15
16 (b) If objections to the improvement or service are
17 made by owners or agents representing owners of land
18 subject to fifty percent (50%) or more of the projected
19 dollar assessments the improvement or service shall not be
20 authorized and a new declaration for the same or a similar
21 purpose encompassing lands subject to objections shall not
22 be considered within one (1) year thereafter.

23

1 **15-12-111. Notice of apportionment; assessment roll.**

2

3 (a) A copy of the declaration as finally adopted
4 shall be recorded by the clerk of the governing body. The
5 clerk of the governing body shall within sixty (60) days
6 after the adoption of the declaration by written notice,
7 mailed or otherwise delivered, notify each owner of land to
8 be assessed of the amount of assessment, the purpose for
9 which the levy is made, the assessment against each lot or
10 parcel of land, and the date it becomes delinquent.

11

12 (b) The clerk of the governing body shall prepare an
13 assessment roll as specified in title 15, chapter 6,
14 article 4 of the Wyoming statutes.

15

16 **15-12-112. Duty of municipal officials to levy and**
17 **collect assessments; administrative deduction.**

18

19 (a) The treasurer or clerk of the municipality where
20 the district is located shall levy and collect assessments
21 in the manner provided for assessments in title 15, chapter
22 6, article 4 of the Wyoming statutes, except that the
23 payment of the collections shall be made monthly to the

1 treasurer of the district and paid into its depository to
2 the credit of the district.

3

4 (b) Assessments levied and collected to provide
5 services pursuant to this act shall remain in effect until
6 a petition to discontinue the assessment, signed by not
7 less than fifty percent (50%) of the voters of the
8 district, is received by the governing body of the
9 municipality where the district is located, at which time
10 the proposal to discontinue the assessment shall be
11 submitted to the voters of the district at the expense of
12 the district at the next general election. If the
13 proposition to discontinue the assessment is defeated, the
14 proposition shall not again be submitted to the electors
15 for at least twenty-three (23) months.

16

17 (c) The municipality may deduct up to one percent
18 (1%) of the amount of collections to cover all
19 administrative expenses and costs attributable to
20 performing its duties under this section.

21

22 **15-12-113. Rules and regulations; enforcement.**

23

1 The board may adopt reasonable rules and regulations not
2 inconsistent with law for the government and control of the
3 district organization and to facilitate the collection of
4 taxes, assessments or charges. All rules and regulations
5 adopted pursuant to this section shall be promulgated in
6 accordance with the Wyoming Administrative Procedure Act
7 and filed with the clerk of the governing body for the
8 municipality in which the district is located.

9

10 **Section 2.** W.S. 15-1-101(a)(intro) and (xv) is
11 amended to read:

12

13 **15-1-101. Definitions.**

14

15 (a) As used in W.S. 15-1-101 through ~~15-11-302~~
16 15-12-113:

17

18 (xv) "This act", unless otherwise specified,
19 means W.S. 15-1-101 through ~~15-11-302~~ 15-12-113.

20

1 **Section 3.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)