

SENATE FILE NO. SF0113

Community development districts.

Sponsored by: Senator(s) Nethercott, Anselmi-Dalton,  
Christensen, Driskill, Kinskey, Pappas,  
Perkins and Rothfuss 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

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COMMUNITY DEVELOPMENT DISTRICTS

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

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

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

(a) As used in this act:

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

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

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

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, broadband and public utility upgrades, and with  
6 respect to the foregoing, such additional facilities or  
7 improvements that are necessary for the maintenance and  
8 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 broadband services;

7

8 (E) The provision of recreation services.

9

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

12

13 **15-12-103. Districts authorized; general function.**

14

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

18

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

21

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           (iv) Funds assessed under this act shall not be  
10 used to contract for broadband services unless the district  
11 is unserved as defined by the federal communications  
12 commission. The district shall not acquire ownership in any  
13 broadband facility funded pursuant to this act. For  
14 purposes of this subsection, broadband facility shall not  
15 include conduit. The district shall not utilize any funds  
16 procured pursuant to this act to provide its own broadband  
17 services in competition with private providers.

18  
19           (b) A district shall not be formed to provide  
20 improvements and services defined by the municipality as  
21 basic and customarily available to residents of the  
22 municipality pursuant to W.S. 15-1-402(c)(iii), except that  
23 a district may be formed to provide such an improvement or

1 service if the improvement or service is not in fact  
2 available to residents of the proposed district at the time  
3 of formation. If a municipality subsequently provides an  
4 improvement or service that a district was created to  
5 provide, the district shall either:

6

7 (i) Dissolve pursuant to W.S. 22-29-401 through  
8 22-29-408; or

9

10 (ii) Amend its general plan pursuant to W.S.  
11 15-12-106(b) to provide other improvements or services in  
12 accordance with this act.

13

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

16

17 **15-12-104. Jurisdiction.**

18

19 The governing body of a municipality shall hear proceedings  
20 for the creation of community development districts within  
21 the municipality which unless specifically otherwise  
22 provided, shall be governed by the Special District  
23 Elections Act of 1994.

1

2           **15-12-105. Creation of district; commencement by**  
3 **petition; hearing and election procedures.**

4

5           (a) Proceedings for the formation of a district shall  
6 commence by filing a petition addressed to the governing  
7 body of the municipality in which the land proposed to be  
8 included in the district is situated. A petition to form a  
9 district shall be signed by not less than twenty-five  
10 percent (25%) of the persons owning land within the  
11 territory proposed to be included in the district, whose  
12 land in the proposed district has an assessed value of  
13 twenty-five percent (25%) or more of the assessed value of  
14 all of the land within the proposed district. The petition  
15 shall be accompanied by a general plan as described in W.S.  
16 15-12-106 and a filing fee of two hundred dollars  
17 (\$200.00).

18

19           (b) Upon receipt of a valid petition, the governing  
20 body of the municipality shall review the petition and hold  
21 a hearing on the formation of the district. Upon request of  
22 the governing body, the petitioners may submit an amended  
23 petition that modifies the boundaries of the district. The



1 governing body shall call an election for the formation of  
2 the district and for the members of the board. The election  
3 shall be at the expense of the district.

4

5 (c) A hearing and election under subsection (b) of  
6 this section shall be deemed waived if one hundred percent  
7 (100%) of the landowners within the proposed district sign  
8 the petition as originally prepared and agree on all of the  
9 members of the board.

10

11 (d) The boundaries of the district shall be certified  
12 to the county assessor of the county in which the  
13 municipality is located within sixty (60) days after  
14 formation of the district.

15

16 **15-12-106. District general plan.**

17

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

21

1           (i) A description of the purposes of the  
2 district and how the purposes will be realized through the  
3 creation of the district;

4

5           (ii) A description of any improvements  
6 anticipated by the general plan and how those improvements  
7 will be constructed, operated, maintained and financed and  
8 when the improvements are expected to be completed;

9

10           (iii) A description of any services anticipated  
11 by the general plan and when the services are expected to  
12 be available;

13

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

17

18           (v) A statement that assessments will exist only  
19 for the period of time required to complete improvements  
20 and complete the duties and responsibilities of the  
21 district at which time the district shall recommend to the  
22 municipality that the levy be discontinued. Upon receipt of  
23 a recommendation, the municipality shall submit the

1 proposal to discontinue the levy to the voters of the  
2 district pursuant to W.S. 15-12-112(c);

3

4 (vi) Any other information the district or the  
5 municipality deems appropriate for disclosure within the  
6 general plan.

7

8 (b) The general plan may be amended under the  
9 following procedure:

10

11 (i) A proposed amendment to the general plan  
12 shall be submitted by the board to the governing body of  
13 the municipality for consideration. If the governing body  
14 approves the amendment by resolution, the proposed  
15 amendment shall be delivered to the clerk of the  
16 municipality. The clerk shall mail the proposed amendment  
17 to every landowner in the district;

18

19 (ii) Within thirty (30) days of the date of  
20 mailing the proposed amendment, any landowner in the  
21 district may object in writing to the proposed amendment  
22 and request a hearing before the governing body to offer  
23 objections to the proposed amendment;

1

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

6

7 (c) The board shall implement the general plan and  
8 unless otherwise specified in this act shall have all  
9 powers necessary to implement the general plan.

10

11 (d) The clerk of the district and the clerk of the  
12 municipality shall maintain the general plan and make the  
13 general plan available for inspection at their respective  
14 offices. Upon direction from the governing body of the  
15 municipality, the governing plan may also be recorded in  
16 the offices of the county clerk of the county where the  
17 district is located.

18

19 **15-12-107. Powers of district.**

20

21 (a) Each district may:

22

23 (i) Have and use a corporate seal;

1

2           (ii) Sue and be sued, and be a party to suits,  
3 actions and proceedings;

4

5           (iii) Enter into contracts for the purpose of  
6 providing any authorized improvements and the maintenance  
7 and operation thereof, or otherwise to carry out the  
8 purposes of the district;

9

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

13

14           (v) Borrow money and incur indebtedness and  
15 other obligations and evidence the same by certificates,  
16 notes or debentures and issue bonds;

17

18           (vi) Assess the costs of improvements within the  
19 district against the real property specially benefited upon  
20 a frontage, zone or other equitable basis, in accordance  
21 with benefits;

22

1           (vii) Adopt rules and regulations not  
2 inconsistent with law;

3  
4           (viii) Establish and collect charges for the use  
5 of improvements and services provided by the district,  
6 including authority to change the amount or rate thereof,  
7 and to pledge the revenues therefrom for the payment of  
8 district indebtedness;

9  
10           (ix) Acquire and own or lease real or personal  
11 property, including easements and rights-of-way, within or  
12 without the district for district purposes;

13  
14           (x) Contract with other districts for common use  
15 of improvements and services for the benefit of the  
16 inhabitants of all contracting districts;

17  
18           (xi) Provide all services not customarily  
19 available within the municipality and necessary to protect  
20 the health and welfare of residents in the district and the  
21 value of real property therein, and to enter into  
22 agreements with any public or private agency, institution  
23 or person for the furnishing of such services;

1

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

5

6 (xiii) Provide for street lighting;

7

8 (xiv) Provide for the opening, widening,  
9 extending, straightening and surfacing in whole or in part  
10 of any street and maintenance, reconstruction, snow removal  
11 and clearance for the same or other roads and streets;

12

13 (xv) Provide for the construction, maintenance,  
14 reconstruction and improvement of bridges, culverts, curbs,  
15 gutters, drains and works incidental to any street  
16 improvement;

17

18 (xvi) Provide enforcement of covenants,  
19 reservations and restrictions of record;

20

21 (xvii) Establish and collect charges for the use  
22 of any improvement to cover the cost of operating and  
23 maintaining the improvement;

1

2 (xviii) Contract for broadband services in  
3 unserved areas as defined by the federal communications  
4 commission;

5

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

8

9 **15-12-108. District board of directors; compensation.**

10

11 (a) The district shall be managed and controlled by a  
12 board of directors consisting of either three (3) or five  
13 (5) voting members. The initial board members shall be  
14 elected at the organizational election or by petition  
15 approved by one hundred (100). A simple majority of members  
16 shall serve an initial term of two (2) years and the  
17 remaining members shall serve an initial term of four (4)  
18 years after formation of the district and until their  
19 successors are elected and qualified at the regular  
20 scheduled subsequent director election as provided in W.S.  
21 22-29-112. Thereafter, members shall be elected for terms  
22 of four (4) years. A vacancy occurring on the board during  
23 the term of an original director or his successor shall be



1 filled as provided in the Special District Elections Act of  
2 1994.

3  
4 (b) A member of the governing body of the  
5 municipality where the district is located shall serve as a  
6 nonvoting member on the board. The nonvoting member shall  
7 be selected by a vote of the governing body. The nonvoting  
8 member shall serve a term of four (4) years or until the  
9 member is no longer on the governing body of the  
10 municipality, whichever occurs first. Vacancies under this  
11 subsection shall be filled by the governing body, which  
12 shall select a new member by vote.

13  
14 (c) The members of the board shall serve without  
15 compensation but shall receive reimbursement for actual and  
16 necessary expenses incurred in connection with the  
17 performance of their duties.

18  
19 **15-12-109. Intent to provide for special assessment.**

20  
21 (a) The board may by written declaration order  
22 improvements or services to be paid for by assessment. The  
23 declaration shall specify all of the following:

1

2 (i) The nature of the improvement or service  
3 proposed;

4

5 (ii) The property within the district to be  
6 improved or served;

7

8 (iii) The probable cost as shown by estimates of  
9 a qualified person;

10

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

12

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

15

16 **15-12-110. Notice of declaration; hearing;**  
17 **objections.**

18

19 (a) At the request of the board the governing body  
20 shall, by advertisement once in a newspaper of general  
21 circulation in the municipality where the district is  
22 located, provide notice to the owners of the property to be  
23 assessed that specifies all of the following:

1

2           (i) The nature of the improvement or service  
3 proposed;

4

5           (ii) The property within the district to be  
6 improved or served;

7

8           (iii) The probable cost of the improvement or  
9 service;

10

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

12

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

15

16           (vi) That maps, estimates and schedules showing  
17 the approximate amounts to be assessed and all  
18 declarations, resolutions and proceedings are on file and  
19 may be examined at the office of the governing body or  
20 other designated place;

21

22           (vii) That all complaints and objections  
23 concerning the proposed improvement or service by owners of

1 real property subject to assessment will be heard and  
2 considered by the board before final action, under the  
3 provisions of the Wyoming Administrative Procedure Act.  
4

5 (b) If objections to the improvement or service are  
6 made by owners or agents representing owners of land  
7 subject to fifty percent (50%) or more of the projected  
8 dollar assessments the improvement or service shall not be  
9 authorized and a new declaration for the same or a similar  
10 purpose encompassing lands subject to objections shall not  
11 be considered within one (1) year thereafter.  
12

13 **15-12-111. Notice of apportionment; assessment roll.**  
14

15 (a) A copy of the declaration as finally adopted  
16 shall be recorded by the clerk of the governing body. The  
17 clerk of the governing body shall within sixty (60) days  
18 after the adoption of the declaration by written notice,  
19 mailed or otherwise delivered, notify each owner of land to  
20 be assessed of the amount of assessment, the purpose for  
21 which the levy is made, the assessment against each lot or  
22 parcel of land, and the date it becomes delinquent.  
23

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

4

5           **15-12-112. Duty of municipal officials to levy and**  
6 **collect assessments; administrative deduction.**

7

8           (a) The treasurer or clerk of the municipality where  
9 the district is located shall levy and collect assessments  
10 in the manner provided for assessments in title 15, chapter  
11 6, article 4 of the Wyoming statutes, except that the  
12 payment of the collections shall be made monthly to the  
13 treasurer of the district and paid into its depository to  
14 the credit of the district.

15

16           (b) Assessments levied and collected to provide  
17 services pursuant to this act shall remain in effect until  
18 a petition to discontinue the assessment, signed by not  
19 less than fifty percent (50%) of the voters of the  
20 district, is received by the governing body of the  
21 municipality where the district is located, at which time  
22 the proposal to discontinue the assessment shall be  
23 submitted to the voters of the district at the expense of

1 the district at the next general election. If the  
2 proposition to discontinue the assessment is defeated, the  
3 proposition shall not again be submitted to the electors  
4 for at least twenty-three (23) months.

5

6 (c) The municipality may deduct up to one percent  
7 (1%) of the amount of collections to cover all  
8 administrative expenses and costs attributable to  
9 performing its duties under this section.

10

11 **15-12-113. Rules and regulations; enforcement.**

12

13 The board may adopt reasonable rules and regulations not  
14 inconsistent with law for the government and control of the  
15 district organization and to facilitate the collection of  
16 taxes, assessments or charges. All rules and regulations  
17 adopted pursuant to this section shall be promulgated in  
18 accordance with the Wyoming Administrative Procedure Act  
19 and filed with the clerk of the governing body for the  
20 municipality in which the district is located.

21

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

