

## SENATE FILE NO. SF0016

Community development districts.

Sponsored by: Joint Corporations, Elections & Political  
Subdivisions Interim Committee

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 created  
12 to read:

13

14

CHAPTER 12

15

COMMUNITY DEVELOPMENT DISTRICTS

1

2           **15-12-101. Community Development District Act; short**  
3 **title.**

4

5 This chapter may be known and may be cited as the "Community  
6 Development District Act."

7

8           **15-12-102. Definitions.**

9

10           (a) As used in this act:

11

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

16

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

19

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

22

1           (iv) "General plan" means the plan described in  
2 W.S. 15-12-106, and as the plan may be amended;

3

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

6

7           (vi) "Improvement" means buildings, structures  
8 and all facilities of a public nature intended for public  
9 use, including streets, sidewalks, curbs, gutters, bridges,  
10 alleys and other public ways, parks, recreational facilities,  
11 water, sewage, solid waste disposal and other sanitary  
12 systems and facilities, public utility upgrades and any  
13 additional facilities or improvements that are necessary for  
14 the maintenance and functioning of improvements;

15

16           (vii) "Landowner" means a person holding a  
17 majority interest in the record fee title to one (1) or more  
18 parcels of real property or a person who is obligated to pay  
19 general property taxes under a contract to purchase real  
20 property. As used in this paragraph, "person" includes an  
21 individual, corporation, partnership or association owning  
22 land in the district provided the individual who casts the  
23 vote for a corporation, partnership or association presents

1 the election judge with a written authorization to vote for  
2 the corporation, partnership or association;

3

4 (viii) "Municipality" means any incorporated or  
5 chartered city or town established under Wyoming law;

6

7 (ix) "Service" means any of the following:

8

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

11

12 (B) Snow removal;

13

14 (C) The provision of enhanced transportation  
15 services;

16

17 (D) The provision of recreation services.

18

19 (x) "Voter" means a person who is a qualified  
20 elector or landowner in the proposed or established district.

21 No person is a qualified elector who is under eighteen (18)

22 years of age, a mentally incompetent person, or who has been

23 convicted of a felony and his civil or voting rights have not

1 been restored. In applying provisions of the Special District  
2 Elections Act of 1994 to this act, the term "voter" shall  
3 include qualified electors and landowners;

4

5 (xi) "This act" means W.S. 15-12-101 through  
6 15-12-113.

7

8 **15-12-103. Districts authorized; general function.**

9

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

13

14 (i) Acquire, construct, operate and maintain  
15 improvements of local necessity and convenience;

16

17 (ii) Obtain improvements and services by  
18 contracting for the same with any city, town, county or other  
19 entity;

20

21 (iii) Furnish or perform any special local service  
22 that enhances the use or enjoyment of any improvement or  
23 facility.

1

2 (b) A district shall not be formed to provide  
3 improvements and services defined by the municipality as  
4 basic and customarily available to residents of the  
5 municipality pursuant to W.S. 15-1-402(c)(iii), except that  
6 a district may be formed to provide these improvements or  
7 services if the improvement or service is not in fact  
8 available to residents of the proposed district at the time  
9 of formation. If a municipality subsequently provides an  
10 improvement or service that a district was created to provide,  
11 the district shall:

12

13 (i) Dissolve pursuant to W.S. 22-29-401 through  
14 22-29-408; or

15

16 (ii) Amend its general plan pursuant to W.S.  
17 15-12-106(b) to provide other improvements or services in  
18 accordance with this act.

19

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

22

23 **15-12-104. Jurisdiction.**

1

2 The governing body of a municipality shall hear proceedings  
3 for the creation of community development districts within  
4 the municipality which unless otherwise specifically  
5 provided, shall be governed by the Special District Elections  
6 Act of 1994.

7

8 **15-12-105. Creation of district; commencement by**  
9 **petition; hearing and election procedures.**

10

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

22

1           (b) Upon receipt of a valid petition, the governing  
2 body of the municipality shall review the petition and hold  
3 a hearing on the formation of the district. Upon request of  
4 the governing body, the petitioners may submit an amended  
5 petition that modifies the boundaries of the district. The  
6 governing body shall then call an election for the formation  
7 of the district and for election of the members of the board.  
8 The election shall be at the expense of the district.

9

10           (c) A hearing and election under subsection (b) of this  
11 section shall be deemed waived if one hundred percent (100%)  
12 of the landowners within the proposed district sign the  
13 petition as originally prepared and agree on all of the  
14 members of the board.

15

16           (d) The boundaries of the district shall be certified  
17 to the county assessor of the county in which the municipality  
18 is located within sixty (60) days after the election for the  
19 formation of the district or the waiver authorized by  
20 subsection (c) of this section.

21

22           **15-12-106. District general plan.**

23



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

4

5           (i) A description of the purposes of the district  
6 and how the purposes will be realized through the creation of  
7 the district;

8

9           (ii) A description of any improvements anticipated  
10 by the district and how those improvements will be  
11 constructed, operated, maintained and financed and when the  
12 improvements are expected to be completed;

13

14           (iii) A description of any services anticipated by  
15 the district and when the services are expected to be  
16 available;

17

18           (iv) A description of the general duties and  
19 responsibilities of the district and whether funding will be  
20 provided by a mill levy assessed pursuant to this act;

21

22           (v) A statement that assessments will be imposed  
23 only for the period of time required to complete improvements

1 and complete the duties and responsibilities of the district  
2 at which time the district shall recommend to the municipality  
3 that the levy be discontinued. Upon receipt of a  
4 recommendation, the municipality shall submit the proposal to  
5 discontinue the levy to the voters of the district pursuant  
6 to W.S. 15-12-112(b);

7

8 (vi) Any other information the district or the  
9 municipality deems appropriate for disclosure within the  
10 general plan.

11

12 (b) The general plan may be amended under the following  
13 procedure:

14

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

22

1           (ii) Within thirty (30) days of the date of  
2 mailing the proposed amendment, any landowner in the district  
3 may object in writing to the proposed amendment and request  
4 a hearing before the governing body to offer objections to  
5 the proposed amendment;

6

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

11

12           (c) The board shall implement the general plan and  
13 unless otherwise specified in this act or by other law shall  
14 have all powers necessary to implement the general plan.

15

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

22

23           **15-12-107. Powers of district.**

1

2 (a) Each district may:

3

4 (i) Have and use a corporate seal;

5

6 (ii) Sue and be sued, and be a party to suits,  
7 actions and proceedings;

8

9 (iii) Enter into contracts for the purpose of  
10 providing any authorized improvements and the maintenance and  
11 operation thereof, or otherwise to carry out the purposes of  
12 the district;

13

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

17

18 (v) Borrow money and incur indebtedness and other  
19 obligations and evidence the same by certificates, notes or  
20 debentures and issue bonds;

21

22 (vi) Assess the costs of improvements within the  
23 district against the real property specially benefited upon

1 a frontage, zone or other equitable basis, in accordance with  
2 benefits;

3

4 (vii) Adopt rules and regulations not inconsistent  
5 with law;

6

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

12

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

16

17 (x) Contract with other districts for common use  
18 of improvements and services for the benefit of the  
19 inhabitants of all contracting districts;

20

21 (xi) Provide all services not customarily  
22 available within the municipality and necessary to protect  
23 the health and welfare of residents in the district and the

1 value of real property therein, and to enter into agreements  
2 with any public or private agency, institution or person for  
3 the furnishing of the services;

4

5 (xii) Provide for recreation by means of parks,  
6 playgrounds, golf courses, swimming pools or recreation  
7 buildings;

8

9 (xiii) Provide for street lighting;

10

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

15

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

20

21 (xvi) Provide enforcement of covenants,  
22 reservations and restrictions of record;

23

1           (xvii) Do any and all other things necessary to  
2 carry out the purposes of the district.

3  
4           **15-12-108. District board of directors; compensation.**

5  
6           (a) The district shall be managed and controlled by a  
7 board of directors consisting of either three (3) or five (5)  
8 voting members, one (1) of whom shall be appointed by the  
9 board as treasurer. The initial board members shall be elected  
10 at the organizational election or by petition approved by one  
11 hundred percent (100%) of the landowners in the district. A  
12 simple majority of members shall serve an initial term of two  
13 (2) years and the remaining members shall serve an initial  
14 term of four (4) years after formation of the district and  
15 until their successors are elected and qualified at the  
16 regular scheduled subsequent director election as provided in  
17 W.S. 22-29-112. Thereafter, members shall be elected for  
18 terms of four (4) years. A vacancy occurring on the board  
19 during the term of an original director or his successor shall  
20 be filled as provided in the Special District Elections Act  
21 of 1994.

22

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

9

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

14

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

16

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

20

21           (i) The nature of the improvement or service  
22 proposed;

23



1           (ii) The property within the district to be  
2 improved or served;

3  
4           (iii) The probable cost as shown by estimates of  
5 a qualified person;

6  
7           (iv) The time in which the cost will be payable;

8  
9           (v) The time when a declaration authorizing the  
10 improvements or services will be considered.

11  
12           **15-12-110. Notice of declaration; hearing; objections.**

13  
14           (a) At the request of the board, the governing body of  
15 the municipality shall, by advertisement once in a newspaper  
16 of general circulation in the municipality where the district  
17 is located, provide notice to the owners of the property to  
18 be assessed that specifies all of the following:

19  
20           (i) The nature of the improvement or service  
21 proposed;

22

1           (ii) The property within the district to be  
2 improved or served;

3  
4           (iii) The probable cost of the improvement or  
5 service;

6  
7           (iv) The time at which the cost will be payable;

8  
9           (v) The time when a declaration authorizing the  
10 improvements or services will be considered by the board;

11  
12           (vi) That maps, estimates and schedules showing  
13 the approximate amounts to be assessed and all declarations,  
14 resolutions and proceedings are on file and may be examined  
15 at the office of the governing body or other designated place;

16  
17           (vii) That all complaints and objections  
18 concerning the proposed improvement or service by owners of  
19 real property subject to assessment will be heard and  
20 considered by the board before final action, under the  
21 provisions of the Wyoming Administrative Procedure Act.

22

1           (b) If objections to the improvement or service are  
2 made by owners of the property or their agents and the owners  
3 are subject to fifty percent (50%) or more of the projected  
4 assessments, the improvement or service shall not be  
5 authorized and a new declaration for the same or a similar  
6 purpose encompassing lands subject to objections shall not be  
7 considered within one (1) year thereafter.

8

9           **15-12-111. Notice of apportionment; assessment roll.**

10

11           (a) A copy of the declaration adopted by the board  
12 ordering improvements or services to be paid for by assessment  
13 shall be recorded by the clerk of the municipality. The clerk  
14 shall by written notice and within sixty (60) days after the  
15 adoption of the declaration, mail or otherwise deliver the  
16 notice to each landowner to be assessed of the amount of the  
17 assessment, the purpose for which the levy is made, the  
18 assessment against each lot or parcel of land and the date it  
19 becomes delinquent.

20

21           (b) The clerk shall prepare an assessment roll as  
22 specified in title 15, chapter 6, article 4 of the Wyoming  
23 statutes.

1

2           **15-12-112. Duty of municipal officials to levy and**  
3 **collect assessments; administrative deduction.**

4

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

12

13           (b) Assessments levied and collected to provide  
14 improvements or services pursuant to this act shall remain in  
15 effect until the governing body of the municipality where the  
16 district is located receives a recommendation under W.S.  
17 15-12-106(a)(v) or a petition to discontinue the assessment  
18 signed by not less than fifty percent (50%) of the voters of  
19 the district. Upon receipt, a proposal to discontinue the  
20 assessment shall be submitted to the voters of the district  
21 at the expense of the district at the next general election.  
22 If the proposition to discontinue the assessment is defeated,

1 the proposition shall not again be submitted to the voters  
2 for at least twenty-three (23) months.

3

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

8

9 **15-12-113. Rules and regulations; enforcement.**

10

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

19

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

22

23 **15-1-101. Definitions.**

1

2 (a) As used in W.S. 15-1-101 through ~~15-11-302~~3 15-12-113:

4

5 (xv) "This act", unless otherwise specified, means

6 W.S. 15-1-101 through ~~15-11-302~~ 15-12-113.

7

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

11

12

(END)