

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB20

ORDINANCE NUMBER: 2019-20

**TITLE: AN ORDINANCE APPROVING THE EIGHTH AMENDMENT TO SERVICE PLAN OF THE SILVER DOLLAR METROPOLITAN DISTRICT TO ALLOW THE PROVISION OF (1) TRANSPORTATION SERVICES PURSUANT TO C.R.S. § 32-1-1004(9); (2) ACTIVITIES IN SUPPORT OF BUSINESS RECRUITMENT, MANAGEMENT AND DEVELOPMENT PURSUANT TO C.R.S. § 32-1-1004(9); AND (3) A CHANGE IN THE NUMBER OF THE DISTRICT'S BOARD OF DIRECTORS FROM FIVE (5) TO NINE (9) PURSUANT TO THE CITY OF BLACK HAWK HOME RULE CHARTER**

WHEREAS, the Board of Directors of the Silver Dollar Metropolitan District ("District") has requested that the City Council of the City of Black Hawk approve the "Eighth Amendment to the Service Plan of the Silver Dollar Metropolitan District" ("Eighth Amendment"), attached hereto as **Exhibit A**, which if approved would allow the provision of (1) transportation services pursuant to C.R.S. § 32-1-1004(9); (2) activities in support of business recruitment, management and development pursuant to C.R.S. § 32-1-1004(9); and (3) a change in the number of the District's Board of Directors from five (5) to nine (9) pursuant to the City of Black Hawk Home Rule Charter;

WHEREAS, due notice of a public hearing on said Amendment was furnished as set forth in the Service Plan, the Charter, and Ordinances of the City; and

WHEREAS, the City Council has duly held the aforementioned public hearing.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY, COLORADO:

Section 1.     Jurisdiction. The City Council finds it has jurisdiction.

Section 2.     Approval. The Eighth Amendment, attached hereto as **Exhibit A**, is approved unconditionally, and the Silver Dollar Metropolitan District is specifically authorized to provide (1) transportation services pursuant to C.R.S. § 32-1-1004(9); (2) activities in support of business recruitment, management and development pursuant to C.R.S. § 32-1-1004(9); and (3) a change in the number of the District's Board of Directors from five (5) to nine (9) pursuant to the City of Black Hawk Home Rule Charter.

Section 3.     Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is

promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

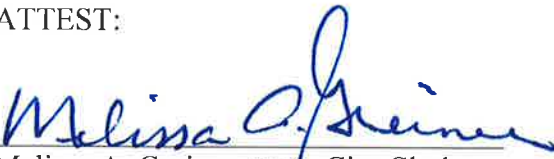
Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 25<sup>th</sup> day of September, 2019.

  
David D. Spellman, Mayor

ATTEST:

  
Melissa A. Greiner, CMC, City Clerk



***Silver Dollar Metropolitan District  
P. O. Box 663  
Black Hawk, CO 80422  
303-582-3165***

August 21, 2019

Melissa Greiner, City Clerk  
City of Black Hawk

HAND DELIVERED

RE: Eighth Amendment to the Service Plan of the Silver Dollar Metropolitan District ("District")

Dear Melissa,

Enclosed is the Eighth Amendment to the Service Plan of the District; and, the related Resolutions concerning Transportation Services; a Nine Member Board of Directors; and, activities in support of business recruitment, management and development.

The District's Board of Directors hereby submit to the Black Hawk City Council the amendment to the District's Service Plan and related Resolutions for City Council consideration and approval.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you,

  
Lynnette Hailey  
District Manager

Enclosures

CC: Rick Kron, Esq. via email

**EIGHTH AMENDMENT TO THE SERVICE PLAN  
OF THE  
SILVER DOLLAR METROPOLITAN DISTRICT**

**I. INTRODUCTION**

Pursuant to the August 2, 2000, Silver Dollar Metropolitan District ("District") Service Plan, Section IX. Modification of Service Plan, and the Special District Act, C.R.S. § 32-1-101, et seq., the District's Board of Directors hereby submits to the Black Hawk City Council the following amendment to the District's Service Plan for City Council consideration and approval.

This amendment to the Service Plan of the District (the "Amendment") sets forth (1) the power and authority for the District to provide transportation services, (2) the power and authority for the District to provide activities in support of business recruitment, management and development, and (3) a change in the number of the members of the District's Board of Directors from five (5) to nine (9). As shown in the attached Resolutions, the Board of Directors of the District has determined that it is in the best interests of the District to amend the Service Plan as set forth herein.

The procedure for amending the Service Plan, as previously approved by the City, is reprinted in the attached Resolutions.

This Amendment is submitted in accordance with the requirements of the Special District Act, specifically Section 32-1-207(2), C.R.S.

**II. AMENDMENT**

**A. Transportation Services**

The District shall have the power and authority to provide for transportation services as allowed by C.R.S. § 32-1-1004(9), C.R.S. § 32-1-1106, Part 6 of Article 4 of Title 43, C.R.S., C.R.S. § 29-1-203, and/or any and all other law, including but not limited to the design, acquisition, installation, construction, financing, operation, and maintenance of public transportation system improvements, including transportation equipment, park and ride facilities and parking lots, parking structures, roofs, covers, and facilities, including structures for repair, operations and maintenance of such facilities, together with all necessary, incidental and appurtenant facilities, land and easements, and all necessary extensions of and improvements to said facilities or systems.

The District is authorized to provide such services by any available means allowed by Colorado law, including directly or by contract. The District is authorized, with the approval of its eligible electors, if an as such approval is required by law, to impose taxes, rates, fees, tolls, charges and penalties, and to incur debt for such purposes.

**B. Business Recruitment, Management and Development Authority**

The District shall have the power and authority to provide activities in support of

business recruitment, management and development consistent with the provisions of the Special District Act and as specifically set forth in C.R.S. § 32-1-1004(9).

The District is authorized to provide such services by any available means allowed by Colorado law, including directly or by contract. The District is authorized, with the approval of its eligible electors, if an such approval is required by law, to impose taxes, rates, fees, tolls, charges and penalties, and to incur debt for such purposes.

### **C. Nine Member Board of Directors**

Pursuant to the home rule authority of the City, the Board shall have nine (9) members, four (4) of whom shall stand for election at the next regular election of the District in May 2020, and five (5) of whom shall stand for election in May 2022. The terms and subsequent terms of office for the District's directors shall be consistent with the Special District Act, C.R.S. § 32-1-101, et seq., and other applicable law, and under no circumstances shall the term of a member of the Board who is currently in office be lengthened or shortened by this amendment. Vacancies on the Board, including the initial vacancies resulting from the Amendment, shall be filled by appointment by the remaining Board members as provided in the Special District Act.

### **III. CONFORMING AMENDMENTS**

To the extent necessary, the remainder of the Service Plan of the District is hereby amended to conform with the provisions hereof. No other changes are authorized by this Amendment and the Service Plan as amended is hereby ratified and confirmed.

### **IV. CONCLUSION**

It is submitted that this Amendment, with the Original Service Plan, as amended, as necessarily modified hereby, meets the requirements of the Special District Act. Therefore, the District respectfully requests that the City Council of the City of Black Hawk, Colorado, which has jurisdiction to approve the Amendment by virtue of Section 32-1-204.5, C.R.S., as amended, adopt a resolution approving this Eighth Amendment to the Service Plan for the Silver Dollar Metropolitan District as submitted.

Respectfully Submitted, August 20, 2019.

**BOARD OF DIRECTORS  
SILVER DOLLAR METROPOLITAN DISTRICT**

#### Attachments:

1. Resolution Concerning Transportation Services
2. Resolution Concerning Activities in Support of Business Recruitment, Management and Development
3. Resolution Concerning a Nine Member Board of Directors

**RESOLUTION OF THE  
SILVER DOLLAR METROPOLITAN DISTRICT**  
(Concerning Transportation Services)

WHEREAS, the Silver Dollar Metropolitan District is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the District was organized by order of the District Court in and for Gilpin County in Civil Action No. 00CV044 effective December 6, 2000; and

WHEREAS, Section V "Council Decision Points" (page 12) of the Service Plan of the District states in relevant part:

"The Board of Directors of the District must return to the City Council and obtain approval of a service plan amendment from Council before proceeding with the following actions:

5. Requests for material modifications to the service plan which shall include modifications of a basic or essential nature including any additions to the types of services initially provided by the District, change in dissolution date, change in debt limit, change in revenue type, change in maximum mill levy, or any changes described in this Service Plan that constitute a material modification. The examples above are only examples and are not an exclusive list of all actions which may be identified as a material modification. The City's approval shall not be required for mechanical modifications to this Service Plan necessary for the execution of the original financing plan for public improvements previously outlined in the plan unless otherwise provided in the Service Plan. [Emphasis added];

and

WHEREAS, Section IX of the Service Plan furnishes the following procedure for modification of the Service Plan:

"IX. MODIFICATION OF SERVICE PLAN

The following procedure shall be followed in order to effect any modification of this service plan.

a. In such detail as may be reasonably requested by the City, the District shall

set forth a written proposal for the modification of the service plan (“Amendment”).

b. The District shall file the Amendment with the City Clerk, City Manager and the City Attorney.

c. The City Clerk shall cause to be scheduled, and shall inform the District of, the date, time, and place for a public hearing by the City’s City Council on the Amendment.

d. The City shall provide posted public notice of the date, time, place and purpose of the public hearing on the Amendment. Such notice may be combined in the notice of any other agenda item that may come before the City Council and shall be posted at the time, in the location, and in the manner, as is provided by City charter and/or ordinance for the posting of notice for regular meetings of the City Council. Failure of the notice to specify that a public hearing shall be conducted concerning the Amendment shall not affect the validity of the notice.

e. The Council shall hold a public hearing on the Amendment in accordance with its regular procedures for public hearings.

f. The Council shall, within 30 days of the conclusion of the public hearing, adopt an ordinance approving, conditionally approving, or disapproving the Amendment as appropriate under the circumstances.”

and

WHEREAS, the City of Black Hawk and the District have discussed the desirability of cooperation and funding by the District in the provision of transportation services; and

WHEREAS, the Board of Directors of the District has determined that it is in the best interest of the District to cooperate with the City of Black Hawk in the provision of such services and to request an amendment to the Service Plan to add the power and authority to provide transportation service in order to do so.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Silver Dollar Metropolitan District, City of Black Hawk, Gilpin County, Colorado, that:

1. The District’s legal counsel is directed to seek an amendment to the Service Plan for the purpose of adding the following power and authority of the District:

The District shall have the power and authority to provide for transportation services as allowed by C.R.S. § 32-1-1004(9), C.R.S. § 32-1-1106, Part 6 of Article 4 of Title 43, C.R.S., C.R.S. § 29-1-203, and/or any and all other law, including but not limited to the design, acquisition, installation, construction, financing, operation, and maintenance of public transportation system improvements, including transportation equipment, park and ride facilities and parking lots, parking structures, roofs, covers, and facilities, including structures for repair, operations and maintenance of such facilities, together with all necessary, incidental and appurtenant facilities, land and easements, and all necessary extensions of and improvements to said facilities or systems.

The District is authorized to provide such services by any available means allowed by Colorado law, including directly or by contract. The District is authorized, with the approval of its eligible electors, if an as such approval is required by law, to impose taxes, rates, fees, tolls, charges and penalties, and to incur debt for such purposes.

2. The proposed amendment to the Service Plan, substantially in the form attached hereto, is hereby approved and the District's legal counsel and manager are authorized to file the same for consideration and approval by the City of Black Hawk.

3. This Resolution shall be effective immediately.

RESOLVED, this 20 day of August, 2019.

SILVER DOLLAR METROPOLITAN DISTRICT

By:   
Edward Smith, President

ATTEST:

  
David D. Spellman, Secretary



**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SILVER DOLLAR METROPOLITAN DISTRICT**  
(Concerning a Nine Member Board of Directors)

WHEREAS, the Silver Dollar Metropolitan District is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the District was organized by order of the District Court in and for Gilpin County in Civil Action No. 00CV044 effective December 6, 2000; and

WHEREAS, Section V "Council Decision Points" (page 12) of the Service Plan of the District states in relevant part:

"The Board of Directors of the District must return to the City Council and obtain approval of a service plan amendment from Council before proceeding with the following actions:

5. Requests for material modifications to the service plan which shall include modifications of a basic or essential nature including any additions to the types of services initially provided by the District, change in dissolution date, change in debt limit, change in revenue type, change in maximum mill levy, or any changes described in this Service Plan that constitute a material modification. The examples above are only examples and are not an exclusive list of all actions which may be identified as a material modification. The City's approval shall not be required for mechanical modifications to this Service Plan necessary for the execution of the original financing plan for public improvements previously outlined in the plan unless otherwise provided in the Service Plan. [Emphasis added];

and

WHEREAS, Section IX of the Service Plan furnishes the following procedure for modification of the Service Plan:

**"IX. MODIFICATION OF SERVICE PLAN**

The following procedure shall be followed in order to effect any modification of this service plan.

a. In such detail as may be reasonably requested by the City, the District shall set forth a written proposal for the modification of the service plan ("Amendment").

b. The District shall file the Amendment with the City Clerk, City Manager and the City Attorney.

c. The City Clerk shall cause to be scheduled, and shall inform the District of, the date, time, and place for a public hearing by the City's City Council on the Amendment.

d. The City shall provide posted public notice of the date, time, place and purpose of the public hearing on the Amendment. Such notice may be combined in the notice of any other agenda item that may come before the City Council and shall be posted at the time, in the location, and in the manner, as is provided by City charter and/or ordinance for the posting of notice for regular meetings of the City Council. Failure of the notice to specify that a public hearing shall be conducted concerning the Amendment shall not affect the validity of the notice.

e. The Council shall hold a public hearing on the Amendment in accordance with its regular procedures for public hearings.

f. The Council shall, within 30 days of the conclusion of the public hearing, adopt an ordinance approving, conditionally approving, or disapproving the Amendment as appropriate under the circumstances;"

and

WHEREAS, the Board of Directors of the District has determined that it is in the best interest of the District to increase the number of members of the District's Board of Directors to nine (9) and to request an amendment to the Service Plan to establish the same.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Silver Dollar Metropolitan District, City of Black Hawk, Gilpin County, Colorado, that:

1. The District's legal counsel is directed to seek an amendment to the Service Plan for the purpose of adding the following:

Pursuant to the home rule authority of the City, the Board shall have nine (9) members, four (4) of whom shall stand for election at the next regular election of the District in May 2020, and five (5) of whom shall stand for election in May 2022. The terms and subsequent terms of office for the District's directors shall be consistent with the Special District Act, C.R.S. § 32-1-101, et seq., and other applicable law, and under no circumstances shall the term of a member of the Board who is currently in office be lengthened or shortened by this amendment. Vacancies on the Board, including the initial vacancies resulting from the Amendment, shall be filled by appointment by the remaining Board members as provided in the Special District Act.

2. The proposed amendment to the Service Plan, substantially in the form attached hereto, is hereby approved and the District's legal counsel and manager are authorized to file the same for consideration and approval by the City of Black Hawk.

3. This Resolution shall be effective immediately.

RESOLVED, this 20 day of August, 2019.

SILVER DOLLAR METROPOLITAN DISTRICT

By:   
Edward Smith, President

ATTEST:

  
David D. Spellman, Secretary

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SILVER DOLLAR METROPOLITAN DISTRICT**

(Concerning Activities in Support of Business Recruitment, Management and Development)

WHEREAS, the Silver Dollar Metropolitan District is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the District was organized by order of the District Court in and for Gilpin County in Civil Action No. 00CV044 effective December 6, 2000; and

WHEREAS, Section V "Council Decision Points" (page 12) of the Service Plan of the District states in relevant part:

"The Board of Directors of the District must return to the City Council and obtain approval of a service plan amendment from Council before proceeding with the following actions:

5. Requests for material modifications to the service plan which shall include modifications of a basic or essential nature including any additions to the types of services initially provided by the District, change in dissolution date, change in debt limit, change in revenue type, change in maximum mill levy, or any changes described in this Service Plan that constitute a material modification. The examples above are only examples and are not an exclusive list of all actions which may be identified as a material modification. The City's approval shall not be required for mechanical modifications to this Service Plan necessary for the execution of the original financing plan for public improvements previously outlined in the plan unless otherwise provided in the Service Plan. [Emphasis added];

and

WHEREAS, Section IX of the Service Plan furnishes the following procedure for modification of the Service Plan:

**"IX. MODIFICATION OF SERVICE PLAN**

The following procedure shall be followed in order to effect any modification of this service plan.

a. In such detail as may be reasonably requested by the City, the District shall

Resolution Concerning Activities in Support of Business Recruitment, Management and Development  
Silver Dollar Metropolitan District

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set forth a written proposal for the modification of the service plan (“Amendment”).

b. The District shall file the Amendment with the City Clerk, City Manager and the City Attorney.

c. The City Clerk shall cause to be scheduled, and shall inform the District of, the date, time, and place for a public hearing by the City’s City Council on the Amendment.

d. The City shall provide posted public notice of the date, time, place and purpose of the public hearing on the Amendment. Such notice may be combined in the notice of any other agenda item that may come before the City Council and shall be posted at the time, in the location, and in the manner, as is provided by City charter and/or ordinance for the posting of notice for regular meetings of the City Council. Failure of the notice to specify that a public hearing shall be conducted concerning the Amendment shall not affect the validity of the notice.

e. The Council shall hold a public hearing on the Amendment in accordance with its regular procedures for public hearings.

f. The Council shall, within 30 days of the conclusion of the public hearing, adopt an ordinance approving, conditionally approving, or disapproving the Amendment as appropriate under the circumstances.”

and

WHEREAS, the Board of Directors of the District has determined that it is in the best interest of the District to be able to provide activities in support of business recruitment, management and development and to request an amendment to the Service Plan to add the power and authority in order to do so.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Silver Dollar Metropolitan District, City of Black Hawk, Gilpin County, Colorado, that:

1. The District’s legal counsel is directed to seek an amendment to the Service Plan for the purpose of adding the following power and authority of the District:

The District shall have the power and authority to provide activities in support of business recruitment, management and development consistent with the provisions

of the Special District Act and as specifically set forth in C.R.S. § 32-1-1004(9).


The District is authorized to provide such services by any available means allowed by Colorado law, including directly or by contract. The District is authorized, with the approval of its eligible electors, if an such approval is required by law, to impose taxes, rates, fees, tolls, charges and penalties, and to incur debt for such purposes.

2. The proposed amendment to the Service Plan, substantially in the form attached hereto, is hereby approved and the District's legal counsel and manager are authorized to file the same for consideration and approval by the City of Black Hawk.

3. This Resolution shall be effective immediately.

RESOLVED, this 20 day of August, 2019.

SILVER DOLLAR METROPOLITAN DISTRICT

By:   
Edward Smith, President

ATTEST:

  
David D. Spellman, Secretary