

Chapter 11

SPECIAL DISTRICT SERVICE PLANS

8-11-1: SCOPE:

The provisions of this chapter shall apply whenever the City receives a request for approval of a special district to be located entirely within City boundaries. The term "special district" as used herein shall mean any or all quasi-municipal entities classified as special districts by State law, including, but not limited to: hospital districts; metropolitan districts; sanitation districts; etc., but excluding special or local improvement districts as that term is defined in this Code. (Ord. 10, Series of 1983)

8-11-2: FILING OF SERVICE PLAN REQUIRED; REPORT OF FILING CONTENTS; FEE:

- (A) Persons proposing the organization of a special district to be located entirely within the City shall, for which a resolution of approval is requested from the City, submit a service plan to the City Council prior to filing a petition for the organization of the proposed special district in any District Court. Such service plan shall be filed with the Department of Community Development at least thirty (30) days prior to a regular meeting of the City Council. At the next meeting of the City Council at least thirty (30) days following the filing of a service plan with the Department of Community Development, the City Council shall set a date within thirty (30) days of such meeting for formal consideration of the service plan of the proposed special district.
- (B) The service plan shall consist of the date when the special district shall be dissolved, a financial survey and a preliminary engineering or architectural survey showing how the proposed services are to be provided and financed. The service plan shall include a map of the proposed special district boundaries and an estimate of the population and the valuation for assessment of the proposed special district, and it shall describe the facilities to be constructed and the standards of such construction and give an estimate of costs, including the cost of acquiring land, engineering services, legal services, proposed indebtedness, proposed maximum interest rates and discounts, capitalized interest, if any, provisions for repayment of the debt if the revenues generated by taxes are insufficient and other major expenses related to the organization and operation of the special district. Such service plan shall also outline the details of any arrangement or proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision, and the form contract to be used, if available, shall be attached to the service plan.
- (C) Each service plan filed shall be accompanied by a nonrefundable processing fee in an amount established by the City Council by ordinance. (Ord. 40, Series of 2017)

8-11-3: ACTION ON SERVICE PLAN:

- (A) The City Council shall review any service plan filed by the petitioners of any proposed special district. With reference to the review of any service plan, the City Council may:

1. Approve, without condition or modification, the service plan submitted by the petitioners of a proposed special district;
 2. Disapprove the service plan submitted by the petitioners of a proposed special district;
 3. Conditionally approve the service plan submitted by the petitioners of a proposed special district subject to the submission of additional information relating to or the modification of the proposed service plan.
- (B) The City Council may disapprove the service plan submitted by the petitioners of a proposed special district based upon a determination by the Council that:
1. There is insufficient existing and projected need for organized service in the area to be serviced by the proposed special district;
 2. The existing service in the area to be served by the proposed special district is adequate for present and projected needs;
 3. Adequate service is, or will be, available to the area through other existing Municipal or quasi-Municipal corporations within a reasonable time and on a comparable basis;
 4. The proposed special district is incapable of providing economical and sufficient service to the area within its proposed boundaries;
 5. The area to be included in the proposed special district does not have, or will not have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
 6. The proposal is not in substantial compliance with the City's Comprehensive Plan.
- (C) The City Council may conditionally approve the service plan of a proposed special district which might otherwise be precluded by subsection (B) of this Section provided that final approval shall be contingent upon modification of the service plan to include such changes or additional information as may be required by the City Council. (Ord. 10, Series of 1983)

8-11-4: COMPLIANCE; MODIFICATION; ENFORCEMENT:

- (A) Upon final approval by the City Council of the service plan of the proposed special district by resolution, the City Attorney shall enter an appearance in District Court proceeding relative to formation of said district and shall request that the court incorporate the City Council's resolution of approval, including any conditions contained therein, in its order authorizing formation of said district.
- (B) Upon final approval by the District Court for the organization of the special district, the facilities, services, financial arrangements and date of dissolution of the special district shall conform to the approved service plan.
- (C) After the organization of a special district pursuant to the provisions of this Chapter, material modifications of the service plan as originally approved may be made by the governing body of such special district only by petition to and approval by the City Council in substantially the same manner as is provided for the approval of an original service plan; but the processing fee for such

modification procedure shall be one hundred dollars (\$100.00). Such approval of modifications shall be required only with regard to changes of a basic or essential nature, including, but not limited to, any addition to the types of services provided by the special district; changes in the financing or debt structure; issuance of additional debt; changes in boundaries and changes in the dissolution date of the special district; but shall not be required for changes of a mechanical or technical nature necessary only for the execution of the original service plan.

- (D) Any departure from the service plan as originally approved, except for technical or mechanical changes as referred to in subsection (C) of this Section, or, if the same has been modified, from the service plan as modified, may be enjoined by the City by appropriate court action. (Ord. 10, Series of 1983)