

Local Utility District (LUD) Resolution Update

November 24th, 2008



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Why are we here?

- Provide information
- Review changes in the LUD resolution
- Review proposed LUD factors
- Discuss anticipated benefits
- Question and comments
- Resolution and exhibits to be presented
next week



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Resolution establishing procedures for the formation of an LUD

Major sections addressing:

- LUD initiated by Board resolution
- LUD initiated by petition of majority of landowners
- LUD initiated by ten percent of landowners
- Apportionment of costs
- Outside properties / appraisals
- Assessment reimbursement option
- **Factors for consideration (new section)**
- Procedural language



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Key changes to the resolution

- Conforms with current statutes
- Removes extra statutory requirements and potential pitfalls
- Added the “Factors for Consideration” section 9
- Allows for Board flexibility to meet the needs of each potential LUD petition on a case-by-case example



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Factors for consideration

Non-exhaustive list the Board of Commissioners may consider in determining financial and economic feasibility:

1. Whether the LUD mitigates a public health and safety concern
2. Historical precedence for type of LUD proposed
3. Is there an alternative process or policy in place to satisfy the purpose of the proposed LUD
4. Level of property owner support for the proposed LUD
5. Impact of proposed LUD to the overall financial health of the District
6. The availability of outside funding to support the proposed LUD
7. Whether the LUD is consistent with Board guiding principles and other policies

The importance and relative weight of these factors may also be determined by the Commissioners. Each proposed LUD shall be evaluated on a case by case basis



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Benefits of these changes

- Resolution complies to state statute
- Adds flexibility and removes compliance risk
- Aids in communication for potential LUD petitioners



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Questions

