

BLACKSTONE METROPOLITAN DISTRICT

www.highplainsmetro.org

Special Meeting (via Teleconference)

Tuesday, July 27, 2021, at 6:00 p.m. (RESCHEDULED)

2021 Regular Meetings – Third Thursday of each Month at 6:00pm

Shawn McGoff, President	Term to May 2022
Vacant, Director	Term to May 2022
Jill Shadwell, Secretary	Term to May 2023
Maria Elena Daniels, Assistant Secretary	Term to May 2022
Bret Erickson, Director	Term to May 2023

Join Zoom Meeting

<https://us02web.zoom.us/j/84329501110?pwd=KzBNTzAxRmNNZHdsQnJQU1VWT2U5dz09>

Meeting ID: 843 2950 1110

Passcode: 200308

Call in Number: 1-669-900-9128

Agenda:

1. Call to Order – 6:00PM
2. Declaration of Quorum/ Conflict of Interest Disclosures
3. Agenda Revisions, Approval
4. Public Comment
5. Consent Agenda
6. Financial Report/Financial Matters – 6:30PM
7. Legal Matters – 6:40PM
8. Facilities Management/District Operations Report – 6:50PM
9. Board Action Items – 7:00PM
10. District Committee Updates 7:30PM
11. Director Items/Other Business 7:50PM
12. Public Comment
13. Adjournment – 8:00PM

NOTICE OF SPECIAL MEETING AND AGENDA

- 1. Call to Order**
- 2. Declaration of Quorum/ Conflict of Interest Disclosures**
- 3. Agenda Revisions, Approval**
- 4. Public Comment** - Members of the public may express their views to the Board on matters that affect the District. Comments will be limited to three (3) minutes. As a general practice, the Board will not discuss/debate these items, nor will the Board make any decisions on items presented during this time, rather it will refer the items for follow up. In person, please sign in, via Zoom – please raise hand during the time of Public Comment.

*Regular and Special Meeting Agendas will be posted to the District’s website at www.highplainsmetro.org

5. **Consent Agenda** - The items listed below are a group of items to be acted on with a single motion and vote by the Board. An item may be removed from the consent agenda to the regular agenda by any Board member. Items on the consent agenda are then voted on by a single motion, second, and vote by the Board.
- Approve Payable Listing in the Amount of \$95,979.87
 - Approve Minutes from the June 28, 2021 Board Meeting

6. Financial Report/Financial Matters	Speaker	Notes/Minutes
Review and Consider Acceptance of Unaudited Financial Statements	Accountant	<ul style="list-style-type: none"> Questions/discussion
Update on Financial Projection	Accountant	
Other Financial Matters	Accountant/Board	

7. Legal Matters	Speaker	Notes/Minutes
District Law changes (signed by Polis)	WBA/Board	<ul style="list-style-type: none"> Do our current guidelines need to be changed as a result of new laws

8. Facilities Management/District Operations Report	Speaker	Notes/Minutes
Management Report	RowCal	<ul style="list-style-type: none">
Discuss Safety and Loss Prevention Grant Allocation	RowCal/Board	<ul style="list-style-type: none">
Discuss Snow Removal on City Streets (Contractor qualification)	RowCal	<ul style="list-style-type: none">
Other Management Matters	RowCal/Board	<ul style="list-style-type: none"> Pillar/Fence Update – Smokey Hill

9. Board Action Items	Speaker	Notes/Minutes
Consilium Entrance/Median Design Proposal	RowCal/Bret Eric	<ul style="list-style-type: none"> Review/Discussion/Approval
Other Board Action Items	Board	

10. District Committee Updates	Speaker	Notes/Minutes
Landscape Committee	Bret Erickson RowCal	<ul style="list-style-type: none"> Landscaping Report – questions/discussion Landscaping Report – questions/discussion – Additional Park Signs

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		<ul style="list-style-type: none"> – Contractor Transition – Entrance/Median Design Proposal – Lennar Tract Turnover
Design Review Committee (DRC)	RowCal Shawn McGoff	<ul style="list-style-type: none"> • Residential Guidelines progress – due date? • Jellyfish lights/legal opinion • Trampolines • Golf carts on streets
Advisory Committee	Shawn McGoff	<ul style="list-style-type: none"> • Advisory Committee Updates
Social Committee		<ul style="list-style-type: none"> • Social Committee Updates
Website Committee	Shawn/Tim	<ul style="list-style-type: none"> • Landing Page Redesign & FAQs • Due date for final distribution • Demo for the board on updates?
Security/Safety Committee	Shawn McGoff	<ul style="list-style-type: none"> • Neighborhood Watch

11. Director Items/Other Business	Speaker	Notes/Minutes
SARIA Meeting Update	Shawn McGoff	
WPRA Meeting Update	Maria Elena	
Board Emails from Residents	Board	
Discuss Board Vacancy	Board	<ul style="list-style-type: none"> • Bill Howell
Consider Election of Officers; President, Treasurer, Secretary	Board	<ul style="list-style-type: none"> •
Discuss Meeting Location (Physical - Electronically)		<ul style="list-style-type: none"> •
Other Director Items	Board	<ul style="list-style-type: none"> •

12. Public Comment - Members of the public may express their views to the Board on matters that affect the District. Comments will be limited to three (3) minutes. As a general practice, the Board will not discuss/debate these items, nor will the Board make any decisions on items presented during this time, rather it will refer the items for follow up. In person, please sign in, via Zoom – please raise hand during the time of Public Comment.

13. Adjournment

Blackstone Metro District Interim Claims 6/16/21 - 7/15/21

<u>Process Date</u>	<u>Vendor</u>	<u>Invoice Number</u>	<u>Amount</u>
6/29/2021	ArborScape, Inc.	Multiple	\$ 4,800.00
6/29/2021	ARCHITERRA GROUP,INC	6984	4,515.84
6/29/2021	CliftonLarsonAllen LLP	Multiple	6,147.12
6/29/2021	Cox Professional Landscape Services LLC	30292	11,762.50
6/29/2021	Full Spectrum Lighting, Inc.	Multiple	2,375.00
6/29/2021	Harpster Maintenance Services,LLC	1496	760.00
6/29/2021	Landtech Contractors, Inc	Multiple	41,767.51
6/29/2021	Lee Design Group LLC	BST21/05	1,430.00
6/29/2021	RowCal Corporate CO	Multiple	4,247.75
6/29/2021	Waste Management of Denver	1293122-0178-0	11,718.52
6/29/2021	White Bear Ankele Tanaka & Waldron	Multiple	4,337.28
6/29/2021	Xcel Energy	53-8016149-9	1,471.35
7/15/2021	Bob Jones @ Yur Service, LLC	4600	50.00
7/15/2021	Harpster Maintenance Services,LLC	Multiple	345.00
7/15/2021	Pet Scoop, Inc.	346942	252.00
		Total	\$ 95,979.87

BLACKSTONE METROPOLITAN DISTRICT

FINANCIAL STATEMENTS

JUNE 30, 2021

**BLACKSTONE METROPOLITAN DISTRICT
BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2021**

	<u>General</u>	<u>Operations Fee</u>	<u>Debt Service - GO Bonds</u>	<u>Debt Service - Revenue</u>	<u>Capital Projects</u>	<u>Capital Projects - Regional Improvement</u>	<u>Total</u>
ASSETS							
1st Bank	\$ 7,427	\$ 146,759	\$ -	\$ -	\$ -	\$ -	\$ 154,186
Colotrust	2,598,482	258,989	2,303,096	12,789	-	1,790	5,175,146
Accounts receivable	-	49,912	-	-	-	-	49,912
Receivable from Century Communities	1,000	-	-	-	-	-	1,000
Receivable from County Treasurer	485,854	-	566,502	-	-	17,732	1,070,088
TOTAL ASSETS	<u>\$ 3,092,763</u>	<u>\$ 455,660</u>	<u>\$ 2,869,598</u>	<u>\$ 12,789</u>	<u>\$ -</u>	<u>\$ 19,522</u>	<u>\$ 6,450,332</u>
LIABILITIES AND FUND BALANCES							
LIABILITIES							
Accounts payable	\$ 8,068	\$ 14,722	\$ 450	\$ -	\$ -	\$ -	\$ 23,240
Prepaid assessments	-	51,832	-	-	-	-	51,832
Due to SARIA	-	-	-	-	-	19,522	19,522
Development fees payable	-	-	168,500	-	-	-	168,500
TOTAL LIABILITIES	<u>8,068</u>	<u>66,554</u>	<u>168,950</u>	<u>-</u>	<u>-</u>	<u>19,522</u>	<u>263,094</u>
FUND BALANCES							
Fund balances	<u>3,084,695</u>	<u>389,106</u>	<u>2,700,648</u>	<u>12,789</u>	<u>-</u>	<u>-</u>	<u>6,187,238</u>
TOTAL LIABILITIES AND FUND BALANCES	<u>\$ 3,092,763</u>	<u>\$ 455,660</u>	<u>\$ 2,869,598</u>	<u>\$ 12,789</u>	<u>\$ -</u>	<u>\$ 19,522</u>	<u>\$ 6,450,332</u>

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statements of revenues, expenditures and changes in fund balances - governmental funds have been omitted.

**BLACKSTONE METROPOLITAN DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2021**

GENERAL FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>	<u>Prior Year to Date Actual</u>
REVENUES				
Property taxes	\$ 1,288,434	\$ 1,262,518	\$ (25,916)	\$ 1,213,304
Specific ownership taxes	93,536	45,716	(47,820)	41,423
Interest income	4,800	518	(4,282)	3,828
Other revenue	2,000	72	(1,928)	-
TOTAL REVENUES	<u>1,388,770</u>	<u>1,308,824</u>	<u>(79,946)</u>	<u>1,258,555</u>
EXPENDITURES				
Accounting	52,000	18,977	33,023	24,325
Audit	4,950	-	4,950	-
County Treasurer's fee	19,327	18,942	385	18,202
Directors' fees	2,800	1,500	1,300	2,700
Director and meeting expense	2,500	-	2,500	1,015
Insurance	35,000	32,821	2,179	26,932
Legal	65,000	28,813	36,187	54,423
Miscellaneous	2,000	1,255	745	1,138
Payroll taxes	214	130	84	245
Election expense	-	-	-	39,224
Website	1,500	150	1,350	150
Contingency	24,709	-	24,709	-
TOTAL EXPENDITURES	<u>210,000</u>	<u>102,588</u>	<u>107,412</u>	<u>168,354</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	1,178,770	1,206,236	27,466	1,090,201
OTHER FINANCING SOURCES (USES)				
Transfers to other fund	(1,340,000)	(12,090)	1,327,910	-
TOTAL OTHER FINANCING SOURCES (USES)	<u>(1,340,000)</u>	<u>(12,090)</u>	<u>1,327,910</u>	<u>-</u>
NET CHANGE IN FUND BALANCES	(161,230)	1,194,146	1,355,376	1,090,201
FUND BALANCES - BEGINNING	<u>1,047,528</u>	<u>1,890,549</u>	<u>843,021</u>	<u>850,148</u>
FUND BALANCES - ENDING	<u>\$ 886,298</u>	<u>\$ 3,084,695</u>	<u>\$ 2,198,397</u>	<u>\$ 1,940,349</u>

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**BLACKSTONE METROPOLITAN DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2021**

OPERATIONS FEE FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>	<u>Prior Year to Date Actual</u>
REVENUES				
Interest income	\$ 1,200	\$ 21	\$ (1,179)	\$ 1,438
Operations fee (homeowners)	600,000	326,609	(273,391)	258,012
Operations fee (vacant lots)	30,000	4,557	(25,443)	20,646
Working capital	60,000	24,500	(35,500)	27,000
Design review fees	5,000	-	(5,000)	2,010
Legal collection fees	6,000	1,075	(4,925)	3,313
Violations and late fees	5,000	3,303	(1,697)	-
TOTAL REVENUES	<u>707,200</u>	<u>360,065</u>	<u>(347,135)</u>	<u>312,419</u>
EXPENDITURES				
Legal - collections	6,000	6,583	(583)	7,650
Miscellaneous	2,000	15	1,985	600
Community activities	15,000	345	14,655	-
Design review	5,000	4,420	580	3,235
Facilities management - contract	50,000	23,507	26,493	22,050
Facilities management - costs	13,000	3,431	9,569	4,582
Flowers	45,000	-	45,000	16,432
Irrigation repairs and improvements	50,000	14,292	35,708	17,089
Landscape maintenance - contract	195,000	87,972	107,028	60,633
Landscape improvements	75,000	7,265	67,735	50,655
Tree and shrub replacement	125,000	-	125,000	5,260
Safety	120,000	-	120,000	-
Gas and electric	10,000	9,148	852	3,807
Trash removal	150,000	69,255	80,745	63,621
Water - irrigation	125,000	8,028	116,972	4,454
Grounds maintenance	30,000	14,213	15,787	10,062
Holiday lighting	20,000	1,260	18,740	1,692
Lighting	10,000	5,234	4,766	1,634
Playground inspection and repairs	10,000	4,516	5,484	-
Snow removal	20,000	11,763	8,237	170
Vandalism	2,000	650	1,350	-
Contingency	37,000	-	37,000	-
TOTAL EXPENDITURES	<u>1,115,000</u>	<u>271,897</u>	<u>843,103</u>	<u>273,626</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(407,800)	88,168	495,968	38,793
OTHER FINANCING SOURCES (USES)				
Transfers from other funds	125,000	-	(125,000)	-
TOTAL OTHER FINANCING SOURCES (USES)	<u>125,000</u>	<u>-</u>	<u>(125,000)</u>	<u>-</u>
NET CHANGE IN FUND BALANCES	(282,800)	88,168	370,968	38,793
FUND BALANCES - BEGINNING	<u>304,113</u>	<u>300,936</u>	<u>(3,177)</u>	<u>352,308</u>
FUND BALANCES - ENDING	<u>\$ 21,313</u>	<u>\$ 389,104</u>	<u>\$ 367,791</u>	<u>\$ 391,101</u>

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SUPPLEMENTARY INFORMATION

**BLACKSTONE METROPOLITAN DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2021**

DEBT SERVICE - GO BONDS FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>	<u>Prior Year to Date Actual</u>
REVENUES				
Property taxes	\$ 1,503,173	\$ 1,472,939	\$ (30,234)	\$ 1,415,524
Specific ownership taxes	105,222	51,428	(53,794)	47,199
Interest income	9,000	567	(8,433)	9,273
TOTAL REVENUES	<u>1,617,395</u>	<u>1,524,934</u>	<u>(92,461)</u>	<u>1,471,996</u>
EXPENDITURES				
County Treasurer's fee	22,548	22,100	448	21,236
Paying agent fees	450	450	-	450
Bond interest - Series 2017	1,114,925	557,463	557,462	560,963
Bond principal - Series 2017	300,000	-	300,000	-
Contingency	2,077	-	2,077	-
TOTAL EXPENDITURES	<u>1,440,000</u>	<u>580,013</u>	<u>859,987</u>	<u>582,649</u>
NET CHANGE IN FUND BALANCES	177,395	944,921	767,526	889,347
FUND BALANCES - BEGINNING	<u>1,740,923</u>	<u>1,755,726</u>	<u>14,803</u>	<u>1,531,197</u>
FUND BALANCES - ENDING	<u>\$ 1,918,318</u>	<u>\$ 2,700,647</u>	<u>\$ 782,329</u>	<u>\$ 2,420,544</u>

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**BLACKSTONE METROPOLITAN DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2021**

DEBT SERVICE - REVENUE FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>	<u>Prior Year to Date Actual</u>
REVENUES				
Other revenue	\$ -	\$ 12,789	\$ 12,789	\$ -
TOTAL REVENUES	<u>-</u>	<u>12,789</u>	<u>12,789</u>	<u>-</u>
EXPENDITURES				
TOTAL EXPENDITURES				
NET CHANGE IN FUND BALANCES	-	12,789	12,789	-
FUND BALANCES - BEGINNING	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
FUND BALANCES - ENDING	<u>\$ -</u>	<u>\$ 12,789</u>	<u>\$ 12,789</u>	<u>\$ -</u>

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**BLACKSTONE METROPOLITAN DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2021**

CAPITAL PROJECTS FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>	<u>Prior Year to Date Actual</u>
REVENUES				
Interest income	\$ 1,500	\$ -	\$ (1,500)	\$ 5,367
TOTAL REVENUES	<u>1,500</u>	<u>-</u>	<u>(1,500)</u>	<u>5,367</u>
EXPENDITURES				
Monumentation	-	12,090	(12,090)	246,589
Park Improvements	50,000	-	50,000	972,196
Entryways	400,000	-	400,000	179,164
Trees	400,000	-	400,000	-
Lighting	25,000	-	25,000	-
Roundabout enhancement	241,500	-	241,500	-
TOTAL EXPENDITURES	<u>1,116,500</u>	<u>12,090</u>	<u>1,104,410</u>	<u>1,397,949</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(1,115,000)	(12,090)	1,102,910	(1,392,582)
OTHER FINANCING SOURCES (USES)				
Transfers from other funds	1,215,000	12,090	(1,202,910)	-
TOTAL OTHER FINANCING SOURCES (USES)	<u>1,215,000</u>	<u>12,090</u>	<u>(1,202,910)</u>	<u>-</u>
NET CHANGE IN FUND BALANCES	100,000	-	(100,000)	(1,392,582)
FUND BALANCES - BEGINNING	<u>350,000</u>	<u>-</u>	<u>(350,000)</u>	<u>1,449,350</u>
FUND BALANCES - ENDING	<u>\$ 450,000</u>	<u>\$ -</u>	<u>\$ (450,000)</u>	<u>\$ 56,768</u>

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**BLACKSTONE METROPOLITAN DISTRICT
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2021**

CAPITAL PROJECTS - REGIONAL IMPROVEMENT FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>	<u>Prior Year to Date Actual</u>
REVENUES				
Property taxes - Regional mill levy	\$ 47,801	\$ 46,840	\$ (961)	\$ 45,014
TOTAL REVENUES	<u>47,801</u>	<u>46,840</u>	<u>(961)</u>	<u>45,014</u>
EXPENDITURES				
County Treasurer's fee	717	703	14	675
Regional mill levy - Payment to SARIA	47,084	46,137	947	44,338
TOTAL EXPENDITURES	<u>47,801</u>	<u>46,840</u>	<u>961</u>	<u>45,013</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	-	-	-	1
OTHER FINANCING SOURCES (USES)				
TOTAL OTHER FINANCING SOURCES (USES)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	-	-	-	1
FUND BALANCES - BEGINNING	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
FUND BALANCES - ENDING	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1</u>

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**BLACKSTONE METROPOLITAN DISTRICT
FKA – HIGH PLAINS METROPOLITAN DISTRICT
2021 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Services Provided

The District, a quasi-municipal corporation and a political subdivision of the State of Colorado, was organized by order and decree of the District Court for Arapahoe County on November 27, 2002, and is governed pursuant to provisions of the Colorado Special District Act (Title 32, Article 1, Colorado Revised Statutes). The District operates under a Second Amended and Restated Service Plan approved on July 26, 2010.

The District was established to provide sanitation, water, streets, traffic and safety controls, parks and recreation, and other related improvements for the benefit of the taxpayers and service users within the Districts' boundaries.

As of December 31, 2015, the District had remaining voted debt authorization of approximately \$1,981,510,000. The District has not budgeted to issue any new debt during 2021. Per the District's Service Plan, the District cannot issue debt in excess of \$100,000,000.

The District has no employees and all administrative functions are contracted.

The District prepares its budget on the modified accrual basis of accounting in accordance with the requirements of Colorado Revised Statutes C.R.S. 29-1-105 using its best estimates as of the date of the budget hearing. These estimates are based on expected conditions and its expected course of actions. The assumptions disclosed herein are those that the District believes are significant to the budget. There will usually be differences between the budget and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material.

Revenues

Property Taxes

Property taxes are levied by the District's Board of Directors. The levy is based on assessed valuations determined by the County Assessor generally as of January 1 of each year. The levy is normally set by December 15 by certification to the County Commissioners to put the tax lien on the individual properties as of January 1 of the following year. The County Treasurer collects the determined taxes during the ensuing calendar year. The taxes are payable by April, or in equal installments, at the taxpayer's election, in February and June. Delinquent taxpayers are notified in August and generally sales of the tax liens on delinquent properties are held in November or December. The County Treasurer remits the taxes collected monthly to the District.

The method of calculating assessed valuation of residential assessment rates in the State of Colorado changed to 7.15% from 7.20% for property tax years 2019-2020 on June 10, 2019 with a report submitted to the State Board of Equalization. Accordingly, the ARI mill levy increased to 1.113 from 1.105 mills and will remain at this amount for 2021.

The calculation of the taxes levied is displayed on the Property Tax Summary page of the budget using the adopted mill levy imposed by the District.

**BLACKSTONE METROPOLITAN DISTRICT
FKA – HIGH PLAINS METROPOLITAN DISTRICT
2021 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Revenues (continued)

Aurora Regional Improvements Mill Levy

Pursuant to the Service Plan, which is dated August 6, 2004, the District is required to impose a 1.000 mill levy for payment of the planning, designing, permitting, construction, acquisition and financing of the regional improvements described in the ARI Master Plan. The ARI Master Plan is one or more master plans adopted by an ARI Authority establishing Regional Improvements which will benefit the taxpayers and service users of the districts which constitute such ARI Authority, which master plan will change from time to time. The District is a participant in the South Aurora Regional Improvement Authority. Revenues collected and held under the ARI mill levy will be held in a segregated account for the benefit of the Authority.

Specific Ownership Taxes

Specific ownership taxes are set by the State and collected by the County Treasurer, primarily on vehicle licensing within the County as a whole. The specific ownership taxes are allocated by the County Treasurer to all taxing entities within the County. The budget assumes that the District's share will be equal to approximately 7.0% of the property taxes collected.

Operations Fee

The District imposes a monthly operations fee on homeowners and vacant lot owners. The fee varies between the two types of owners based on applicable costs to operate the landscape and maintenance of the District property. The fees and associated expenditures are tracked in the Operations Fee fund.

Interest Income

Interest earned on the District's available funds has been estimated based on historical earnings.

Expenditures

General, Administrative, and Operations Expenditures

Administrative expenditures include the services necessary to maintain the District's administrative viability such as legal, accounting, audit, managerial, insurance, banking, meeting expense and other administrative expenses. Additionally, the operations expenditures to maintain District property are detailed in the Operations Fee fund.

Debt Service

Principal and interest payments are provided based on the debt amortization schedule from the Series 2017 General Obligation Refunding Bonds. The District's current debt service schedule is attached.

See related notes below under Debt and Leases.

**BLACKSTONE METROPOLITAN DISTRICT
FKA – HIGH PLAINS METROPOLITAN DISTRICT
2021 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Debt and Leases

On June 6, 2017 the District issued General Obligation Refunding Bonds Series 2017 in the amount of \$27,415,000. The proceeds from the sale of the 2017 Bonds were used to (i) refund the District's outstanding Limited Tax (Convertible to Unlimited Tax) General Obligation Bonds, Series 2005A, (ii) fund an initial deposit of \$1,000,000 to the Surplus Account, and (iii) pay certain costs of issuance of the Bonds.

The Series 2017 Bonds bear interest at rates ranging from 2.375% to 5.000%, payable semi-annually on June 1 and December 1, beginning on December 1, 2017. Annual mandatory sinking fund principal payments are due on December 1, beginning on December 1, 2019. The Series 2017 Bonds mature on December 1, 2047. The Series 2017 Bonds are subject to optional and mandatory sinking fund redemption prior to maturity.

The Series 2017 Bonds are a general obligation of the District. The full faith and credit of the District are pledged for the payment of the principal of, premium, if any and interest on the Bonds. Without limiting the foregoing, the Pledged Revenue is pledged to the payment of the Bonds, on a parity with Parity Bonds, if any. "Pledged Revenue" is defined in the Bond Resolution to mean: (i) all amounts derived by the District from imposition of the Required Mill Levy and, to the extent not applied to the payment or refunding of the Series 2005A Bonds, the debt service mill levy imposed by the District in 2016 (less costs of collection and any tax refunds or abatements authorized by or on behalf of the County); and (ii) Specific Ownership Taxes. The Series 2017 Bonds are secured by amounts held by the District in the Surplus Account, if any. All of the Series 2017 Bonds shall be additionally secured by a Bond Insurance Policy issued by National Public Finance Guarantee Corp, rated A by Standard & Poor's.

The District has no operating or capital leases.

**BLACKSTONE METROPOLITAN DISTRICT
FKA – HIGH PLAINS METROPOLITAN DISTRICT
2021 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Debt and Leases – (continued)

The following is an analysis of anticipated changes in the District’s long-term obligations, subordinate to the Senior Bonds, for the years ending December 31, 2020 and 2021.

	Balance - December 31, 2019	Additions	Retirement of Long-Term Obligations	Balance - December 31, 2020
Reimbursement Agreements				
Lennar - Capital	\$ 15,530,600	\$ -	\$ (15,530,600)	\$ -
Lennar - Capital - Interest	14,687,450	1,087,142	(15,774,592)	-
MS Rialto - Capital	787,397	-	-	787,397
MS Rialto - Capital - Interest	613,408	55,268	-	668,676
MS Rialto - Operations	414,611	-	-	414,611
MS Rialto - Operations - Interest	289,636	29,102	-	318,738
Total	<u>\$ 32,323,102</u>	<u>\$ 1,171,512</u>	<u>\$ (31,305,192)</u>	<u>\$ 2,189,422</u>

	Balance - December 31, 2020	Additions	Retirement of Long-Term Obligations	Balance - December 31, 2021
Reimbursement Agreements				
MS Rialto - Capital	\$ 787,397	\$ -	\$ -	\$ 787,397
MS Rialto - Capital - Interest	668,676	55,118	-	723,794
MS Rialto - Operations	414,611	-	-	414,611
MS Rialto - Operations - Interest	318,738	29,023	-	347,761
Total	<u>\$ 2,189,422</u>	<u>\$ 84,141</u>	<u>\$ -</u>	<u>\$ 2,273,563</u>

Reserves

Emergency Reserves

The District has provided an Emergency Reserve fund equal to at least 3% of fiscal year spending for 2021, as defined under TABOR.

**BLACKSTONE METROPOLITAN DISTRICT
FKA - HIGH PLAINS METROPOLITAN DISTRICT
SCHEDULE OF DEBT SERVICE REQUIREMENTS TO MATURITY
December 31, 2021**

<u>Bonds and Interest Maturing in the Year Ending December 31,</u>	\$27,415,000 General Obligation Refunding Bonds Series 2017 Dated June 6, 2017 Rates ranging from 2.375% to 5.000% Interest Payable June 1 and December 1 Principal Due December 1		
	Principal	Interest	Total
2021	\$ 300,000	\$ 1,114,925	\$ 1,414,925
2022	420,000	1,102,925	1,522,925
2023	450,000	1,086,125	1,536,125
2024	500,000	1,068,125	1,568,125
2025	520,000	1,048,125	1,568,125
2026	565,000	1,035,775	1,600,775
2027	595,000	1,007,525	1,602,525
2028	655,000	977,775	1,632,775
2029	685,000	945,025	1,630,025
2030	755,000	910,775	1,665,775
2031	780,000	886,237	1,666,237
2032	835,000	860,888	1,695,888
2033	865,000	833,750	1,698,750
2034	940,000	790,500	1,730,500
2035	990,000	743,500	1,733,500
2036	1,070,000	694,000	1,764,000
2037	1,115,000	651,200	1,766,200
2038	1,195,000	606,600	1,801,600
2039	1,245,000	558,800	1,803,800
2040	1,330,000	509,000	1,839,000
2041	1,380,000	455,800	1,835,800
2042	1,475,000	400,600	1,875,600
2043	1,535,000	341,600	1,876,600
2044	1,630,000	280,200	1,910,200
2045	1,695,000	215,000	1,910,000
2046	1,805,000	147,200	1,952,200
2047	1,875,000	75,000	1,950,000
	\$ 27,205,000	\$ 19,346,975	\$ 46,551,975

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statements of revenues, expenditures and changes in fund balances - governmental funds have been omitted.

Blackstone Metropolitan District
Schedule of Cash Position
June 30, 2021
Updated as of July 14, 2021

	<u>General Fund</u>	<u>Special Revnue Fee Fund</u>	<u>Debt Service Fund GO Bonds</u>	<u>Debt Service Fund Revenue</u>	<u>Capital Projects Fund</u>	<u>Capital Projects Regional Imprvmt</u>	<u>Total</u>
<u>1st Bank - Checking</u>							
Balance as of 6/30/21	\$ 7,426.56	\$ 146,759.28	\$ -	\$ -	\$ -	\$ -	\$ 154,185.84
Subsequent activity:							
<i>Anticipated Bill.com Payment</i>	(8,068.07)	(53,926.94)	(450.00)	-	-	-	(62,445.01)
<i>Anticipated Transfer From Colotrust</i>	9,550.00	-	450.00	-	-	-	10,000.00
<i>Anticipated Balance</i>	<u>8,908.49</u>	<u>92,832.34</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>101,740.83</u>
<u>Colotrust - Savings Account</u>							
Balance as of 6/30/21	\$ 2,598,482.25	\$ 258,989.09	\$ 2,303,095.67	\$ 12,788.76	\$ -	\$ 1,790.24	\$ 5,175,146.01
Subsequent activity:							
07/10/21 - Property Tax Deposit (June)	485,854.47	566,501.74	-	-	-	17,732.42	1,070,088.63
Surplus fund	-	-	(1,000,000.00)	-	-	-	(1,000,000.00)
Development fees payable	-	-	(168,500.00)	-	-	-	(168,500.00)
<i>Anticipated Transfer to SARLA</i>	-	-	-	-	-	(19,522.66)	(19,522.66)
<i>Anticipated Transfer to Checking</i>	(9,550.00)	-	(450.00)	-	-	-	(10,000.00)
<i>Anticipated Balance</i>	<u>3,074,786.72</u>	<u>825,490.83</u>	<u>1,134,145.67</u>	<u>12,788.76</u>	<u>-</u>	<u>-</u>	<u>5,047,211.98</u>
<i>Total by fund</i>	<u>\$ 3,083,695.21</u>	<u>\$ 918,323.17</u>	<u>\$ 1,134,145.67</u>	<u>\$ 12,788.76</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 5,148,952.81</u>

Yield Information:

Colotrust Prime (June 2021) - .0051%

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statements of revenues, expenditures and changes in fund balances - governmental funds have been omitted.

BLACKSTONE METROPOLITAN DISTRICT
Property Taxes Reconciliation
2021

	Current Year								Prior Year			
	Property Taxes	Delinquent Taxes, Rebates & Abatements	Specific Ownership Taxes	Interest	Treasurer's Fees	Due to County	Net Amount Received	% of Total Property Taxes Received		Total Cash Received	% of Total Property Taxes Received	
								Monthly	Y-T-D		Monthly	YTD
January	\$ 26,650.29	\$ -	\$ 17,915.32	\$ -	\$ (399.75)	\$ -	\$ 44,165.86	0.94%	0.94%	\$ 29,885.25	0.52%	0.52%
February	1,097,567.43	-	13,318.91	-	(16,463.51)	-	1,094,422.83	38.65%	39.59%	1,107,563.30	40.97%	41.49%
March	231,005.64	(287.59)	18,956.44	80.37	(3,461.98)	-	246,292.88	8.13%	47.72%	127,002.78	4.21%	45.71%
April	250,038.96	-	15,965.27	91.90	(3,751.96)	-	262,344.17	8.81%	56.52%	363,637.37	13.29%	58.99%
May	107,966.40	-	14,469.01	259.33	(1,623.39)	-	121,071.35	3.80%	60.33%	85,659.36	2.71%	61.70%
June	1,069,355.82	-	16,519.34	257.67	(16,044.20)	-	1,070,088.63	37.66%	97.99%	1,008,956.80	37.24%	98.94%
July	-	-	-	-	-	-	-	0.00%	97.99%	27,958.18	0.26%	99.20%
August	-	-	-	-	-	-	-	0.00%	97.99%	15,879.70	0.00%	99.20%
September	-	-	-	-	-	-	-	0.00%	97.99%	27,162.21	0.31%	99.51%
October	-	-	-	-	-	-	-	0.00%	97.99%	28,671.65	0.32%	99.83%
November	-	-	-	-	-	-	-	0.00%	97.99%	21,489.91	0.23%	100.06%
December	-	-	-	-	-	-	-	0.00%	97.99%	10,767.25	-0.08%	99.98%
\$	2,782,584.54	(287.59)	97,144.29	689.27	(41,744.79)	\$ -	\$ 2,838,385.72	97.99%	97.99%	\$ 2,854,633.76	99.98%	99.98%

Taxes Levied	% of Levied	Property Tax Collected	% Collected to Amount Levied
\$ 1,288,434.00	45.38%	\$ 1,262,517.76	97.99%
Debt Service Fund 1,503,173.00	52.94%	1,472,939.45	97.99%
Regional 47,801.00	1.68%	46,839.74	97.99%
\$ 2,839,408.00	100.00%	\$ 2,782,296.95	

Specific Ownership Tax

General Fund	\$ 93,536.00	47.06%	\$ 45,716.39	48.88%
Debt Service Fund	105,222.00	52.94%	51,427.90	48.88%
\$ 198,758.00	100.00%	\$ 97,144.29		

Treasurer's Fees

General Fund	\$ 19,327.00	45.38%	\$ 18,942.45	98.01%
Debt Service Fund	22,548.00	52.94%	22,099.56	98.01%
Regional	717.00	1.68%	702.78	98.02%
\$ 42,592.00	100.00%	\$ 41,744.79		

Due To SARIA From 2020	\$ 466.61
Pledged Ptax Collected	46,136.96
Payments to SARIA	27,080.91
Due To SARIA	\$ 19,522.66

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statements of revenues, expenditures and changes in fund balances - governmental funds have been omitted.

(bb) Authorizing and regulating the operation of golf cars on roadways by resolution or ordinance of the governing body, if the authorization or regulation is consistent with this title and does not authorize:

(I) An unlicensed driver of a golf car to carry a passenger who is under twenty-one years of age;

(II) Operation of a golf car by a person under sixteen years of age; or

(III) Operation of a golf car on a state highway; except that the ordinance or resolution may authorize a person to drive a golf car directly across a state highway at an at-grade crossing to continue traveling along a roadway that is not a state highway;

42-4-111. Powers of local authorities

(1) Except as otherwise provided in subsection (2) of this section, this article 4 does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

Sec. 134-365. - Neighborhood transportation vehicles.

- (a) *Definitions.* For the purposes of this chapter, the term "neighborhood transportation vehicle" means a self-propelled, electrically or gas powered motor vehicle that:
 - (1) Meets the equipment standards set forth in article I of part 2 of the Model Traffic Code; and,
 - (2) Has a speed attainable in one mile that does not exceed 25 miles per hour; and
 - (3) An individual of reasonable mentality would describe in common terms as a golf cart.
- (b) *Prohibition—State highways.* Notwithstanding any other provisions contained in this section, it shall be unlawful for any person to operate a neighborhood transportation vehicle upon any state highway.
- (c) *Prohibition—City streets.* Except as authorized in subsection (d) it shall be unlawful for any person to operate a neighborhood transportation vehicle on any highway which is maintained by the city and is open to the use of the public for purposes of vehicular traffic.
- (d) *Neighborhood transportation vehicles authorized.* It is hereby authorized that licensed drivers may operate neighborhood transportation vehicles on those portions of the highways herein below designated:
 - (1) Within the marked bicycle/neighborhood transportation vehicle lanes on East Aurora Parkway from one mile west and one mile east of its intersection with Gartrell Road; or,
 - (2) Within the marked bicycle/neighborhood transportation vehicle lanes on Gartrell Road from its intersection with South Aurora Parkway to its southern most intersecting line with the border of Douglas County; or,
 - (3) While crossing any intersection within the above described boundaries of Gartrell Road and East Aurora Parkway.The authorization to operate neighborhood transportation vehicles at the above referenced locations shall not be effective unless and until official signs, giving notice of such authorization, are placed at the start and end to those parts of the highways involved.
- (e) *Regulation of operation.* Every person operating neighborhood transportation vehicle on those portions of the highways designated in subsection (d) shall have all the rights and duties applicable to the driver of any other vehicle under the Model Traffic Code, as adopted and amended by the city except as to those provisions which by their nature can have no application.

(Ord. No. 2002-58, § 1, 10-14-2002; Ord. No. 2003-72, § 3, 11-17-2003; Ord. No. 2009-60, § 1, 1-11-2010)



www.davincisign.com

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the art and science of identification

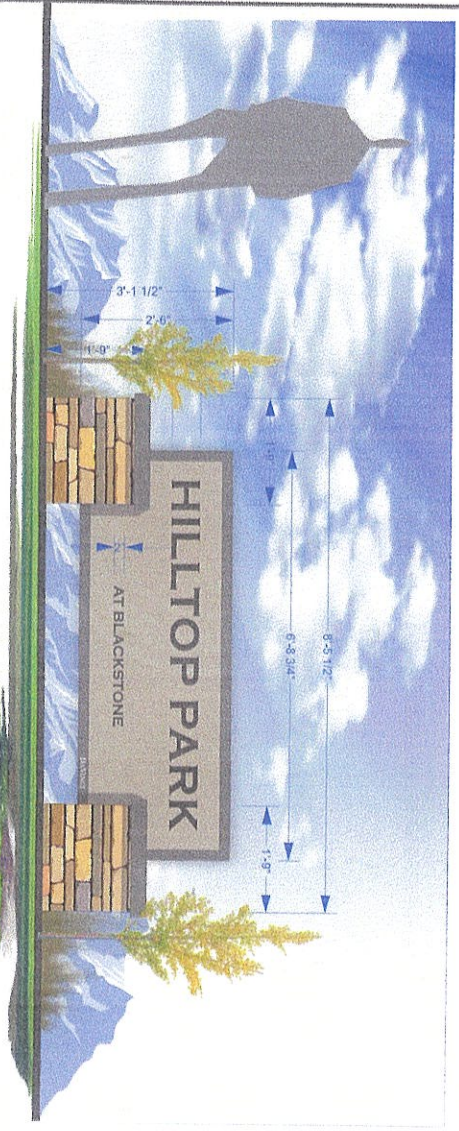
Phone: (970) 203-9292 Fax: (970) 203-9293
4496 Bents Dr. Windsor, Colorado 80550
Denver Metro: (303) 573-7446
Cheyenne Wyoming: (307) 220-4316





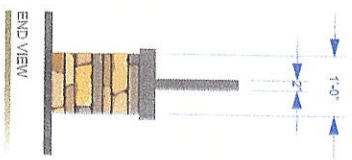
1 D/F NON-ILLUMINATED MONUMENT SIGNS
 QUANTITY: 1 MANUFACTURE AND INSTALL

SCALE: 1/2"=1'-0"



2 D/F NON-ILLUMINATED MONUMENT SIGNS
 QUANTITY: 1 MANUFACTURE AND INSTALL

SCALE: 1/2"=1'-0"



END VIEW

COLOR KEY

PAINT T.B.D.
PAINT T.B.D.
VINYL BLACK

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code. The location of the disconnect switch after installation shall comply with Article 600.6 (A) (1) of the National Electrical Code.

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DAVINCI SIGN SYSTEMS, INC.
 The art and science of identification

1496 Bruns Dr.
 Windsor, CO 80550
 P.O. Box 1000
 Denver, CO 80202
 Phone: (303) 573-7446
 Fax: (303) 573-7446
 Email: info@davinco.com

Job Name: HILLTOP PARK

Address:

Designer: JD EASTON
Sales: RODRIGUEZ
Sorter: NISS
Date: 5.27.21

Revisions:

DaVinci Approval: _____ Date: _____

Customer Approval: _____ Date: _____

Without Changes
 With Changes As Shown

Electrical looking by others.
 Electrical requirements: 120V or as indicated.
 All handspacing by others.

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Sales Approval: _____ Date: _____

Production Approval: _____ Date: _____

Design # 21-416

Pages: 1 of 1



Colorado

4496 Bents Drive, Unit A
Windsor, CO 80550
Ph: 970-203-9292

Wyoming

108 W. Lincolnway
Cheyenne, WY 82001
Ph: 307-220-4316

Toll Free: 866-DaVinci (328-4624)

www.davincisign.com

Sales Proposal / Agreement

Company Name:	RowCal	Job Name:	Hilltop Park signs
Attn:	Carol Hesketh	Drawing #:	21-416R1
Billing Address:	9101 E Kenyon Ave #1200	Site/Street Address:	
City, State, Zip:	Denver CO 80237	Site/City, State, Zip:	Aurora CO
Phone:	303-459-4919	Job Contact Name:	
Cell:	714-501-1364	Job Contact Phone:	
Email:	Heskethcarol@gmail.com	Sales Consultant:	Rodney Eaton
Proposal Date:	07/16/21	Email:	rodney@davincisign.com
PO #:		Cell:	720-235-9202

Thank you for the opportunity to serve you!

Scope of Work:

Fab and install 1 ea 2'-6" x 6'-8.75" D/F Panel sign on 2 masonry fabricated bases. Sign panel painted 2 colors with vinyl overlay. Masonry base is fabricated frame with faux stone & buff stone caps... Install as per design 21-416R1 Sign #1
Quote - \$8225.00 plus tax and any necessary permits

Fab and install 1 ea 2'-6" x 6'-8.75" D/F Panel sign on 2 masonry fabricated bases. Sign panel painted 2 colors with vinyl overlay. Masonry base is fabricated frame with faux stone. Install on concrete footings. Per design 21-416R1 Sign #2
7-16-21 Enlarged the base masonry & added buff stone caps Quote - \$8225.00 plus tax and any necessary permits

*** All prices are subject to change due to current volatile fluctuations with material cost**
*** Pricing in this proposal is based on client signing this agreement. Subcontract or other agreements add 7% to the proposal amount.**

Lease financing is available. Ask your salesperson for more information.

Payment Terms: 50% Deposit, Net due within 10 days of completion

Payment Method: Check Credit Card* Lease/Purchase Financing _____ \$
 Monthly Maintenance Option _____ \$

Note: Any applicable sales tax, permit costs or permit acquisition fees are not included in the above proposed amount unless stated otherwise above. These items will be added to the final invoice.

Performance by buyer is personally guaranteed by the undersigned purchaser.

PURCHASER / GUARANTOR

Date Accepted: _____
Print Name: _____
Signature: _____ Title: _____

Signature signifies acceptance of general terms and conditions included on page 2.

DAVINCI SIGN SYSTEMS, INC.

Date Accepted: _____
Print Name: _____
Signature: _____ Title: _____

Contract not binding until signed by an officer of DaVinci Sign Systems, Inc.

Ask your salesperson for a quote on a planned maintenance program for your new sign.

Extraordinary Belongs To Those Who Create It!

General Terms and Conditions:

- Monument structure, foundation, excavation, and engineering done by others.
- Assumes customer will have a designated Windows 98 or newer PC for operation of electronics/EMC displays.
- Communication lines into the sign from a PC, when required for EMC operation, will be provided by others.
- Any possible required licensed engineer's review, stamp and/or changes to shop drawing(s) will incur an additional cost to the customer.
- Permit fees are based on the actual jurisdictional charge plus an acquisition fee for staff time at \$125 per hour, with a \$250 minimum.
- This contract assumes adequate access to work areas for DaVinci personnel & equipment.
- Landscaping &/or landscape repair is excluded from scope of work.
- Final electrical hook-up to sign shall be done by others, with the customer being responsible for the coordination and cost of this work.
- All signs are 120 volt primary unless otherwise noted. Higher voltage such as 277 is available, but at an additional cost to customer.
- Davinci Sign will not be held responsible for damage to *unmarked* public or private utilities, sprinkler lines, phone lines, etc. that may occur while installing signs &/or excavating.
- This contract assumes normal soil conditions for foundations, inadequate soils, high water tables. All other conditions may require additional work at an additional cost to the customer.
- All work comes with a (1) one year warranty period from the date of substantial completion (if paid within the terms as outlined on this proposal).
- It is the responsibility of the customer to present adequate tax exempt documentation at time of signing and prior to permitting. Without this documentation, any tax paid with permits will be passed along, and reimburseable in full to DaVinci by the customer. Any refund of this tax will be the responsibility of the customer to request directly from the taxing jurisdiction.

Acceptance of Proposal: The prices, specifications and conditions as outlined are satisfactory and hereby accepted. DaVinci is authorized to do the work specified. Once signed & accepted, this proposal becomes a binding contract. Payment will be made as outlined.

* A 3.5% convenience fee will be automatically charged on all credit card payments over \$2,500. DaVinci Sign Systems, Inc., only accepts Visa/MC.

When deposits are given by credit card, any balance due will be automatically processed at the completion of work.

By signing this agreement, the signer grants permission for DaVinci to use photos and to make reference to the client's project in advertising, on their website, and/or any other media format.

For purposes of repair, maintenance and marketing, permission is granted to DaVinci to affix their identification to the completed product.

Invoices unpaid after their due date will be assessed a finance charge of 1.5% (18%APR). Collection costs & attorney fees will be added as an outstanding charge. Larimer County, CO is the named legal venue. DaVinci has the right to repossess any product/signage on accounts that become past due.

All labor & material is guaranteed as per the outlined warranty period. All work to be completed in a workmanship like-manner according to standard process. Any alterations or deviation from specifications as outlined on the original scope, may incur additional costs and will be executed only upon written & signed order(s). All agreements are contingent upon strikes, accidents or delays beyond our control.

The display is a custom manufactured product and has no value other than to the intended party. If for any reason the contract is cancelled, terminated, placed on hold, &/or postponed due to delay(s) not caused by DaVinci, a minimum charge of 50% of the contract &/or work completed to date (whichever is greater), including field surveys, drawings, materials, sales expense, permits, engineering, shop drawings, etc., or any cost with overhead incurred, will become chargeable and shall become due immediately per the terms outlined, &/or deducted from any given deposit.

Monthly progress billings will automatically occur and be due and payable under the terms of this agreement for all pro-rata work.

All signs removed will be disposed of unless prior written arrangements are made for storage or return.

When / if additional costs occur, such as additional trip charges, or change in scope or access, or any other obstacles due to delays not caused by DaVinci, additional charges will be added to this contract and will be due from customer.

Applicable sales taxes are assessed on all orders. Orders for customers & organizations who are tax-exempt will not be recognized as exempt until a valid State-executed certificate is received.

DA VINCI
SIGN SYSTEMS, INC.

84-1487394

BSC Signs
7245 W 116th Pl
Broomfield, CO, 80020 USA
Phone: (303)-464-0644 www.bsccsigns.com
sales@bsccsigns.com



Quote Submitted To:

ROWCAL001
RowCal
Attn: Chelsea Garza
9101 E. Keyon Ave. #1200
Denver, CO 80237 USA

Phone: (303) 459-4919 Ext.
Fax:
Email chelsea.garza@rowcal.com

Job Name and Location

Blackstone Aurora
Aurora, CO 80016 USA

Quote #	Quote Date	Ship Via	Ship Date	Due Date	Payment Terms	Contact	Page
027582	5/18/2021				Net 7	PatrickS	Page 1 of 3

Quantity	Description	Unit Price	Extended Price
1	Permitting Acquisition: BSC to obtain necessary permits needed to manufacture and install all proposed exterior products.	\$298.72	\$298.72
1	Permit Fees: **Line item pricing will change** Any fees/charges from the city, county, or design reviews will be passed onto the customer (at cost) onto the final invoice.	\$0.00	\$0.00
3	Manufacture:	\$3,142.80	\$9,428.40
2	(3) 30" x 80.77" x 2" deep Single-faced, non-illuminated park ID signs. Each sign is attached to (2) 21" x 21" x 21" faux stone bases. Painted (2) colors with black cut vinyl copy. 2" aluminum caps on stone bases. (1) To read "HILLTOP PARK" (1) To read "CANYON PARK" (1) To read "CANYON HILL"		
1	Install:	\$5,368.77	\$5,368.77
2	(3) Park ID signs		
1	Per BSC Signs Design ID #5292648806 - per provided sign scopes	\$0.00	\$0.00

Client (Signature): _____ Date: _____

Client (Print Name): _____

Taxable:	\$9,428.40
NonTaxable:	\$5,667.49
SalesTax:	\$830.64
Freight:	\$0.00
Misc:	\$0.00
Total:	\$15,926.53

Thank You

Price to be adjusted to reflect 2 signs; not 3.

TERMS AND CONDITIONS

These Terms and Conditions apply to the attached quote prepared by Broomfield Sign Company Inc. ("BSC") as requested by the Client identified on the quote ("Client"). These Terms and Conditions shall remain in full force and effect until the earlier of: (1) the execution of a definitive agreement between BSC and Client; or (2) the completion of any services provided by BSC to Client as contemplated under the attached quote.

PRICING Quotes are good for 14 days from receipt due to raw material pricing fluctuations. All pricing is subject to review or change based on final design, engineering, and technical survey findings (Tech survey or field verify is to determine measurement, equipment access, install reach and height, fascia materials, and access to primary dedicated power). Unless otherwise noted, pricing does not include any raceways, wireways, wire covers, seal tight, or any type or internal or external lighting (unless specified). Pricing does not include any other products or services unless otherwise specified.

RUSH ORDERS Are possible and may be subject to additional fees, inquire with your salesperson for more details.

TAXES Any taxes imposed by federal, state, or municipal authorities upon production, sale, completion, or shipment of the products and services provided by BSC will be added or adjusted accordingly during final billing. All applicable tax-exempt certificates shall be supplied to BSC by Client at time of payment.

DEPOSIT A 50% deposit of total quoted value will be required to begin fabrication and or installation. The remaining balance will be due upon completion of specified work and services, and or upon approved terms by BSC Management.

PARTIAL BILLING BSC may split quote/order and partially bill for all completed portions of the project. Billed portions will be subject to payment terms on header of this quote.

PAYMENT METHOD FOR GOODS & SERVICES Client to pay by ECheck (Preferred) or by any other payment method approved by BSC Management.

CONTRACT REVIEW & ADMIN Should Client expect BSC to review and sign Client's own contract; Client agrees to a charge of \$357.50 per hour (1 hour minimum) for BSC to review and respond properly.

ADDITIONAL COSTS Pricing does not include any costs referenced herein as "at Client's expense." All such "at Client's expense" costs shall be in addition to the quoted price and shall be due and payable immediately. Any costs as a result of an event beyond the control of BSC, changes in applicable law or building code, or services not expressly included in the applicable scope of work shall be the responsibility of Client.

DELAYS BSC shall diligently pursue work through to completion but shall not be responsible for delays for any of the following reasons: failure of Client to sign off on the selections in a timely fashion, inability to secure materials, imposition of government priority or allocation of materials, failure of Client to make payments when due, delays caused by inspections, or changes ordered by inspectors of governmental bodies concerned. BSC shall not be liable for any delay in the performance of this order if such delay is, directly or indirectly caused by, or in any manner arise from fires, floods, accidents, civil unrest, acts of God, war, governmental interference, embargoes, strikes, transportation delays, or any other cause or causes (whether or not similar in nature to any of these herein before specified) beyond its control. In any event BSC shall not be liable for consequential damages resulting from any delay in the performance of this order. Any order not in dispute shall be paid for regardless of controversies relating to other orders.

CHANGES TO WORK (CHANGE ORDERS) Any modification of this agreement or additional obligations assumed by the other party in connection with this agreement shall be binding only if placed in writing and signed by each party or an authorized representative of each party. These changes shall be designated as change orders. BSC shall not be considered in breach of this agreement by failing to perform on work unless there is an executed change order in place.

PERMITS AND RESTRICTIONS Client shall obtain and pay for all permits required unless otherwise specified in writing and approved by BSC. Client further covenants that there are no restrictions, easements, or covenants restricting or requiring consent to the work to be performed. Client shall obtain and be responsible for obtaining any variances should such variances be required to obtain a permit unless otherwise specified in writing and approved by BSC. All signage locations, quantities, and designs are subject to approval by property owner, design review committees, HOA, City and County municipalities (where applicable). If any of the listed parties require modifications, BSC Signs is entitled to review and or adjust pricing to reflect any changes. Client is responsible for any additional costs that may or may not incur due to such changes. Road and sidewalk closures are not included in pricing, if needed, all costs will be passed on at cost onto our final invoice and will be reflected in the "permit fees" line item. Any additional admin time needed to obtain sidewalk closures, road closures, meter bagging, variances, traffic control plans, etc, will be additional and will be charged @ \$74.00/hr.

ENGINEERING If stamped Engineer's drawings are required by jurisdiction for permit or needed for fabrication or installation purposes, BSC will obtain such drawings and any fees will be billed to the Client on final invoice. Any overages incurred as a result of alterations required by Engineer's drawings will be charged must be reimbursed by Client on final invoice.

LANDLORD'S PERMISSION Client shall be responsible for obtaining the permission of the landlord or owner of the premises for installation of the sign or changes in any existing sign. BSC, will, if requested by Buyer, assist in obtaining such permission, but shall not be in any way responsible for landlord's refusal to permit installation of the sign or a subsequent revocation of such permission.

PROPERTY LINES Client is solely responsible for the disclosure of all lot lines.

ACCESS TO WORK Client shall: (i) grant free access to work areas for workers and vehicles; (ii) allow areas for storage of materials and rubbish; and (iii) grant reasonable access to onsite restroom facilities. BSC and workers shall not be expected to keep gates or doors closed for animals and children. All services shall be performed during BSC's normal business hours (Monday-Friday from 6:00 a.m. to 4:00 p.m. MST), unless otherwise noted. Pricing assumes free and clear access to all sign locations (Parking locations in front of the sign areas must be blocked off the night before install). Crane truck max reach is 43', max working height is 48', max side reach is 38', & max pick weight is 2000 lbs. +/- (assumes proper angles). Final reach to be determined during tech survey, additional costs shall be paid by Client prior to continuation of work.

HAZARDOUS MATERIALS BSC shall not be responsible for removal, disturbance, or disposal of any "Hazardous Materials" as defined by any federal, state, or local law, regulation, or ordinance, including without limitation, lead base paint, mold, asbestos, and asbestos containing material. If Hazardous Materials are encountered in the course of BSC's work, Client shall pay any and all costs to remove and dispose of such Hazardous Materials in accordance with such federal, state, and local laws, regulations, and ordinances. CLIENT HEREBY WAIVES AND RELEASES BSC FROM ALL LIABILITY FOR ANY DAMAGES, BOTH TO PERSON AND PROPERTY, SUFFERED BY CLIENT AS A RESULT OF BSC'S REMOVAL, DISTURBANCE, OR DISPOSAL OF HAZARDOUS WASTE INCLUDING BUT NOT LIMITED TO LEAD BASED PAINT AND ASBESTOS. CLIENT SHALL INDEMNIFY AND HOLD BSC HARMLESS FOR ANY DAMAGES SUFFERED BY BSC AS A RESULT OF CLIENT OR ANY THIRD PARTY MAKING A CLAIM FOR DAMAGES AGAINST BSC IN CONNECTION WITH BSC'S REMOVAL, DISTURBANCE, OR DISPOSAL OF HAZARDOUS WASTE. SHOULD A LEGAL ACTION BE FILED AGAINST BSC FOR SUCH A CLAIM, CLIENT SHALL INDEMNIFY BSC FOR ALL DAMAGES AND COST SUFFERED BY BSC INCLUDING REASONABLE ATTORNEY'S FEES. Client represents and warrants that the property is free from mold, asbestos, and all other Hazardous Materials.

INSECT AND MOISTURE DAMAGE BSC shall not be obligated to perform any work or to correct damage caused by termites or other insects, moisture, mold, dry rot, or decay. If any pretreatment for termites or other insects is required, it will be at Client's expense.

REINFORCEMENT OF BUILDING Buyer shall provide all necessary reinforcements to the building on which goods are installed.

ROOF Client shall verify and or permanently seal any roof penetrations that have been made during sign install. BSC shall have no obligation or liability to Client or any third-party with respect to damage to the property or the roof during install.

ELECTRICAL SERVICE All required permitting, primary electrical runs, sweeps, and final connections to signage to be performed and provided by client's licensed electrician (Unless otherwise noted). Unless specifically included, electrical work contemplates no change to existing service panels. Costs incurred in changing point of service, main switch, or meter that may be required by an inspector or serving utility authority shall be paid to BSC by Client as the same are incurred. All electrical signage manufactured by BSC will be UL labeled and listed, unless otherwise noted.

REMOVAL OF SIGNS After the removal of signage, BSC may fill holes with silicone or other materials, however, Client acknowledges that this is not a permanent fix and BSC

Quote #	Quote Date	Ship Via	Ship Date	Due Date	Payment Terms	Contact	Page
027582	5/18/2021				Net 7	PatrickS	Page 3 of 3

disclaims any and all liability with respect to any damage arising out of or in connection to BSC's removal of any signage. Client further acknowledges it has been advised to engage a professional service company to repair, patch, and or paint any interior or exterior wall after signage has been removed. If a sign, part, or any component is removed and to be reinstalled either at the same location or different, Client acknowledges that BSC is not responsible for any repairs, changes or modifications to the sign, part, or any component; any needed, unforeseen repairs, or modifications will be the responsibility if the Client and will be subject to a change order should client want BSC to perform any further work or services beyond the original scope of work.

REFURBISHMENT OF SIGNS Client acknowledges that BSC is only responsible for quoted, agreed to, and specified parts, labor, and components. If BSC finds any additional or unforeseen issues while in possession of sign, BSC will reach out to Client for a change order and will provide a quote prior to commencement of any repairs.

DAMAGE TO PROPERTY BSC shall not be responsible for, and Client shall defend and indemnify BSC for any damage to landscaping, concrete, tile, stone, or paver damage, underground utilities nor shall BSC be responsible or liable for damage to or caused by any underground obstructions. Further, BSC shall not be held responsible for damage caused by Client or Client's employees, acts of God, soil slippage, earthquake, weather, fire, riot, strikes, civil commotion or acts of public enemy.

LIMITATION ON DAMAGES Neither BSC, nor any of BSC's officers, agents, representatives, or affiliates will be liable for any indirect, incidental, special, or consequential punitive or multiple damages, arising in connection with the services performed pursuant to any scope of work, or any other obligations to Client, even if BSC has been advised of the possibility of such damages. The foregoing limitation of liability shall apply regardless of the cause of action under which such damages are sought. In no event shall BSC's total liability to Client the total amount of consideration received by BSC from Client.

LATE CHARGES Past due amounts are subject to a service charge of 1.5% per month from the invoice date. BSC shall be entitled to recover all costs of collections, including court costs & attorney fees.

RESCHEDULING FEES If Client fails to take delivery of goods on any mutually agreed upon or scheduled delivery or installation date, Client agrees to pay a reasonable fee for administration and rescheduling costs. Minimum cost is \$300 per lost scheduled day. BSC may withhold such rescheduling fees at its discretion.

STORAGE FEES If Client fails to take delivery of goods on any mutually agreed upon scheduled delivery or installation date, BSC shall store such product at its discretion either indoor or out, and Client shall be invoiced on the first day of each month following such scheduled delivery for reasonable administration and storage costs. Minimum cost is 1.5% of value signage per month for up to 6 months, 2.5% after 6 months, and 5% after 1 year. While BSC is glad to extend every possible service in the way of meeting the client's extended requirements, it is understood BSC will not be held liable for damage to or destruction of signs so held beyond the original mutually agreed upon scheduled delivery or installation date. BSC may determine custom pricing for larger signs/projects and may withhold charging any storage fees at its discretion.

ADVERTISING & MARKETING Client shall permit BSC or person(s) employed or engaged by BSC, without compensation or consideration to Client, to take photographs at the project site of both work in progress and completed work, for purposes including, but not limited to, publication in newspapers, magazines, and other print media, use in broadcast media, publication via the Internet, social media, ads etc., and use in any marketing materials used by BSC.

WARRANTY Unless otherwise agreed in writing approved by an officer or authorized representative of BSC, and subject to the restrictions and limitations contained herein, BSC shall provide a limited warranty on new neon signage for one (1) year from the date of installation, and a limited warranty on all other signage and installation for two (2) years following the date of installation. This limited warranty includes travel, parts, and labor utilizing standard BSC equipment (specialty equipment is not included). Further, this limited warranty is only valid against manufacturing and install defects and does not include: theft, vandalism, damage by vehicle, person, or any object, weather, normal wear and tear, defects arising as a result of work done after BSC's completion, or acts of God. This warranty shall be void if a balance is past due. BSC makes no other warranty and hereby disclaims any other warranty, whether express or implied.

WORK BY OTHERS Unless otherwise provided on the quote, BSC shall not be responsible for work performed by Client, Client's contractors, subcontractors, employees, or individuals neither employed nor engaged by BSC. Any work performed by any individual or entity other than those previously approved by BSC in writing shall void any and all warranties with respect to the services and products offered by BSC.

SERVICE/REPAIRS BSC warrants service repairs and parts for thirty (30) days after installation. This limited warranty on service and repairs includes travel, parts, and labor utilizing standard BSC equipment (specialty equipment is not included). Further, this limited warranty is only valid against parts and install defects and does not include: theft, vandalism, damage by vehicle, person, or any object, weather, normal wear and tear, defects arising as a result of work done after BSC's completion, or acts of God. If product is warranted, no warranty services will be performed on past due accounts.

PURCHASERS LIABILITY Client understands they are ordering a custom-made product. By signing this quote, Client assumes responsibility and confirms that all referenced artwork, designs, and quote specifications are correct. Any corrections needed or desired by Client outside of the specifications or different, will be an additional quoted cost to repair, remake, reproduce, or correct any issues or discrepancies. Client agrees and confirms that this quote, any referenced artwork, or designs represents the entire agreement between Client and BSC and understands that any verbal agreements, promises, or representations between Client and any representatives of BSC, that are not specifically stated in this quote, will not be enforceable or binding and are null and void.

PATENTS The Buyer shall indemnify Seller and hold Seller harmless from and against any expense or loss resulting from infringement of patents or trademarks arising from compliance with the Buyer's design or specification.

TITLE / REPOSSESSION All signs & materials remain property of BSC, until paid in full, and are subject to repossession for non-payment. Client is responsible for repossession, removal, and or re-installation costs.

PAST DUE ACCOUNTS Past due amounts are subject to a service charge of 1.5% per month from the original invoice date.

DEFAULT Client shall be in default under this agreement in the event Client shall fail to pay any or all of the purchase price when due or fails to pay the purchase price together with accrued interest (1.5% per month) upon demand of BSC. In the event of default, Client agrees to pay all costs of collection, including all court, attorney, and legal expenses and fees incurred by BSC in collecting or attempting to collect the unpaid purchase price and all other applicable charges.

BINDING AGREEMENT Client's signature on the attached quote shall be binding upon Client for his or her obligations in regard to amounts payable upon execution and otherwise prior to the commencement of services.

WILLIAM P. ANKELE, JR.
JENNIFER GRUBER TANAKA
CLINT C. WALDRON
KRISTIN BOWERS TOMPKINS
ROBERT G. ROGERS
BLAIR M. DICKHONER
GEORGE M. ROWLEY

OF COUNSEL:
KRISTEN D. BEAR
K. SEAN ALLEN
TRISHA K. HARRIS



ZACHARY P. WHITE
HEATHER L. HARTUNG
MEGAN J. MURPHY
EVE M.G. VELASCO
LAURA S. HEINRICH
AUDREY G. JOHNSON
CAREY S. SMITH V
ERIN K. STUTZ

MEMORANDUM

FROM: WHITE BEAR ANKELE TANAKA & WALDRON
DATE: June 14, 2021
RE: Overview of 2021 Legislation and Recent Case Law Affecting Special Districts, Municipalities, and Community Associations

This year's Legislative Session officially wrapped up on June 8, 2021. As in past years we are providing a summary of the pertinent legislation impacting special districts, municipalities, and community associations. This year, we have also included a section on case law updates. If you would like more detailed information on any of the information contained herein, please let us know.

Those bills which have already been signed into law by the Governor are indicated below. Those bills which have not yet been signed by the Governor but which are included below have passed both chambers and will go to the Governor for his signature who has 30 days to sign the bill into law. The Governor can sign the bill (making it law); not sign the bill and allow it to become law without his approval; or veto the bill. The last day for the Governor to act on bills from the 2021 session is July 8, 2021. Any bills not signed or vetoed by that date will become law at 12:01 a.m. on July 9, 2021.

SPECIAL DISTRICTS AND/OR MUNICIPALITIES LEGISLATION

SB21-020 – Energy Equipment and Facility Property Tax Valuation (Signed by the Governor).

This bill is to ensure that clean energy resources and energy storage systems used to store electricity are assessed for valuation for property tax purposes in a manner similar to renewable energy facility property used to generate or deliver electricity.

The law takes effect September 6, 2021, if no referendum petition against it is filed.

SB21-064 – Retaliation Against an Elected Official (Signed by the Governor)

Under current law, there is a crime of retaliation against a judge if an individual makes a threat or commits an act of harassment or harm or injury as retaliation against a judge. This bill adds elected officials (which would include special district board members) and their families as persons against whom retaliation is a crime. Retaliation against an elected official is a class 1 misdemeanor unless committed by means of a credible threat, then it is a class 6 felony.

The law takes effect July 1, 2021, and applies to offenses committed on or after that date.

SB21-088 – Child Sexual Abuse Accountability Act

This bill creates a cause of action for minor victims of sexual assault against the actor who committed the sexual misconduct. A cause of action may also be brought against an organization that operates or manages a youth-related activity program. An organization will be liable if the sexual misconduct took place when the minor was participating in the youth-related activity program, and the organization knew or should have known that the actor who is an employee of the organization posed a risk and the organization failed to take action to address the risk. The cause of action created applies to public employees and public entities. It further applies retroactively and is available to a victim of sexual misconduct that occurred before, on, or after January 1, 2022.

If signed, the effective date is January 1, 2022.

SB21-252—Community Revitalization Grant Program

This bill establishes the community revitalization grant program to provide money awards to finance various projects across the state that are intended to create or revitalize mixed-use commercial centers to support creative projects in these commercial centers. The grant program is intended to support creative projects in these commercial centers for projects such as flexible live-work spaces for entrepreneurs, artists and people employed in creative industries; performance spaces; mixed-use retail and workforce housing partnerships; meeting spaces for community events; the renovation or refurbishment of vacant or blighted property for creative industries, economic development or historic preservation purposes; and child care centers. The Division of Creative Industries will administer the grant program in consultation with the Division of Local Government (DLG) in the Department of Local Affairs.

The bill also creates the community revitalization fund in the state treasury. On the effective date of the bill, the state treasurer is required to transfer \$65 million from the general fund to the community revitalization fund. All money transferred is to be used for either grant awards or the costs of administering the grant program.

The effective date will either be the date of the Governor’s signature or July 9, 2021.

SB21-262—Special District Transparency

This bill addresses transparency for special districts by making the following amendments to various statutory provisions:

- Call for Nominations: Except for metropolitan districts organized after January 1, 2000, the bill requires local governments to provide notice of a call for nominations by publication and by one of the four (4) additional methods: mailing the notice to the address of the registered electors; including the notice as part of a newsletter, annual report, billing, or other informational mailing sent by the local government; posting on the official website of the local government; or for a local government with a population that meets a specific criteria, posting in at least three (3) public places and at the office of the county's clerk and recorder.
- In the case of any metropolitan district that was organized after January 1, 2000, the bill requires the notice of the call for nominations to be made by emailing the notice to each active registered elector of the metropolitan district as specified in the registration list provided by the county clerk and recorder as of the date that is 150 days prior to the date of the regular local government election. Where the active registered elector does not have an e-mail address on file for such purpose with the county clerk and recorder as of that date, the public notice must be made by mailing the notice, at the lowest cost option, to each address at which one or more active registered electors of the metropolitan district resides as specified in the registration list provided by the county clerk and recorder as of that date.
- In addition to the means of providing public notice of the call for nominations that is required under the bill, the bill also requires the designated election official to additionally provide public notice by any one of 4 alternate means as specified in the bill.
- Mandated Website: Requires, within 1 year of organization, a new metropolitan district to establish, maintain, and annually update an official website in a form that is readily accessible to the public that contains information including the names, terms and contact information for current directors; the current budget; the prior years' audited financial statements; the annual report; information regarding meetings; certified election results, posted no more than thirty (30) days after an election; current boundaries; and call for nominations. For any metropolitan district organized after January 1, 2000, but before January 1, 2022, the deadline to establish the website is January 1, 2023. Inactive special districts are exempt from the new requirements concerning maintenance of a district's website and a district's annual report, but shall comply with this section within ninety (90) days of the adoption of a resolution returning to active status
- Mandated Annual Report: Requires special districts to final a report by October 1 of each year containing the following information for the report year: boundary changes; intergovernmental agreements; information regarding rules and regulations; summary of litigation involving public improvements; status of construction of public improvements; the final assessed valuation as of December 31 of the reporting year; list of facilities conveyed to the County or Municipality; copy of audited financial statements; notice of uncured defaults; and information regarding any inability of the special district to pay its obligations.
- Limitation on Power of Dominant Eminent Domain: No metropolitan district may exercise its power of dominant eminent domain outside of the boundaries of the approving local

jurisdiction's boundaries without a written resolution from the jurisdiction where the property is located.

- Property Disclosure: Owners selling newly constructed residences within a metropolitan district must, concurrently with or prior to the execution of a contract, provide a written disclosure to the potential purchaser relating to information on the metropolitan district, including the service plan and associated mill levies authorized by the plan as well as the estimated future property taxes.

The law takes effect September 6, 2021, if no referendum petition against it is filed.

SB21-281—State Severance Tax Trust Fund Allocation

This bill requires metropolitan districts created after July 1, 2021, to annually pay the state an amount equal to the total of all severance tax ad valorem credits claimed for property taxes that are imposed by the metropolitan district. The bill further requires the office of state planning and budgeting and the departments of revenue, natural resources, education, and local affairs to review the state severance tax and to establish a stakeholder group to assist in preparation of recommendations for any changes to the severance tax. **SB21-293—Property Tax Classification and Assessment Rates**

This bill concerns property taxation and establishes subclasses of residential and nonresidential property.

Section 1 of the bill repeals a moratorium on changing a ratio for valuation for assessment (assessment rate), which is the percentage applied to a property's actual value to determine the taxable amount upon which a mill levy is imposed.

Section 2 of the bill addresses agricultural property, lodging property, and renewable energy production property. The bill creates new subclasses of nonresidential property for these categories. The assessment rate for agricultural property and renewable energy production property is temporarily reduced from 29% to 26.4% for the next two (2) property tax years. As to lodging property, the law provides that if Initiative 27, the initiated measure to reduce the assessment rate for nonresidential property is approved by voters, then it would only apply to lodging property.

Section 3 of the bill classifies multi-family residential real property as a new subclass of residential real property. Again, it would restructure the law such that if Initiative 27, the initiated measure to reduce the residential assessment rate is approved by voters, then it would only apply to multi-family real property. If the initiative initiated measure fails or is not on the ballot, then, under Section 4, the assessment rate for multi-family residential real property is temporarily reduced from 7.15% to 6.8% for the next two (2) property tax years.

The assessment rate for all residential real property other than multi-family residential real property is temporarily reduced from 7.15% to 6.95% for the next two (2) property tax years.

Sections 5 through 8 expand the property tax deferral program to allow any person to defer the payment of the portion of real property taxes that exceed the tax-growth cap, which is an amount

equal to the average of the person's real property taxes paid for the preceding two (2) property tax years for the same homestead, increased by 4.6%. The minimum amount a taxpayer may defer at one time under this authorization is \$100, and the total taxes that a taxpayer may defer is \$10,000. The taxpayer is treated like a person called into military service for purposes of the equity the person must have in the homestead to qualify for deferral and surviving-spouse eligibility.

Under Section 9, the governor's office, in consultation with the treasurer, is required to commission a study on the property tax deferral program and make recommendations for possible changes to the general assembly by January 1, 2022. Section 10 requires assessors to include information about the assessment rates that apply to the various classes of property, which is prepared by the property tax administrator, along with the notices of valuation that are sent in 2022. Sections 11 through 13 make conforming amendments related to the new classifications or assessment rates.

The proposed bill addresses the potential effects of Initiative 27 (discussed below). If Initiative 27 is approved, then pursuant to this bill, it would only lower the property tax rate for lodging and multi-family buildings, instead of lowering taxes for all residential properties.

HB21-1025 – Nonsubstantive Emails and Open Meetings Law (Signed by the Governor)

This bill clarifies that e-mail communication between elected officials (such as e-mails between board members of a special district) that do not relate to the merits of pending legislation or other public business is not a meeting for open meeting law purposes. Likewise, e-mails regarding scheduling and availability, and e-mails from an elected official forwarding information, responding to an inquiry from someone who is not a member of the public body (i.e., not a member of the board of directors), or posing a question for later discussion, are not meetings relative to the open meetings law. The bill defines the term "merits or substance" to mean any discussion, debate, or exchange of ideas, either generally or specifically, related to the essence of any public policy proposition, specific proposal, or any other matter being considered by the governing entity.

The law takes effect September 6, 2021, if no referendum petition against it is filed. The law applies to all electronic mail communication sent on or after the effective date.

HB21-1051 – Public Information Applicants for Public Employment (Signed by the Governor)

A state or local public body searching for a chief executive officer must name one or more candidates as finalists, and must make the list of such finalists public at least fourteen days prior to making an offer of employment. The application materials of any employment candidate (not just those applying for an executive position) who is not a finalist are not open to inspection under CORA. The bill repeals a provision requiring that, if three (3) or fewer candidates for an executive position meet the minimum requirements for the position, all of those candidates must be treated as finalists and their application materials are public records. The bill requires the disclosure of demographic data concerning the race and gender of a candidate who was interviewed but not named as a finalist for a chief executive officer position, if that information was legally requested and voluntarily provided.

The law takes effect September 6, 2021, if no referendum petition against it is filed.

This law was in response to the holding in *Prairie Mountain Publishing Co. LLP d/b/a Daily Camera v. Regents of the University of Colorado*, a case published on March 4, 2021, discussed in the Case Law Updates section below.

HB21-1061 – Residential Land Property Tax Classification (Signed by the Governor).

This bill modifies the definition of “residential land” for purposes of tax classification as the same relates to contiguous parcels of land under common ownership. As modified, a parcel of land will be deemed to be residential land if (1) it has the identical owner as a contiguous parcel of land and (2) has an improvement thereon that is essential to the use of a residential improvement located on the contiguous parcel.

The law takes effect September 6, 2021, if no referendum petition against it is filed.

HB21-1110 – Colorado Laws for Person with Disabilities

This bill provides that public entities, which are defined to include special districts, cannot exclude or deny benefits to persons with a disability in relation to services, programs, or activities of the public entity. Specifically, the bill requires websites of public entities to comply with accessibility guidelines established by the office of information technology for individuals with disabilities. The accessibility standards will use the most recent web content accessibility guidelines promulgated and published by the world wide web consortium web accessibility initiative or the international accessibility guidelines working group. The bill directs each public entity, on or before July 1, 2022, to submit its written accessibility plan to the office of information technology. Any public entity that is not in full compliance by July 1, 2024, is in violation of the state's laws concerning discrimination against individuals with a disability.

The effective date will either be the date of the Governor’s signature or July 9, 2021.

HB21-1168 – Historically Underutilized Businesses Local Government Procurement (Signed by the Governor).

This bill requires the Department of Local Affairs to establish a pilot program to help local governments identify perceptual and substantial barriers to entry for historically underutilized businesses in local government procurement no later than August 13, 2021. The bill defines a historically underutilized business as a business that is at least 51% owned and controlled, in both the management and day-to-day business decisions, by one or more individuals who are: members of a racial or ethnic minority group; non-Hispanic Caucasian women; persons with physical or mental disabilities; members of the lesbian, gay, bisexual, and transgender community; or Veterans. The Department of Local Affairs must include the summarized data from the pilot project with its committee of reference as a hearing held pursuant to the State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act.

The effective date of the law is June 7, 2021.

HB21-1267—County Authority to Delegate Mill Levy Certification (Signed by the Governor)

This bill requires the board of county commissioners (“BOCC”) or other taxing authority to hold a formal hearing before the county assessor to certify levies against taxable property. The bill gives the BOCC the option to authorize the levies by written approval rather than by formal hearing and to delegate the certification process to staff or other authorized parties.

The law takes effect September 6, 2021, if no referendum petition against it is filed.

HB21-1278—Special District Meeting Requirements

This bill clarifies what qualifies as a meeting and a location for purposes of the special district board meetings. The bill also prohibits a challenge to special district board meetings which were held virtually before the effective date of the bill.

The bill provides that meetings may be held electronically by teleconferencing platform or other means and applies retroactively thus validating and ratifying virtual meetings conducted during the course of the pandemic.

The effective date will either be the date of the Governor’s signature or July 9, 2021.

COMMUNITY ASSOCIATIONS LEGISLATION

SB21-002 – Extending Limitations on Debt Collection Actions (Signed by the Governor)

Last year, the legislature passed a bill that placed limitations on the ability of creditors to take “extraordinary collection actions” (i.e., actions or proceedings in the nature of an attachment, garnishment, levy or execution) against debtors.

This law extended those limitations through June 1, 2021.

HB21-1229 – Home Owners’ Associations Governance Funding Record Keeping

This bill increases requirements for disclosure and transparency for homeowner associations. Among other things, this bill would require an HOA to maintain and keep available to unit owners, as part of its official records:

- A list of the HOA's current fees chargeable upon sale of a home in the community; and
- Other information currently required to be disclosed annually under existing law, including financial statements, reserve fund balances, insurance policies, and meeting minutes.

If access to the association records described above are not provided within 30 calendar days after a request was submitted by certified mail, the HOA is liable for a penalty of \$50 per day for not providing them.

The bill also addresses the requirement that HOAs allow installation of renewable energy generation devices (e.g., solar panels) subject to reasonable aesthetic guidelines by adding language that requires approval or denial of a completed application within 60 days and requiring

approval if imposition of the aesthetic guidelines would result in more than a 10% reduction in efficiency or a 10% increase in price.

The bill specifically includes non-vegetative turf grass (also known as artificial turf) among the types of drought-tolerant landscaping materials that the HOA may regulate but not prohibit in the backyard area of a unit.

If signed, the law will take effect September 6, 2021, provided no referendum petition against it is filed.

HB21-1310—Homeowners’ Association Regulation of Flags and Signs

This bill is intended to simplify the regulations and statutory criteria regarding the display of flags and political signs. The bill would require an HOA to permit the display of any noncommercial flag or sign at any time, subject only to reasonable, content-neutral limitations such as the number, size, or placement of the flags or signs.

If signed, the law will take effect September 6, 2021, provided no referendum petition against it is filed.

ELECTIONS LEGISLATION

SB21-160 – Modification to Local Government Election Code (Signed by the Governor).

This bill clarifies and cleans up several provisions in the current statutes related to special district elections, including:

- Specifying all instances in which a county assessor provides the list of property owners for an election
- Clarifying that, when computing time for any designated period of dates for a local government election, the first day of the period is excluded and the last day is included
- Specifying that a candidate’s self-nomination form must include the county where the special district is located
- Clarifying that the candidate’s and witness’ addresses and phone numbers and the candidate’s e-mail address on the self-nomination form need not be printed by the candidate and the witness
- Clarifying that ballots may be automatically sent to eligible electors who are qualified under purchase and sale contracts
- Setting forth a process for establishing director districts, which allows for members of a special district’s board of directors to be elected from each director district at large or by the electors within each director district.

The law takes effect September 6, 2021, if no referendum petition against it is filed.

SB21-188: Ballot Access for Voters with Disabilities (Signed by the Governor)

This bill allows a voter with a disability using an electronic voting device to either print a ballot or return the ballot by electronic transmission if printing the ballot is not feasible. Regardless of the method of return, the bill specifies that to be valid, a ballot must include a signed affidavit or a copy of an acceptable form of identification and must be received by the election official in the applicable jurisdiction before the close of polls on the day of the election. The bill also requires the secretary of state to establish an electronic transmission system through which a voter with a disability may request and return a ballot.

The law takes effect September 6, 2021, if no referendum petition against it is filed.

HB21-1011 – Multilingual Ballot Access for Voters

The bill requires the Secretary of State to establish a multilingual ballot hotline to provide access to translators or interpreters. Additionally, the Clerk and Recorder of a county must create a minority language sample ballot and provide in-person minority language ballots in minority languages spoken in the county meeting certain criteria.

The effective date will either be the date of the Governor's signature or July 9, 2021.

HB21-1071 – Ranked Choice Voting in Nonpartisan Elections

This bill allows a municipality to refer a municipal election using instant runoff voting (ranked choice voting) to be conducted as a coordinated election. The bill also addresses requirements that must be met for voting systems relative to the same.

If signed, the law would take effect July 1, 2022.

COVID-19 RELATED LEGISLATION

SB21-288—American Rescue Plan Act (Signed by the Governor)

The American Rescue Plan Act is federal legislation which includes \$360 billion in aid for states, territories, tribes, counties, and cities, all of which will have the authority to transfer relief funding to special districts. Funds can be used to, among other things, provide government services affected by a revenue reduction during the pandemic and to make necessary investments in water and sewer infrastructure.

SB21-291—Economic Recovery and Relief Cash Fund

This bill concerns the transfer of forty (40) million dollars to the Colorado economic development fund for the purpose of providing grants to businesses and for investing in economic development opportunities in response to the negative economic impacts of the COVID-19 pandemic.

The bill creates the economic recovery and relief cash fund (fund) which consists of money deposited in the fund from the "American Rescue Plan Act of 2021" cash fund. The bill allows the general assembly to appropriate or transfer money for specified uses. Of the \$40 million transferred

to the Colorado economic development fund, \$10 million will be used to incentivize small businesses to locate in rural Colorado as well as for the location neutral employment incentive program which provides cash incentives for remote employees hired by small businesses in designated rural areas of the state. The remaining appropriated money must be used to provide grants to small businesses or to undertake any other economic development activity in response to the negative economic impacts of the COVID-19 pandemic.

This act takes effect only if Senate Bill 21-288 becomes law, and, in which case, this act takes effect either 18 upon the effective date of this act or one day after the passage of Senate Bill 21-288, whichever is later.

HB21-1191 – Prohibit Discrimination COVID-19 Vaccine Status

This bill prohibits employers from taking adverse action against an employee or applicant for employment based on the person's COVID-19 immunization status. The bill also provides that the COVID-19 vaccine is not mandatory, and that government agencies and private businesses cannot discriminate against clients, patrons, or customers based on their COVID-19 vaccination status.

The effective date will either be the date of the Governor's signature or July 9, 2021.

OTHER LEGISLATION

SB21-054 – Transfers for Wildfire Mitigation and Response (Signed by the Governor)

This bill requires the State Treasurer to transfer certain amounts from the general fund to various cash funds to be used toward wildfire mitigation and response purposes.

The effective date is March 21, 2021.

SB21-113 – Firefighting Aircraft Wildfire Management and Response (Signed by the Governor)

This bill directs the State Treasurer to transfer funds to the Colorado firefighting air corps fund to the purchase and leasing of certain helicopters for wildfire mitigation purposes.

The effective date is March 21, 2021.

SB21-190—Protect Personal Data Privacy

This bill creates personal data privacy rights and applies to legal entities that conduct business or produce products or services that are intentionally targeted to Colorado residents and that either: control or process personal data of more than 100,000 consumers per year; or derive revenue from the sale of personal data. It does not apply to personal data governed by certain state and federal laws, activities or employment records. The bill gives consumers the right to opt out of the processing of their personal data; access, correct, or delete the data; or obtain a portable copy of

the data. The provisions of the bill may only be enforced by the attorney general or district attorneys.

If signed, the law would take effect July 1, 2023.

HB21-1008 – Forest Health Project Financing (Signed by the Governor)

This bill authorizes special districts, as well as other governmental entities, to participate in and finance forest health projects. It also allows legal governmental entities to create a separate legal entity via contract (special improvement district) to provide forest health projects, and to levy special assessments to provide such forest health project services.

The effective date is May 20, 2021.

HB21-1050 – Workers’ Compensation

This bill amends the Workers’ Compensation Act of Colorado by making changes that affect the timely payment of benefits, guardian ad litem and conservator services, benefit offsets related to the receipt of federal disability or retirement benefits, the reduction of benefits based on apportionment, the selection of independent medical examiners, limits on temporary disability and permanent partial disability payments, the withdrawal of admissions of liability, mileage expense reimbursement, the authority of prehearing administrative law judges, the reopening of permanent total disability awards, and petitions for review and appeals of orders.

If signed, the law will take effect September 6, 2021, provided no referendum petition against it is filed.

HB21-1108 – Gender Identity Expression Anti-Discrimination (Signed by the Governor)

This bill amends the definition of “sexual orientation” and adds definitions of the terms “gender expression” and “gender identity” to statutes prohibiting discrimination against members of a protected class, including statutes related to housing practices and places of public accommodation.

The law takes effect September 6, 2021, if no referendum petition against it is filed.

HB21-1117 – Local Government Authority Promote Affordable Housing Units (Signed by the Governor)

This bill clarifies that cities and counties have the ability, as part of the authority to plan and regulate the use of land, to regulate development and redevelopment to promote the construction of new affordable housing units. The bill also states that it should not be construed to authorize a local government to adopt or enforce any ordinance or regulation that would have the effect of controlling rent on any existing private residential housing unit in violation of the existing statutory prohibition on rent control.

If signed, the law will take effect September 6, 2021, provided no referendum petition against it is filed.

HB21-1224—Modification to Statutes Governing Foreclosure of Real Property (Signed by the Governor)

This bill requires that any overbid (i.e., excess amount above the value of the lien on the property) be paid to the person liable under the related evidence of debt constituting a mortgage loan or deed of trust.

The effective date is May 28, 2021.

HB21-1312—Insurance Premium Property Sales Severance Tax

This bill makes changes to several state and local government taxes. It would narrow the scope of the home office insurance premium tax rate reduction such that a company would have to have at least 2.5% of its total domestic workforce in the state in order for the company to be deemed to maintain a home office or regional home office. The bill would also narrow the tax exemption for annuities considerations to those that are purchased in connection with a qualified retirement plan, a Roth 401(k), or an individual retirement account. For the purpose of auditing a company's tax statement, the bill would authorize the commissioner of insurance to appoint an independent examiner to conduct an examination on behalf of the commissioner.

As to property tax, the bill would require the actual value of real property to reflect the value of the fee simple estate. And as to personal property, the actual value of personal property would be determined based on the property's value in use, which will be defined by the property tax administrator. For the next property tax cycle, the bill increases the exemption from property tax for business personal property from \$7,900 to \$50,000.

The bill would also codify the Department of Revenue's treatment of digital goods to mean "any item of tangible personal property that is delivered or stored by digital means, including but not limited to video, music, or electronic books." The bill further specifies that the state sales tax applies to amounts charged for mainframe computer access, photocopying, and packing and crating.

The bill eliminates the vendor fee (i.e., the compensation for the retailer's expenses incurred in collecting and remitting a sales tax) for any filing period that the retailer's total taxable sales were greater than \$1 million. In regard to the severance taxes on oil and gas, the bill limits the netback deductions to direct costs actually paid by the taxpayer.

Finally, on coal production, the bill would phase out the quarterly exemptions and tax credits.

If signed, the law will take effect July 1, 2021, except that section 11 will take effect on January 1, 2022.

HB21-HJR1002 – Water Projects Eligibility Lists (Signed by the Governor)

This resolution relates to the Drinking Water Revolving Fund (which provides financial assistance for certain drinking water supply projects) and the Water Pollution Control Revolving Fund (which provides financial assistance for certain water pollution control projects). Proposed projects must

be included on the applicable list in order to obtain funding. This resolution sets out proposed modifications and additions to the projects on each list.

The effective date is March 21, 2021.

PROPOSED BALLOT INITIATIVE

Initiative 2021-2022 #27-- Unofficially captioned "Property Tax Assessment Rate Reduction and Voter-Approved Revenue Change"

The text of Proposed Ballot Initiative 27 would reduce the residential property tax assessment rate from 7.15% to 6.5% and the non-residential property tax assessment rate from 29% to 26.4% with authorization to retain and spend 25 million per year for five (5) years credited to homestead exemptions.

CASE LAW UPDATES

Prairie Mountain Publishing Co. LLP, d/b/a Daily Camera v. Regents of the University of Colorado

This case involved a Colorado Open Records Act (CORA) request made by Prairie Mountain Publishing Company, LLP, d/b/s Daily Camera (the “Daily Camera”) to the University of Colorado (CU). CU was in the process of searching for and selecting someone to fill the position of CU’s president. CU received over one hundred applications for the position, and thereafter narrowed the potential candidates and conducted interviews. After the final round of interviews, which included six final candidates, CU publicly announced that there was only one finalist, who then went through a public vetting process and was ultimately appointed to the position by the CU Board of Regents.

CORA requires the disclosure of the “finalists” for executive positions of a state agency, institution or political subdivision or agency thereof, which finalists are a member of the final group of applicants or candidates made public pursuant to 24-6-204(3.5).

The Court held that a finalist is who the appointing entity says is the finalist, unless you have three or fewer applicants, then all.

HB21-1051 – Public Information Applicants for Public Employment addressed the issues analyzed in the *Prairie* case and revised the relevant statutory provisions so that under the new law a state or local public body searching for a chief executive officer must name one or more candidates as finalists, and must make the list of such finalists public at least fourteen days prior to making an offer of employment. Moreover, the law now provides that if three (3) or fewer candidates for an executive position meet the minimum requirements for the position, all of those candidates must be treated as finalists and their application materials are public records.