

CONSENT AGENDA

Blackstone Metropolitan District
REGULAR MEETING OF THE BOARD OF DIRECTORS
MINUTES
May 25, 2023

I. ATTENDANCE & CALL TO ORDER

Board Members in attendance were Shawn McGoff, Perry Deeds, Lee McCall, Lisa Monahan, and Marty Liles.

Others in attendance were Silvia Gregory (Westwind), Jordan Devine (Westwind), Clint Waldron (WBA), Curtis Bourgouin (CLA), and homeowners were also present. The meeting was called to order at 6:02 pm by President, Shawn McGoff.

II. DISCLOSURE OF ANY CONFLICTS OF INTEREST – There were no conflicts to disclose.

III. AGENDA REVIEW / UPDATES OR APPROVAL – There were no updates, and the Agenda was approved as provided.

IV. ELECTION OF OFFICERS – A motion was duly made by Lee McCall, seconded by Perry Deeds, and unanimously carried to appoint Lisa Monahan to the position of Secretary of the Board. Lisa Monahan accepted. All other positions remained the same.

V. CONSENT AGENDA

A motion was duly made by Lee McCall, seconded by Lisa Monahan, and unanimously carried, to approve and ratify the consent agenda items as follows:

- Meeting Minutes – 04.18.23 Regular Meeting
- Claims in the amount of \$186,188.87

I. PUBLIC COMMENT

Board President, Shawn McGoff opened the meeting for public comment.

- Lisa Monahan – Lisa introduced herself as a new Director and stated what led her to want to join the Blackstone Metro District Board of Directors.
- Clint Waldron – Clint explained the Board of Directors' election process.
- Firehouse Space – A resident inquired about the plans for the undeveloped firehouse space.
- Golf Balls – A resident expressed concern for their family's health and safety and for the structure of their home due to stray golf balls landing on their property. Shawn McGoff explained that the issue is not the responsibility of the District and would need to be handled between the homeowner and the golf club.

II. ACCOUNT REVIEW – A motion was duly made by Lisa Monahan, seconded by Shawn McGoff, and unanimously carried, to waive the non-operations fees for account #86077.

III. ADJOURNMENT – A motion was duly made by Shawn McGoff, seconded by Lee McCall, and unanimously carried, to adjourn the meeting at 6:49 pm.

Blackstone Metro District Interim Claims List 5/13/23 -6/13/23

<u>Process Date</u>	<u>Vendor</u>	<u>Invoice Number</u>	<u>Amount</u>
5/24/2023	Waste Management of Denver	2143831-0178-6	\$ 14,115.65
5/25/2023	CliftonLarsonAllen LLP	3718575	3,733.82
5/25/2023	Design Concepts	21733	2,381.50
5/25/2023	South Aurora Regional Improvement Authority	May-23	2,549.57
5/25/2023	White Bear Ankele Tanaka & Waldron	27861	10,618.23
6/8/2023	Altitude Community Law P.C.	1726 APR23	1,798.00
6/8/2023	Aurora Water	A116530	12.91
6/8/2023	Aurora Water	A116535	12.91
6/8/2023	Aurora Water	A116533	12.91
6/8/2023	Aurora Water	A116538	12.91
6/8/2023	Aurora Water	A116540	20.59
6/8/2023	Aurora Water	A116534	28.27
6/8/2023	Aurora Water	A116539	35.95
6/8/2023	Aurora Water	A116537	36.58
6/8/2023	Aurora Water	A116532	82.66
6/8/2023	Aurora Water	A116529	128.74
6/8/2023	Aurora Water	A116536	143.47
6/8/2023	Aurora Water	A116531	220.90
6/8/2023	Centerpoint Engineering LLC	CPE188401	1,200.00
6/8/2023	Eric Platte	86244-Refund	660.00
6/8/2023	Firehouse Cleaning	Firehouse-Invoice-4600	150.00
6/8/2023	HOA Mailers	10846	1,265.60
6/8/2023	Kelly Guster	85992-Refund	60.00
6/8/2023	Landtech Contractors, Inc	Multiple	55,760.41
6/8/2023	Lee Design Group LLC	BST23/04	765.00
6/8/2023	Pet Scoop, Inc.	Multiple	599.00
6/8/2023	Westwind Management Group LLC	Multiple	5,105.17
		Total	\$ 101,510.75

CHANGE ORDER NO. 1

Owner: Blackstone Metropolitan District Owner's Project No.:

Engineer: Design Concepts CLA, Inc Engineer's Project No.:

Contractor: Singing Hills Landscape, Inc. Contractor's Project No.:

Project: Blackstone Entryways and Medians
 AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR CONSTRUCTION

Contract Name: CONTRACT (STIPULATED PRICE)

Date Issued: May 30, 2023 Effective Date of Change Order: May 9, 2023

The Contract is modified as follows upon execution of this Change Order:

Description:

In consideration of Contractor's current Commercial General Liability coverage limit of \$4,000,000, Contractor and Owner hereby amend and restate the Contract's minimum automobile liability and excess or umbrella liability insurance requirements set forth in Supplementary Conditions subsections SC-6.03.J. and K. as follows (emphasis added to changed terms):

- J. *Automobile Liability:* Contractor shall purchase and maintain automobile liability insurance for damages because of bodily injury or death of any person or property damage arising out of the ownership, maintenance, or use of any motor vehicle. The automobile liability policy must be written on an occurrence basis. The following coverages must be included: owned automobiles and non-owned and hired automobiles

Automobile Liability	Policy limits of not less than:
Bodily Injury	
Each Person	\$1,000,000
Each Accident	\$2,000,000
Property Damage	
Each Accident	<u>\$1,000,000</u>
[or]	
Combined Single Limit	
Combined Single Limit (bodily injury and property damage)	<u>\$1,000,000</u>

- K. *Umbrella or Excess Liability:* Contractor shall purchase and maintain umbrella or excess liability insurance written over the underlying employer's liability, commercial general liability, and automobile liability insurance described in the Paragraphs above. The coverage afforded must be at least as broad as that of each and every one of the underlying policies.

Excess or Umbrella Liability	Policy limits of not less than:
Each Occurrence	<u>\$1,000,000</u>
General Aggregate	<u>\$1,000,000</u>

SECTION 941

Authorized by Owner

By: _____
Title: _____
Date: _____

Authorized by Contractor

By: Jake Leman
Title: Executive Vice President
Date: 6/2/2023

**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
BLACKSTONE METROPOLITAN DISTRICT**

ADOPTING DISTRICT LOGO

WHEREAS, the Blackstone Metropolitan District (the “**District**”) was organized pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended, and is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) shall have the management, control, and supervision of all the business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the Board is authorized to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of Colorado for carrying on the business, objects, and affairs of the Board and the District; and

WHEREAS, the District recognizes a need for a visible symbol to serve as a consistent brand for District business matters; and

WHEREAS, the District desires to adopt a logo for the District’s use in business transactions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Adoption of District Logo. The District hereby adopts the graphic design set forth in **Exhibit A**, attached hereto and incorporated herein (the “**Logo**”), as the District’s official logo.
2. Proper Use. The Board, the District’s manager, and authorized District personnel may use the Logo in communications, public materials, websites, displays, and other business transactions as the Board deems necessary. The Logo shall be used only in the color standards adopted herein or monochromatic and shall be used in a size no less than one (1) inch to preserve image quality and consistency. The Logo shall not be presented improperly or distorted.
3. Severability. If any part, section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.
4. Effective Date. This Resolution shall take effect as of the date of this Resolution.

[Remainder of Page Intentionally Left Blank. Signature Page Follows].

ADOPTED JUNE 20, 2023.

BLACKSTONE METROPOLITAN
DISTRICT, a quasi-municipal corporation
and political subdivision of the State of
Colorado

Officer of the District

ATTEST:

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys At Law

General Counsel to the District

Signature page to Resolution Adopting District Logo

EXHIBIT A
District Logo



Blackstone
METROPOLITAN DISTRICT

COMMITTEE REPORTS

**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
BLACKSTONE METROPOLITAN DISTRICT**

**REPEALING RESOLUTIONS ESTABLISHING WEBSITE, SECURITY/SAFETY, AND
ADVISORY COMMITTEES**

WHEREAS, the Blackstone Metropolitan District f/k/a High Plains Metropolitan District (the “**District**”) was organized pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended, and is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) shall have the management, control, and supervision of all the business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the Board is authorized to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of Colorado for carrying on the business, objects, and affairs of the Board and the District; and

WHEREAS, the Board adopted a Resolution of the Board of Directors of High Plains Metropolitan District Establishing a Website Committee, dated August 20, 2020, a Resolution of the Board of Directors of High Plains Metropolitan District Establishing a Security/Safety Committee, dated August 20, 2020, and a Resolution of the Board of Directors of High Plains Metropolitan District Establishing an Advisory Committee, dated August 20, 2020 (collectively, the “**Prior Resolutions**”); and

WHEREAS, the Board adopted the Prior Resolutions to establish a website committee to ensure efficient and effective communication through the District and the website, to establish a security/safety committee to increase community involvement and promote public engagement within the District, and to establish an advisory committee to increase community involvement and promote public engagement within the District; and

WHEREAS, the District believes the committees’ purposes have been effected or are sufficiently met by other committees; and

WHEREAS, the District desires to repeal the Prior Resolutions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Repeal of Prior Resolutions. The District hereby repeals the Prior Resolutions in their entirety.

2. Severability. If any part, section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

3. Effective Date. This Resolution shall take effect as of the date of this Resolution.

[Remainder of Page Intentionally Left Blank. Signature Page Follows].

ADOPTED JUNE 20, 2023.

BLACKSTONE METROPOLITAN
DISTRICT, a quasi-municipal corporation
and political subdivision of the State of
Colorado

Officer of the District

ATTEST:

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys At Law

General Counsel to the District

*Signature page to Resolution Repealing Resolutions Establishing Website Committee,
Security/Safety Committee, and Advisory Committee*

June 2023 Monthly Report

Wednesday, June 14, 2023

Prepared For Blackstone Metropolitan District



Item 1
Flower bed along Mineral Ave.



Item 2
The other bed in the same area.



Item 3

Looking south along Country Club Pkwy.



Item 4

Looking east along Blackstone Pkwy.



Item 5

Looking north along Blackstone Pkwy.



Item 6

Looking west along Mineral.



Item 7

View of Country Club Park.



Item 8

View of Canyon Park.



Item 9

View of Hilltop Park.



Item 10

Path leading up to Hilltop Park.



Item 11

Weeds in easements. These will all be visited on Tuesday the 20th.

Overview

Ongoing services:

- Weekly mowing and spraying of weeds.
- Checking and fertilizing flowers as needed.

Upcoming services:

- Second round of fertilizer, tentatively scheduled for the 20th.
- Tree installation job to begin on the 19th. First round of trees being delivered to the property on the 20th.
- Shrub Pruning end of June/early July.
- Drain installation at the end of this month.

Other:

-I have coordinated the detention pond clean-up with the representative from the city. She asked that we refresh the gravel path that leads to the northwest pond (I have sent a proposal for this), that we cut down some trees in the ponds during our tree job, and the remainder of the pond work would be best performed in January. We are planning accordingly for all of this.



Gravel Path Repair

Date 6/13/2023
Customer Jordan Devine | Westwind Management | 27 Inverness Drive East | Englewood, CO 80112
Property Blackstone Metro District | 7777 S. Country Club Pkwy | Aurora, CO 80016
Billing Email curtis.bourgouin@claconnect.com

Path Repair

Landtech has provided a proposal to repair the gravel path located north of 7581 S Queensburg Way, Aurora, CO 80016 that leads to the northwest detention pond. This path has heavily eroded due to a sustained period of heavy rains. The scope of this work is to import and install 24 tons of grey crusher fines, remove the weeds from the path, and use a vibratory plate compactor to stabilize the area.

Path Repair

Items	Quantity	Unit
Grey Crusher Fines	24.00	Ton
Labor & Equipment	1.00	Flat

Path Repair : \$6,575.00

PROJECT TOTAL: \$6,575.00

Terms & Conditions

We appreciate your time in considering Landtech Contractors, LLC. for this project. If you should have any questions or require additional information, please do not hesitate to call. Price will be honored for 30 days from proposal date. Sales tax will be charged on selling price of all materials at local rates unless tax exempt.

By _____
Ben Zand
 Date 6/13/2023

Landtech Contractors, LLC

By _____
 Date _____

Blackstone Metro District



EXTENDED DETENTION BASIN (EDB) MAINTENANCE FORM

5/24/2023 &
5/25/2023

Subdivision/Business Name: Blackstone Metropolitan District Completion Date: _____

Subdivision/Business Address: 7777 South Country Club Pkwy Aurora, CO 80016 Contact Name: Ben Zand

Maintenance Category: Routine Restoration Rehabilitation
(Circle All That Apply)

MAINTENANCE ACTIVITIES PERFORMED Pond B

ROUTINE WORK

- MOWING
- TRASH/DEBRIS REMOVAL
- OUTLET WORKS CLEANING (TRASH RACK/WELL SCREEN)
- WEED CONTROL (HERBICIDE APPLICATION)
- MOSQUITO TREATMENT
- ALGAE TREATMENT

RESTORATION WORK

- SEDIMENT REMOVAL
 - FOREBAY
 - TRICKLE CHANNEL
 - INFLOW
- EROSION REPAIR
 - INFLOW POINT
 - TRICKLE CHANNEL
- VEGETATION REMOVAL/TREE THINNING
 - INFLOW(S)
 - TRICKLE CHANNEL
 - UPPER STAGE
 - BOTTOM STAGE
- REVEGETATION
- JET-VAC/CLEARING DRAINS
 - FOREBAY
 - OUTLET WORKS
 - INFLOWS

REHABILITATION WORK

- SEDIMENT REMOVAL (DREDGING)
 - BOTTOM STAGE
 - UPPER STAGE
- EROSION REPAIR
 - OUTLET WORKS
 - UPPER STAGE
 - BOTTOM STAGE
 - SPILLWAY
- STRUCTURAL REPAIR
 - INFLOW
 - OUTLET WORKS
 - FOREBAY
 - TRICKLE CHANNEL

OTHER _____

ESTIMATED TOTAL MANHOURS: 45

EQUIPMENT/MATERIAL USED: Wadders, Trimmers, Loppers, Trash Tongs, Shovels

COMMENTS/ADDITIONAL INFO: There is a tree to be removed, my company is performing a tree job for the community in June, we will remove this one tree at that point.

This Maintenance Activity Form shall be kept indefinitely and made available to the City of Aurora upon request.



EXTENDED DETENTION BASIN (EDB) MAINTENANCE FORM

Subdivision/Business Name: Blackstone Metropolitan District Completion Date: 5/24/2023 & 5/25/2023
 Subdivision/Business Address: 7777 South Country Club Pkwy Aurora, CO 80016 Contact Name: Ben Zand

Maintenance Category: Routine Restoration Rehabilitation
 (Circle All That Apply)

MAINTENANCE ACTIVITIES PERFORMED Pond C

ROUTINE WORK

- MOWING
- TRASH/DEBRIS REMOVAL
- OUTLET WORKS CLEANING (TRASH RACK/WELL SCREEN)
- WEED CONTROL (HERBICIDE APPLICATION)
- MOSQUITO TREATMENT
- ALGAE TREATMENT

RESTORATION WORK

- SEDIMENT REMOVAL
 - FOREBAY
 - TRICKLE CHANNEL
 - INFLOW
- EROSION REPAIR
 - INFLOW POINT
 - TRICKLE CHANNEL
- VEGETATION REMOVAL/TREE THINNING
 - INFLOW(S)
 - TRICKLE CHANNEL
 - UPPER STAGE
 - BOTTOM STAGE
- REVEGETATION
- JET-VAC/CLEARING DRAINS
 - FOREBAY
 - OUTLET WORKS
 - INFLOWS

REHABILITATION WORK

- SEDIMENT REMOVAL (DREDGING)
 - BOTTOM STAGE
 - UPPER STAGE
- EROSION REPAIR
 - OUTLET WORKS
 - UPPER STAGE
 - BOTTOM STAGE
 - SPILLWAY
- STRUCTURAL REPAIR
 - INFLOW
 - OUTLET WORKS
 - FOREBAY
 - TRICKLE CHANNEL

OTHER _____

ESTIMATED TOTAL MANHOURS: 35

EQUIPMENT/MATERIAL USED: Wadders, Trimmers, Loppers, Trash Tongs, Shovels

COMMENTS/ADDITIONAL INFO:

This Maintenance Activity Form shall be kept indefinitely and made available to the City of Aurora upon request.

BLACKSTONE DETENTION PONDS

6/6/2023



Cattails appear to have been cut but sediment was not removed from concrete pad in front of outlet – South Pond outlet.



Sediment was not removed from inlet pipe – South Pond, north inlet.



A tree adjacent to concrete inlet pipe is needed – South Pond, east inlet.



Sediment was not removed from inlet pipe – see photo above also.



The cattails were removed. This method is not recommended, cutting flush with the ground is recommended - South Pond, north inlet.



Sediment was not removed from inlet pipe – South Pond, west inlet.



Maintenance access road was not repaired.
North Pond, south side.



Cattails and sediment removal from concrete pad in front of outlet was not done – North Pond outlet.



Sediment and vegetation was not removed from inlet forebay – North Pond, south inlet.



Trash rack needs scraped off – North Pond outlet.



Tree adjacent to inlet needs to be removed – North Pond, south inlet.



Sediment was not removed from inlet pipe – North Pond, west inlet.

FINANCIAL REPORT

BLACKSTONE METROPOLITAN DISTRICT
FINANCIAL STATEMENTS
MAY 31, 2023

**Blackstone Metro District
Balance Sheet - Governmental Funds
May 31, 2023**

	<u>General</u>	<u>Special Revenue</u>	<u>Debt Service</u>	<u>Capital Projects</u>	<u>Capital Projects - Regional Improvement</u>	<u>Total</u>
Assets						
Checking Account	\$ 31,748.70	\$ 75,361.27	\$ -	\$ -	\$ -	\$ 107,109.97
Colostrust	3,586,977.39	5,461.74	1,991,206.46	432,837.01	-	6,016,482.60
Accounts Receivable	-	128,135.72	-	-	-	128,135.72
Receivable from County Treasurer	99,709.80	-	114,692.10	-	4,021.60	218,423.50
Total Assets	<u>\$ 3,718,435.89</u>	<u>\$ 208,958.73</u>	<u>\$ 2,105,898.56</u>	<u>\$ 432,837.01</u>	<u>\$ 4,021.60</u>	<u>\$ 6,470,151.79</u>
Liabilities						
Accounts Payable	\$ 890.70	\$ 65,372.48	\$ -	\$ 1,200.00	\$ -	\$ 67,463.18
Due to SARIA	-	-	-	-	4,021.60	4,021.60
Prepaid assessments	-	54,814.21	-	-	-	54,814.21
Total Liabilities	<u>890.70</u>	<u>120,186.69</u>	<u>-</u>	<u>1,200.00</u>	<u>4,021.60</u>	<u>126,298.99</u>
Fund Balances	<u>3,717,545.19</u>	<u>88,772.04</u>	<u>2,105,898.56</u>	<u>431,637.01</u>	<u>-</u>	<u>6,343,852.80</u>
Liabilities and Fund Balances	<u>\$ 3,718,435.89</u>	<u>\$ 208,958.73</u>	<u>\$ 2,105,898.56</u>	<u>\$ 432,837.01</u>	<u>\$ 4,021.60</u>	<u>\$ 6,470,151.79</u>

Blackstone Metro District
General Fund Statement of Revenues, Expenditures and Changes in
Fund Balances - Budget and Actual
For the Period Ending May 31, 2023

	<u>Amended Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues			
Property taxes	\$ 1,209,674.00	\$ 734,201.00	\$ 475,473.00
Specific ownership taxes	75,743.00	35,286.18	40,456.82
Interest income	75,000.00	66,447.97	8,552.03
Oil and gas lease	26,000.00	25,740.00	260.00
Total Revenue	<u>1,386,417.00</u>	<u>861,675.15</u>	<u>524,741.85</u>
Expenditures			
Accounting	55,000.00	20,165.84	34,834.16
Auditing	5,500.00	-	5,500.00
County Treasurer's fee	18,145.00	11,023.33	7,121.67
Directors' fees	5,000.00	2,200.00	2,800.00
Director and meeting expense	2,000.00	790.70	1,209.30
Insurance	40,000.00	32,544.00	7,456.00
Legal	70,000.00	16,761.44	53,238.56
Miscellaneous	2,000.00	1,283.40	716.60
Payroll taxes	383.00	160.65	222.35
Election	40,000.00	2,543.03	37,456.97
Website	1,500.00	-	1,500.00
Contingency	24,472.00	-	24,472.00
Total Expenditures	<u>264,000.00</u>	<u>87,472.39</u>	<u>176,527.61</u>
Other Financing Sources (Uses)			
Transfers to other fund	(2,530,545.00)	(96,191.98)	(2,434,353.02)
Total Other Financing Sources (Uses)	<u>(2,530,545.00)</u>	<u>(96,191.98)</u>	<u>(2,434,353.02)</u>
Net Change in Fund Balances	(1,408,128.00)	678,010.78	(2,086,138.78)
Fund Balance - Beginning	3,039,534.00	3,039,534.41	(0.41)
Fund Balance - Ending	<u>\$ 1,631,406.00</u>	<u>\$ 3,717,545.19</u>	<u>\$ (2,086,139.19)</u>

Blackstone Metro District
Special Revenue Fund Statement of Revenues, Expenditures and Changes in
Fund Balances - Budget and Actual
For the Period Ending May 31, 2023

	<u>Annual Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues			
Operations fee (homeowners)	\$ 600,000.00	\$ 292,059.82	\$ 307,940.18
Operations fee (vacant lots)	4,500.00	1,483.50	3,016.50
Working capital	50,000.00	7,670.00	42,330.00
Design review fees	4,000.00	340.00	3,660.00
Legal collection fees	20,000.00	1,825.33	18,174.67
Violations and late fees	15,000.00	3,586.77	11,413.23
Interest income	305.00	128.80	176.20
Other revenue	10,000.00	7,052.32	2,947.68
Total Revenue	<u>703,805.00</u>	<u>314,146.54</u>	<u>389,658.46</u>
Expenditures			
Facilities management - contract	53,000.00	22,000.00	31,000.00
Facilities management - costs	25,000.00	7,000.21	17,999.79
Miscellaneous	5,000.00	5,111.04	(111.04)
Security	24,000.00	-	24,000.00
Irrigation repairs and improvements	50,000.00	935.41	49,064.59
Landscape improvements	50,000.00	21,500.00	28,500.00
Landscape maintenance - contract	395,000.00	161,053.00	233,947.00
Tree and shrub maintenance	25,000.00	-	25,000.00
Snow removal	35,000.00	-	35,000.00
Grounds maintenance	25,000.00	1,183.00	23,817.00
Holiday lighting	25,000.00	325.00	24,675.00
Lighting	11,100.00	300.00	10,800.00
Playground inspection and repairs	11,000.00	150.00	10,850.00
Water	140,000.00	3,526.30	136,473.70
Gas and electric	20,000.00	6,338.59	13,661.41
Community activities	35,000.00	10,699.57	24,300.43
Design review	12,000.00	1,260.00	10,740.00
Legal - collections	30,000.00	4,628.60	25,371.40
Trash Collection	153,000.00	69,943.57	83,056.43
Contingency	35,000.00	-	35,000.00
Total Expenditures	<u>1,159,100.00</u>	<u>315,954.29</u>	<u>843,145.71</u>
Other Financing Sources (Uses)			
Transfers from other funds	457,259.00	70,000.00	387,259.00
Total Other Financing Sources (Uses)	<u>457,259.00</u>	<u>70,000.00</u>	<u>387,259.00</u>
Net Change in Fund Balances	1,964.00	68,192.25	(66,228.25)
Fund Balance - Beginning	19,100.00	20,579.79	(1,479.79)
Fund Balance - Ending	<u>\$ 21,064.00</u>	<u>\$ 88,772.04</u>	<u>\$ (67,708.04)</u>

SUPPLEMENTARY INFORMATION

Blackstone Metro District
Debt Service Fund Schedule of Revenues, Expenditures and Changes in
Fund Balances - Budget and Actual
For the Period Ending May 31, 2023

	<u>Annual Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues			
Property taxes	\$ 1,395,778.00	\$ 847,155.25	\$ 548,622.75
Specific ownership taxes	83,747.00	38,382.26	45,364.74
Interest income	25,000.00	41,883.86	(16,883.86)
Total Revenue	<u>1,504,525.00</u>	<u>927,421.37</u>	<u>577,103.63</u>
Expenditures			
County Treasurer's fee	20,937.00	12,709.33	8,227.67
Paying agent fees	450.00	-	450.00
Bond interest	1,086,125.00	543,062.50	543,062.50
Bond Principal	450,000.00	-	450,000.00
Contingency	4,488.00	-	4,488.00
Total Expenditures	<u>1,562,000.00</u>	<u>555,771.83</u>	<u>1,006,228.17</u>
Net Change in Fund Balances	(57,475.00)	371,649.54	(429,124.54)
Fund Balance - Beginning	1,701,646.00	1,734,249.02	(32,603.02)
Fund Balance - Ending	<u>\$ 1,644,171.00</u>	<u>\$ 2,105,898.56</u>	<u>\$ (461,727.56)</u>

Blackstone Metro District
Capital Projects Fund Schedule of Revenues, Expenditures and Changes in
Fund Balances - Budget and Actual
For the Period Ending May 31, 2023

	<u>Amended Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues			
Interest income	\$ 6,750.00	\$ 9,272.54	\$ (2,522.54)
Total Revenue	<u>6,750.00</u>	<u>9,272.54</u>	<u>(2,522.54)</u>
Expenditures			
Legal	-	9,546.85	(9,546.85)
Reserve study	15,000.00	1,625.00	13,375.00
Entryways/roundabouts	1,750,000.00	42,655.44	1,707,344.56
Trees	300,000.00	-	300,000.00
Contingency	15,000.00	-	15,000.00
Total Expenditures	<u>2,080,000.00</u>	<u>53,827.29</u>	<u>2,026,172.71</u>
Other Financing Sources (Uses)			
Transfers from other funds	2,073,250.00	26,191.98	2,047,058.02
Total Other Financing Sources (Uses)	<u>2,073,250.00</u>	<u>26,191.98</u>	<u>2,047,058.02</u>
Net Change in Fund Balances	-	(18,362.77)	18,362.77
Fund Balance - Beginning	450,000.00	449,999.78	0.22
Fund Balance - Ending	<u>\$ 450,000.00</u>	<u>\$ 431,637.01</u>	<u>\$ 18,362.99</u>

Blackstone Metro District
Fund Financials - Capital Projects - Regional Improvement Fund
Fund Balances - Budget and Actual
For the Period Ending May 31, 2023

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
Revenues			
Property taxes	\$ 52,713.00	\$ 31,994.16	\$ (20,718.84)
Total Revenue	<u>52,713.00</u>	<u>31,994.16</u>	<u>(20,718.84)</u>
Expenditures			
County Treasurer's fee	791.00	480.00	(311.00)
Regional mill levy - Payment to SARIA	51,922.00	31,514.16	(20,407.84)
Total Expenditures	<u>52,713.00</u>	<u>31,994.16</u>	<u>(20,718.84)</u>
Net Change in Fund Balances	<u>-</u>	<u>-</u>	<u>-</u>
Fund Balance - Beginning	-	-	-
Fund Balance - Ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Blackstone Metropolitan District
Schedule of Cash Position
May 31, 2023
Updated as of June 2, 2023

	<u>General Fund</u>	<u>Special Revenue Fee Fund</u>	<u>Debt Service Fund GO Bonds</u>	<u>Capital Projects Fund</u>	<u>Capital Projects Regional Imprvmt</u>	<u>Total</u>
<u>1st Bank - Checking</u>						
Balance as of 5/31/23	\$ 31,748.70	\$ 75,361.27	\$ -	\$ -	\$ -	\$ 107,109.97
Subsequent activity:						
06/01/23 - Aurora Water Autopay	-	(25.82)	-	-	-	(25.82)
06/02/23 - Void Bill.com Payment	1,245.00	-	-	-	-	1,245.00
06/05/23 - Public Sotrage Autopay	-	(148.00)	-	-	-	(148.00)
06/07/23 - Xcel Energy Autopay	-	(713.02)	-	-	-	(713.02)
06/08/23 - Bill.com Payment	(790.70)	(65,372.48)	-	(1,200.00)	-	(67,363.18)
<i>Anticipated Transfer from HOA</i>	-	32,000.00	-	-	-	32,000.00
<i>Anticipated Transfer from Colotrust</i>	-	-	-	1,200.00	-	1,200.00
<i>Anticipated Balance</i>	<u>32,203.00</u>	<u>41,101.95</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>73,304.95</u>
<u>Colotrust - Savings Account</u>						
Balance as of 5/31/23	\$ 3,586,977.39	\$ 5,461.74	\$ 1,991,206.46	\$ 432,837.01	\$ -	\$ 6,016,482.60
Subsequent activity:						
06/10/23 - Property Taxes	99,709.80	-	114,692.10	-	4,021.60	218,423.50
Surplus fund	-	-	(1,000,000.00)	-	-	(1,000,000.00)
<i>Anticipated Transfer to Checking</i>	-	-	-	(1,200.00)	-	(1,200.00)
<i>Anticipated Transfer to SARLA</i>	-	-	-	-	(4,021.60)	(4,021.60)
<i>Anticipated Balance</i>	<u>3,686,687.19</u>	<u>5,461.74</u>	<u>1,105,898.56</u>	<u>431,637.01</u>	<u>-</u>	<u>5,229,684.50</u>
<i>Total by fund</i>	<u>\$ 3,718,890.19</u>	<u>\$ 46,563.69</u>	<u>\$ 1,105,898.56</u>	<u>\$ 431,637.01</u>	<u>\$ -</u>	<u>\$ 5,302,989.45</u>

Yield Information:

Colotrust Prime (May 2023) - 4.87%

Colotrust Plus (May 2023) - 5.15%

BLACKSTONE METROPOLITAN DISTRICT
Property Taxes Reconciliation
2023

	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	\$ 4,109.69	\$ -	\$ 13,400.92	\$ -	\$ (61.65)	\$ -	\$ 17,448.96	0.15%	0.15%	\$ 48,552.84	1.20%	1.20%
February	1,122,283.14	-	13,571.90	-	(16,834.25)	-	1,119,020.79	42.22%	42.37%	1,260,554.11	43.66%	44.86%
March	150,546.26	-	17,034.86	26.66	(2,258.59)	-	165,349.19	5.66%	48.04%	119,892.01	3.63%	48.49%
April	130,529.28	-	14,255.35	-	(1,966.52)	-	142,818.11	4.91%	52.95%	145,818.08	4.60%	53.09%
May	205,882.04	-	15,405.41	227.70	(3,091.65)	-	218,423.50	7.75%	60.69%	164,506.68	5.29%	58.38%
June	-	-	-	-	-	-	-	0.00%	60.69%	1,160,255.28	40.19%	98.57%
July	-	-	-	-	-	-	-	0.00%	60.69%	38,139.96	0.82%	99.39%
August	-	-	-	-	-	-	-	0.00%	60.69%	26,662.93	0.27%	99.66%
September	-	-	-	-	-	-	-	0.00%	60.69%	16,687.06	0.03%	99.70%
October	-	-	-	-	-	-	-	0.00%	60.69%	14,957.70	0.00%	99.70%
November	-	-	-	-	-	-	-	0.00%	60.69%	25,945.12	0.30%	100.00%
December	-	-	-	-	-	-	-	0.00%	60.69%	13,489.32	0.00%	100.00%
\$ 1,613,350.41	\$ -	\$ 73,668.44	\$ 254.36	\$ (24,212.66)	\$ -	\$ -	\$ 1,663,060.55	60.69%	60.69%	\$ 3,035,461.09	100.00%	100.00%

	Taxes Levied	% of Levied	Property Tax Collected	% Collected to Amount Levied
Property Tax				
General Fund	\$ 1,209,674.00	45.51%	\$ 734,201.00	60.69%
Debt Service Fund	1,395,778.00	52.51%	847,155.25	60.69%
Regional	52,713.00	1.98%	31,994.16	60.70%
	\$ 2,658,165.00	100.00%	\$ 1,613,350.41	

Specific Ownership Tax

General Fund	\$ 75,743.00	47.49%	\$ 35,286.18	46.59%
Debt Service Fund	83,747.00	52.51%	38,382.26	45.83%
	\$ 159,490.00	100.00%	\$ 73,668.44	

Treasurer's Fees

General Fund	\$ 18,145.00	45.51%	\$ 11,023.33	60.75%
Debt Service Fund	20,937.00	52.51%	12,709.33	60.70%
Regional	791.00	1.98%	480.00	60.68%
	\$ 39,873.00	100.00%	\$ 24,212.66	

Due To SARIA From 2022	\$ 312.30
Pledged Ptax Collected	31,514.16
Payments to SARIA	27,804.86
Due To SARIA	\$ 4,021.60

**BLACKSTONE METROPOLITAN DISTRICT
2023 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 2023. 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.

Senate Bill 21-293 among other things, designates multi-family residential real property (defined generally, as property that is a multi-structure of four or more units) as a new subclass of residential real property. For tax collection year 2023, the assessment rate for single family residential property decreases to 6.95% from 7.15%. The rate for multifamily residential property, the newly created subclass, decreases to 6.80% from 7.15%. Agricultural and renewable energy production property decreases to 26.4% from 29.0%. Producing oil and gas remains at 87.5%. All other nonresidential property stays at 29%.

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
2023 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. The required mill levy after the twentieth year is 5.000.

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 6.0% 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.

County Treasurer's Fees

County Treasurer's fees have been computed at 1.5% of property tax collections.

Capital Outlay

The District anticipates infrastructure improvements as displayed on page 6 of the Budget.

**BLACKSTONE METROPOLITAN DISTRICT
2023 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Expenditures (continued)

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.

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.

Reserves

Emergency Reserves

The District has provided an Emergency Reserve fund equal to at least 3% of fiscal year spending for 2023, as defined under TABOR.

**BLACKSTONE METROPOLITAN DISTRICT
SCHEDULE OF DEBT SERVICE REQUIREMENTS TO MATURITY**

\$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**

**Bonds and Interest
Maturing in the Year
Ending December 31,**

	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
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
	<u>\$ 26,485,000</u>	<u>\$ 17,129,125</u>	<u>\$ 43,614,125</u>

LEGAL REPORT



MEMORANDUM

FROM: White Bear Ankele Tanaka & Waldron
DATE: May 10, 2023
RE: Overview of 2023 Legislation Affecting Special Districts and Community Associations

This year's Legislative Session officially wrapped up on May 8, 2023. As in past years we are providing a summary of the pertinent legislation impacting special districts and community associations. Each law listed below is linked to the Colorado General Assembly website and can be accessed by clicking the individual bill titles. Updated information related to laws that have not been signed as of the date of this memorandum or which do not officially become effective until after the referendum period runs will be provided on our website at www.whitebearankele.com. If you would like more detailed information on any of the information contained herein or on bills which were introduced but not passed, please let us know.

SPECIAL DISTRICT LEGISLATION

[HB23-1023: Special District Construction Contracts](#)

The law increases the requirement to publicly bid contracts for construction, materials, or both from \$60,000 to \$120,000 or more, and requires the amount to be adjusted for inflation every five years.

The law was signed by the Governor on March 17, 2023, and takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

[HB23-1062: Metropolitan District Tax For Parks And Recreation](#)

The law allows a metropolitan district that is not located in an incorporated municipality to levy a sales tax to provide parks or recreational facilities or programs within the district in which the tax is levied.

The law was signed by the Governor on April 17, 2023, and takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

HB23-1105: Homeowners' Association And Metropolitan District Homeowners' Rights Task Forces

The law creates the HOA homeowners' rights task force (HOA task force) and the metropolitan district homeowners' rights task force (metro district task force) in the division of housing (division) in the department of local affairs.

Members of the metro district task force must be designated or appointed on or before November 1, 2023. The metro district task force is required to:

- Study issues confronting metropolitan district homeowners' rights, including metropolitan district boards' tax levying authority and practices, foreclosure practices, communications with homeowners, and governance policies; and
- Prepare a report regarding its findings and conclusions, publish the report on the division's website, and submit copies of the report to the legislative committees and the governor on or before June 15, 2024.

The law was passed on May 7, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect immediately. If not signed by the Governor, the law takes effect 30 days after the end of the legislative session.

See below for description of HOA task force specific details.

HB23-1259: Open Meetings Law Executive Session Violations

The law creates a right for a local public body to cure a violation of the open meetings law with respect to an executive session if the local public body takes the corrective action at its next meeting after the meeting at which the violation occurred or at the local public body's next meeting that is held at least 14 days after receiving notice by a person who intends to challenge the violation. The law also addresses standing to challenge a violation of the open meetings law, and the payment of attorney fees. If a local public body in connection with an executive session commits a third violation of the same nature within a one-year period, the local public does not have a right to cure the violation.

The law was passed on May 4, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect immediately. If not signed by the Governor, the law takes effect 30 days after the end of the legislative session.

SB23-108: Allowing Temporary Reductions in Property Tax Due

The law allows a local government to provide temporary property tax relief through temporary property tax credits or mill levy reductions and later eliminate the credits or restore the mill levy. A temporary reduction in property taxes must be annually renewed by the local government.

The law was passed on May 7, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

SB23-110: Transparency for Metropolitan Districts

This law has four main sections to increase transparency for metropolitan districts.

- For a proposed metropolitan district that submits a service plan on or after January 1, 2024, the law requires the service plan to include a cap on the maximum mill levy and a cap on the maximum debt that may be issued by the metropolitan district.
- Beginning in the 2023 calendar year, the law requires the board of a metropolitan district to hold an annual “town hall” meeting if the metropolitan district was organized after January 1, 2000, has residential units within its boundaries, and is not on inactive status. This meeting is an opportunity for members of the public to ask questions about the metropolitan district. No formal action may be taken at the meeting and must ensure that the annual meeting includes a presentation from the metropolitan district regarding the status of public infrastructure projects within the metropolitan district and outstanding bonds, if any, a review of unaudited financial statements showing the year-to-date revenue and expenditures of the metropolitan district in relation to its adopted budget for that calendar year. Further, metropolitan districts will be required to include a public comment period at their budget hearing meeting to provide further opportunity for the public to provide formal, public comment.
- The law specifies that prior to issuing debt to a director of a metropolitan district or to an entity with respect to which a director of a metropolitan district must make a disclosure pursuant to current law, the board is required to receive a statement of a registered municipal advisor certifying specified criteria regarding the interest rate of the debt.
- The law requires the seller of residential real property that is located within a metropolitan district organized after January 1, 2000, to provide the purchaser of the property with the official website established by the metropolitan district. The seller is required to provide the information on the Colorado real estate commission approved seller's property disclosure.

The law was signed by the Governor on April 3, 2023, and takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

SB23-111: Public Employees' Workplace Protection

The law grants certain public employees, including individuals employed by various entities including special districts the right to:

- Discuss or express views regarding public employee representation or workplace issues;
- Engage in protected, concerted activity for the purpose of mutual aid or protection;
- Fully participate in the political process while off duty and not in uniform, including speaking with members of the public employer's governing body on terms and conditions of employment and any matter of public concern and engaging in other

political activities in the same manner as other citizens of Colorado without discrimination, intimidation, or retaliation; and

- Organize, form, join, or assist an employee organization or refrain from organizing, forming, joining, or assisting an employee organization.

The law also prohibits certain public employers from discriminating against, coercing, intimidating, interfering with, or imposing reprisals against a public employee for engaging in any of the rights granted.

The Colorado department of labor and employment (Department) is charged with enforcing any alleged violation of these rights and is granted rule-making authority. A party may appeal the Department's final decision to the Colorado court of appeals. The law requires the court of appeals to give deference to the Department.

The law was sent to the Governor on May 8, 2023, for signature. If signed by the Governor, the law takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

SB23-175: Financing of Downtown Development Authority Projects

The law amends the downtown development authority authorization act to make reauthorization less cumbersome and allow downtown development authorities to continue facilitating development. Following an initial period of 30-years and the option for one 20-year extension of a tax increment financing (TIF) arrangement, the law would allow a downtown development authority the option for an additional 20-year extension. During the 20-year extension periods authorized in the law, the default split of the incremental revenues under current law is continued unless the municipality and all other governmental entities reach an alternative agreement.

The law was sent to the Governor on May 4, 2023, for signature. If signed by the Governor, the law takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

SB23-286: Access to Government Records

The law makes various changes to the "Colorado Open Records Act" (CORA).

- *Public records open to inspection.* The law prohibits, with certain specified exceptions, a custodian of public records from requiring a requester to provide any form of identification to request or inspect records pursuant to CORA.
- *Format of records for inspection.* The law repeals requirements regarding records that are available in a sortable format and specifies that if a record is available in digital format, the custodian is required to transmit the record in a digital format by electronic communication or by another mutually-agreed upon transmission method if the size of the record prevents transmission by electronic communication. In addition, the law prohibits a custodian from converting a digital record into a non-searchable or non-sortable format prior to transmission.

- *Records subject to inspection.* The law adds to the category of records that a custodian can deny a right to inspect based on such disclosure being contrary to public interest the telephone number or home address that a person provides to an elected official, agency, institution, or political subdivision of the state for the purpose of future communication with the elected official, agency, institution, or political subdivision of the state.
- The law specifies that records of sexual harassment complaints made against an elected official and the results or report of investigations regarding alleged sexual harassment by an elected official conducted by or for that official's government shall be made available for inspection if the investigation concludes that the elected official is culpable for any act of sexual harassment. The law specifies that the identity of any accuser, accused who is not an elected official, victim, or witness and any other information that would identify any such person must be redacted.
- *Electronic mail policy.* The law requires each member of the general assembly, the governor's office, each office of the governor, and each state agency and institution to submit, on or before January 1, 2024, a report to the staff of the legislative council of the general assembly outlining its respective electronic mail retention policy.
- *Transmission and per-page fees for records.* The law specifies that the custodian may not charge a per-page fee if records are provided in a digital or electronic format.
- *Electronic payments.* The law requires a custodian to allow records requesters to pay any fee or deposit associated with the request via a credit card or electronic payment if the custodian allows members of the public to pay for any other product or service provided by the custodian with a credit card or electronic payment.

The law was passed on May 7, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

SB32-303: Reduce Property Taxes and Voter-Approved Revenue Change

The law concerns a reduction in property taxes by several methods:

1. The law creates limits on annual property tax increases from the prior property tax year for certain local governments, including special districts, at inflation levels unless the local government takes specified actions to exceed the limitations.
2. The law temporarily reduces the valuation for assessment of certain residential and nonresidential property.

Nonresidential Property:

For lodging property, property listed under any improved commercial subclass code, and all other nonresidential property, excluding agricultural property and renewable energy production property, the assessment rate is reduced as follows:

- 27.9% to 27.85% for 2023 property tax year;
- 27.85% for the 2024 through 2026 property tax years;
- 27.65% for the 2027 and 2028 property tax years;
- 26.9% for the 2029 and 2030 property tax years; and
- 25.9% or 26.9% for the 2031 and 2032 property tax years, depending on the increase in the valuation in the 32 counties with the smallest increases from the 2030 to 2031 property tax years (revenue increases).

For agricultural property, excluding renewable energy agricultural land, and renewable energy property, the assessment rate is reduced as follows:

- 29% to 26.4% for the 2025 through 2030 property tax years; and
- 25.9% or 26.4% for the 2031 and 2032 property tax years, depending on the increase in the valuation in the 32 counties with the smallest revenue increases.

For renewable energy agricultural land, which is a newly created subclass of agricultural property, the assessment rate is reduced from 29% to 21.9% for the 2024 through 2032 property tax years.

Beginning with the 2033 property tax year, all temporary valuation reductions expire, and the valuation of all nonresidential real property is 29% of the actual value of the property.

Residential Property:

The law further reduces the valuation of residential real property as follows:

- *For the 2023 property tax year:* the valuation is reduced from 6.765% of the amount equal to the actual value minus the lesser of \$15,000 or the amount that causes the valuation to be \$1,000 (alternate amount) to 6.7% of the amount equal to the actual value minus the lesser of \$40,000 or the alternate amount.
- *For the 2024 property tax year:* the valuation is reduced as follows:
 - For multi-family residential real property, the valuation is reduced from 6.8% of the actual value to 6.7% of the amount equal to the actual value minus the lesser of \$40,000 or the alternate amount; and
 - For all other residential real property, the valuation is reduced from an estimate of 6.98% of the actual value to 6.7% of the amount equal to the actual value minus the lesser of \$40,000 or the alternate amount.
- *For the 2025 through 2032 property tax years:*
 - For multi-family residential real property and primary residence real property, including multi-family primary residence real property, the valuation is reduced from 7.15% of the actual value to 6.7% of the actual value minus the lesser of \$40,000 or the alternate amount;

- For qualified-senior primary residence real property, including multi-family qualified-senior primary residence real property, the valuation is reduced from 7.15% of the actual value to 6.7% of the amount equal to the actual value minus \$140,000 or the alternate amount; and
- For all other residential real property, the assessment rate is reduced from 7.15% to 6.7 %.

Beginning with the 2033 property tax year, all temporary valuation reductions expire and the valuation of all residential real property is 7.15% of the actual value of the property.

The law also establishes that all temporary reductions in valuation for residential and nonresidential property created in the law are contingent on the State's ability to retain and spend state surplus up to the proposition HH cap. If, for any reason, excluding a legislative enactment by the general assembly, the State is not permitted to retain and spend this money, then the temporary reductions in the law do not apply.

3. Creates new subclasses of residential property;
4. Permits the State to retain and spend revenue up to the proposition cap;
5. Requires the retained revenue to be used to reimburse certain local governments for lost property tax revenue and to be deposited in the State education fund to backfill the reduction in school district property tax revenue;
6. Transfers general fund money to the State public school fund and to a cash fund to also be used for the reimbursements;
7. Eliminates the cap on the amount of excess State revenues that may be used for the reimbursements for the 2023 property tax year; and
8. Refers a ballot issue to the voters at the November 2023 election that asks voters whether property taxes should be reduced and that seeks voter approval to retain and spend excess state revenues that will be used to backfill some of the reduced property tax revenue.

The law was passed on May 8, 2023, and will be sent to the Governor for signature. If signed, except as noted in the law, the majority of the law will take effect only if a majority of voters approve the ballot issued referred to in November 2023.

COMMUNITY ASSOCIATION LEGISLATION

[HB23-1105: Homeowners' Association And Metropolitan District Homeowners' Rights Task Forces](#)

The law creates the HOA homeowners' rights task force (HOA task force) and the metropolitan district homeowners' rights task force (metro district task force) in the division of housing (division) in the department of local affairs.

Members of the HOA task force must be designated or appointed on or before August 1, 2023. The HOA task force is required to:

- Study issues confronting HOA homeowners' rights, including homeowners' associations' fining authority and practices, foreclosure practices, communications with homeowners and the availability and method of making certain documents available to HOA homeowners in the association;
- Review HOA homeowners' complaints and relevant state and federal laws related to common interest communities;
- Prepare an interim report regarding its findings and conclusions, publish the interim report on the division's website, and submit copies of the report to the metro district task force on or before October 15, 2023; and
- Prepare a final report, publish the final report on the division's website, and submit copies of the final report to the metro district task force, the legislative committees with oversight of housing and local government issues (legislative committees), and the governor on or before April 15, 2024.

The law was passed on May 7, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect immediately. If not signed by the Governor, the law takes effect 30 days after the end of the legislative session.

See above for description of metropolitan district task force specific details.

HB23-1233: Electrical Vehicle Charing and Parking Requirements

The law requires the state electrical board to adopt rules facilitating electric vehicle charging at multifamily buildings, limiting the ability of the state electrical board to prohibit the installation of electric vehicle charging stations, forbidding private prohibitions on electric vehicle charging and parking, requiring local governments to count certain spaces served by an electric vehicle charging station for minimum parking requirements, forbidding local governments from prohibiting the installation of electric vehicle charging stations, exempting electric vehicle chargers from business personal property tax, and authorizing electric vehicle charging systems along highway rights-of-way.

The law was passed on May 4, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect immediately. If not signed by the Governor, the law takes effect 30 days after the end of the legislative session.

SB23-178: Water Wise Landscaping

Under current law, a unit owners' association (association) of a common interest community may not prohibit the use of xeriscape, nonvegetative turf grass, or drought-tolerant vegetative landscapes to provide ground covering to property for which a unit owner is responsible. There is, however, an exception authorizing an association to adopt and enforce design or aesthetic guidelines or rules that apply to nonvegetative turf grass and drought-tolerant vegetative landscapes or to regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on a unit owner's property, on a limited common element, or on other property for which the unit owner is responsible.

The law states that an association's guidelines or rules must:

- Not prohibit the use of nonvegetative turf grass in the backyard of a unit owner's property;
- Not unreasonably require the use of hardscape on more than 20% of the landscaping area of a unit owner's property;
- Allow a unit owner an option that consists of at least 80% drought-tolerant plantings; and
- Not prohibit vegetable gardens in the front, back, or side yard of a unit owner's property.

The law also requires an association to permit the installation of at least 3 garden designs that are preapproved by the association for installation in front yards within the common interest community. To be preapproved, a garden design must adhere to the principles of water-wise landscaping or be part of a water conservation program operated by a local water provider.

The law allows a unit owner who is affected by an association's violation of the new requirements to bring a civil action to restrain further violation and to recover up to a maximum of \$500 or the unit owner's actual damages, whichever is greater. The law states that the new provisions apply only to a unit that is a single-family detached home and do not apply to:

- A unit that is a single-family attached home that shares one or more walls with another unit; or
- A condominium.

The law was sent to the Governor on May 5, 2023. If signed by the Governor, the law takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

MANAGEMENT REPORT

**Blackstone Metro District
MANAGEMENT ACTION ITEMS**

Item	Status	Next Action	Notes
GFL Trash Contract Completed	Contract Executed		<ul style="list-style-type: none"> - Continued to work with WM for bins not picked up. - Continued to work with GFL/Republic on customer services issue.
Mailbox Repair Completed	Approved per proposal		<ul style="list-style-type: none"> - Delivered keys to the 12 homeowners with the new mailboxes.
Reserve Study	Awaiting Mapping	<ul style="list-style-type: none"> ➤ Provide pending questions from Advanced Reserve Solutions, Inc. 	<ul style="list-style-type: none"> - Richard stated reserve analysis can be completed within a couple weeks of receiving answers to remaining questions. - 6/2 Email questions to Lee and Curtis
Covenant Enforcement Issues	Global- Board review prior to sending letters	<ul style="list-style-type: none"> ➤ Reviewed the 2022 Design Guidelines and updated all issues in compliance database. ➤ Will continue to use 2022 guidelines for inspections 	<ul style="list-style-type: none"> - The compliance team would like to use the new guidelines for the next few inspections to see if a meeting is still required as making sure they were using the correct guidelines may have rectified past errors.

Blackstone Metro District
MANAGEMENT ACTION ITEMS

Item	Status	Next Action	Notes
Ripped Sail at County Club Park	Email Sent to Safetoplay. Awaiting proposal to replace.		
Tree Replacement	Board approved tree replacement with LandTech	➤ LandTech to Respond	- Bob Howey Plant count
Committee Roles and Responsibility Completed			- Board discussed at Working Session 5.25
27851 E. Otero Place			Send to Altitude Law
Insurance Claim	4A2303GW8V6-0001 Jared & Allison Lerner		<i>"Hi Shantelle, to follow up on my call yesterday, I apologize but not sure what the board decided regarding this claim. Should we keep the payment issued to Mr. & Mrs. Lerner for \$1,964.75 and the district will issue GL deductible payment? If that is the case, I was mistaken, and the total amount is the same amount paid on the claim. Or does the board want Sedgwick to stop that payment and the Board will handle the payment directly with the claimant? Please call me or reply to this email. Thank you."</i>
Landscape Committee – Streetscape Improvements	Landscape Committee Meeting Tuesday, June 6, 2023	➤ Approve and send email blast with construction updates and photos	- Discussed email blast content with Carol H. following committee meeting on Tuesday, June 6th
Board Mtg Signs	Ask Shawn to place them out for the June meeting. WW to pick and figure out where to store them.		- 6/1/23 Emailed Shawn with plans for Westwind to pick up signs after the next board meeting on Tuesday, June 20, 2023