

SOUTHLANDS METROPOLITAN DISTRICT NO. 1

141 Union Boulevard, Suite 150
Lakewood, Colorado 80228-1898
Tel: (303) 987-0835
Fax: (303) 987-2032
Website: <https://southlandssmd1.colorado.gov/>

NOTICE OF SPECIAL MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expires:</u>
Martin Liles	President	2022/May 2022
Joyce Rocha	Secretary	2023/May 2023
April Elliott	Treasurer	2022/May 2022
VACANT		2023/May 2022
VACANT		2022/May 2022

DATE: August 17, 2021
TIME: 9:00 a.m.
PLACE: Southlands Shopping Center
Management Office
6155 South Main Street, Suite 260
Aurora, Colorado 80016

I. ADMINISTRATIVE MATTERS

- A. Present Disclosures of Potential Conflicts of Interest.

- B. Approve Agenda; confirm location of the meeting and posting of meeting notice.

- C. Acknowledge the resignation of Skye Bailey, effective July 9, 2021 (enclosure).

- D. Discuss Board vacancies.

- E. Review and approve Minutes of the June 15, 2021 Special Meeting (enclosure).

- F. Schedule the 2022 Budget Workshop.

II. PUBLIC COMMENTS

- A. 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.

III. FINANCIAL MATTERS

- A. Review and ratify approval of the payment of claims for the periods ending as follows (enclosures):

Fund	Period Ending June 30, 2021	Special Payments July 31, 2021
General	\$ 214,078.24	\$ 185,028.07
Debt Service	\$ -0-	\$ -0-
Capital Projects	\$ 4,027.00	\$ 2,558.00
Total Claims	\$ 218,105.24	\$ 187,586.07

- B. Review and accept unaudited financial statements for the period ending June 30, 2021 and accept Cash Position Schedule, dated June 30, 2021, updated August 5, 2021 and Operations Fee Report (enclosure).
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IV. LEGAL MATTERS

- A. Discuss 2021 new legislation concerning special districts (enclosure).
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- B. Review and Consider Approval of Resolution Designating the Location of Regular Meetings of the Board of Directors (to be distributed).
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- C. Review and Consider Approval of Resolution Adopting a Procurement Policy (to be distributed).
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V. OPERATIONS AND MAINTENANCE

- A. Ratify approval of the Special Events Permit from M&J Wilkow (to be distributed).
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- B. Maintenance Report (M & J Wilkow):
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1. Discuss status of landscape maintenance services:
- a. Irrigation upgrades and repair work.
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b. Snow removal repair work.

c. Ratify approval of proposal from Metco Landscape for plant replacements in the amount of \$5,836 (enclosure).

2. Discuss status of striping services.

3. Discuss status of asphalt repair work.

C. Maintenance Report (SDMS):

1. Discuss options for pest control services.

2. Discuss retaining wall failures:

a. Review Engineering Recommendations for repair of existing Smoky Hill Road Wall from Ground Engineering Consultants, Inc. (enclosure).

b. Review and consider approval of proposal from CDI Environmental Contractor for repair of lower wall in three locations, in the amount of \$239,868 (enclosure). Discuss obtaining additional proposals.

3. Discuss 2022-2025 Landscape Maintenance:

a. Review bids for Landscape Maintenance Services (to be distributed).

b. Award contract for Landscape Maintenance Services.

4. Discuss 2022-2025 Snow Removal Services:

- a. Review bids for Snow Removal Services (to be distributed).

- b. Award contract for Snow Removal Services.

- 5. Discuss 2022 Floral Program:

 - a. Review bids for the 2022 Floral Program (to be distributed).

 - b. Award contract for the 2022 Floral Program.

- 6. Review and ratify approval of proposal from PROV21 Productions LLC for the repainting of 171 Ischia pole base covers, in the amount of \$2,172 (enclosure).

- 7. Review and consider approval of proposal from Full Spectrum Lighting, Inc. for 2022 site lighting services (enclosure).

VI. CAPITAL IMPROVEMENTS

- A. Discuss status of the Main Street Monument Project (enclosure).

- B. Discuss status of the Median Landscape Renovation Project.

 - 1. Ratify approval of the Addendum to the Intergovernmental Agreement with Architerra Group, in the amount of \$6,360 (enclosure).

VII. OTHER MATTERS

- A. Discuss status of modification of the drive lane on Southlands Parkway.

- B. Discuss incident report from Allied Universal Security Services.

VIII. ADJOURNMENT **THE NEXT REGULAR MEETING IS SCHEDULED FOR
OCTOBER 19, 2021**

Skye Bailey
5382 S. Quatar Cir.
Aurora, CO 80015

June 29, 2021

Southlands Metro District #1
Attn: Ann Finn

Please accept this as a formal notice of my resignation from the position of Board Director (Vice President) effective July 9, 2021.

Sincerely,



(Skye Bailey)

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE SOUTHLANDS METROPOLITAN DISTRICT NO. 1 HELD JUNE 15, 2021

A Special Meeting of the Board of Directors (referred to hereafter as “Board”) of the Southlands Metropolitan District No. 1 (referred to hereafter as “District”) was convened on Tuesday, the 15th day of June, 2021, at 9:00 a.m. The meeting was open to the public.

The meeting was held via Zoom due to Executive Orders issued by Governor Polis, and Public Health Orders implementing the Executive Orders issued by the Colorado Department of Public Health and Environment, and the threat posed by the COVID-19 coronavirus.

ATTENDANCE

Directors In Attendance Were:

Martin Liles
Skye Bailey
Joyce Rocha
April Elliott

Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Clint C. Waldron, Esq.; White Bear Ankele Tanaka & Waldron P.C.

Thuy Dam; CliftonLarsonAllen, LLP

Leanne Dominguez; The Architerra Group (for a portion of the meeting)

Greg Wilkow; M & J Wilkow (for a portion of the meeting)

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: Ms. Finn noted that a quorum was present. Attorney Waldron reported that disclosures for those Directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State’s Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Attorney Waldron asked the Board whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled

RECORD OF PROCEEDINGS

for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

ADMINISTRATIVE MATTERS

Agenda: Ms. Finn distributed for the Board’s review and approval a proposed Agenda for the District’s Special Meeting.

Following discussion, upon motion duly made by Director Liles, seconded by Director Elliott and, upon vote, unanimously carried, the Agenda was approved, as amended.

First Amendment to the 2021 Annual Administrative Resolution: The Board reviewed a First Amendment to the 2021 Annual Administrative Resolution.

Following discussion, upon motion duly made by Director Liles, seconded by Director Elliott and, upon vote, unanimously carried, the Board ratified the adoption of the First Amendment to the 2021 Annual Administrative Resolution.

Minutes: The Board reviewed the Minutes of the April 27, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Liles, seconded by Director Elliott and, upon vote, unanimously carried, the Minutes of the April 27, 2021 Special Meeting were approved, as presented.

2021 SDA Conference: Ms. Finn discussed the SDA Conference with the Board and noted the information concerning the details of the conference will be emailed to them once the information is available.

PUBLIC COMMENTS

There were no public comments at this time.

FINANCIAL MATTERS

Claims: The Board considered ratifying approval of the payment of claims for the period ending as follows:

Fund	Period Ending April 30, 2021	Special Payments April 2, 2021	Period Ending May 31, 2021
General	\$ 119,836.73	\$ 585,045.00	\$ 102,735.89
Debt Service	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ 936.00	\$ -0-	\$ 6,050.35
Total Claims	\$ 120,772.73	\$ 585,045.00	\$ 108,786.24

RECORD OF PROCEEDINGS

Following review, upon motion duly made by Director Elliott seconded by Director Liles and, upon vote, unanimously carried, the Board ratified approval of claims, as presented.

Financial Statements: Ms. Dam reviewed with the Board the unaudited financial statements of the District for the period ending April 30, 2021, Schedule of Cash Position, updated as of June 7, 2021, Operations Fee Report.

Following discussion, upon motion duly made by Director Elliott, seconded by Director Liles and, upon vote, unanimously carried, the Board accepted the unaudited financial statements of the District for the period ending April 30, 2021, Schedule of Cash Position, updated as of June 7, 2021, Operations Fee Report.

Late Fees: The Board entered into discussion in regards to a request from Jose Inclan to waive the late fees.

Following discussion, upon motion duly made by Director Elliott, seconded by Director Liles and, upon vote, unanimously carried, the Board approved the request from Jose Inclan to waive the late fees.

2020 Audit: Ms. Dam reviewed the draft 2020 Audit with the Board.

Following discussion, upon motion duly made by Director Liles, seconded by Director Bailey and, upon vote, unanimously carried, the Board approved the 2020 Audit and authorized execution of the Representations Letter, subject to counsel review and receipt of a clean opinion letter from the auditor.

2022 Budget Preparation: The Board discussed the preparation of the 2022 Budget.

Following discussion, upon motion duly made by Director Elliott, seconded by Director Rocha and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2022 Budget. The Board determined to hold the public hearing to consider adoption of the 2022 Budget on November 16, 2021, at 9:00 a.m., at the Southlands Shopping Center, Management Office, 6155 South Main Street, Suite 260, Aurora, Colorado 80016 or virtually pending COVID-19 restrictions.

LEGAL MATTERS

Lease Agreement for the Cell Site Location at East Commons Avenue and South Aurora Parkway: Attorney Waldron noted for the Board that he has not been contacted regarding a possible Lease Agreement for a cell site location at East Commons Avenue and South Aurora Parkway

RECORD OF PROCEEDINGS

2021 New Legislation: Attorney Waldron noted for the Board his office will be distributing a memorandum in regards to the 2021 new legislation concerning Special Districts in the near future.

OPERATIONS AND MAINTENANCE **M & J Wilkow's Maintenance Report:**

Landscape Maintenance Services:

New Personnel (METCO): Director Bailey noted that METCO has assigned new onsite personnel for the District and Southlands TC LLC.

Irrigation Upgrades: Director Bailey noted the irrigation repair work and upgrades are ongoing.

Snow Removal Repair Work: Director Bailey reported the repair work for the damage to District property caused by snow removal services is scheduled to be complete by June 24, 2021.

Warranty Work for the 2020 Landscape Renovation Project: Director Bailey reported the warranty work for the 2020 Landscape Renovation Project is ongoing and 100 plants are being replaced.

Service Agreement for Striping Services: Director Bailey reported to the Board that he received two bids for striping services and Rocky Mountain Parking Lots, Inc. was the low bidder.

Following discussion, upon motion duly made by Director Liles, seconded by Director Elliott and, upon vote, unanimously carried, the Board approved the Service Agreement with Rocky Mountain Parking Lots, Inc. for striping services, in the amount of \$3,891. It was noted the work should be complete by the end of July 2021.

Asphalt Repair Work: Director Bailey reported to the Board that he is obtaining bids for asphalt repair.

Following discussion, upon motion duly made by Director Liles, seconded by Director Rocha and, upon vote, unanimously carried, the Board authorized Directors Bailey and Liles to award the contract for the asphalt repair work to the lowest responsible bidder.

2021 Special Events Permit from M & J Wilkow: Director Rocha reviewed with the Board a Schedule of Events for 2021 from M & J Wilkow.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Liles, seconded by Director Elliott and, upon vote, unanimously carried, the Board approved the Special Events Permit, subject to the final submittal of the permit to the District and payment of the permit fee.

Maintenance Report (SDMS):

2021 Floral Program: Ms. Finn noted the 2021 floral program is ongoing and irrigation work will need to be completed prior to planting all of the flower beds.

Independent Contract Agreement with Western Proscapes, Inc. for the 2021 Summer Floral Program: The Board reviewed an Independent Contract Agreement with Western Proscapes, Inc. for the 2021 summer floral program.

Following discussion, upon motion duly made by Director Bailey, seconded by Director Liles and, upon vote, unanimously carried, the Board ratified approval of the Independent Contract Agreement with Western Proscapes, Inc. for the 2021 summer floral program.

Tree Replacement: Ms. Finn noted the tree replacements are 100% complete.

Proposals from Animal & Pest Control Specialist, Inc. for the Treatment of the Prairie Dog Holes: The Board reviewed the proposals from Animal & Pest Control Specialist, Inc. for the treatment of the prairie dog holes.

Following discussion, upon motion duly made by Director Liles, seconded by Director Bailey and, upon vote, unanimously carried, the Board ratified approval of the proposals from Animal & Pest Control Specialist, Inc. for the treatment of the prairie dog holes.

Median Landscape Renovation Project: Ms. Dominguez reviewed with the Board the revised design plans for the Median Landscape Renovation Project. She noted the plans will require approval from the City of Aurora which was not anticipated in the original proposal by The Architerra Group and will require additional work and time.

Following discussion, upon motion duly made by Director Liles, seconded by Director Rocha and, upon vote, unanimously carried, the Board approved an additional fee in the amount of \$6,360 for the additional work and time to obtain approval from the City of Aurora. The Board requested an itemized break down of the fee.

Retaining Wall Failures: Ms. Finn discussed with the Board the retaining wall failures.

RECORD OF PROCEEDINGS

Investigation Conducted by Golden Forensics LLC: Ms. Finn reviewed with the Board the investigation report conducted by Golden Forensics LLC. She noted the retaining wall failure resulted in deviations from the design drawings during installation.

Letter from Segwick Denying the District's Insurance Claim for the Service Street Claim: Ms. Finn noted that Sedgwick Claims Management Services, Inc. denied the District's insurance claim for the Service Street claim.

Retaining Wall Failure behind the Fairfield Inn: Ms. Finn noted also that there was a second retaining wall failure behind the Fairfield Inn and she has filed a claim with the insurance company.

Independent Contractor Agreement between the District and CDI Environmental Contractor for Cleanup Work, Removal and Engineering Services for the Stabilization of the Retaining Wall: Ms. Finn reviewed with the Board an Independent Contractor Agreement between the District and CDI Environmental Contractor for cleanup work, removal and engineering services for the stabilization of the retaining wall. She noted \$53,145 was to remove unstable material behind Service Street, Fairfield Inn and Wells Fargo and \$7,000 was for engineering services to resolve stabilization issues.

Following discussion, upon motion duly made by Director Liles, seconded by Director Elliott and, upon vote, unanimously carried, the Board ratified approval of the Independent Contractor Agreement between the District and CDI Environmental Contractor for cleanup work, removal and engineering services for the stabilization of the retaining wall, for the total amount of \$60,145.00.

CAPITAL IMPROVEMENTS

Main Street Monument Project:

License Agreement with the City of Aurora: Ms. Finn noted for the Board that all documents have been submitted to the City of Aurora and the License Agreement fee has been paid. Attorney Waldron noted he will contact the City of Aurora regarding the status of approval of the form License Agreement.

OTHER MATTERS

Modification of Drive Lane on Southlands Parkway: Ms. Finn updated the Board on the status of modifying the traffic lane located at the southwest corner of the intersection at Southlands Parkway and Main Street to a right turn only lane. Ms. Finn noted that all documentation has been submitted to the City of Aurora and they are waiting for approval.

RECORD OF PROCEEDINGS

Report for the Lane Assignment Revisions from Felsburg Holt & Ullevig, Inc.:
The Board reviewed a Report for the lane assignment revisions from Felsburg Holt & Ullevig, Inc. No action was taken by the Board.

Traffic Signal Analysis from Collins Engineers, Inc.: The Board reviewed the traffic signal analysis from Collins Engineers, Inc. No action was taken by the Board.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Liles, seconded by Director Rocha and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By: _____
Secretary for the Meeting

Southlands Metropolitan District No. 1
June-21

Vendor	Invoice #	Date	Due Date	Amount	Expense Account	Account Number
Brody Chemical	503464	5/31/2021	5/31/2021	\$ 104.99	Repairs and maintenance	117582
Brody Chemical	503101	5/18/2021	5/18/2021	\$ 37.25	Repairs and maintenance	117582
City of Aurora	151230 5/21	6/7/2021	6/7/2021	\$ 392.50	Utilities	117701
City of Aurora	146396 5/21	6/7/2021	6/7/2021	\$ 67.79	Utilities	117701
City of Aurora	142090 5/21	6/7/2021	6/7/2021	\$ 376.91	Utilities	117701
City of Aurora	146452 5/ 21	6/7/2021	6/7/2021	\$ 45.25	Utilities	117701
City of Aurora	151228 5/21	6/7/2021	6/7/2021	\$ 248.30	Utilities	117701
City of Aurora	151226 5/21	6/7/2021	6/7/2021	\$ 327.61	Utilities	117701
City of Aurora	152426 5/21	6/7/2021	6/7/2021	\$ 1,335.84	Utilities	117701
City of Aurora	150518 5/21	6/7/2021	6/7/2021	\$ 168.99	Utilities	117701
City of Aurora	146368 5/21	6/7/2021	6/7/2021	\$ 658.10	Utilities	117701
City of Aurora	644882	6/10/2021	6/10/2021	\$ 2,487.00	Monument	307861
CliftonLarsonAllen LLP	2912781	5/31/2021	5/31/2021	\$ 4,326.71	Accounting	107000
DBC Irrigation Supply	54172473.001	6/7/2021	6/7/2021	\$ 789.55	Landscape maintenance & irrigation repair	117585
Diversified Underground, Inc	23654	4/30/2021	4/30/2021	\$ 450.00	Repairs and maintenance	117582
Felsburg Holt & Ullevig	121070-01	5/31/2021	5/31/2021	\$ 1,210.00	Traffic signals maintenance	117809
Full Spectrum Lighting, Inc	52	5/26/2021	6/30/2021	\$ 308.67	Street lighting/ striping	117855
Full Spectrum Lighting, Inc	2111005	5/26/2021	5/26/2021	\$ 855.00	Street lighting/ striping	117855
Full Spectrum Lighting, Inc	2111011	5/18/2021	5/18/2021	\$ 225.00	Street lighting/ striping	117855
Full Spectrum Lighting, Inc	2111009	5/12/2021	5/12/2021	\$ 945.00	Street lighting/ striping	117855
Full Spectrum Lighting, Inc	2110593	2/4/2021	2/4/2021	\$ 280.00	Street lighting/ striping	117855
Full Spectrum Lighting, Inc	2110595	2/10/2021	2/10/2021	\$ 290.00	Street lighting/ striping	117855
Full Spectrum Lighting, Inc	2111007	5/1/2021	5/1/2021	\$ 675.00	Street lighting/ striping	117855
GRAINGER	9905886710	5/19/2021	5/19/2021	\$ 28.13	Repairs and maintenance	117582
GRAINGER	9916847610	5/28/2021	5/28/2021	\$ 232.25	Repairs and maintenance	117582
IMS Printing & Signs	41454	5/25/2021	5/25/2021	\$ 4,900.01	Signage and decor	117587
M & J Wilkow Properties, LLC	24293	5/31/2021	5/31/2021	\$ 9,616.33	Property maintenance	117804
M & J Wilkow Properties, LLC	24598	6/30/2021	6/30/2021	\$ 9,616.33	Property maintenance	117804
M & J Wilkow Properties, LLC	23558	3/31/2021	3/31/2021	\$ 9,613.33	Property maintenance	117804
MR/Westco Inc	38076	6/7/2021	6/7/2021	\$ 2,000.00	Repairs and maintenance	117582
Manhard Consulting	60741	4/30/2021	4/30/2021	\$ 1,800.00	Miscellaneous	107480
Metco Landscape, Inc	SM203028	6/30/2021	6/30/2021	\$ 13,047.00	Landscape maintenance & irrigation repair	117585
Millard Mall Services	80359	5/31/2021	5/31/2021	\$ 17,090.41	Monthly cleaning	117802
SavATree	8053543	5/13/2021	5/13/2021	\$ 1,210.00	Landscape maintenance & irrigation repair	117585
SavATree	8188375	3/24/2021	3/24/2021	\$ 5,720.00	Landscape maintenance & irrigation repair	117585
SavATree	8053547	4/28/2021	4/28/2021	\$ 6,945.00	Landscape maintenance & irrigation repair	117585
SavATree	8053548	5/13/2021	5/13/2021	\$ 1,370.00	Landscape maintenance & irrigation repair	117585
SavATree	8053683	5/5/2021	5/5/2021	\$ 67,390.00	Landscape maintenance & irrigation repair	117585
SavATree	8053544	4/28/2021	4/28/2021	\$ 3,330.00	Landscape maintenance & irrigation repair	117585
Special District Management Services, Inc.	PM 05/2021	5/31/2021	5/31/2021	\$ 3,040.80	Property management	117805
Special District Management Services, Inc.	DM 05/2021	5/31/2021	5/31/2021	\$ 3,324.53	District management	107440
Special District Management Services, Inc.	DM 05/2021	5/31/2021	5/31/2021	\$ 1,540.00	Refresh	307862
Utility Notification Center of Colorado	68330-221051374	5/31/2021	5/31/2021	\$ 5.28	Repairs and maintenance	117582
Western Proscapes	54765	6/1/2021	6/1/2021	\$ 35,250.00	Floral	117801
White, Bear & Ankele PC	16340	5/31/2021	5/31/2021	\$ 980.12	Legal services	107460
Xcel Energy	732098951	5/14/2021	5/14/2021	\$ 3,450.26	Utilities	117701

\$ 218,105.24

Southlands Metropolitan District No. 1
June-21

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
Disbursements	\$ 207,006.69		\$ 4,027.00	\$ 211,033.69
Xcel - Auto Pay	\$ 3,450.26	\$ -	\$ -	\$ 3,450.26
Aurora Water - Auto Pay	\$ 3,621.29	\$ -	\$ -	\$ 3,621.29
Total Disbursements from Checking Acct	<u>\$ 214,078.24</u>	<u>\$ -</u>	<u>\$ 4,027.00</u>	<u>\$ 218,105.24</u>

**Southlands Metropolitan District No. 1
July-21**

Vendor	Invoice #	Date	Due Date	Amount	Expense Account	Account Number
Allied Universal	11473784	6/24/2021	6/24/2021	\$ 11,922.87	Security	117806
Brody Chemical	504338	6/16/2021	7/16/2021	\$ 1,347.89	Repairs and maintenance	117582
Brody Chemical	504689	6/30/2021	7/30/2021	\$ 104.99	Repairs and maintenance	117582
CAM Services	M06152101	6/30/2021	6/30/2021	\$ 1,905.00	Property maintenance	107804
City of Aurora	146396 6-21	7/7/2021	7/7/2021	\$ 1,538.63	Utilities	117701
City of Aurora	146368 6-21	7/7/2021	7/7/2021	\$ 3,873.76	Utilities	117701
City of Aurora	151230 6-21	7/7/2021	7/7/2021	\$ 1,812.87	Utilities	117701
City of Aurora	142090 6-21	7/7/2021	7/7/2021	\$ 12,301.58	Utilities	117701
City of Aurora	151226 6-21	7/7/2021	7/7/2021	\$ 1,055.82	Utilities	117701
City of Aurora	150518 6-21	7/7/2021	7/7/2021	\$ 241.09	Utilities	117701
City of Aurora	146452 6-21	7/7/2021	7/7/2021	\$ 1,703.55	Utilities	117701
City of Aurora	151228 6-21	7/7/2021	7/7/2021	\$ 1,488.42	Utilities	117701
City of Aurora	152426 6-21	7/7/2021	7/7/2021	\$ 9,137.06	Utilities	117701
CliftonLarsonAllen LLP	2943576	6/30/2021	6/30/2021	\$ 4,784.95	Accounting	107000
Colorado Special Districts Property and Liability Pool	40210385AGA-0001	7/9/2021	7/9/2021	\$ 1,000.00	Insurance and bonds	107360
DBC Irrigation Supply	\$4219735.001	6/26/2021	6/26/2021	\$ 286.86	Landscape maintenance & irrigation repair	117585
DBC Irrigation Supply	\$4196611.001	6/16/2021	7/16/2021	\$ 772.09	Landscape maintenance & irrigation repair	117585
DBC Irrigation Supply	\$4225035.001	6/29/2021	6/29/2021	\$ 472.68	Landscape maintenance & irrigation repair	117585
DBC Irrigation Supply	\$4239471.001	7/8/2021	7/8/2021	\$ 539.32	Landscape maintenance & irrigation repair	117585
DBC Irrigation Supply	\$4245420.001	7/12/2021	7/12/2021	\$ 369.34	Landscape maintenance & irrigation repair	117585
DBC Irrigation Supply	\$4199822.001	6/17/2021	6/17/2021	\$ 265.52	Landscape maintenance & irrigation repair	117585
DBC Irrigation Supply	\$4217553.001	6/25/2021	7/25/2021	\$ 85.82	Landscape maintenance & irrigation repair	117585
DBC Irrigation Supply	\$4209232.001	6/22/2021	6/22/2021	\$ 753.30	Landscape maintenance & irrigation repair	117585
Dazzio & Associates	489	7/19/2021	7/19/2021	\$ 5,800.00	Auditing	107020
Felsburg Holt & Ullevig	121070-01- No.5	6/30/2021	6/30/2021	\$ 343.75	Traffic signals maintenance	117809
Full Spectrum Lighting, Inc	2111120	6/10/2021	6/10/2021	\$ 225.00	Street lighting/ striping	117855
Full Spectrum Lighting, Inc	2111122	6/11/2021	6/11/2021	\$ 865.00	Street lighting/ striping	117855
M & J Wilkow Properties, LLC	24913	7/31/2021	7/31/2021	\$ 9,616.33	Property maintenance	117804
Metco Landscape, Inc	568014	5/24/2021	5/24/2021	\$ 250.00	Landscape maintenance & irrigation repair	117585
Metco Landscape, Inc	SM205133	7/31/2021	7/31/2021	\$ 13,047.00	Landscape maintenance & irrigation repair	117585
Millard Mall Services	80525	6/30/2021	6/30/2021	\$ 18,255.44	Monthly cleaning	117802
ShowTek Events	S2107B.04	7/29/2021	7/29/2021	\$ 3,600.00	Public Events	107810
ShowTek Events	\$2107B.02	7/15/2021	7/15/2021	\$ 3,350.00	Public Events	107810
ShowTek Events	S2107B.03	7/22/2021	7/22/2021	\$ 3,350.00	Public Events	107810
ShowTek Events	S2107B.01	7/8/2021	7/8/2021	\$ 3,300.00	Public Events	107810
ShowTek Events	S2108B.02	7/31/2021	7/31/2021	\$ 3,800.00	Public Events	107810
ShowTek Events	S2108B.01	7/31/2021	7/31/2021	\$ 3,600.00	Public Events	107810
Special District Management Services, Inc.	PM 06/2021	6/30/2021	6/30/2021	\$ 3,121.72	Property management	117805
Special District Management Services, Inc.	DM 06/2021	6/30/2021	6/30/2021	\$ 4,324.70	District management	107440
Special District Management Services, Inc.	DM 06/2021	6/30/2021	6/30/2021	\$ 648.00	Refresh	307862
The Archterra Group, Inc.	7024	7/6/2021	8/5/2021	\$ 1,910.00	Medians	307863
Utility Notification Center of Colorado	68330- 221061369	6/30/2021	6/30/2021	\$ 9.24	Repairs and maintenance	117582
Western Proscapes	54862	6/30/2021	7/30/2021	\$ 8,442.50	Landscape maintenance & irrigation repair	107585
Western Proscapes	54766	7/1/2021	7/1/2021	\$ 35,250.00	Floral	117801
White, Bear & Ankele PC	16863	6/30/2021	6/30/2021	\$ 3,531.87	Legal services	107460
Xcel Energy	736047336	6/15/2021	7/6/2021	\$ 3,182.11	Utilities	117701

\$ 187,586.07

Southlands Metropolitan District No. 1
July-21

	<u>General</u>	<u>Debt</u>	<u>Capital</u>	<u>Totals</u>
Disbursements	\$ 148,693.18		\$ 2,558.00	\$ 151,251.18
Xcel - Auto Pay	\$ 3,182.11	\$ -	\$ -	\$ 3,182.11
Aurora Water - Auto Pay	\$ 33,152.78	\$ -	\$ -	\$ 33,152.78
Total Disbursements from Checking Acct	<u>\$ 185,028.07</u>	<u>\$ -</u>	<u>\$ 2,558.00</u>	<u>\$ 187,586.07</u>

SOUTHLANDS METROPOLITAN DISTRICT NO.1

FINANCIAL STATEMENTS

JUNE 30, 2021

SOUTHLANDS METROPOLITAN DISTRICT NO.1
BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2021

	<u>General</u>	<u>General Operations Fee</u>	<u>Debt Service</u>	<u>Capital Projects</u>	<u>Total</u>
ASSETS					
Cash - Checking	\$ 41,802	\$ 459,515	\$ -	\$ -	\$ 501,317
Colostrust	1,134,711	920,680	-	-	2,055,391
UMB Series 2017 A-1 Bond Fund	-	-	1,527,282	-	1,527,282
UMB Series 2017 A-2 Bond Fund	-	-	264,805	-	264,805
UMB Series 2017 A-1 Reserve Fund	-	-	1,687,653	-	1,687,653
UMB Series 2017 A-2 Reserve Fund	-	-	149,752	-	149,752
General Operations Fee receivable	-	77,538	-	-	77,538
Receivable from County Treasurer	72,339	-	447,345	-	519,684
TOTAL ASSETS	<u>\$ 1,248,852</u>	<u>\$ 1,457,733</u>	<u>\$ 4,076,837</u>	<u>\$ -</u>	<u>\$ 6,783,422</u>
LIABILITIES AND FUND BALANCES					
CURRENT LIABILITIES					
Accounts payable	\$ 22,701	\$ 321,445	\$ -	\$ 2,188	\$ 346,334
Unearned General Operations Fee	-	124,773	-	-	124,773
Total Liabilities	<u>22,701</u>	<u>446,218</u>	<u>-</u>	<u>2,188</u>	<u>471,107</u>
FUND BALANCES					
Total Fund Balances	<u>1,226,151</u>	<u>1,011,515</u>	<u>4,076,837</u>	<u>(2,188)</u>	<u>6,312,315</u>
TOTAL LIABILITIES AND FUND BALANCES	<u>\$ 1,248,852</u>	<u>\$ 1,457,733</u>	<u>\$ 4,076,837</u>	<u>\$ -</u>	<u>\$ 6,783,422</u>

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

SOUTHLANDS METROPOLITAN DISTRICT NO.1
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>
REVENUES			
Interest income	\$ 5,000	\$ 353	\$ (4,647)
Permits and fees	-	3,000	3,000
Property taxes	492,519	486,142	(6,377)
Specific ownership tax	34,475	16,850	(17,625)
TOTAL REVENUES	<u>531,994</u>	<u>506,345</u>	<u>(25,649)</u>
EXPENDITURES			
Accounting	63,000	26,190	36,810
Auditing	6,000	-	6,000
Billing services	12,000	5,560	6,440
Contingency	8,612	-	8,612
County Treasurer's fee	7,388	7,293	95
Directors' fees	6,000	2,000	4,000
District management	70,000	30,035	39,965
Dues and licenses	2,000	1,238	762
Insurance and bonds	38,000	37,918	82
Legal services	65,000	23,645	41,355
Miscellaneous	5,000	2,364	2,636
Public Events	45,000	-	45,000
TOTAL EXPENDITURES	<u>328,000</u>	<u>136,243</u>	<u>191,757</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	203,994	370,102	166,108
OTHER FINANCING SOURCES (USES)			
Transfers to other fund	(460,000)	(15,225)	444,775
TOTAL OTHER FINANCING SOURCES (USES)	<u>(460,000)</u>	<u>(15,225)</u>	<u>444,775</u>
NET CHANGE IN FUND BALANCES	(256,006)	354,877	610,883
FUND BALANCES - BEGINNING	<u>841,758</u>	<u>871,273</u>	<u>29,515</u>
FUND BALANCES - ENDING	<u>\$ 585,752</u>	<u>\$ 1,226,150</u>	<u>\$ 640,398</u>

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**SOUTHLANDS METROPOLITAN DISTRICT NO.1
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2021**

GENERAL OPERATIONS FEE FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
REVENUES			
General operations fee	\$ 2,010,000	\$ 1,005,000	\$ (1,005,000)
General operations fee - penalty and other	5,000	1,107	(3,893)
Interest income	5,000	446	(4,554)
TOTAL REVENUES	<u>2,020,000</u>	<u>1,006,553</u>	<u>(1,013,447)</u>
EXPENDITURES			
Floral	250,000	35,250	214,750
Landscape maintenance & irrigation repair	170,000	185,510	(15,510)
Monthly cleaning	187,000	99,146	87,854
Pest control	10,000	-	10,000
Property maintenance	116,000	57,695	58,305
Property management	45,000	18,352	26,648
Repairs and maintenance	335,000	22,191	312,809
Security	70,000	29,735	40,265
Signage and decor	105,000	5,272	99,728
Snow removal	400,000	101,023	298,977
Street lighting/ striping	100,000	12,996	87,004
Street repairs/sidewalk	42,000	-	42,000
Street sweeping	25,000	11,430	13,570
Traffic signals maintenance	5,000	8,868	(3,868)
Utilities	160,000	57,570	102,430
TOTAL EXPENDITURES	<u>2,020,000</u>	<u>645,038</u>	<u>1,374,962</u>
NET CHANGE IN FUND BALANCES	-	361,515	361,515
FUND BALANCES - BEGINNING	<u>650,000</u>	<u>650,000</u>	<u>-</u>
FUND BALANCES - ENDING	<u>\$ 650,000</u>	<u>\$ 1,011,515</u>	<u>\$ 361,515</u>

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

SUPPLEMENTARY INFORMATION

**SOUTHLANDS METROPOLITAN DISTRICT NO.1
SCHEDULE OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL
FOR THE SIX MONTHS ENDED JUNE 30, 2021**

DEBT SERVICE FUND

	<u>Annual Budget</u>	<u>Year to Date Actual</u>	<u>Variance</u>
REVENUES			
Interest income	\$ 10,000	\$ 339	\$ (9,661)
Property taxes	2,794,526	2,759,700	(34,826)
Specific ownership tax	195,600	95,609	(99,991)
TOTAL REVENUES	<u>3,000,126</u>	<u>2,855,648</u>	<u>(144,478)</u>
EXPENDITURES			
Bond interest - Series 2017 A-1	2,088,950	1,044,475	1,044,475
Bond interest - Series 2017 A-2	184,625	92,313	92,312
Bond principal - Series 2017 A-1	525,000	-	525,000
Bond principal - Series 2017 A-2	45,000	-	45,000
Contingency	8,507	-	8,507
County Treasurer's fee	41,918	41,399	519
Paying agent fees	6,000	6,000	-
TOTAL EXPENDITURES	<u>2,900,000</u>	<u>1,184,187</u>	<u>1,715,813</u>
NET CHANGE IN FUND BALANCES	100,126	1,671,461	1,571,335
FUND BALANCES - BEGINNING	<u>2,524,903</u>	<u>2,405,375</u>	<u>(119,528)</u>
FUND BALANCES - ENDING	<u>\$ 2,625,029</u>	<u>\$ 4,076,836</u>	<u>\$ 1,451,807</u>

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**SOUTHLANDS METROPOLITAN DISTRICT NO.1
SCHEDULE 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>
REVENUES			
TOTAL REVENUES			
EXPENDITURES			
Medians	300,000	8,727	291,273
Monument	160,000	8,686	151,314
TOTAL EXPENDITURES	<u>460,000</u>	<u>17,413</u>	<u>442,587</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(460,000)	(17,413)	442,587
OTHER FINANCING SOURCES (USES)			
Transfers from other funds	460,000	15,225	(444,775)
TOTAL OTHER FINANCING SOURCES (USES)	<u>460,000</u>	<u>15,225</u>	<u>(444,775)</u>
NET CHANGE IN FUND BALANCES	-	(2,188)	(2,188)
FUND BALANCES - BEGINNING	<u>-</u>	<u>-</u>	<u>-</u>
FUND BALANCES - ENDING	<u>\$ -</u>	<u>\$ (2,188)</u>	<u>\$ (2,188)</u>

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

SOUTHLANDS METROPOLITAN DISTRICT NO. 1
2021 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS

Services Provided

The District was organized by court order dated December 3, 2002, to provide financing for the design, acquisition, construction and installation of essential public-purpose facilities such as water, streets, traffic and safety controls, parks, open space and recreation, and sewer and drainage facilities, and the operation and maintenance of the District. The District's service area is located entirely in Arapahoe County, Colorado in the City of Aurora.

The District operates under the Service Plan as approved by the City of Aurora.

On November 5, 2002, the electorate authorized general obligation debt in the amount of \$63,000,000, refunding debt of \$49,000,000 and \$1,000,000 debt for operating expenditures. Debt is subject to the terms of the Service Plan. On November 5, 2002, the electorate also approved the removal of limitations imposed by the TABOR Amendment and any other law that purports to limit the District's revenue or expenditures and a \$130,000 annual property tax increase for operations.

On November 4, 2008, the electorate approved general obligation debt in the amount of \$440,000,000 for District improvements, \$40,000,000 for the purpose of refunding, refinancing or defeasing any of the District's debt, \$40,000,000 in multi-year intergovernmental agreements, \$40,000,000 in multi-year agreements with a regional authority and \$40,000,000 in other multi-year financial obligations. Additionally, on November 4, 2008, the electorate approved \$5,000,000 annually for the District's administrative and operating costs from property taxes as well as from fees. The electorate also approved \$5,000,000 in additional property taxes for intergovernmental agreements, \$5,000,000 in additional property taxes for the costs of regional improvements and \$5,000,000 in additional property taxes for private contracts. The electorate also authorized the District to collect, retain and spend the full amount of taxes and fees without regard to the limitation of TABOR.

The First Amendment to the Service Plan, approved by the City of Aurora on July 16, 2007, authorized the District to impose an unlimited mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt service and for operations and maintenance.

Pursuant to the District's First Amendment to the Service Plan as approved by the City of Aurora on July 16, 2007, the amount of debt that can be issued is \$60,000,000. On January 11, 2016, the City Council approved the Second Amendment to the Service Plan which increases the debt issuance limitation to \$125,000,000.

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.

**SOUTHLANDS METROPOLITAN DISTRICT NO. 1
2021 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

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, if 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 First Amendment to the Service Plan, approved by the City of Aurora on July 16, 2007, authorized the District to impose an unlimited mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt service and for operations and maintenance.

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.

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% of the property taxes collected by both the General Fund and the Debt Service Fund. The budget assumes that specific ownership taxes allocable to property taxes collected by the Debt Service Fund will be pledged to debt service on the bonds during the term bonds are outstanding.

Net Interest Income

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

General Operations Fee

The general operations fee is being determined by the amount needed to cover operations and maintenance costs. The District bills its property owners monthly for the general operations fee. The general operations fee is recorded as revenue for budget purposes with no future obligation of repayment.

Expenditures

General and Administrative Expenditures

General and administrative expenditures have been provided based on estimates of the District's Board of Directors and consultants and include the services necessary to maintain the District's administrative viability such as legal, accounting, managerial, insurance, meeting expense, and other administrative expenses.

**SOUTHLANDS METROPOLITAN DISTRICT NO. 1
2021 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Expenditures – (continued)

Operations and Maintenance

Operations and maintenance expenditures have been provided based on estimates of the District's Board of Directors and consultants and include costs associated with the operations and maintenance of certain facilities and improvements throughout the District.

Debt Service

The principal and interest payments are provided based on the debt amortization schedules from the General Obligation Refunding Bonds, Series 2017A-1 and Series 2017A-2 (discussed under Debt and Leases).

Debt and Leases

On December 1, 2017, the District refunded its General Obligation Refunding and Improvement Bonds, Series 2007 (the 2007 Bonds) and General Obligation Loan, Series 2016 (the 2016 Loan) by the issuances of \$44,690,000 General Obligation Refunding Bonds, Series 2017A-1, and \$3,945,000 General Obligation Refunding Bonds, Series 2017A-2, respectively (the 2017 Bonds). The proceeds were used for the purposes of (i) refunding the 2007 Bonds and 2016 Loan, (ii) funding the debt service reserve requirement (the 2017A-1 Reserve Fund and the 2017A-2 Reserve Fund); and (iii) paying costs of issuance of the 2017 Bonds.

The 2017 Bonds, mature on December 1, 2047 with an interest rates of 3.000% - 5.000%, are payable semi-annually on June 1 and December 1. The 2017 Bonds maturing on or after December 1, 2047 are subject to redemption prior to maturity, at the option of the District, as whole or in integral multiples of \$5,000, in any order of maturity and in whole or partial maturities, on December 1, 2047 and on any date thereafter, at a redemption price equal to the par amount thereof plus accrued interest to the redemption date.

The 2017 Bonds are general obligations of the District secured by and payable from the Pledged Revenue consisting of moneys derived by the District from the following sources, net of any costs of collection: (i) the Unlimited Mill Levy; (ii) the portion of the Specific Ownership Tax which is collected as a result of the imposition of the Unlimited Mill Levy; and (iii) any other legally available moneys of the District deposited in the Bond Fund or the Reserve Fund.

Approximately 11.5 acres, generally encompassing the Lowe's Home Improvement Warehouse, were excluded from the boundaries of the District on November 7, 2007 (the Excluded Property). Accordingly, the Excluded Property is subject to ad valorem taxes by the District to pay the Series 2017A-1 Bonds but will not be subject to ad valorem taxes to pay the Series 2017A-2 Bonds.

**SOUTHLANDS METROPOLITAN DISTRICT NO. 1
2021 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS**

Debt and Leases– (continued)

For the purposes of paying the principal and interest on the Bonds, the Board is to annually determine and certify to the County each year in which the 2017 Bonds remain outstanding, in addition to all other taxes, the Unlimited Mill Levy. The 2017 Bonds are not secured by property lying within the District, but rather by, among other things, the District's obligation to annually determine and certify a rate of levy for ad valorem property taxes in an amount sufficient to pay, along with other legally available revenues, the principal and interest on the 2017 Bonds.

The District has no operating or capital leases.

Reserves

Emergency Reserve

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

Debt Service Reserve

At time of issuance of the 2017 Bonds, the 2017A-1 Reserve Fund and the 2017A-2 Reserve Fund have been established for the purpose of paying the principal and/or interest on Series 2017A-1 and Series 2017A-2 to the extent the moneys in the Fond Fund are insufficient for such purpose. The 2017A-1

Reserve Fund and 2017A-2 Reserve Fund are required to be maintained at all times in the amounts of \$1,687,625 and \$149,750, respectively.

This information is an integral part of the accompanying budget.

**SOUTHLANDS METROPOLITAN DISTRICT NO. 1
SCHEDULE OF OUTSTANDING BONDED DEBT SERVICE
REQUIREMENTS TO MATURITY**

**\$44,690,000 General Obligation Refunding Bonds,
Series 2017 A-1
Dated December 1, 2017
Interest - 3.000% - 5.000%
Payable June 1 and December 1
Principal Due December 1**

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2021	\$ 525,000	\$ 2,088,950	\$ 2,613,950
2022	590,000	2,073,200	2,663,200
2023	610,000	2,055,500	2,665,500
2024	685,000	2,034,150	2,719,150
2025	705,000	2,010,175	2,715,175
2026	785,000	1,985,500	2,770,500
2027	815,000	1,958,025	2,773,025
2028	895,000	1,929,500	2,824,500
2029	940,000	1,884,750	2,824,750
2030	1,045,000	1,837,750	2,882,750
2031	1,100,000	1,785,500	2,885,500
2032	1,210,000	1,730,500	2,940,500
2033	1,270,000	1,670,000	2,940,000
2034	1,390,000	1,606,500	2,996,500
2035	1,460,000	1,537,000	2,997,000
2036	1,595,000	1,464,000	3,059,000
2037	1,675,000	1,384,250	3,059,250
2038	1,820,000	1,300,500	3,120,500
2039	1,910,000	1,209,500	3,119,500
2040	2,070,000	1,114,000	3,184,000
2041	2,170,000	1,010,500	3,180,500
2042	2,345,000	902,000	3,247,000
2043	2,460,000	784,750	3,244,750
2044	2,650,000	661,750	3,311,750
2045	2,780,000	529,250	3,309,250
2046	2,985,000	390,250	3,375,250
2047	4,820,000	241,000	5,061,000
	<u>\$ 43,305,000</u>	<u>\$ 39,178,750</u>	<u>\$ 82,483,750</u>

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**SOUTHLANDS METROPOLITAN DISTRICT NO. 1
SCHEDULE OF OUTSTANDING BONDED DEBT SERVICE
REQUIREMENTS TO MATURITY**

**\$3,945,000 General Obligation Refunding Bonds,
Series 2017 A-2
Dated December 1, 2017
Interest - 3.000% - 5.000%
Payable June 1 and December 1
Principal Due December 1**

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2021	\$ 45,000	\$ 184,625	\$ 229,625
2022	50,000	183,275	233,275
2023	55,000	181,775	236,775
2024	60,000	179,850	239,850
2025	65,000	177,750	242,750
2026	70,000	175,475	245,475
2027	65,000	173,025	238,025
2028	80,000	170,750	250,750
2029	85,000	166,750	251,750
2030	95,000	162,500	257,500
2031	95,000	157,750	252,750
2032	105,000	153,000	258,000
2033	110,000	147,750	257,750
2034	125,000	142,250	267,250
2035	130,000	136,000	266,000
2036	140,000	129,500	269,500
2037	150,000	122,500	272,500
2038	160,000	115,000	275,000
2039	170,000	107,000	277,000
2040	185,000	98,500	283,500
2041	190,000	89,250	279,250
2042	205,000	79,750	284,750
2043	220,000	69,500	289,500
2044	235,000	58,500	293,500
2045	245,000	46,750	291,750
2046	265,000	34,500	299,500
2047	425,000	21,250	446,250
	<u>\$ 3,825,000</u>	<u>\$ 3,464,525</u>	<u>\$ 7,289,525</u>

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**SOUTHLANDS METROPOLITAN DISTRICT NO. 1
SCHEDULE OF OUTSTANDING BONDED DEBT SERVICE
REQUIREMENTS TO MATURITY**

<u>Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2021	\$ 570,000	\$ 2,273,575	\$ 2,843,575
2022	640,000	2,256,475	2,896,475
2023	665,000	2,237,275	2,902,275
2024	745,000	2,214,000	2,959,000
2025	770,000	2,187,925	2,957,925
2026	855,000	2,160,975	3,015,975
2027	880,000	2,131,050	3,011,050
2028	975,000	2,100,250	3,075,250
2029	1,025,000	2,051,500	3,076,500
2030	1,140,000	2,000,250	3,140,250
2031	1,195,000	1,943,250	3,138,250
2032	1,315,000	1,883,500	3,198,500
2033	1,380,000	1,817,750	3,197,750
2034	1,515,000	1,748,750	3,263,750
2035	1,590,000	1,673,000	3,263,000
2036	1,735,000	1,593,500	3,328,500
2037	1,825,000	1,506,750	3,331,750
2038	1,980,000	1,415,500	3,395,500
2039	2,080,000	1,316,500	3,396,500
2040	2,255,000	1,212,500	3,467,500
2041	2,360,000	1,099,750	3,459,750
2042	2,550,000	981,750	3,531,750
2043	2,680,000	854,250	3,534,250
2044	2,885,000	720,250	3,605,250
2045	3,025,000	576,000	3,601,000
2046	3,250,000	424,750	3,674,750
2047	5,245,000	262,250	5,507,250
	<u>\$ 47,130,000</u>	<u>\$ 42,643,275</u>	<u>\$ 89,773,275</u>

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

SOUTHLANDS METROPOLITAN DISTRICT # 1
Schedule of Cash Position
June 30, 2021
Updated as of August 5, 2021

	<u>General Fund</u>	<u>Operations Fee Fund</u>	<u>Debt Service Fund</u>	<u>Capital Projects Fund</u>	<u>Total</u>
<u>FirstBank - Checking Account</u>					
Balance as of 06/30/21	\$ 41,801.59	\$ 459,515.06	\$ -	\$ -	\$ 501,316.65
Subsequent activities:					
July GOF Deposit	-	96,654.45	-	-	96,654.45
07/02/21 - Aurora Water, EFT	-	(3,621.29)	-	-	(3,621.29)
07/08/21 - Vouchers payable	(10,431.36)	(231,687.11)	-	(1,540.00)	(243,658.47)
07/08/21 - Transfer from GF to CPF	(1,540.00)	-	-	1,540.00	-
07/08/21 - Xcel, EFT	-	(3,182.11)	-	-	(3,182.11)
07/27/21 - Transfer from CT	50,000.00	-	-	-	50,000.00
07/31/21 - Transfer from GF to CPF	(2,558.00)	-	-	2,558.00	-
August GOF Deposit	-	909.48	-	-	909.48
08/03/21 - Aurora Water, EFT	-	(33,152.78)	-	-	(33,152.78)
08/03/21 - Vouchers payable	(41,484.02)	(99,809.16)	-	(2,558.00)	(143,851.18)
Anticipated Vouchers payable	(7,400.00)	-	-	-	(7,400.00)
<i>Anticipated Balance</i>	<u>28,388.21</u>	<u>185,626.54</u>	<u>-</u>	<u>-</u>	<u>214,014.75</u>
<u>Colostrust</u>					
Balance as of 06/30/21	1,134,711.33	920,679.51	-	-	2,055,390.84
Subsequent activities:					
07/10/21 - Tax distribution	72,338.96	-	447,344.55	-	519,683.51
07/13/21 - Transfer to A-1 Bond Fund	-	-	(408,392.73)	-	(408,392.73)
07/13/21 - Transfer to A-2 Bond Fund	-	-	(38,951.82)	-	(38,951.82)
07/27/21 - Transfer to 1st Bank	(50,000.00)	-	-	-	(50,000.00)
07/31/21 - Interest Income	33.09	26.85	-	-	59.94
<i>Anticipated Balance</i>	<u>1,157,083.38</u>	<u>920,706.36</u>	<u>-</u>	<u>-</u>	<u>2,077,789.74</u>
<u>UMB - 2017 A-1 Bond Fund</u>					
Balance as of 06/30/21	-	-	1,527,281.68	-	1,527,281.68
Subsequent activities:					
07/13/21 - Transfer from CT	-	-	38,951.82	-	38,951.82
07/31/21 - Interest Income	-	-	9.94	-	9.94
Anticipated Transfer from 2017 A-2 Bond Fund	-	-	369,440.91	-	369,440.91
<i>Anticipated Balance</i>	<u>-</u>	<u>-</u>	<u>1,935,684.35</u>	<u>-</u>	<u>1,935,684.35</u>
<u>UMB - 2017 A-1 Reserve Fund</u>					
Balance as of 06/30/21	-	-	1,687,653.06	-	1,687,653.06
Subsequent activities:					
07/31/21 - Interest Income	-	-	13.80	-	13.80
<i>Anticipated Balance</i>	<u>-</u>	<u>-</u>	<u>1,687,666.86</u>	<u>-</u>	<u>1,687,666.86</u>
<u>UMB - 2017 A-2 Bond Fund</u>					
Balance as of 06/30/21	-	-	264,805.42	-	264,805.42
Subsequent activities:					
07/13/21 - Transfer from CT	-	-	408,392.73	-	408,392.73
07/31/21 - Interest Income	-	-	1.82	-	1.82
Anticipated Transfer to UMB 2017 A-1 Bond Fund	-	-	(369,440.91)	-	(369,440.91)
<i>Anticipated Balance</i>	<u>-</u>	<u>-</u>	<u>303,759.06</u>	<u>-</u>	<u>303,759.06</u>
<u>UMB - 2017 A-2 Reserve Fund</u>					
Balance as of 06/30/21	-	-	149,752.44	-	149,752.44
Subsequent activities:					
07/31/21 - Interest Income	-	-	1.20	-	1.20
<i>Anticipated Balance</i>	<u>-</u>	<u>-</u>	<u>149,753.64</u>	<u>-</u>	<u>149,753.64</u>
<i>Anticipated Balances</i>	<u>\$ 1,185,471.59</u>	<u>\$ 1,106,332.90</u>	<u>\$ 4,076,863.91</u>	<u>\$ -</u>	<u>\$ 6,368,668.40</u>
<u>Current Yield - 07/31/21</u>					
Colostrust - .0327%					
UMB (Invested in Fidelity money market) - 0.01%					

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SOUTHLANDS METROPOLITAN DISTRICT #1
Property Tax Reconciliation Schedule
2020

	Current Year							Prior Year				
	Property Taxes	Net Delinquent Taxes, Rebates and 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	Y-T-D
January	\$ 786.34	\$ -	\$ 20,739.68	\$ 13.96	\$ (12.00)	\$ -	\$ 21,527.98	0.02%	0.02%	\$ 20,844.38	0.00%	0.00%
February	279,861.91	-	15,418.65	-	(4,197.93)	-	291,082.63	8.51%	8.54%	568,875.86	15.99%	15.99%
March	1,197,000.08	-	21,944.94	128.44	(17,956.93)	-	1,201,116.53	36.42%	44.95%	294,983.20	8.06%	24.05%
April	380,871.65	-	18,482.21	-	(5,713.08)	-	393,640.78	11.59%	56.54%	1,080,430.96	31.20%	55.25%
May	879,209.71	-	16,750.07	29.31	(13,188.59)	-	882,800.50	26.75%	83.29%	196,278.46	5.23%	60.47%
June	508,112.48	-	19,123.62	70.15	(7,622.74)	-	519,683.51	15.46%	98.75%	1,212,819.67	34.77%	95.25%
July								0.00%	98.75%	0.00	-2.13%	93.11%
August								0.00%	98.75%	0.00	0.32%	93.43%
September								0.00%	98.75%	2,866.03	0.01%	93.44%
October								0.00%	98.75%	25,332.43	0.00%	93.44%
November								0.00%	98.75%	21,117.10	0.06%	93.49%
December								0.00%	98.75%	18,356.87	0.04%	93.53%
	\$ 3,245,842.17	\$ -	\$ 112,459.17	\$ 241.86	\$ (48,691.27)	\$ -	\$ 3,309,851.93	98.75%	98.75%	\$ 3,441,904.96	93.53%	93.53%

	Taxes Levied	% of Levied	Property Tax Collected	% Collected to Amt. Levied
Property Tax				
General Fund	\$ 492,519	15.48%	\$ 486,142.46	98.71%
Debt Service (2017 A-1)	2,424,709	76.19%	2,393,316.80	98.71%
Debt Service (2017 A-2)	265,203	8.33%	261,769.46	98.71%
Debt Only (2017 A-1)	104,614	100.00%	104,613.45	100.00%
	<u>\$ 3,287,045</u>		<u>\$ 3,245,842.17</u>	<u>98.75%</u>
Specific Ownership Tax				
General Fund	\$ 34,475	15.48%	\$ 16,850.47	48.90%
Debt Service (2017 A-1)	169,730	76.19%	82,956.20	48.90%
Debt Service (2017 A-2)	18,560	8.33%	9,073.36	48.90%
Debt Only (2017 A-1)	7,310	100.00%	3,579.14	49.00%
	<u>\$ 230,075</u>		<u>\$ 112,459.17</u>	<u>48.88%</u>
Treasurer's Fees				
General Fund	\$ (7,388)	15.48%	\$ (7,292.69)	98.70%
Debt Service (2017 A-1)	(38,084)	76.19%	(35,902.50)	94.30%
Debt Service (2017 A-2)	(4,165)	8.33%	(3,926.85)	94.30%
Debt Only (2017 A-1)	(1,545)	100.00%	(1,569.23)	101.60%
	<u>\$ (51,182)</u>		<u>\$ (48,691.27)</u>	<u>95.13%</u>

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Billing Name		Sq. ft Percentage of Total	2021 Budgeted Monthly Billing	January	February	March	April	May	June	July	August	September	October	November	December
TJ Max/ Michaels/ Mens Warehouse/ Agree LP	355,168	5.01%	\$ 8,397.72	\$ 8,397.72	\$ 8,397.72	\$ 8,397.72	8,397.72	8,397.72	8,397.72						
T-Mobile/ Cleaners/ AKAL Realty	54,060	0.76%	\$ 1,278.21	1,278.21	1,278.21	1,278.21	1,278.21	1,278.21	1,278.21						
Centura Health	87,445	1.23%	\$ 2,067.58	2,067.58	2,067.58	2,067.58	2,067.58	2,067.58	2,067.58						
Centura Health (Lot 4 - new)	44,612	0.63%	\$ 1,054.82	1,054.82	1,054.82	1,054.82	1,054.82	1,054.82	1,054.82						
Centura Health (Lot 5 - new)	39,868	0.56%	\$ 942.65	942.65	942.65	942.65	942.65	942.65	942.65						
Chili's	89,142	1.26%	\$ 2,107.71	2,107.71	2,107.71	2,107.71	2,107.71	2,107.71	2,107.71						
Discount Tire	38,465	0.54%	\$ 909.48	909.48	909.48	909.48	909.48	909.48	909.48						
Fitzsimons Credit Union	46,533	0.66%	\$ 1,100.24	1,100.24	1,100.24	1,100.24	1,100.24	1,100.24	1,100.24						
GMRI - Olive Garden/Darden	79,836	1.13%	\$ 1,887.67	1,887.67	1,887.67	1,887.67	1,887.67	1,887.67	1,887.67	1,469.98					
GMRI - Red Lobster/Darden	77,186	1.09%	\$ 1,825.01	1,825.01	1,825.01	1,825.01	1,825.01	1,825.01	1,825.01	1,731.27					
Good Times	54,758	0.77%	\$ 1,294.72	1,294.72	1,294.72	1,294.72	1,294.72	1,294.72	1,294.72						
HV-1	70,453	0.99%	\$ 1,665.82	1,665.82	1,665.82	1,665.82	1,665.82	1,665.82	1,665.82						
JC Penney	431,671	6.09%	\$ 10,206.58	10,206.58	10,206.58	10,206.58	10,206.58	10,206.58	10,206.58	10,206.58					
Jim N Nick's	68,453	0.97%	\$ 1,618.53	1,618.53	1,618.53	1,618.53	1,618.53	1,618.53	1,618.53						
Lazy Dog	24,096	0.34%	\$ 569.73	569.73	569.73	569.73	569.73	569.73	569.73	569.73					
Office Depot/ LEJ Properties	71,045	1.00%	\$ 1,679.81	1,679.81	1,679.81	1,679.81	1,679.81	1,679.81	1,679.81						
Jewelers/GNC/ Sprint/ LF-9	43,457	0.61%	\$ 1,027.51	1,027.51	1,027.51	1,027.51	1,027.51	1,027.51	1,027.51						
Mister Hot Shine	68,266	0.96%	\$ 1,614.11	1,614.11	1,614.11	1,614.11	1,614.11	1,614.11	1,614.11	1,614.11					
Mountain Del. LLC/ Colorado Del. LLC	58,738	0.83%	\$ 1,388.82	1,388.82	1,388.82	1,388.82	1,388.82	1,388.82	1,388.82						
NWSL Power Center, LLC/Southlands PC	1,358,624	19.18%	\$ 32,123.79	32,123.79	32,123.79	32,123.79	32,123.79	32,123.79	32,123.79	32,123.79					
NWSLTown Center, LLC/ Southlands TC	1,593,198	22.49%	\$ 37,670.14	37,670.14	37,670.14	37,670.14	37,670.14	37,670.14	37,670.14	37,670.14					
On The Border	85,900	1.21%	\$ 2,031.05	2,031.05	2,031.05	2,031.05	2,031.05	2,031.05	2,031.05						
Dental/Five Guys/ Pacific Aurora LLC	71,800	1.01%	\$ 1,697.67	1,697.67	1,697.67	1,697.67	1,697.67	1,697.67	1,697.67						
PF Changs	76,567	1.08%	\$ 1,810.38	1,810.38	1,810.38	1,810.38	1,810.38	1,810.38	1,810.38						
Marriott/Safari	142,112	2.01%	\$ 3,360.15	3,360.15	3,360.15	3,360.15	3,360.15	3,360.15	3,360.15						
Service Street Auto Repair/Spaco of CO	40,498	0.57%	\$ 957.55	957.55	957.55	957.55	957.55	957.55	957.55						
Village Inn	60,205	0.85%	\$ 1,423.51	1,423.51	1,423.51	1,423.51	1,423.51	1,423.51	1,423.51						
Vision Works/SLC	47,629	0.67%	\$ 1,126.16	1,126.16	1,126.16	1,126.16	1,126.16	1,126.16	1,126.16						
Wal-Mart	1,128,974	15.94%	\$ 26,693.86	26,693.86	26,693.86	26,693.86	26,693.86	26,693.86	26,693.86	25,629.16					
Wal-Mart/Sams Club	566,597	8.00%	\$ 13,396.82	13,396.82	13,396.82	13,396.82	13,396.82	13,396.82	13,396.82	12,412.71					
Wells Fargo	56,923	0.80%	\$ 1,345.91	1,345.91	1,345.91	1,345.91	1,345.91	1,345.91	1,345.91	1,345.91					
Wong 444, Inc./KFC/Harman	51,864	0.73%	\$ 1,226.29	1,226.29	1,226.29	1,226.29	1,226.29	1,226.29	1,226.29						
Monthly	7,084,143	100%	\$ 167,500.00	\$ 167,500.00	\$ 167,500.00	\$ 167,500.00	\$ 167,500.00	\$ 167,500.00	\$ 159,756.35	\$ 124,773.38	\$ -	\$ -	\$ -	\$ -	\$ -
Year-to-Date				\$ 167,500.00	\$ 335,000.00	\$ 502,500.00	\$ 670,000.00	\$ 837,500.00	\$ 997,256.35	\$ 1,122,029.73	\$ 1,122,029.73	\$ 1,122,029.73	\$ 1,122,029.73	\$ 1,122,029.73	\$ 1,122,029.73

AR - 111050		Unearned Revenue - 113141	
On The Border	2,031.05	GMRI - Olive Gar	1,469.98
Marriott/Safari	3,360.15	GMRI - Red Lobs	1,731.27
Vision Works/SLC	1,126.16	JC Penney	10,206.58
Wong 444, Inc./KFC/Harman	1,226.29	Lazy Dog	569.73
	\$ 7,743.65	Mister Hot Shine	1,614.11
Rounding	-	NWSL Power Cen	32,123.79
GOF Revenue	1,005,000.00	NWSL Town Cent	37,670.14
		Wal-Mart	25,629.16
		Wal-Mart/Sams C	12,412.71
06/04/21 - GOF - Charge Back	69,793.93	Wells Fargo	1,345.91
	7,743.65		\$ 124,773.38
AR @ 06/30	77,537.58		

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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.

CONDITIONS OF CONTRACT*THESE CONDITIONS ARE A PART OF YOUR CONTRACT.***CONTRACT SPECIFICATIONS & LIMITATIONS**

All material is guaranteed to be as specified in this contract; Metco Landscape, Inc. only uses premium quality materials. All work shall be completed using sound practices and in a workmanlike manner and shall conform to local building codes and regulations set forth by the town in which the work is being performed. Any alteration or deviation from specifications involving extra costs will be executed only upon written confirmation, and will become an extra charge over and above the base contract price. All agreements are contingent upon accidents, weather or delays beyond our control. Our workers are fully covered by Worker's Compensation Insurance.

Unit Prices – The Base Contract price, if any is set forth, is the only guaranteed price in this contract. Any change in materials or services under the original contract may result in a change to individual unit prices and/or the Contract price.

Alternates / Time & Materials – Any work specified as an Alternate or as Time and Material will be charged as an extra to this contract and will increase the Contract price.

Scheduling – Landscape enhancement contracts accepted after October will be completed during the Fall as long as weather permits. Any work not completed in the Fall will be completed the following Spring. Work will be invoiced as items have been completed. Landscape enhancement contracts that extend into June, July or August, and include seeding, may require a delay in completion until after September 1 when newly seeded lawns will readily germinate. Sodding can be performed at any time of year for an additional charge if not already specified in the contract.

Watering and Maintenance – Metco Landscape, Inc. will perform watering of all new and/or transplanted plant material each day we are on site for the duration of a landscape enhancement contract. Metco Landscape, Inc. is not responsible for watering or maintaining plant material after completion of a landscape enhancement contract unless expressly stated in writing.

Seeding – Re-seeding or re-sodding of new grass areas may be required due to insects, diseases, mechanical damage, neglect, under watering, over watering, heavy rainfall, weather or animals. In addition, seeding that is not performed between April 1 – May 15 or September 1 – October 15 will typically require follow-up re-seeding. All such re-seeding, re-sodding, and/or re-establishment of soil is not included in the contract work, unless otherwise stated in writing, and will be charged as an extra to this contract.

GUARANTEES

Our guarantee is expressly conditioned upon on-time payment of invoices. This guarantee is void if payment in full has not been received within 30 days from the invoice date.

All claims for loss must be reported in writing within the one (1) year guarantee period.

Plant Material Guarantee – Metco Landscaping guarantees to replace any tree or shrub, which we purchase and plant, that dies from natural causes within a period of one year from the date of planting, provided that the Owner has fully complied with all of the terms of this contract. This guarantee is not transferable. Plant material not covered in this guarantee includes, but is not limited to, herbaceous material such as: annual flowers, bulbs, roses, perennials, groundcovers and turf or wildflower seed germination. However, for a fee equal to 8% of the cost of the herbaceous plant materials, Metco Landscaping will guarantee all herbaceous items, with the exception of annual flowers and bulbs, for one year from installation as long as the Owner has made a good faith effort to keep the plant material properly watered and cared for.

We will not guarantee plants damaged or killed by insects, mechanical damage, neglect, under watering, over watering, severe seasonal conditions, natural disasters, disease or animal damage. Plants installed in pots, planter boxes or containers are not guaranteed. Transplanted material is not guaranteed. Metco Landscape, Inc. will satisfy its responsibility under the guarantee by furnishing and installing replacement plant material of equal type and size that was originally planted. The replacement material shall be

TERMS OF PAYMENT/SUSPENSION OF WORK

Invoices will be sent after the contract work is completed, or progress billings will be issued during or at the end of each month through contract completion. Accounts remaining unpaid 30 days past the invoice date will lose the plant guarantee and will be charged interest at a rate of 1.5% per month on the unpaid balance. Accounts remaining unpaid 60 days past the invoice date may result in Metco Landscaping's election to suspend work on the project. Contractor shall recover all expenses incurred in enforcing this agreement, including all collection agency charges, lein fees, court cost, attorney fees, and all expenses incurred in collecting on any judgement.

CANCELLATION

This contract may be cancelled by either party with a 30-day written notice should either party fail substantially to perform in accordance with the terms of the contract through no fault of the other. The notified party shall be provided an opportunity to explain and rectify the circumstances. In the event of termination, Metco Landscape, Inc. shall be compensated fully for all services performed and expenses incurred up to the date of termination. In the event of early termination of this contract, the amount paid to date will be compared to the amount that would have been charged on a time and material basis and the difference in this comparison will result in a final payment due or a refund issued.

DISPUTES

All disputes shall be settled by binding arbitration pursuant to the commercial arbitration rules of the American Arbitration Association.

PHOTOGRAPHY

Metco Landscape, Inc. may take photographs of the property for use in promotional advertising, training, and educational classes unless the Owner communicates in writing that this

SIGNAGE

By signing this contract you, the Owner, are granting Metco Landscape, Inc. permission to install a temporary site sign on your property while our work is being performed. Upon completion of our work, we will remove the site sign or ask for permission to have it remain for an agreed to amount of time. If you do not wish to grant Metco Landscape, Inc. permission to install a temporary site sign on your property, please initial here. _____.

UTILITIES/UNKNOWN OBSTRUCTIONS

All reasonable caution will be taken to prevent damage to existing pavement, septic tanks, septic fields and underground utility lines. Underground gas, phone, and electric utilities will be marked by a representative from the utility companies, at the request of Metco Landscape, Inc., prior to any machine excavation. However, Metco Landscape, Inc. will not be held responsible for the accuracy of any utility line marking done by the utility companies.

It is the Owner's responsibility to conspicuously mark and advise Metco Landscape, Inc. of the location of any other underground utilities including: drainage pipes, plumbing, irrigation, propane lines, electric dog fence, cable TV, lighting, etc. Any delays in crew time and/or costs involved in repairing unmarked systems are the responsibility of the Owner. The cost of removing or circumventing concealed and/or undisclosed obstructions which prevent installation of the site improvements according to plan shall be charged as an extra to this contract. Examples of such obstructions include ledge rock, very large boulders, buried foundations, buried stumps, septic tanks, driveways/pavement, uncharted utilities, unsuitable soil, etc.

OWNER'S RESPONSIBILITIES

Hold Harmless - To the fullest extent permitted by law, the Owner will hold harmless Metco Landscape, Inc. and its officers, representatives, partners and employees from and against any and all claims, suits, liens, judgments, damages, losses and expenses, including legal fees and court costs and liability arising in whole or in part and in any manner from injury and/or death of a person, or damage to or loss of any property resulting from the acts, omissions, breach or default of the Owner, except those caused by the negligence of Metco Landscape, Inc..

GROUND

ENGINEERING

June 23, 2021

Subject: Engineering Recommendations,
Repair of Existing Smoky Hill Road Wall,
Southlands, Aurora, Colorado

Job Number 21-3602

Mr. Frank DeHoff
OTB Supply
410 Acoma Street, Suite 103
Denver, Colorado 80204

Dear Mr. DeHoff,

As requested, a representative of Ground Engineering Consultants, Inc. (GROUND) visited the subject site to observe the facing distress that recently occurred on the lower tier of the existing retaining walls (Wall 14) located on the south side of the Southlands along Smoky Hill Road in Aurora, Colorado.

Observations

We understand that wall facing distress recently occurred at three locations on the lower tier wall of a three-tier wall system located on the south side of Fairfield Inn & Suites, Service Street Auto Repair, and Wells Fargo Bank (24192, 23972, 23962 East Prospect Avenue, respectively). The lower tier wall is a soil nail wall structure with segmental block facing. The facing blocks recently collapsed and shotcrete face of the soil nail wall was exposed.



Fairfield Inn & Suites (24192)



Service Street Auto Repair (23972)



Wells Fargo Bank (23962)

At the time of our first site visit shortly after the wall distress occurred behind the Service Street Auto Repair on March 9, 2021, we observed that the exposed shotcrete face was

**Repair of Existing Retaining Wall along Smoky Hill Road
Southlands, Aurora**

wet and the soils in general areas at the bottom of the wall were wet or nearly saturated. We also observed that the blocks adjacent to the west were either wet or exhibiting water stains. Based on our observations as described above, it appeared that excessive surface water had infiltrated the wall system and subgrade soils for a long period of time. It is likely that the long term moist/wet condition of the gravel backfill and wall subgrade had resulted in higher lateral earth pressures and wall settlements, which eventually caused the facing blocks falling over.

Recommendations

Based on the structure of existing retaining wall and the current conditions of wall distresses, the recommended wall repair should include the followings:

- (1) Remove blocks, debris, and existing steel wall tie straps to at least 3 feet (2-block width) beyond either side of the currently damaged areas to ensure that the facing blocks and wall ties to remain are in good condition.
- (2) Recompact the wall subgrade and restore the leveling pad, if it is disturbed.
- (3) Check the levelness of the bottom course of blocks and make adjustments as necessary.
- (4) Restack segmental blocks to the original wall alignment and elevations with block connectors. The original blocks and connectors that were not damaged or cracked may be reused. Minor damaged block corners smaller than 1/2 inches on each side would be acceptable for reuse.
- (5) Place flowfill within, between, and fully behind blocks up to the underdrain pipe elevation. The top of flowfill should be graded to a continuous longitudinal slope to the low point and transversely sloping to the wall face.
- (6) Place underdrain pipe on top of the flowfill at a continuous slope and connect to the discharge pipe located at the low point. A typical wall drain detail is presented in Figure 1.
- (7) Connect the blocks to shotcrete face using 1-inch 20-gauge galvanized steel wall ties. The wall tie should vertically loop through block cell, be bent 90 degrees at the top and bottom of block to fit well to the back of block cell, run straight in level from the block to shotcrete face, and fasten both ends of the wall tie on shotcrete face with 1.5-inch HILTI DS 37 P10 pins or DeWalt 8mm Head Drive Pins (50224). The pins that do not achieve a full penetration should be abandoned and replaced. Wall ties should be installed at every other course of blocks and at an 18-inch horizontal spacing. A typical connection detail is presented in Figure 2
- (8) Backfill block cells and the space between blocks and shotcrete above flowfill with colloidal concrete in 2-foot lifts.

**Repair of Existing Retaining Wall along Smoky Hill Road
Southlands, Aurora**

- (9) Place a layer of filter fabric (Mirafi 140N or equivalent) at the top of colloidal concrete.
- (10) Reset wall caps using industrial concrete adhesive.
- (11) Finish the grades at the top of the wall with appropriate slopes.
- (12) Raise the finish grades at the bottom of the wall to a minimum 10% slope or up to the bottom of the discharge pipe, and continuously sloping from the wall face to the back of curb.
- (13) In no case should water be ponding or snow be stockpiled near the top of any tier of the retaining walls.

Closure

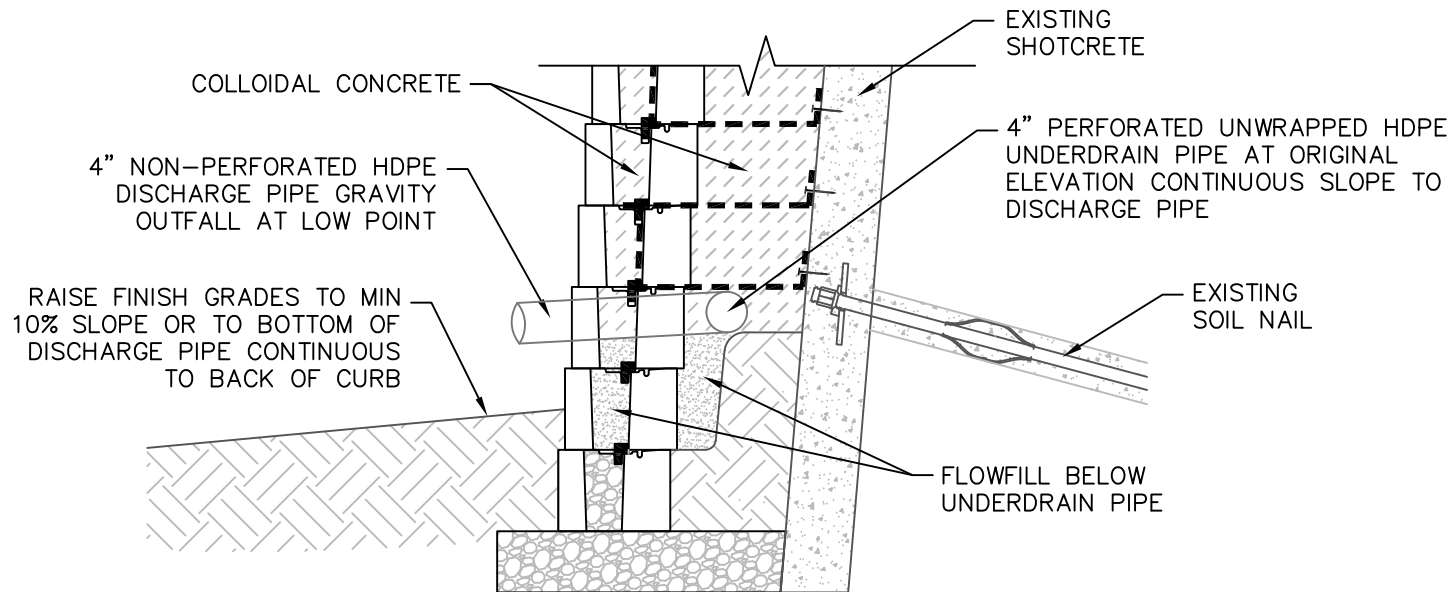
The recommendations provided in this report relied only upon our observations made during the site visits. When additional evidence becomes apparent, GROUND should be contacted to re-evaluate the recommendations presented herein. If the actual conditions encountered during construction differ from those described in this report, GROUND should be immediately contacted. GROUND should be periodically scheduled by the contractor to perform observations during construction.

The recommendations provided herein were provided exclusively for OTB Supply, and may only be used by OTB Supply and the authorized contractor. This report was prepared in a manner consistent with the degree of care and skill ordinarily exercised by members of the same profession currently practicing under the same or similar circumstances with the same or similar scope of services. GROUND makes no warranties, either expressed or implied, as to the professional opinions or recommendations contained herein or the performance of the structure. If you have any questions, please contact our office.

Sincerely,
GROUND Engineering Consultants, Inc.



Hsien-Hsiang (Sean) Chiang, P.E., Ph.D.



NOTES:

1. FLOWFILL SHALL CONFORM TO CDOT SECTION 206.02 AND THE FOLLOWING PHYSICAL PROPERTIES:

SLUMP	7 - 10 INCHES
MIN 28-DAY COMPRESSIVE STRENGTH	75 PSI
2. COLLOIDAL CONCRETE SHALL HAVE THE FOLLOWING PHYSICAL PROPERTIES:

SLUMP	1 - 2 INCHES
AIR CONTENT	12 - 19 PERCENT
MIN 28-DAY COMPRESSIVE STRENGTH	1,500 PSI
3. CONTACT RICK LUCERO AT 303-437-3777 OR RICKLUCERO@MSN.COM FOR AUTHORIZED COLLOIDAL CONCRETE SUPPLIERS.

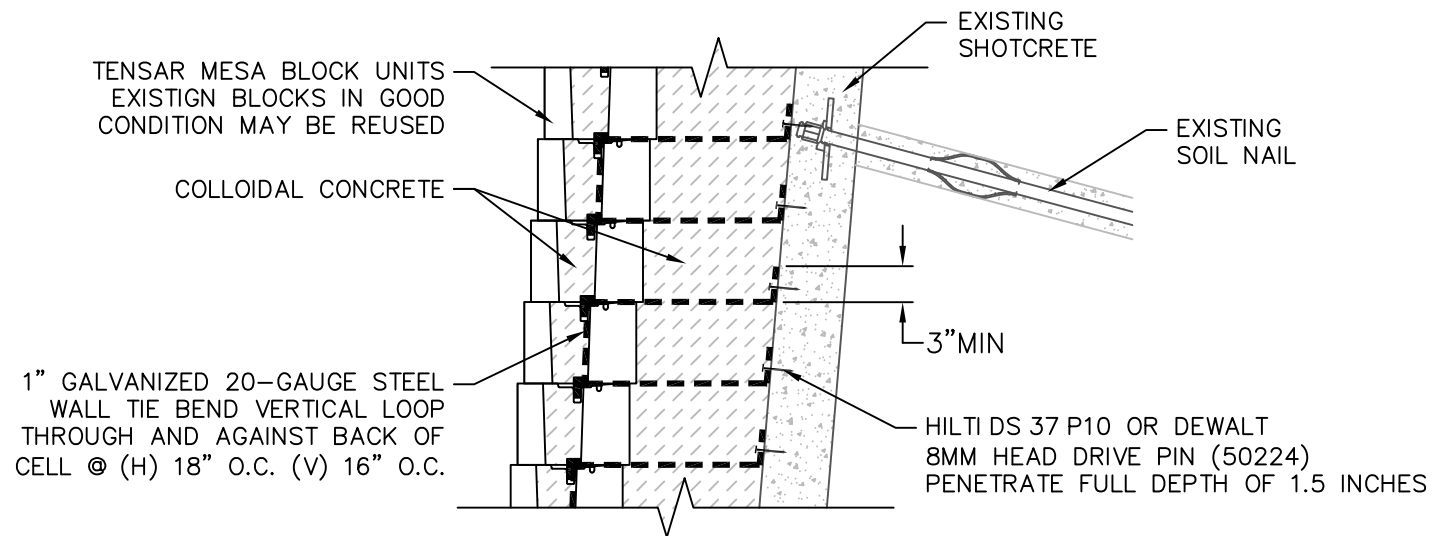


WALL UNDERDRAIN DETAILS

JOB NO.: 21-3602

FIGURE: 1

CADFILE NAME: 213602WDTLS.DWG



GROUND
ENGINEERING

**BLOCK-SHOTCRETE
CONNECTION DETAILS**

JOB NO.: 21-3602

FIGURE: 2

CADFILE NAME: 213602WDTLS.DWG



ENVIRONMENTAL CONTRACTOR

5585 W. Airport Rd
Sedalia, Colorado 80135

☎ 303.471.1522 📠 303.470.3197 ✉ sales@cdi-services.com

To:	SDMS	Contact:	Robert Graham
Address:	141 Union Boulevard, Suite 150 Lakewood, CO 80228	Phone:	303-987-0835
		Fax:	303-987-2032
Project Name:	Southlands Mall Wall Repair	Bid Number:	
Project Location:	Aurora, CO	Bid Date:	7/13/2021
Addendum #:	0		

Item Description	Estimated Quantity	Unit	Unit Price	Total Price
Repair Lower Wall In Three Locations.	3,600.00	SF	\$66.63	\$239,868.00

Total Bid Price: \$239,868.00

Notes:

- Allow us to submit a quotation for labor, material, and equipment repair the retaining wall per Ground Engineering Dated June 23 2021 Job # 21-3602.
- INCLUSIONS:
 - Labor and equipment to repair the lower MSE block and cap units.
 - Install savaged block and replace as needed
 - Furnish and Install flow fill per Ground Engineering Dated June 23 2021 Job # 21-3602
 - Furnish and Install 1-inch 20-gauge galvanized steel wall ties per Ground Engineering Dated June 23 2021 Job # 21-3602
 - Furnish and Install 4" perforated and 4" non-perforated drainpipes.
 - Furnish and Install Colloidal Concrete per Ground Engineering Dated June 23 2021 Job # 21-3602.
 - Furnish and Install Mirafi 140N filter fabric per Ground Engineering Dated June 23 2021 Job # 21-3602
 - PE Stamped Engineered Retaining Wall Repair Plans.
 - 1-Mobilization.
 - Taxes.

Work Excluded

- Excavation, grading, earthwork, slopes above top of wall and below bottom of wall.
- Importing/exporting onsite material, spoils, haul off.
- Materials testing, third party inspections.
- Survey.
- Handrailing, Fencing.
- De- Watering, frost protection.
- Shoring, bracing.
- Dust Control, Erosion Control, traffic control, barricades and flagmen.
- Construction Water.
- Damage caused by flooding, sliding, or acts of others.
- Prevailing Wages.
- Permits, bonds or any additional fees.

Site Access

CDI has assumed that the contractor will maintain clear, well drained, uninterrupted access ways and working platforms suitable for CDI equipment to move under its own power. Access includes adequate ramps at suitable levels and should be available at the time and to the extent necessary to suit CDI operations.

Notes:

- A global stability analysis has not been performed so the above pricing is based off project plans; final block, grid and backfill quantities will be based on final PE stamped Engineered drawings and will be billed at the unit prices above.
- This Proposal is good for 90 Days from proposal date.
- Any item not specifically included is excluded.
- Any alteration or deviation from this proposal involving extra costs will be executed only upon written change orders.

Consolidated Divisions, Inc. dba **CDI** | ENVIRONMENTAL CONTRACTOR
An Equal Opportunity Employer

Payment Terms:

Payment due 30 days from invoice.



ENVIRONMENTAL CONTRACTOR

5585 W. Airport Rd
Sedalia, Colorado 80135

☎ 303.471.1522 📠 303.470.3197 ✉ sales@cdi-services.com

To: SDMS Address: 141 Union Boulevard, Suite 150 Lakewood, CO 80228	Contact: Robert Graham Phone: 303-987-0835 Fax: 303-987-2032
Project Name: Southlands Mall Wall Repair Project Location: Aurora, CO Addendum #: 0	Bid Number: Bid Date: 7/13/2021

ACCEPTED:

The above prices, specifications and conditions are satisfactory and are hereby accepted.

Buyer: _____

Signature: _____

Date of Acceptance: _____

CONFIRMED:

**Consolidated Divisions, Inc Dba CDI
Environmental Contractors**

Authorized Signature: _____

Estimator: Jerry Baldwin
303.667.0188 jerryb@cdi-services.com

ESTIMATE



SMDS
141 Union Blvd. Suite 150
Lakewood, CO 80228
(303) 987-0835

PROV21 Productions LLC.

2849 Rose Hill St.
Strasburg, CO. 80136
Phone: (720) 476-2874
Email: vlukins@prov21.com
Web: www.prov21.com

Estimate # 00013
Date 05/23/2021

Description	Quantity	Rate	Total
			\$2,172.00
Base cover repaint This includes surface prep, one coat of etching primer, two coats of paint.	171.0	\$12.00	\$2,052.00
Material & handling Flat rate for handling materials including up to two employees and one vehicle. This does not include the use of trailers or additional trips. a disposal fee will be separate from the cost of material handling.	1.0	\$120.00	\$120.00
		Subtotal	\$2,172.00
		Total	\$2,172.00

Notes:

Repaint of 171 Ischia pole base covers. This will include a one-year craftsmanship warranty against chipping or fading. Warranty will not cover outside damage to cover.

By signing this document, the customer agrees to the services and conditions outlined in this document.

SMDS



Full Spectrum Lighting

6896 E. Archer Dr.

Denver, Co. 80230

303-204-0949

August 4, 2021

Southlands Metro District No. 2

Proposal for monthly inspection and repair of lighting

SCOPE of WORK:

Inspect all lighting throughout property. This inspection will be performed at night on a monthly basis. Repairs will be made during daytime hours shortly after monthly inspection. Fixtures that will be inspected park lights, Pole lights on the street, and monument lights.

Night inspection per month \$100

Electrical services (if needed) \$90 per hour, plus \$75 truck fee.

Boom Truck service \$85 per hour, plus \$75 truck fee.

Materials TBD

This contract is executed at Denver, Colorado. Vista Marketing Lighting, LLC. DBA/ Full Spectrum Lighting Is entitled to recover attorney fees, costs, or other expenses incurred by Full Spectrum Lighting. In any attempted collection, legal proceedings for collection, enforcement, or attempted enforcement of this contract for services or enforcement of any judgement obtained for services provided pursuant to this contract.

This proposal is hereby accepted and Full Spectrum
Lighting is authorized to proceed with the work

This proposal is valid until:
September 5, 2021

Purchaser- Company Name

Signature

PROJECTED SCHEDULE August 4th Revision Southlands New Entry Monument Display

July 26th: Permits in Hand , Released to production

July 27th: Production schedule expect complete by Sept 1st.

August 6th: Yesco on site to plot out install locations and verify tree removed (Must be removed by 8-16).

August 16th: Start on site work; Demo, perform locates for excavation

*August 23rd: Start on on site electrical, start excavations, prepare for concrete, perform concrete/hole inspections

*September 1st: Start on site pouring concrete ; All footings

*September 2nd – 17th : Sign & Component Installations (Substantial Completion Sept 17th)

September 13 – 17 : On site low volt wiring and electrical connections

September 20-23 : On site RGB set up , programming, testing commission and training

September 23rd: SUBSTANCIAL COMPLETION – DEADLINE

September 24th : Perform Substantial Completion Walk and Note any Punch List Items

October 1st : Project Complete , Final Completion Walk and sign off

*THESE ITEMS REQUIRE MAIN STREET SHUT DOWN. Yesco to coordinate with Southlands.

YESCO Denver

303-375-9933 » Phone

303-375-9111 » Fax

11220 E 53rd Avenue, Suite 300
Denver, Colorado 80239



ARCHITERRA GROUP

**Shopping Center Median Landscape Renovation
Southlands Metropolitan District No. 1**

**Fee Proposal
June 14, 2021**

TASK	Personnel	Principal- in-Charge	Project Manager	Project Designer	Expenses	TOTAL
	Hourly Rate	\$150/hr	\$110/hr	\$85/hr		
City of Aurora Department of Development/Planning (COA) Review						
Preliminary coordination with COA			4			
Prepare for and attend presubmittal meeting			4			
Prepare draft plans to submit to COA			2	4		
Obtain comments from COA/review meeting				2		
Revise plans based on comments from COA			2	8		
Submit revised plans to COA				2		
Obtain comments from COA/review meeting				2		
Revise plans based on comments from COA			2	8		
Submit final plans to COA				2		
Revise construction plans based on COA comment			2	8		
Miscellaneous coordination and expenses			6	8	\$200.00	
Total hours COA Review		0	22	44		
Total cost COA Review		\$0.00	\$2,420.00	\$3,740.00	\$200.00	\$6,360.00

Assumptions:

- ~ Review of median plantings is required to go through the COA planning/development review process
- ~ Development review process requires update of approved Site Development Plans (separate from construction documents)
- ~ Does not include review from other COA departments - Public Works/Engineering, Parks Recreation and Open Space, etc.