

**STC METROPOLITAN DISTRICT NO. 3**

141 Union Boulevard, Suite 150  
Lakewood, Colorado 80228-1898  
Tel: 303-987-0835 • 800-741-3254  
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<https://www.colorado.gov/pacific/stcmd>

**NOTICE OF SPECIAL MEETING AND AGENDA**

| <u>Board of Directors:</u> | <u>Office:</u> | <u>Term/Expires:</u> |
|----------------------------|----------------|----------------------|
| James A. Brzostowicz       | President      | 2023/May 2023        |
| Terry Willis               | Treasurer      | 2023/May 2023        |
| <b>VACANT</b>              |                | 2023/May 2025        |
| <b>VACANT</b>              |                | 2023/May 2025        |
| <b>VACANT</b>              |                | 2023/May 2023        |

Peggy Ripko Secretary

DATE: October 19, 2022  
TIME: 9:00 A.M.  
LOCATION: Zoom Meeting

Join Zoom Meeting  
<https://us02web.zoom.us/j/82182451344?pwd=NlcyZTd2dDIRVXJMqzV2UU9xKzI5dz09>  
Phone Number: 1 (253) 215-8782  
Meeting ID: 897 9736 4658  
Passcode: 115782

Please email Peggy Ripko if there are any issues ([pripko@sdmsi.com](mailto:pripko@sdmsi.com)).

I. ADMINISTRATIVE MATTERS

- A. Confirm Quorum. Present Disclosures of Potential Conflicts of Interest.  
\_\_\_\_\_
- B. Approve Agenda; confirm location of the meeting and posting of meeting notice.  
\_\_\_\_\_
- C. Review and approve Minutes of the June 1, 2022 Special Meeting (enclosure).  
\_\_\_\_\_
- D. Review and consider approval of Resolution No. 2022-10-\_\_\_ Annual Resolution (enclosure).  
\_\_\_\_\_
- E. Review and consider approval of Resolution No. 2022-10-\_\_\_ 2023 Election Resolution (enclosure).  
\_\_\_\_\_

II. PUBLIC COMMENTS

A. \_\_\_\_\_

III. FINANCIAL MATTERS

A. Review and accept Unaudited Financial Statements through the period ending August 31, 2022 (enclosure).

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B. Consider engagement of Dazzio & Associates, PC for preparation of 2022 Audit, in the amount of \$4,200 (enclosure).

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C. Conduct Public Hearing on Proposed 2021 Budget Amendment.

1. Consider approval of Resolution Approving Proposed 2021 Budget Amendment and Appropriate Sums of Money (enclosure).

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D. Conduct Public Hearing on Proposed 2022 Budget Amendment.

1. Consider approval of Resolution Approving Proposed 2022 Budget Amendment and Appropriate Sums of Money (enclosure).

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E. Conduct Public Hearing on the proposed 2023 Budget.

1. Consider approval of Resolution to Adopt the 2023 Budget and Appropriate Sums of Money and Set Mill Levies for General Fund \_\_\_\_\_, Debt Service Fund \_\_\_\_\_, and Other Fund(s) \_\_\_\_\_ for a total mill levy of \_\_\_\_\_ (enclosure – preliminary AV, draft 2023 Budget and Resolution).

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IV. LEGAL MATTERS

A. 2022 Legislative Report (enclosure).

1. Update regarding SB 21-262 Website Compliance

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V. OTHER MATTERS

A. Discuss cancelling the November 2, 2022 Regular Meeting.

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VI. ADJOURNMENT **THE NEXT REGULAR MEETING IS SCHEDULED FOR NOVEMBER 2, 2022.**

Additional Enclosure:

- Notice of rate increase from Special District Management Services, Inc.
- Notice of rate increase from Icenogle Seaver Pogue, P.C.

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE STC METROPOLITAN DISTRICT NO. 3 HELD JUNE 1, 2022

A Special Meeting of the Board of Directors (referred to hereafter as the "Board") of the STC Metropolitan District No. 3 (referred to hereafter as the "District") was convened on Wednesday, the 1st day of June, 2022, at 9:00 A.M. This District Board meeting was held via Zoom at: <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09>; Meeting ID: 897 9736 4658, Passcode: 115782 and via telephone conference at: 1-253-215-8782. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

James A. Brzostowicz, President  
Terry Willis, Assistant Secretary

#### Also In Attendance Were:

Peggy Ripko; Special District Management Services, Inc. ("SDMS")

Jennifer L. Ivey, Esq.; Icenogle Seaver Pogue, P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

Sonia Chin; Ranch Capital, LLC

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

**Disclosure of Potential Conflicts of Interest:** The Board noted it was in receipt of disclosures of potential conflicts of interest statements for each of the Directors and that the statements had been filed with the Secretary of State at least seventy-two hours in advance of the meeting. Ms. Ripko requested that the Directors review the Agenda for the meeting and advised the Board to disclose any new conflicts of interest which had not been previously disclosed. No further disclosures were made by Directors present at the meeting.

#### ADMINISTRATIVE MATTERS

**Agenda:** Ms. Ripko noted a quorum was present. The Board reviewed the proposed Agenda for the District's Special Meeting.

## RECORD OF PROCEEDINGS

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Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Willis and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

**Confirm Quorum, Location of Meeting and Posting of Meeting Notices:** Ms. Ripko confirmed the presence of a quorum and that notice of the time, date and location/manner of the meeting was duly posted and that that no objections to the virtual/telephonic manner of the meeting have been received.

**Minutes:** The Board reviewed the Minutes of the November 3, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Willis and, upon vote, unanimously carried, the Board approved the Minutes of the November 2, 2021 Special Meeting.

**Resignation:** The Board acknowledged of Angie Hulsebus, effective January 13, 2022.

**May 3, 2022 Regular Election:** Ms. Ripko discussed with the Board the results of the May 3, 2022 Regular Election for Directors (“Election”). It was noted that the Election was cancelled as permitted by statute.

**Appointment of Officers:** The Board entered into discussion regarding the appointment of officers.

Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Willis and, upon vote, unanimously carried, the following slate of officers was appointed:

|           |                   |
|-----------|-------------------|
| President | James Brzostowicz |
| Treasurer | Terry Willis      |
| Secretary | Peggy Ripko       |

**2022 Special District Association’s Annual Conference:** Ms. Ripko discussed with the Board the 2022 Special District Association’s Annual Conference in Keystone on September 13, 14 and 15, 2022.

**PUBLIC  
COMMENTS**

\_\_\_\_\_  
There were no public comments.  
\_\_\_\_\_

## RECORD OF PROCEEDINGS

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### FINANCIAL MATTERS

**Unaudited Financial Statements:** Ms. Wheeler presented to the Board the unaudited financial statements through the period ending April 30, 2022.

Following review and discussion, upon motion duly made by Director Brzostowicz, seconded by Director Willis and, upon vote, unanimously carried, the Board accepted the unaudited financial statements through the period ending April 30, 2022.

**2021 Audit:** The Board reviewed the 2021 Audit.

Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Willis and, upon vote, unanimously carried, the Board approved the 2021 Audit, subject to final review and receipt of an unmodified opinion letter from the auditor.

### **Public Hearing on Proposed 2021 Second Budget Amendment:**

**2021 Budget Amendment Hearing:** Director Brzostowicz opened the public hearing to consider the Resolution to Amend the 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2021 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received, and the President closed the public hearing.

Following review and discussion, upon motion duly made by Director Brzostowicz seconded by Director Willis and, upon vote, unanimously carried, the Board adopted the Resolution Approving Second Proposed 2021 Budget Amendment and Appropriate Sums of Money. The Board amended the General Fund to \$3,740 due to additional specific ownership tax.

### **LEGAL MATTERS**

There were no legal matters at this time.

### **COVENANTS**

There were no matters to discuss at this time.

### **OTHER MATTERS**

There were no other matters.

## RECORD OF PROCEEDINGS

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### ADJOURNMENT

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

Respectfully submitted,

By \_\_\_\_\_  
Secretary for the Meeting

**ANNUAL RESOLUTION OF  
THE BOARD OF DIRECTORS OF THE  
STC METROPOLITAN DISTRICT NO. 3**

At a special meeting of the Board of Directors of the STC Metropolitan District No. 3, Boulder County, Colorado, held at 9:00 A.M., on Wednesday, October 19, 2022, via video conference at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone conference at Dial-In: (253) 215-8782, Meeting ID: 897 9736 4658, Passcode: 115782, at which a quorum was present, the following resolution was adopted:

**WHEREAS**, the STC Metropolitan District No. 3 (the “District”) was organized as a special district pursuant to an Order of the District Court in and for the County of Boulder, Colorado, dated November 27, 2013 and is located within Boulder County (the “County”); and

**WHEREAS**, the Board of Directors of the District (collectively referred to as the “Board” or individually as “Director(s)”) has a duty to perform certain obligations in order to assure the efficient operation of the District; and

**WHEREAS**, Section 32-1-306, C.R.S. requires the District to file a current, accurate map of its boundaries with the County Assessor, County Clerk and Recorder and the Division of Local Government (the “Division”) on or before January 1 of each year; and

**WHEREAS**, Sections 24-10-109 and 24-32-116, C.R.S. require that the District provide its name, its principal address and/or mailing address, the name of its agent and the agent’s mailing address to the Department of Local Affairs (the “Department”) and keep such information updated regularly; and

**WHEREAS**, Section 32-1-809, C.R.S. requires that the Board provide notice, containing certain information about the District, to the eligible electors of the District no more than sixty (60) days prior to and not later than January 15; and

**WHEREAS**, Section 32-1-104(2), C.R.S. requires that the District, on or before January 15, file a copy of the notice required by Section 32-1-809, C.R.S. with the Board of County Commissioners, the County Assessor, the County Treasurer, the County Clerk and Recorder in each county in which the District is located, the governing body of any municipality in which the District is located and the Division; and

**WHEREAS**, the Local Government Budget Law of Colorado, Sections 29-1-101 *et seq.*, C.R.S., requires the Board to hold a public hearing on proposed budgets and amendments thereto, to adopt budgets and to file copies of the budgets and amendments thereto; and

**WHEREAS**, Section 29-1-205(1), C.R.S. requires the District to file a current list of all contracts in effect with other political subdivisions within thirty (30) days of receiving a request therefor from the Division; and

**WHEREAS**, in accordance with the Public Securities Information Reporting Act, Sections 11-58-101 *et seq.*, C.R.S., issuers of nonrated public securities shall make public within sixty (60) days following the end of each of such issuer's fiscal year, an annual information report or reports with respect to any of such issuer's nonrated public securities which are outstanding as of the end of each such fiscal year; and

**WHEREAS**, in accordance with Section 29-1-604(1), C.R.S., if expenditures and revenues of the District are not in excess of \$100,000, the District may file an application for exemption from audit with the State Auditor; or in accordance with Section 29-1-604(2)(b), C.R.S., if expenditures and revenues of the District for any fiscal year are at least \$100,000, but not more than \$750,000, the District may file an application for exemption from audit with the State Auditor; or in accordance with Section 29-1-603, C.R.S., the Board shall cause to be made an annual audit of the financial statements of the District for each fiscal year; and

**WHEREAS**, the Revised Uniform Unclaimed Property Act, Sections 38-13-101 *et seq.*, C.R.S., requires that governmental subdivisions, if applicable, file an annual report listing unclaimed property with the State Treasurer by November 1 of each year; and

**WHEREAS**, pursuant to Section 32-1-103(15), C.R.S., the legal notices of the District must be published one time, in one newspaper of general circulation in the District, and if there is not one such newspaper of general circulation, then in one newspaper in each county in which the District is located and in which the District also has fifty (50) or more eligible electors; and

**WHEREAS**, pursuant to Section 24-6-402(2)(c)(I), C.R.S., the Board shall annually designate at the first regular meeting of the calendar year a posting place within the boundaries of the District for posting of notices; and

**WHEREAS**, pursuant to Sections 32-1-903(2) and 24-6-402(2)(c)(I) & (III), C.R.S., in addition to any other means of full and timely notice, the Board shall be deemed to have given full and timely notice of a public meeting if the Board posts the notice on a public website of the District or in the designated public place within District boundaries, no less than twenty-four (24) hours prior to the meeting; and

**WHEREAS**, Section 32-1-903(1), C.R.S. requires that the Board shall meet regularly at a time and location to be designated by the Board and such location may be physical, telephonic, electronic, other virtual place, or combination of such means where a meeting can be attended; provided that meetings that are held solely at physical locations must be held at physical locations that are within the boundaries of the District or within the boundaries of any county in which the District is located, in whole or in part, or in any county so long as the meeting location does not exceed twenty (20) miles from the District boundaries, unless the proposed change of location for a meeting appears on the Board agenda of a meeting and a resolution is adopted stating the reason for which meetings of the Board are to be held in a physical location other than under the provisions of Section 32-1-903(1.5), C.R.S. and further stating the date, time and physical location of such meeting; and

**WHEREAS**, pursuant to Section 32-1-904, C.R.S., the office of the District shall be at some fixed place to be determined by the Board; and

**WHEREAS**, pursuant to Section 32-1-901(1), C.R.S., each Director, within thirty (30) days after his or her election or appointment to fill a vacancy, shall take an oath or affirmation in accordance with Section 24-12-101, C.R.S., and the oath must be filed with the County Clerk and Recorder, and in accordance with Section 32-1-901(1), C.R.S. with the Clerk of the Court and with the Division; and

**WHEREAS**, in accordance with Section 32-1-901(2), C.R.S., at the time of filing said oath, there shall also be filed for each Director a bond; and

**WHEREAS**, in accordance with Section 24-14-102(2), C.R.S., the District may, in lieu of the required bond, purchase crime insurance to protect the District from any dishonesty, theft, or fraud; and

**WHEREAS**, pursuant to Section 32-1-902(1), C.R.S., the Board shall elect one of its members as chairman of the Board and president of the District, one of its members as a treasurer of the Board and District, and a secretary who may be a member of the Board, or the secretary and treasurer may be one individual, who in such case is a member of the Board; and

**WHEREAS**, Directors may receive compensation for their services subject to the limitations imposed by Section 32-1-902(3)(a), C.R.S.; and

**WHEREAS**, Directors are governed by Section 32-1-902(3)(b), C.R.S., which requires any Director to disqualify himself or herself from voting on an issue in which he or she has a conflict of interest, unless the Director has properly disclosed such conflict in compliance with Section 18-8-308, C.R.S.; and

**WHEREAS**, Directors are governed by Section 32-1-902(4), C.R.S., which requires any Director who owns undeveloped land that constitutes at least twenty percent (20%) of the territory included in the District to properly disclose such fact in compliance with Section 18-8-308, C.R.S. before each meeting of the Board, and such disclosure must be entered into the minutes of such meeting; and

**WHEREAS**, pursuant to Section 32-1-1001(1)(o), C.R.S. the Board has the power to authorize the use of electronic records and electronic signatures and adopt rules, standards, policies, and procedures for use of electronic records or signatures in accordance with the Uniform Electronic Transaction Act, Sections 24-71.3-101 *et seq.*, C.R.S.; and

**WHEREAS**, pursuant to Section 24-72-204.5, C.R.S., should the District operate or maintain an electronic mail communications system, the Board must adopt a written policy on any monitoring of electronic mail communications and the circumstances under which it will be conducted; and

**WHEREAS**, Sections 32-1-1604 and 32-1-1101.5(1), C.R.S. require the District to issue notice of the authorization or incurrence of general obligation indebtedness to the Board of County Commissioners of each county in which the District is located or the governing body of the municipality that has adopted a resolution of approval of the District and to record such notice with the Clerk and Recorder in each county in which the District is located within thirty (30) days of incurring or authorizing such indebtedness; and

**WHEREAS**, Section 32-1-1101.5(1), C.R.S. requires the District to certify the results of ballot issue elections to incur general obligation indebtedness to the Board of County Commissioners of each county in which the District is located or to the governing body of a municipality that has adopted a resolution of approval of the District within forty-five (45) days after the election, or at least thirty (30) days before issuing any general obligation debt if not previously certified, and requires the District to file a copy of such certificate with the Division of Securities within that timeframe; and

**WHEREAS**, in accordance with Section 32-1-1101.5(1.5), C.R.S., the Board of County Commissioners or the governing body of a municipality that has adopted a resolution of approval of the District may require the District to file an application for the quinquennial finding of reasonable diligence; and

**WHEREAS**, in accordance with Section 32-1-207(3)(c), C.R.S., and unless otherwise waived or requested by an earlier date, commencing in 2023 for the 2022 calendar year, any special district created after July 1, 2000, must electronically file an annual report for the preceding calendar year by October 1<sup>st</sup> with the governing body that approved the service plan or, if the jurisdiction has changed due to the annexation into a municipality, the current governing body with jurisdiction over the District, the Division, the State Auditor, and the County Clerk and Recorder, and make the same available on the website of the District; and

**WHEREAS**, in accordance with the Colorado Governmental Immunity Act, Sections 24-10-101, *et seq.*, C.R.S., the Board is granted the authority to obtain insurance; and

**WHEREAS**, the Colorado Open Meetings Law at Section 24-6-402(2)(d.5)(II)(A), C.R.S. specifies that discussions that occur in an executive session of a local public body shall be electronically recorded; and

**WHEREAS**, pursuant to Section 24-6-402(2)(d.5)(II)(E), C.R.S., such electronic recording of executive sessions shall be retained for at least ninety (90) days after the date of the executive session; and

**WHEREAS**, in accordance with the Public Deposit Protection Act, Sections 11-10.5-101 *et seq.*, C.R.S., the Board shall designate an official custodian with plenary authority to deposit public funds in any bank which has been designated by the Colorado Banking Board as an eligible public depository; and

**WHEREAS**, in accordance with Section 32-1-104.8, C.R.S., the District must record a public disclosure document and a map of the boundaries of the District with the Clerk and Recorder

of each county in which the District is located at any time that an order or decree confirming the inclusion of real property into the District is recorded; and

**WHEREAS**, in accordance with Section 32-1-104.5, C.R.S., (1) within one year of the date an order and decree has been issued by a district court for a newly organized metropolitan district; or (2) for all metropolitan districts organized after January 1, 2000, by January 1, 2023, such metropolitan district, shall establish, maintain and annually update an official website containing specific information as set forth in Section 32-1-104.5(3)(a), C.R.S.; and

**WHEREAS**, elections may be held pursuant to the Special District Act, Article 1 of Title 32, C.R.S.; the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S.; and the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S., for the purpose of (1) electing members of the Board; and (2) presenting certain ballot questions to the eligible electors of the District; and

**WHEREAS**, Sections 1-1-111(2), 1-13.5-108 and 32-1-804(2), C.R.S. provide that all powers and authority granted to the Board may be exercised by a “Designated Election Official” designated by the Board.

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE STC METROPOLITAN DISTRICT NO. 3 AS FOLLOWS:

1. The Board directs the District’s engineer to prepare an accurate map in accordance with the standards specified by the Division or directs legal counsel to prepare a letter asserting there have been no changes in the boundaries of the District, as applicable, for filing with the County Assessor, County Clerk and Recorder and the Division as required by Section 32-1-306, C.R.S on or before January 1.
2. The Board directs management to notify the Department of the District’s name, principal address and/or mailing address, agent’s name and agent’s mailing address in accordance with Sections 24-10-109 and 24-32-116, C.R.S.
3. The Board directs management to: (1) provide notice, containing certain information about the District, to the eligible electors of the District, not earlier than November 16 and not later than January 15, in one or more of the ways set forth in Section 32-1-809(2), C.R.S; and (2) in accordance with Section 32-1-104(2), C.R.S., file a copy of the notice with the Board of County Commissioners, County Assessor, County Treasurer, County Clerk and Recorder’s Office in each county in which the District is located, the governing body of any municipality in which the District is located and with the Division. The Board further directs that a copy of the notice shall be made available for public inspection at the principal business office of the District.
4. The Board directs the accountant/treasurer for the District to submit a proposed budget to the Board by October 15; to schedule a public hearing on the proposed budget; to prepare a final budget, including any resolutions adopting the budget,

appropriating moneys and fixing the rate of any mill levy; to prepare budget resolutions, including certification of mill levies and amendments to the budget if necessary; to certify the mill levies on or before December 15; and to file the approved budgets and amendments thereto with the proper governmental entities not later than thirty (30) days after the beginning of the fiscal year of the budget adopted, in accordance with the Local Government Budget Law of Colorado.

5. The Board directs management to prepare and file a current list of all contracts in effect with other political subdivisions with the Division within thirty (30) days of receiving a request therefor from the Division, if applicable.
6. The Board directs legal counsel and/or the accountant to prepare and file the annual public securities report for nonrated public securities issued by the District with the Department within sixty (60) days following the end of the District's fiscal year, if applicable.
7. The Board directs the accountant to file either an application for exemption from audit with the State Auditor within three (3) months after the close of the District's fiscal year, or that an audit of the financial statements is prepared and submitted to the Board within six (6) months after the close of the District's fiscal year. Further, the Board directs that the audit report be filed with the State Auditor within thirty (30) days after the Board's receipt of the audit report from the auditor.
8. The Board directs legal counsel to prepare the Unclaimed Property Act report and forward to the State Treasurer by November 1, if applicable.
9. The Board designates the *Boulder Daily Camera* as a newspaper of general circulation within the boundaries of the District or in the vicinity of the District if none is circulated within the District, and directs that all legal notices shall be published in accordance with applicable statutes in the *Boulder Daily Camera*.
10. The Board designates the URL Domain <https://stcmd1-3.colorado.gov/>, as the District's official website and posting place for notices of meetings pursuant to Sections 24-6-402(2)(c) and 32-1-104.5, C.R.S. Further, in compliance with Section 24-6-402(2)(III), C.R.S., the Board designates the light post at the NW corner of Main Street and Superior Drive, Superior, Colorado, as the public place within the boundaries of the District at which it may post notices of meetings if it is unable to post a notice on the District's official website.
11. The Board directs management to maintain and update the official website of the District in compliance with Section 32-1-104.5(3)(a), C.R.S.
12. Emergency meetings may be called without notice, if notice is not practicable, by the president of the Board or any two (2) Directors in the event of an emergency that requires the immediate action of the Board in order to protect the public health, safety and welfare of the property owners and residents of the District. If possible,

notice of such emergency meeting may be given to the Directors of the Board by telephone or whatever other means are reasonable to meet the circumstances of the emergency, and shall be provided to the public via any practicable means available, *if any*, including, but not limited to, posting notice of such emergency meeting on the District's website, if any. At such emergency meeting, any action within the power of the Board that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided however, that any action taken at an emergency meeting shall be ratified at the first to occur: (a) the next regular meeting of the Board, or (b) the next special meeting of the Board.

13. The Board determines to hold a regular/regular meeting(s) on \_\_\_\_\_, at \_\_\_\_\_:\_\_\_\_\_.M., via video conference at \_\_\_\_\_ and via telephone conference at Dial-In: \_\_\_\_\_, Meeting ID: \_\_\_\_\_, Passcode: \_\_\_\_\_. The Board directs those notices of all meetings must include the method or procedures, including the conference number and/or link, by which members of the public can attend the meeting. Any additional means of public participation, if any, will also be designated on the meeting agenda.
14. Pursuant to Section 32-1-904, C.R.S., the Board determined that the office of the District shall be at Special District Management Services, Inc.,141 Union Boulevard, Suite 150, Lakewood, Colorado 80228.
15. The Board directs legal counsel to prepare, administer and file an oath or affirmation in accordance with Sections 32-1-901 and 24-12-101, C.R.S. In addition to the oath or affirmation, the Board directs legal counsel to procure either crime insurance in accordance with Section 24-14-102(2), C.R.S. or a bond for each Director as required by Section 32-1-901, C.R.S. in the total amount of \$10,000, and to file copies of the crime insurance or bond with the Clerk of the Court and the Division.
16. The Board hereby elects the following officers for the District:  

President/Chairman: James A. Brzostowicz  
Assistant Secretary: Terry Willis
17. The Board directs that each Director may receive compensation for services as Directors in accordance with Sections 32-1-902(3)(a)(I) & (II), C.R.S.
18. The Board has determined that when so directed by one or more Directors legal counsel will file conflict-of-interest disclosures provided by Directors with the Secretary of State seventy-two (72) hours prior to each meeting of the Board. In addition, written disclosures provided by Directors required to be filed with the governing body in accordance with Section 18-8-308, C.R.S. shall be deemed filed with the Directors of the District when filed with the Secretary of State.

19. The Board authorizes the use of electronic records and electronic signatures. Use of electronic records and electronic signatures, when conducting transactions and in relation to the administration of the affairs of the District, will be performed and governed in accordance with the Uniform Electronic Transactions Act, Sections 24-71.3-101 *et seq.*, C.R.S.
20. The Board does not operate or maintain an electronic mail communication system devoted to the District but recognizes that its Directors and consultants may utilize electronic mail to conduct matters on behalf of the District and that such communications may be a public record under the Colorado Open Records Act and may be subject to public inspection under Section 24-72-203, C.R.S.
21. The Board directs legal counsel to issue notice of indebtedness to the Board of County Commissioners or to the governing body of the municipality that has adopted a resolution of approval of the District, as applicable, and to record such notice with the County Clerk and Recorder in each county in which the District is located within thirty (30) days of incurring or authorizing any indebtedness in accordance with Sections 32-1-1604 and 32-1-1101.5(1), C.R.S. The Board also directs legal counsel to certify the results of any ballot issue election to incur general obligation indebtedness to the Board of County Commissioners of each county in which the District is located, to the governing body of a municipality that has adopted a resolution of approval of the District, as applicable, and the Division of Securities within forty-five (45) days after such election, or at least thirty (30) days before the District's issuance of any general obligation debt if not previously certified, in accordance with Section 32-1-1101.5(1), C.R.S.
22. The Board directs the accountant to prepare and file, if requested, the quinquennial finding of reasonable diligence with the Board of County Commissioners or to the governing body of a municipality that has adopted a resolution of approval of the District, as applicable, in accordance with Section 32-1-1101.5(1.5), C.R.S.
23. The Board directs management to prepare and file an annual report as required under the Service Plan for the District and Section 32-1-207(3)(c), C.R.S., as applicable.
24. The District is currently a member of the Special District Association ("SDA") and insured through the Colorado Special Districts Property and Liability Pool. The Board directs the District's accountant to pay the annual SDA membership dues and insurance premiums in a timely manner and complete all necessary conditions of the third-party insurance agent, as applicable. The Board will review all insurance policies and coverage in effect to determine appropriate insurance coverage is maintained, at least biannually.
25. The Board directs the custodian of all electronic recordings of executive sessions to retain all electronic recordings of executive sessions for purposes of the Colorado Open Meetings Law for ninety (90) days after the date of the executive session. The Board further directs the custodian to systematically delete all recordings of

executive sessions made for purposes of the Colorado Open Meetings Law at its earliest convenience after the ninetieth (90<sup>th</sup>) day after the date of the executive session.

26. The Board hereby designates the District's accountant as its official custodian over public deposits in accordance with Sections 11-10.5-101 *et seq.*, C.R.S.
27. The Board directs legal counsel to prepare the special district public disclosure statement in accordance with Section 32-1-104.8, C.R.S. and record the statement with the County Clerk and Recorder at any such time as a decree or order of inclusion of real property into the District's boundaries is recorded.
28. Peggy Ripko, of Special District Management Services, Inc., is hereby appointed as the "Designated Election Official" of the Board for any elections to be held during 2023 and any subsequent year unless another Designated Election Official is appointed by resolution. The Board hereby grants all powers and authority for the proper conduct of the election to the Designated Election Official, including, but not limited to, appointing election judges, appointing a canvass board, cancelling the election, if applicable, and certifying election results.
29. The Board hereby authorizes legal counsel, the District manager, and District accountant to use the District's name and a brief description of the work performed for the District for marketing purposes, including identifying the District in presentations, proposals, and publications, provided that no confidential information about the District is revealed.

**[The remainder of this page is intentionally left blank.]**

Whereupon a motion was made and seconded, and upon a majority vote this Annual Resolution was approved by the Board.

**ADOPTED AND APPROVED THIS 19TH DAY OF OCTOBER 2022.**

STC METROPOLITAN DISTRICT NO. 3

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James A. Brzostowicz, President

ATTEST:

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Peggy Ripko, Secretary

**CERTIFICATION**

I, Peggy Ripko, Secretary of the Board of the STC Metropolitan District No. 3, do hereby certify that the annexed and foregoing Resolution is a true copy from the records of the proceedings of the Board of said District, on file with Icenogle Seaver Pogue, P.C., general counsel to the District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District, at the County of Boulder, Colorado, this 19th day of October 2022.

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Peggy Ripko, Secretary

[SEAL]

**RESOLUTION OF  
THE BOARD OF DIRECTORS OF  
STC METROPOLITAN DISTRICT NO. 3  
2023 REGULAR SPECIAL DISTRICT ELECTION RESOLUTION**

At a special meeting of the Board of Directors of the STC Metropolitan District No. 3, Boulder County, Colorado, held at 9:00 A.M., on Wednesday, October 19, 2022, via video conference at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone conference at Dial-In: (253) 215-8782, Meeting ID: 897 9736 4658, Passcode: 115782, at which a quorum was present, the following resolution (the “Resolution”) was adopted:

**WHEREAS**, STC Metropolitan District No. 3 (the “District”) was organized pursuant to the Special District Act, Article 1 of Title 32, C.R.S. (the “Act”), after approval of the eligible electors of the District, by order of the District Court in and for Boulder County, Colorado, dated November 27, 2013; and

**WHEREAS**, elections may be held pursuant to the Act; the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S. (the “Uniform Code”); and the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S. (the “Local Government Election Code”) (the Act, Uniform Code, and Local Government Election Code are collectively referred to herein as the “Election Laws”) for the purpose of 1) electing members of the Board and 2) presenting certain ballot questions to the eligible electors of the District; and

**WHEREAS**, pursuant to Section 32-1-305.5(3)(a), C.R.S., the term of office of members of the Board of Directors for the District (the “Board”) elected in a regular special district election is four (4) years; and

**WHEREAS**, the Board currently includes two (2) members elected to serve on the Board, zero (0) members appointed to fill a vacancy on the Board, and three (3) vacancies; and

**WHEREAS**, the term of office for two (2) members of the Board for the District shall expire after their successors are elected at the next regular election for the District scheduled to be held on the Tuesday succeeding the first Monday of May in accordance with Section 1-13.5-111(1), C.R.S.: May 2, 2023; and

**WHEREAS**, the terms for the three (3) vacancies on the Board for the District are one(1) four-year term and two (2) two-year terms; and

**WHEREAS**, in accordance with the Election Laws, an election must be conducted to elect to the Board of the District three (3) Directors to serve for terms of four years and two (2) Directors to serve a terms of two years; and

**WHEREAS**, the number of Directors to be elected to the Board of the District may increase following the adoption of this Resolution should a Director's office be deemed vacant in accordance with Section 32-1-905, C.R.S. prior to the election; and

**WHEREAS**, pursuant to Section 32-1-804(1), C.R.S., the Board shall govern the conduct of the election and shall render all interpretations and make all decisions as to controversies or other matters arising in the conduct of the election; and

**WHEREAS**, Sections 1-1-111(2), 1-13.5-108, and 32-1-804(2), C.R.S. provide that all powers and authority granted to the Board for the conduct of regular and special elections, including making all initial decisions as to controversies or other matters arising in the operation of the Local Government Election Code, may be exercised by a "Designated Election Official" designated by the Board; and

**WHEREAS**, Sections 1-13.5-501(1) & -(1.7), C.R.S., require that, between seventy-five (75) and one hundred (100) days before a regular election, the Designated Election Official shall provide public notice of a call for nominations for the election by two methods: (1) by emailing the notice to each active registered elector of the District as specified in the registration list provided by the county clerk and recorder as of the date that is one hundred fifty (150) days prior to the election or, if no email address is on file, by mail as provided in Section 1-13.5-501(1.7), C.R.S., and (2) by any one of the following means: publication, as defined in Section 1-13.5-501(2), C.R.S.; including the notice as a prominent part of an informational mailing sent by the District to the eligible electors of the District; posting the information on the official website of the District; or, if permitted under Section 1-13.5-501(1.7)(b)(IV), C.R.S., posting the notice in at least three public places within the boundaries of the District and, in addition, in the office of the Clerk and Recorder of Boulder County; and

**WHEREAS**, Section 1-13.5-1104(2), C.R.S. requires the Designated Election Official to supervise the distributing, handling, and counting of ballots and the survey of returns, and to take the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election; and

**WHEREAS**, Section 1-7.5-107(4)(b)(II), C.R.S. specifies that the Designated Election Official shall designate a secure drop-off location that is under his or her supervision, and Section 1-5-102(1), C.R.S. requires that the Designated Election Official divide the jurisdiction into as many election precincts as he or she deems expedient for the convenience of eligible electors of the jurisdiction and designate the polling place for each precinct; and

**WHEREAS**, Section 1-13.5-1004(1), C.R.S. provides that the Designated Election Official shall keep a list of names of eligible electors who have applied for absentee voters' ballots and those permanent absentee voters placed on the list pursuant to Section 1-13.5-1003(2), C.R.S., which list must contain certain other information as set out by statute; and

**WHEREAS**, Section 1-13.5-513(1), C.R.S. provides that if the only matter before the electors in an election is the election of persons to office and if, at the close of business day on the sixty-third (63<sup>rd</sup>) day before the election or at any time thereafter, there are not more candidates than

offices to be filled at the election, the Designated Election Official shall cancel the election and declare the candidates elected if so instructed by resolution of the governing body; and

**WHEREAS**, Section 1-11-103(3), C.R.S. provides that if an election is cancelled pursuant to Section 1-13.5-513(1), C.R.S., the District shall file notice and a copy of the resolution of such cancellation with the Colorado Division of Local Government (the “Division”); and

**WHEREAS**, Sections 1-11-103(3) & 32-1-104(1), C.R.S. require the District to certify to the Division the results of any elections held by the District and include the District’s business address, telephone number, and contact person; and

**WHEREAS**, the Board desires to call an election and set forth herein the procedures for conducting such election as authorized by the Election Laws.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE STC METROPOLITAN DISTRICT NO. 3 THAT:**

1. The Board hereby calls a regular election of the eligible electors of the District to be held between the hours of 7:00 A.M. and 7:00 P.M. on the Tuesday succeeding the first Monday of May pursuant to and in accordance with Section 1-13.5-111(1), C.R.S., the Election Laws, and other applicable laws (May 2, 2023), for the purpose of electing three (3) Directors to serve a four-year term and two (2) Directors to serve a two-year term on the Board (the “Election”), as such numbers may change due to one or more vacancies arising on the Board after the adoption of this Resolution and prior to the Election. The Election shall be conducted as an independent mail ballot election, pursuant to Part 11 of the Local Government Election Code.

2. Pursuant to Section 32-1-804(2), C.R.S., the Board hereby names Peggy Ripko of Special District Management Services, Inc., as the Designated Election Official for the Election. The Board hereby directs the District’s general counsel to oversee the general conduct of the Election and authorizes the Designated Election Official to take all other action necessary for the proper conduct thereof. The Designated Election Official shall act as the primary contact with the Clerk and Recorder of Boulder County, Colorado (the “County”) and shall be primarily responsible for ensuring the proper conduct of the Election, including, but not limited to, distributing, handling, and counting of ballots and the survey of returns, taking the necessary steps to protect the confidentiality of the ballots cast and the integrity of the Election, appointing election judges as necessary, appointing the board of canvassers, arranging for the required notices of the Election and printing of ballots, maintaining a permanent absentee voter list, and directing that all other appropriate actions be accomplished.

3. The Board hereby directs the Designated Election Official to provide public notice of a call for nominations for the Election in accordance with the requirements of Section 1-13.5-501, C.R.S., which shall include information regarding the director offices to be voted upon at the Election, where a self-nomination and acceptance form or letter may be obtained, the deadline for submitting the self-nomination and acceptance form or letter to the Designated Election Official, and information on obtaining an absentee ballot. The notice shall be emailed to each active registered elector of the District as specified in the registration list provided by the Boulder County Clerk and Recorder as of

the date that is one hundred fifty (150) days prior to the date of the Election or, if no email address is on file, by mail as provided in Section 1-13.5-501(1.7), C.R.S. In addition, public notice shall be provided by posting the information on the official website of the District.

4. The Board deems it expedient for the convenience of the electors that it shall establish a polling place & drop-off location for all regular and special elections of the District. There shall be one (1) polling place & drop-off location for the elections. This polling place & drop-off location shall be used for any regular or special elections to be held in 2023 and in each year thereafter until such polling place & drop-off location is changed by duly adopted resolution of the Board. Such polling place & drop-off location shall be located at 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228. All voters for the District, including handicapped and nonresident voters unless otherwise permitted by law, shall return their ballots to the designated polling place & drop-off location by mail or delivery. All eligible electors may also obtain a replacement ballot from the polling place & drop-off location until 7:00 P.M. on election day in accordance with Section 1-13.5-1105(4), C.R.S. A map showing the District's boundaries is on file at the offices of Special District Management Services, Inc. and is available for examination by all interested persons.

5. Applications for an absentee voter's ballot or for permanent absentee voter status may be filed with the Designated Election Official, 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228, between the hours of 8:00 a.m. and 5:00 p.m., until the close of business on the Tuesday immediately preceding the Election (April 25, 2023).

6. Pursuant to Section 1-13.5-303, C.R.S., all candidates must file a self-nomination and acceptance form or letter signed by the candidate and by an eligible elector of the District as a witness to the signature of the candidate with the Designated Election Official no later than 5:00 P.M. on the day that is sixty-seven (67) days prior to the Election (February 24, 2023). Self-nomination and acceptance forms are available at the Designated Election Official's office located at the above address.

7. Pursuant to Section 1-13.5-513, C.R.S., the Board hereby authorizes and directs the Designated Election Official to cancel the Election and declare the candidates elected if, at or after the close of business on the sixty-third (63<sup>rd</sup>) day before the Election (February 28, 2023), there are not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, and so long as the only matter before the electors is the election of persons to office. Under these circumstances, the Board further authorizes and directs the Designated Election Official to provide notice of the cancellation by publication in accordance with Section 1-13.5-501, C.R.S. and to post notice of the cancellation at each polling location, the office of the Designated Election Official, the Boulder County Clerk and Recorder's Office, and with the Division. The Designated Election Official shall also file notice and a copy of this Resolution authorizing the cancellation of the Election with the Division pursuant to Section 1-11-103(3), C.R.S. The Designated Election Official shall also notify the candidates that the Election was canceled and they were elected by acclamation.

8. In accordance with Sections 1-11-103(3) & 32-1-104(1), C.R.S., the District directs the Designated Election Official to notify the Division of the results of any elections held by the

District, including the District's business address, telephone number, and contact person within thirty (30) days after the Election (June 1, 2023).

9. The Designated Election Official and the officers, agents, consultants, and employees, if any, of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

10. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board, the Designated Election Official, and the officers, agents, consultants, and employees, if any, of the District, and directed toward holding the Election for the purposes stated herein are hereby ratified, approved, and confirmed.

11. All prior acts, orders, or resolutions, or parts thereof, by the District in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order, or resolution, or part thereof, heretofore repealed.

12. If any section, paragraph, clause, or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

13. The District shall be responsible for the payment of any and all costs associated with the conduct of the Election, including its cancellation, if necessary, and those costs incurred pursuant to the terms and conditions of an election agreement with the County, if any.

14. This Resolution shall take effect on the date and at the time of its adoption.

**[Remainder of page intentionally left blank.]**

Whereupon, a motion was made and seconded, and upon a majority vote, this Resolution was approved by the Board.

**ADOPTED AND APPROVED THIS 19TH DAY OF OCTOBER, 2022.**

**STC METROPOLITAN DISTRICT NO. 3**

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James A. Brzostowicz, President

ATTEST:

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Peggy Ripko, Secretary

STC Metropolitan District No. 3  
Financial Statements

August 31, 2022

ACCOUNTANT'S COMPILATION REPORT

Board of Directors  
STC Metropolitan District No. 3

Management is responsible for the accompanying financial statements of each major fund of STC Metropolitan District No. 3, as of and for the period ended August 31, 2022 which are comprised of the Balance Sheet and the related Statement of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual – Governmental Funds and account groups for the eight months then ended in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with the Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

Management has elected to omit the Statement of Net Position, Statement of Activities, Management Discussion and Analysis and all of the disclosures required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the District's financial position and results of operations. Accordingly, the financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to STC Metropolitan District No. 3 because we performed certain accounting services that impaired our independence.

*Simmons & Wheeler P.C.*

September 30, 2022  
Englewood, Colorado

STC Metropolitan District No 3  
Balance Sheet - Governmental Funds and Account Groups  
August 31, 2022

See Accountant's Compilation Report

|                        | <u>General<br/>Fund</u> | <u>Debt<br/>Service<br/>Fund</u> | <u>Total<br/>All Funds</u> |
|------------------------|-------------------------|----------------------------------|----------------------------|
| Assets                 |                         |                                  |                            |
| Current assets         |                         |                                  |                            |
| SURA Taxes Receivable  | \$ -                    | \$ -                             | \$ -                       |
| Due to District No. 2  | -                       | -                                | -                          |
| Taxes Receivable       | <u>163</u>              | <u>519</u>                       | <u>682</u>                 |
| Total assets           | \$ <u><u>163</u></u>    | \$ <u><u>519</u></u>             | \$ <u><u>682</u></u>       |
| Liabilities and Equity |                         |                                  |                            |
| Current liabilities    |                         |                                  |                            |
| Due to District No. 2  | \$ <u>163</u>           | \$ <u>519</u>                    | \$ <u>682</u>              |
| Total liabilities      | <u>163</u>              | <u>519</u>                       | <u>682</u>                 |
| Fund Equity            |                         |                                  |                            |
| Fund balance (deficit) | <u>-</u>                | <u>-</u>                         | <u>-</u>                   |
|                        | <u>-</u>                | <u>-</u>                         | <u>-</u>                   |
|                        | \$ <u><u>163</u></u>    | \$ <u><u>519</u></u>             | \$ <u><u>682</u></u>       |

STC Metropolitan District No 3  
Statement of Revenues, Expenditures and Changes in Fund Balance  
Budget and Actual  
For the 8 Months Ended August 31, 2022  
General Fund

See Accountant's Compilation Report

|  | Annual<br><u>Budget</u> | <u>Actual</u>     | Variance<br>Favorable<br><u>(Unfavorable)</u> |
|--|-------------------------|-------------------|---|
| Revenues   |                         |                   |   |
| Property Taxes   | \$ 79                   | \$ 81             | \$ 2  |
| Specific Ownership Taxes                                 | 90                      | 1,492             | 1,402   |
| Interest income  | -                       | -                 | -   |
| SURA Property Tax Increment                              | <u>53,160</u>           | <u>48,501</u>     | <u>(4,659)</u>                                |
| <br>Total revenues                                       | <br><u>53,329</u>       | <br><u>50,074</u> | <br><u>(3,255)</u>                            |
| Expenditures   |                         |                   |   |
| Treasurer's Fees   | 1                       | 1                 | -   |
| Transfer to District 2                                   | <u>53,328</u>           | <u>50,073</u>     | <u>3,255</u>                                  |
| <br>Total expenditures                                   | <br><u>53,329</u>       | <br><u>50,074</u> | <br><u>3,255</u>                              |
| <br>Excess (deficiency) of revenues<br>over expenditures | <br>-                   | <br>-             | <br>-   |
| <br>Fund balance - beginning                             | <br><u>-</u>            | <br><u>-</u>      | <br><u>-</u>                                  |
| <br>Fund balance - ending                                | <br><u>\$ -</u>         | <br><u>\$ -</u>   | <br><u>\$ -</u>                               |

STC Metropolitan District No 3  
Statement of Revenues, Expenditures and Changes in Fund Balance  
Budget and Actual  
For the 8 Months Ended August 31, 2022  
Debt Service Fund

See Accountant's Compilation Report

|  | Annual<br><u>Budget</u> | Actual         | Variance<br>Favorable<br><u>(Unfavorable)</u> |
|--|-------------------------|----------------|---|
| Revenues   |                         |                |   |
| Property Taxes                                       | \$ 159                  | \$ 161         | \$ 2  |
| Specific Ownership Taxes                             | 3,259                   | 2,984          | (275)   |
| SURA Property Tax Increment                          | 107,940                 | 98,263         | (9,677)                                       |
| Interest income                                      | <u>-</u>                | <u>-</u>       | <u>-</u>                                      |
| Total revenues                                       | <u>111,358</u>          | <u>101,408</u> | <u>(9,950)</u>                                |
| Expenditures   |                         |                |   |
| Treasurer's Fees                                     | 2                       | 2              | -   |
| Transfer to District 2                               | <u>111,356</u>          | <u>101,406</u> | <u>9,950</u>                                  |
| Total expenditures                                   | <u>111,358</u>          | <u>101,408</u> | <u>9,950</u>                                  |
| Excess (deficiency) of revenues<br>over expenditures | -                       | -              | -   |
| Fund balance - beginning                             | <u>-</u>                | <u>-</u>       | <u>-</u>                                      |
| Fund balance - ending                                | <u>\$ -</u>             | <u>\$ -</u>    | <u>\$ -</u>                                   |



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**Dazzio & Associates, PC**  
**Certified Public Accountants**

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October 11, 2022

To the Board of Directors and Management  
STC Metropolitan District No. 3  
c/o Special District Management Services, Inc.  
141 Union Blvd, Suite 150  
Lakewood, Colorado 80228

We are pleased to confirm our understanding of the services we are to provide STC Metropolitan District No. 3 (the District) for the year ended December 31, 2022.

**Audit Scope and Objectives**

We will audit the financial statements of the governmental activities and each major fund and the disclosures, which collectively comprise the basic financial statements of the District as of and for the year ended December 31, 2022.

We have also been engaged to report on supplementary information that accompanies the District's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a in a report combined with our auditor's report on the financial statements:

- 1) Schedule of Revenues, Expenditures and Changes in Fund Balance –Budget and Actual – Debt Service Fund

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

## **Auditor’s Responsibilities for the Audit of the Financial Statements**

We will conduct our audit in accordance with GAAS and will include tests of your accounting records and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government’s ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, confirmation of certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

Our audit of the financial statements does not relieve you of your responsibilities.

## **Audit Procedures—Internal Control**

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not

designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the District's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

### **Other Services**

We will also prepare the financial statements of the District in conformity with accounting principles generally accepted in the United States of America based on information provided by you.

We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities for the financial statement preparation services and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

### **Responsibilities of Management for the Financial Statements**

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with accounting principles generally accepted in the United States of America with the oversight of those charged with governance.

Management is responsible for making drafts of financial statements, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) additional information that we may request for the purpose of the audit; and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with accounting principles generally accepted in the United States of America (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

#### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all confirmations we request and will locate any documents selected by us for testing.

The audit documentation for this engagement is the property of Dazzio & Associates, PC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to a regulatory agency or its designee. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Dazzio & Associates, PC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to a regulatory agency or its designee. The regulatory agency or its designee may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

Stephen Dazzio is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

Our fee for services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$4,200. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

### **Reporting**

We will issue a written report upon completion of our audit of the District's financial statements. Our report will be addressed to the Board of Directors of the District. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or withdraw from this engagement.

We appreciate the opportunity to be of service to the District and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy and return it to us.

Very truly yours,

*Dazzio & Associates, P.C.*

Dazzio & Associates, PC

RESPONSE:

This letter correctly sets forth the understanding of STC Metropolitan District No. 3.

Management signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Board signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**RESOLUTION NO. 2022-10-\_\_**  
**RESOLUTION FOR SECOND AMENDMENT TO 2021 BUDGET**

**COMES NOW**, James A. Brzostowicz, the President of the STC Metropolitan District No. 3 (the “District”), and certifies that at a special meeting of the Board of Directors of the District held, Wednesday, the 19th day of October 2022, at 9:00 A.M., via video conference at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone conference at Dial-In: 1-253-215-8782, Meeting ID: 897 9736 4658, Passcode: 115782, the following Resolution was adopted by affirmative vote of a majority of the Board of Directors, to-wit:

**WHEREAS**, the Board of Directors of the District appropriated funds for the fiscal year 2021 as follows:

|              |          |
|--------------|----------|
| General Fund | \$ 3,637 |
|--------------|----------|

and;

**WHEREAS**, the necessity has arisen for additional expenditures and transfers by the District due to additional costs which could not have been reasonably anticipated at the time of adoption of the budget, requiring the expenditure of funds in excess of those appropriated for the fiscal year 2021; and

**WHEREAS**, funds are available for such an expenditure and transfer from surplus revenue funds of the District; and

**WHEREAS**, due and proper notice was published on Saturday, October 8, 2022 in the *Boulder Daily Camera*, indicating (i) the date and time of the hearing at which the adoption of the proposed second amendment will be considered; (ii) that the proposed second amendment is available for inspection by the public at a designated place; and (iii) that any interested persons may file any objections to the proposed second amendment of the budget at any time prior to the final adoption of the budget by the District, as shown on the publisher’s Affidavit of Publication attached hereto as Exhibit A and incorporated herein by this reference; and

**WHEREAS**, the proposed second amendment was open for inspection by the public at a designated place; and

**WHEREAS**, a public hearing was held on Wednesday, October 19, 2022, and interested persons were given the opportunity to file or register any objections to said proposed second amendment and any such objections were considered by the Board of Directors; and

**NOW THEREFORE, BE IT RESOLVED** that the Board of Directors of the District shall and hereby does amend the budget for the fiscal year 2021 as follows:

General Fund

\$ 3,740

**BE IT FURTHER RESOLVED**, that such sums are hereby appropriated from the revenues of the District to the General Fund for the purpose stated, and that any ending fund balances shall be reserved for purposes of Article X, Section 20 of the Colorado Constitution.

Whereupon, a motion was made by Director \_\_\_\_\_ and seconded by Director \_\_\_\_\_, and upon a unanimous vote this Resolution was approved by the Board of Directors.

**APPROVED AND ADOPTED THIS 19TH DAY OF OCTOBER, 2022.**

STC METROPOLITAN DISTRICT NO. 3

\_\_\_\_\_  
By: James A. Brzostowicz, President

ATTEST:

\_\_\_\_\_  
By: Peggy Ripko, Secretary

**STC METROPOLITAN DISTRICT NO. 3**

**STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL  
GENERAL FUND**

**For the Year Ended December 31, 2021  
(With Comparative Totals for the Year Ended December 31, 2020)**

|                                   | <b>Original and<br/>Final<br/>Budget</b> | <b>Actual<br/>Amounts</b> | <b>Variance with<br/>Final Budget -<br/>Positive<br/>(Negative)</b> | <b>2020<br/>Actual</b> |
|-----------------------------------|--|---------------------------|---|------------------------|
| <b>Revenues</b>                   |  |                           |   |                        |
| Property Taxes                    | \$ 6                                     | \$ 5                      | \$ (1)  | \$ 47                  |
| Specific Ownership Tax            | 90                                       | 178                       | 88  | 1,342                  |
| SURA Property Tax Increment       | 3,541                                    | 3,539                     | (2)   | 25,945                 |
| Interest Income                   | -  | 18                        | 18  | -                      |
| <b>Total Revenues</b>             | <b>3,637</b>                             | <b>3,740</b>              | <b>103</b>  | <b>27,334</b>          |
| <b>Expenditures</b>               |  |                           |   |                        |
| County Treasurer Fees             | -  | -                         | -   | 1                      |
| Transfer to District No. 2        | 3,637                                    | 3,740                     | (103)   | 27,333                 |
| <b>Total Expenditures</b>         | <b>3,637</b>                             | <b>3,740</b>              | <b>(103)</b>  | <b>27,334</b>          |
| <b>Net Change in Fund Balance</b> | <b>-</b>                                 | <b>-</b>                  | <b>-</b>  | <b>-</b>               |
| <b>Fund Balance - Beginning</b>   | <b>-</b>                                 | <b>-</b>                  | <b>-</b>  | <b>-</b>               |
| <b>Fund Balance - Ending</b>      | <b>\$ -</b>                              | <b>\$ -</b>               | <b>\$ -</b>   | <b>\$ -</b>            |

The notes to the financial statements are an integral part of this statement.

**EXHIBIT A**

Notice of Special Meeting  
Affidavit of Publication

Notice as to Second Amendment to 2021 Budget and Hearing

**NOTICE AS TO PROPOSED AMENDED 2021 BUDGET AND HEARING  
STC METROPOLITAN DISTRICT NO. 3**

**NOTICE IS HEREBY GIVEN** that a proposed amended budget will be submitted to the **STC METROPOLITAN DISTRICT NO. 3** for the year of 2021. A copy of such proposed amended budget has been filed in the office of Simmons & Wheeler, P.C., 304 Inverness Way South, Suite 490, Englewood, Colorado, where same is open for public inspection. Such proposed amended budget will be considered at a hearing at the special meeting of the STC Metropolitan District No. 3 to be held at 9:00 A.M., on Wednesday, October 19, 2022. The meeting will be held via video conference at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone conference at Dial-In: 1-253-215-8782, Meeting ID: 897 9736 4658, Passcode: 115782. Any interested elector within STC Metropolitan District No. 3 may inspect the proposed amended budget and file or register any objections at any time prior to the final adoption of the amended 2021 budget.

**BY ORDER OF THE BOARD OF DIRECTORS:  
STC METROPOLITAN DISTRICT NO. 3**

By: /s/ ICENOGLE | SEAVER | POGUE  
A Professional Corporation

Publish In: *Boulder Daily Camera*  
Publish On: Saturday, October 8, 2022

**RESOLUTION NO. 2022-10-\_\_**  
**RESOLUTION TO AMEND 2022 BUDGET**

**COMES NOW**, James A. Brzostowicz, the President of the STC Metropolitan District No. 3 (the “District”), and certifies that at a special meeting of the Board of Directors of the District held, Wednesday, the 19th day of October, 2022, at 9:00 A.M., via video conference at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone conference at Dial-In: 1-253-215-8782, Meeting ID: 897 9736 4658, Passcode: 115782, the following Resolution was adopted by affirmative vote of a majority of the Board of Directors, to-wit:

WHEREAS, the Board of Directors of the District appropriated funds for the fiscal year 2022 as follows:

|                   |            |
|-------------------|------------|
| General Fund      | \$ 53,329  |
| Debt Service Fund | \$ 111,357 |
| and;              |            |

WHEREAS, the necessity has arisen for additional expenditures and transfers by the District due to additional costs which could not have been reasonably anticipated at the time of adoption of the budget, requiring the expenditure of funds in excess of those appropriated for the fiscal year 2022; and

WHEREAS, funds are available for such an expenditure and transfer from surplus revenue funds of the District; and

WHEREAS, due and proper notice was published on Saturday, October 8, 2022 in the *Boulder Daily Camera*, indicating (i) the date and time of the hearing at which the adoption of the proposed 2022 budget amendment will be considered; (ii) that the proposed budget amendment is available for inspection by the public at a designated place; and (iii) that any interested persons may file any objections to the proposed budget amendment at any time prior to the final adoption of the budget by the District, as shown on the publisher’s Affidavit of Publication attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the proposed budget amendment was open for inspection by the public at a designated place; and

WHEREAS, a public hearing was held on Wednesday, October 19, 2022, and interested persons were given the opportunity to file or register any objections to said proposed budget amendment and any such objections were considered by the Board of Directors; and

**NOW THEREFORE, BE IT RESOLVED** that the Board of Directors of the District shall and hereby does amend the budget for the fiscal year 2022 as follows:

|                   |            |
|-------------------|------------|
| General Fund      | \$ 55,280  |
| Debt Service Fund | \$ 111,357 |

**BE IT FURTHER RESOLVED**, that such sums are hereby appropriated from the revenues of the District to the General Fund and Debt Service Fund for the purpose stated, and that any ending fund balances shall be reserved for purposes of Article X, Section 20 of the Colorado Constitution.

Whereupon, a motion was made by Director \_\_\_\_\_ and seconded by Director \_\_\_\_\_, and upon a unanimous vote this Resolution was approved by the Board of Directors.

**APPROVED AND ADOPTED THIS 19TH DAY OF OCTOBER, 2022.**

STC METROPOLITAN DISTRICT NO. 3

\_\_\_\_\_  
By: James A. Brzostowicz, President

ATTEST:

\_\_\_\_\_  
By: Peggy Ripko, Secretary

**EXHIBIT A**

Notice of Special Meeting  
Affidavit of Publication  
Notice as to Proposed 2022 Budget Amendment

**NOTICE AS TO PROPOSED AMENDED 2022 BUDGET AND HEARING  
STC METROPOLITAN DISTRICT NO. 3**

**NOTICE IS HEREBY GIVEN** that a proposed amended budget will be submitted to the **STC METROPOLITAN DISTRICT NO. 3** for the year of 2022. A copy of such proposed amended budget has been filed in the office of Simmons & Wheeler, P.C., 304 Inverness Way South, Suite 490, Englewood, Colorado, where same is open for public inspection. Such proposed amended budget will be considered at a hearing at the special meeting of the STC Metropolitan District No. 3 to be held at 9:00 A.M., on Wednesday, October 19, 2022. The meeting will be held via video conference at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone conference at Dial-In: 1-253-215-8782, Meeting ID: 897 9736 4658, Passcode: 115782. Any interested elector within STC Metropolitan District No. 3 may inspect the proposed amended budget and file or register any objections at any time prior to the final adoption of the amended 2022 budget.

**BY ORDER OF THE BOARD OF DIRECTORS:  
STC METROPOLITAN DISTRICT NO. 3**

By: /s/ ICENOGLE | SEAVER | POGUE  
A Professional Corporation

Publish In: *Boulder Daily Camera*  
Publish On: Saturday, October 8, 2022



## Cynthia Braddock

PO Box 471, 13<sup>th</sup> and Pearl  
Boulder, Colorado 80306-0471

Phone: (303) 441-3530

FAX: (303) 441-4996

[www.BoulderCountyAssessor.org](http://www.BoulderCountyAssessor.org)



August 24, 2022

Superior Town Center Metro District #3  
Special District Management Services  
141 Union Blvd Ste #150  
Lakewood, CO 80228-1898

This is to certify that, as of August 24th, per C.R.S. 39-5-128(1) the assessed value of the Superior Town Center Metro District #3, for the purpose of taxation for the year 2022 is:

4,067

Per C.R.S. 39-5-128(3), this figure represents the value remaining after the following Urban Renewal Area/Downtown Authority tax increments have been deducted from the total valuation for your district:

|   | BASE  | INCREMENT |
|---|-------|-----------|
| Superior Town Center Urban Renewal Plan | 4,067 | 2,478,291 |

This valuation is subject to change by the County Board of Equalization (C.R.S. 39-8-107(2)), the State Board of Assessment Appeals (C.R.S. 39-2-125), the State Board of Equalization (C.R.S. 39-9-103), and the correction of errors by the Assessor or Treasurer (C.R.S. 39-5-125.2).

Values listed in the enclosed Certification letter are **preliminary values and should not be used to determine your budget and/or mill levy for next year.**

If you have any questions about the value or other information on this letter, need to update your district contact information please contact Erin Gray at [egray@bouldercounty.org](mailto:egray@bouldercounty.org).

Sincerely,

Cynthia Braddock  
Boulder County Assessor

County Tax Entity Code 083101

STCMD3

New Tax Entity  YES  NO

CERTIFICATION OF VALUATION BY BOULDER COUNTY ASSESSOR

DOLA LGID/SID \_\_\_\_\_/\_\_\_\_\_

Date: August 24, 2022

NAME OF TAX ENTITY: STC METROPOLITAN DISTRICT 3

USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATIONS (5.5% LIMIT) ONLY

IN ACCORDANCE WITH 39-5-121(2)(a) and 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTAL VALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR :

Table with 11 rows of valuation items and amounts. Includes items like 'PREVIOUS YEAR'S NET TOTAL ASSESSED VALUATION' and 'CURRENT YEAR'S GROSS TOTAL ASSESSED VALUATION'.

† This value reflects personal property exemption IF enacted by the jurisdiction as authorized by Art . X, Sec. 20(8)(b), Colo. Constitution
\* New Construction is defined as: Taxable real property structures and personal property connected with the structure .
≈ Jurisdiction must submit to the Division of Local Government respective Certifications of Impact in order for the values to be treated as growth in the limit calculation; use forms DLG52 & 52A.
⊕ Jurisdiction must apply to the Division of Local Government before the value can be treated as growth in the limit calculation; use Form (DLG 52B).

USE FOR TABOR "LOCAL GROWTH" CALCULATION ONLY

IN ACCORDANCE WITH ART. X, SEC.20, COLO.CONSTITUTION AND 39-5-121(2)(b), C.R.S., THE ASSESSOR CERTIFIES THE TOTAL ACTUAL VALUATION FOR THE TAXABLE YEAR :

Table with 7 rows of actual valuation items and amounts. Includes items like 'CURRENT YEAR'S TOTAL ACTUAL VALUE OF ALL REAL PROPERTY' and 'CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS'.

DELETIONS FROM TAXABLE REAL PROPERTY

Table with 3 rows of deletion items and amounts. Includes items like 'DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS' and 'DISCONNECTIONS/EXCLUSIONS'.

¶ This includes the actual value of all taxable real property plus the actual value of religious, private schools, and charitable real property.
\* Construction is defined as newly constructed taxable real property structures.
§ Includes production from a new mines and increase in production of existing producing mines.

IN ACCORDANCE WITH 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES TO SCHOOL DISTRICTS:

TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY \$ \$0

IN ACCORDANCE WITH 39-5-128(1.5), C.R.S., THE ASSESSOR PROVIDES:

HB21-1312 VALUE OF EXEMPT BUSINESS PERSONAL PROPERTY (ESTIMATED): \*\* \$ \$0

\*\* The tax revenue lost to this exempted value will be reimbursed to the tax entity by the County Treasurer in accordance with 39-3-119.5(3), C.R.S.

NOTE: ALL LEVIES MUST BE CERTIFIED to the COUNTY COMMISSIONERS NO LATER THAN DECEMBER 15.

DLG 57 (Rev. 6/21)

**STC Metropolitan District No. 3**  
**Proposed Budget**  
**General Fund**  
**For the Year Ended December 31, 2022**

|                              | Actual<br><u>2021</u> | Proposed<br>Budget<br><u>2022</u> | Actual<br>6/30/2022 | Estimate<br><u>2022</u> | Proposed<br>Budget<br><u>2023</u> |
|------------------------------|-----------------------|-----------------------------------|---------------------|-------------------------|-----------------------------------|
| Beginning balance            | \$ -                  | \$ -                              | \$ -                | \$ -                    | \$ -                              |
| Revenues:                    |                       |                                   |                     |                         |                                   |
| Property taxes               | 5                     | 79                                | 80                  | 80                      | 41                                |
| SURA Property Tax Increment  | 3,539                 | 53,160                            | 48,502              | 53,000                  | 24,411                            |
| Specific ownership taxes     | 178                   | 90                                | 1,140               | 2,200                   | 90                                |
| Interest Income              | 18                    | -                                 | -                   | -                       | -                                 |
| Miscellaneous Income         | -                     | -                                 | -                   | -                       | -                                 |
| Total Revenue                | <u>3,740</u>          | <u>53,329</u>                     | <u>49,722</u>       | <u>55,280</u>           | <u>24,542</u>                     |
| Total Funds Available        | <u>3,740</u>          | <u>53,329</u>                     | <u>49,722</u>       | <u>55,280</u>           | <u>24,542</u>                     |
| Expenditures:                |                       |                                   |                     |                         |                                   |
| Treasurer's Fees             | -                     | 1                                 | 1                   | 1                       | 1                                 |
| Total expenditures           | <u>-</u>              | <u>1</u>                          | <u>1</u>            | <u>1</u>                | <u>1</u>                          |
| Transfers and Reserves       |                       |                                   |                     |                         |                                   |
| Transfer to STCMD No. 2      | 3,740                 | 53,328                            | 20,382              | 55,279                  | 24,541                            |
| Emergency Reserve            | -                     | -                                 | -                   | -                       | -                                 |
| Total expenditures           | <u>3,740</u>          | <u>53,328</u>                     | <u>20,382</u>       | <u>55,279</u>           | <u>24,541</u>                     |
| Ending balance               | <u>\$ -</u>           | <u>\$ -</u>                       | <u>\$ 29,339</u>    | <u>\$ -</u>             | <u>\$ -</u>                       |
| Assessed Valuation Gross     |                       | <u>\$ 5,404,948</u>               |                     |                         | <u>\$ 2,482,358</u>               |
| Assessed Valuation Increment |                       | <u>\$ 5,397,001</u>               |                     |                         | <u>\$ 2,478,291</u>               |
| Assessed Valuation           |                       | <u>\$ 7,947</u>                   |                     |                         | <u>\$ 4,067</u>                   |
| Mill Levy                    |                       | <u>10.000</u>                     |                     |                         | <u>10.000</u>                     |

**STC Metropolitan District No. 3**  
**Proposed Budget**  
**Debt Service Fund**  
**For the Year Ended December 31, 2022**

|                              | Actual<br><u>2021</u> | Proposed<br>Budget<br><u>2022</u> | Actual<br><u>6/30/2022</u> | Estimate<br><u>2022</u> | Proposed<br>Budget<br><u>2023</u> |
|------------------------------|-----------------------|-----------------------------------|----------------------------|-------------------------|-----------------------------------|
| Beginning balance            | \$ -                  | \$ -                              | \$ -                       | \$ -                    | \$ -                              |
| Revenues:                    |                       |                                   |                            |                         |                                   |
| Property taxes               | 11                    | 159                               | 161                        | 161                     | 81                                |
| SURA Property Tax Increment  | 7,078                 | 107,940                           | 98,263                     | 105,000                 | 49,566                            |
| Specific Ownership Taxes     | 357                   | 3,259                             | 2,280                      | 4,500                   | 3,259                             |
| Interest income              | <u>36</u>             | <u>-</u>                          | <u>-</u>                   | <u>-</u>                | <u>-</u>                          |
| Total Revenue                | <u>7,482</u>          | <u>111,358</u>                    | <u>100,704</u>             | <u>109,661</u>          | <u>52,906</u>                     |
| Total Funds Available        | <u>7,482</u>          | <u>111,358</u>                    | <u>100,704</u>             | <u>109,661</u>          | <u>52,906</u>                     |
| Expenditures:                |                       |                                   |                            |                         |                                   |
| Treasurer's Fees             | <u>1</u>              | <u>2</u>                          | <u>2</u>                   | <u>2</u>                | <u>1</u>                          |
| Total expenditures           | <u>1</u>              | <u>2</u>                          | <u>2</u>                   | <u>2</u>                | <u>1</u>                          |
| Transfers and Reserves       |                       |                                   |                            |                         |                                   |
| Transfer to STCMD No. 2      | 7,481                 | 111,356                           | 40,764                     | 109,659                 | 52,905                            |
| Emergency Reserve            | <u>-</u>              | <u>-</u>                          | <u>-</u>                   | <u>-</u>                | <u>-</u>                          |
| Total Transfers and Reserves | <u>7,481</u>          | <u>111,356</u>                    | <u>40,764</u>              | <u>109,659</u>          | <u>52,905</u>                     |
| Ending balance               | <u>\$ -</u>           | <u>\$ -</u>                       | <u>\$ 59,938</u>           | <u>\$ -</u>             | <u>\$ -</u>                       |
| Assessed Valuation Gross     |                       | <u>\$ 5,404,948</u>               |                            |                         | <u>\$ 2,482,358</u>               |
| Assessed Valuation Increment |                       | <u>\$ 5,397,001</u>               |                            |                         | <u>\$ 2,478,291</u>               |
| Assessed Valuation           |                       | <u>\$ 7,947</u>                   |                            |                         | <u>\$ 4,067</u>                   |
| Mill Levy                    |                       | <u>20.000</u>                     |                            |                         | <u>20.000</u>                     |
| Total Mill Levy              |                       | <u>30.000</u>                     |                            |                         | <u>30.000</u>                     |

STATE OF COLORADO  
COUNTY OF BOULDER  
STC METROPOLITAN DISTRICT NO. 3  
2023 BUDGET RESOLUTION

The Board of Directors of the STC Metropolitan District No. 3, Boulder County, Colorado held a special meeting on Wednesday, October 19, 2022, at the hour of 9:00 A.M., via video conference at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone conference at Dial-In: 1-253-215-8782, Meeting ID: 897 9736 4658, Passcode: 115782.

The following members of the Board of Directors were present:

President:

Assistant Secretary:

Also present were:

Ms. Ripko reported that proper notice was made to allow the Board of Directors of the STC Metropolitan District No. 3 to conduct a public hearing on the 2023 budget and, prior to the meeting, each of the directors had been notified of the date, time and place of this meeting and the purpose for which it was called. It was further reported that this meeting is a special meeting of the Board of Directors of the District and that a notice of special meeting was posted at [www.Colorado.gov/stcmd](http://www.Colorado.gov/stcmd), no less than twenty-four hours prior to the holding of the meeting, and to the best of her knowledge, remains posted to the date of this meeting.

Thereupon, Director \_\_\_\_\_ introduced and moved the adoption of the following Resolution:

RESOLUTION

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET, APPROPRIATING SUMS OF MONEY TO EACH FUND IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH HEREIN AND LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2023 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE STC METROPOLITAN DISTRICT NO. 3, BOULDER COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2023 AND ENDING ON THE LAST DAY OF DECEMBER 2023.

WHEREAS, the Board of Directors (the “Board”) of the STC Metropolitan District No. 3 (the “District”) has authorized its treasurer and accountant to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, the proposed budget was submitted to the Board for its review and consideration on or before October 15, 2022; and

WHEREAS, the proposed budget is more than fifty thousand dollars (\$50,000.00), due and proper notice was published on Saturday, October 8, 2022, in the *Boulder Daily Camera*, indicating (i) the date and time of the hearing at which the adoption of the proposed budget will be considered; (ii) that the proposed budget is available for inspection by the public at a designated place; (iii) that any interested elector of the District may file any objections to the proposed budget at any time prior to the final adoption of the budget by the District; and (iv) if applicable, the amount of the District’s increased property tax revenues resulting from a request to the Division of Local Government pursuant to Section 29-1-302(1), C.R.S.; and an original publisher’s Affidavit of Publication is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the proposed budget was open for inspection by the public at the designated place; and

WHEREAS, a public hearing was held on Wednesday, October 19, 2022 and interested electors were given the opportunity to file or register any objections to said proposed budget and any such objections were considered by the Board; and

WHEREAS, the budget being adopted by the Board has been prepared based on the best information available to the Board regarding the effects of Section 29-1-301, C.R.S., and Article X, Section 20 of the Colorado Constitution; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law; and

WHEREAS, pursuant to Section 29-1-113(1), C.R.S., the Board shall cause a certified copy of the budget, including the budget message and any resolutions adopting the budget, appropriating moneys and fixing the rate of any mill levy, to be filed with the Division of Local Government within thirty (30) days following the beginning of the fiscal year of the budget adopted; and

WHEREAS, pursuant to Section 32-1-1201, C.R.S., the Board shall determine in each year the amount of money necessary to be raised by taxation, taking into consideration those items required by law, and shall certify the rate so fixed to the board of county commissioners of each county within the District or having a portion of its territory within the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE STC METROPOLITAN DISTRICT NO. 3, BOULDER COUNTY, COLORADO:

Section 1. Summary of 2023 Revenues and 2023 Expenditures. That the estimated revenues and expenditures for each fund for fiscal year 2023, as more specifically set forth in the budget attached hereto as Exhibit B and incorporated herein by this reference, are accepted and approved.

Section 2. Adoption of Budget. That the budget as submitted, and if amended, then as amended, and attached hereto as Exhibit B and is approved and adopted as the budget of the District for fiscal year 2023. In the event the final assessed valuation provided by the Boulder County Assessor's Office differs from the assessed valuation used in the proposed budget, the District's accountant is hereby directed to modify and/or adjust the budget and mill levy certification as needed to reflect the final assessed valuation without the need for additional Board authorization.

Section 3. Appropriations. That the amounts set forth as expenditures and balances remaining, as specifically allocated in the budget attached, are hereby appropriated from the revenue of each fund, to each fund, for the purposes stated and no other.

Section 4. Budget Certification. That the budget shall be certified by Peggy Ripko, Secretary of the District, and made a part of the public records of the District and a certified copy of the approved and adopted budget shall be filed with the Division of Local Government.

Section 5. 2023 Levy of General Property Taxes. That the attached budget indicates that the amount of money from general property taxes necessary to balance the budget for the General Fund for operating expenses is \$41 and that the 2022 valuation for assessment, as certified by the Boulder County Assessor, is \$4,067. That for the purposes of meeting all general operating expenses of the District during the 2023 budget year, there is hereby levied a tax of 10.000 mills upon each dollar of the total valuation of assessment of all taxable property within the District for the year 2023.

Section 6. 2023 Levy of Debt Retirement Expenses. That the attached budget indicates that the amount of money from general property taxes necessary to balance the budget

for the Debt Service Fund for debt retirement expense is \$81 and that the 2022 valuation for assessment, as certified by the Boulder County Assessor, is \$4,067. That for the purposes of meeting all debt retirement expenses of the District during the 2023 budget year, there is hereby levied a tax of 20.000 mills upon each dollar of the total valuation of assessment of all taxable property within the District for the year 2023.

Section 7. 2023 Mill Levy Adjustment. The Board may adjust the mill levy, as specifically set forth in the District's Service Plan (the "Adjusted Mill Levy"). The Board hereby determines in good faith to establish the Adjusted Mill Levy as set forth in the mill levy certification attached hereto as Exhibit C pursuant to the authority granted by its Service Plan to ensure that the District's revenues shall be neither diminished nor enhanced as a result of the changes effecting the mill levy. Subject to adjustment and finalization by the District's accountant in accordance with Section 2 hereof, the Board further authorizes that the Adjusted Mill Levy be reflected in the District's Certification of Tax Levies to be submitted to the Board of County Commissioners of Boulder County on or before December 15, 2022, for collection in 2023.

Section 8. Certification to County Commissioners. That the Board Secretary and/or District's accountant are hereby authorized and directed to immediately certify to the Board of County Commissioners of Boulder County, the mill levy for the District hereinabove determined and set. That said certification shall be in substantially the following form attached hereto as Exhibit C and incorporated herein by this reference.

**[The remainder of this page is intentionally left blank.]**

The foregoing Resolution was seconded by Director \_\_\_\_\_.

RESOLUTION APPROVED AND ADOPTED THIS 19TH DAY OF OCTOBER 2022.

STC METROPOLITAN DISTRICT NO. 3

By: \_\_\_\_\_  
James A. Brzostowicz  
Its: President

ATTEST:

\_\_\_\_\_  
By: Peggy Ripko  
Its: Secretary

STATE OF COLORADO  
COUNTY OF BOULDER  
STC METROPOLITAN DISTRICT NO. 3

I, Peggy Ripko, hereby certify that I am a director and the duly elected and qualified Assistant Secretary of the STC Metropolitan District No. 3, and that the foregoing constitutes a true and correct copy of the record of proceedings of the Board of Directors of the District, adopted at a special meeting of the Board of Directors of the STC Metropolitan District No. 3, held on Wednesday, October 19, 2022, via video conference at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone conference at Dial-In: 1-253-215-8782, Meeting ID: 897 9736 4658, Passcode: 115782, as recorded in the official record of the proceedings of the District, insofar as said proceedings relate to the budget hearing for fiscal year 2023; that said proceedings were duly had and taken; that the meeting was duly held; and that the persons were present at the meeting as therein shown.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the District this 19th day of October 2022.

---

Peggy Ripko, Secretary

[SEAL]

**EXHIBIT A**

Affidavit  
Notice as to Proposed 2023 Budget

**NOTICE AS TO PROPOSED 2023 BUDGET AND HEARING  
STC METROPOLITAN DISTRICT NO. 3**

**NOTICE IS HEREBY GIVEN** that a proposed budget has been submitted to the **STC METROPOLITAN DISTRICT NO. 3** for the ensuing year of 2023. A copy of such proposed budget has been filed in the office of Simmons & Wheeler, P.C., 304 Inverness Way South, Suite 490, Englewood, Colorado, where same is open for public inspection. Such proposed budget will be considered at a hearing at the special meeting of the STC Metropolitan District No. 3 to be held at 9:00 A.M., on Wednesday, October 19, 2022. The meeting will be held via video conference at <https://us02web.zoom.us/j/89797364658?pwd=SHJkTkdyUmVxYjBYUDcvcHNmN3I0dz09> and via telephone conference at Dial-In: 1-253-215-8782, Meeting ID: 897 9736 4658, Passcode: 115782. Any interested elector within the STC Metropolitan District No. 3 may inspect the proposed budget and file or register any objections at any time prior to the final adoption of the 2023 budget.

**BY ORDER OF THE BOARD OF DIRECTORS:  
STC METROPOLITAN DISTRICT NO. 3**

By: /s/ ICENOGLE | SEAVER | POGUE  
A Professional Corporation

Publish In: *Boulder Daily Camera*  
Publish On: Saturday, October 8, 2022

**EXHIBIT B**

Budget Document  
Budget Message

**STC Metropolitan District No. 3**  
**Proposed Budget**  
**General Fund**  
**For the Year Ended December 31, 2022**

|                              | Actual<br><u>2021</u> | Proposed<br>Budget<br><u>2022</u> | Actual<br>6/30/2022 | Estimate<br><u>2022</u> | Proposed<br>Budget<br><u>2023</u> |
|------------------------------|-----------------------|-----------------------------------|---------------------|-------------------------|-----------------------------------|
| Beginning balance            | \$ -                  | \$ -                              | \$ -                | \$ -                    | \$ -                              |
| Revenues:                    |                       |                                   |                     |                         |                                   |
| Property taxes               | 5                     | 79                                | 80                  | 80                      | 41                                |
| SURA Property Tax Increment  | 3,539                 | 53,160                            | 48,502              | 53,000                  | 24,411                            |
| Specific ownership taxes     | 178                   | 90                                | 1,140               | 2,200                   | 90                                |
| Interest Income              | 18                    | -                                 | -                   | -                       | -                                 |
| Miscellaneous Income         | -                     | -                                 | -                   | -                       | -                                 |
| Total Revenue                | <u>3,740</u>          | <u>53,329</u>                     | <u>49,722</u>       | <u>55,280</u>           | <u>24,542</u>                     |
| Total Funds Available        | <u>3,740</u>          | <u>53,329</u>                     | <u>49,722</u>       | <u>55,280</u>           | <u>24,542</u>                     |
| Expenditures:                |                       |                                   |                     |                         |                                   |
| Treasurer's Fees             | -                     | 1                                 | 1                   | 1                       | 1                                 |
| Total expenditures           | <u>-</u>              | <u>1</u>                          | <u>1</u>            | <u>1</u>                | <u>1</u>                          |
| Transfers and Reserves       |                       |                                   |                     |                         |                                   |
| Transfer to STCMD No. 2      | 3,740                 | 53,328                            | 20,382              | 55,279                  | 24,541                            |
| Emergency Reserve            | -                     | -                                 | -                   | -                       | -                                 |
| Total expenditures           | <u>3,740</u>          | <u>53,328</u>                     | <u>20,382</u>       | <u>55,279</u>           | <u>24,541</u>                     |
| Ending balance               | <u>\$ -</u>           | <u>\$ -</u>                       | <u>\$ 29,339</u>    | <u>\$ -</u>             | <u>\$ -</u>                       |
| Assessed Valuation Gross     |                       | <u>\$ 5,404,948</u>               |                     |                         | <u>\$ 2,482,358</u>               |
| Assessed Valuation Increment |                       | <u>\$ 5,397,001</u>               |                     |                         | <u>\$ 2,478,291</u>               |
| Assessed Valuation           |                       | <u>\$ 7,947</u>                   |                     |                         | <u>\$ 4,067</u>                   |
| Mill Levy                    |                       | <u>10.000</u>                     |                     |                         | <u>10.000</u>                     |

**STC Metropolitan District No. 3**  
**Proposed Budget**  
**Debt Service Fund**  
**For the Year Ended December 31, 2022**

|                              | Actual<br><u>2021</u> | Proposed<br>Budget<br><u>2022</u> | Actual<br><u>6/30/2022</u> | Estimate<br><u>2022</u> | Proposed<br>Budget<br><u>2023</u> |
|------------------------------|-----------------------|-----------------------------------|----------------------------|-------------------------|-----------------------------------|
| Beginning balance            | \$ -                  | \$ -                              | \$ -                       | \$ -                    | \$ -                              |
| Revenues:                    |                       |                                   |                            |                         |                                   |
| Property taxes               | 11                    | 159                               | 161                        | 161                     | 81                                |
| SURA Property Tax Increment  | 7,078                 | 107,940                           | 98,263                     | 105,000                 | 49,566                            |
| Specific Ownership Taxes     | 357                   | 3,259                             | 2,280                      | 4,500                   | 3,259                             |
| Interest income              | <u>36</u>             | <u>-</u>                          | <u>-</u>                   | <u>-</u>                | <u>-</u>                          |
| Total Revenue                | <u>7,482</u>          | <u>111,358</u>                    | <u>100,704</u>             | <u>109,661</u>          | <u>52,906</u>                     |
| Total Funds Available        | <u>7,482</u>          | <u>111,358</u>                    | <u>100,704</u>             | <u>109,661</u>          | <u>52,906</u>                     |
| Expenditures:                |                       |                                   |                            |                         |                                   |
| Treasurer's Fees             | <u>1</u>              | <u>2</u>                          | <u>2</u>                   | <u>2</u>                | <u>1</u>                          |
| Total expenditures           | <u>1</u>              | <u>2</u>                          | <u>2</u>                   | <u>2</u>                | <u>1</u>                          |
| Transfers and Reserves       |                       |                                   |                            |                         |                                   |
| Transfer to STCMD No. 2      | 7,481                 | 111,356                           | 40,764                     | 109,659                 | 52,905                            |
| Emergency Reserve            | <u>-</u>              | <u>-</u>                          | <u>-</u>                   | <u>-</u>                | <u>-</u>                          |
| Total Transfers and Reserves | <u>7,481</u>          | <u>111,356</u>                    | <u>40,764</u>              | <u>109,659</u>          | <u>52,905</u>                     |
| Ending balance               | <u>\$ -</u>           | <u>\$ -</u>                       | <u>\$ 59,938</u>           | <u>\$ -</u>             | <u>\$ -</u>                       |
| Assessed Valuation Gross     |                       | <u>\$ 5,404,948</u>               |                            |                         | <u>\$ 2,482,358</u>               |
| Assessed Valuation Increment |                       | <u>\$ 5,397,001</u>               |                            |                         | <u>\$ 2,478,291</u>               |
| Assessed Valuation           |                       | <u>\$ 7,947</u>                   |                            |                         | <u>\$ 4,067</u>                   |
| Mill Levy                    |                       | <u>20.000</u>                     |                            |                         | <u>20.000</u>                     |
| Total Mill Levy              |                       | <u>30.000</u>                     |                            |                         | <u>30.000</u>                     |

**EXHIBIT C**

Certification of Tax Levy

# CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments

**TO:** County Commissioners<sup>1</sup> of \_\_\_\_\_, Colorado.

On behalf of the \_\_\_\_\_,  
(taxing entity)<sup>A</sup>  
 the \_\_\_\_\_,  
(governing body)<sup>B</sup>  
 of the \_\_\_\_\_,  
(local government)<sup>C</sup>

**Hereby** officially certifies the following mills to be levied against the taxing entity's GROSS \$ \_\_\_\_\_ assessed valuation of: (GROSS<sup>D</sup> assessed valuation, Line 2 of the Certification of Valuation Form DLG 57<sup>E</sup>)

**Note:** If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area<sup>F</sup> the tax levies must be calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET assessed valuation of: \$ \_\_\_\_\_ (NET<sup>G</sup> assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)  
**USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED BY ASSESSOR NO LATER THAN DECEMBER 10**

**Submitted:** \_\_\_\_\_ for budget/fiscal year \_\_\_\_\_.  
(no later than Dec. 15) (mm/dd/yyyy) (yyyy)

| PURPOSE <small>(see end notes for definitions and examples)</small>                                  | LEVY <sup>2</sup>   | REVENUE <sup>2</sup>   |
|--|---|--|
| 1. General Operating Expenses <sup>H</sup>   | _____ mills   | \$ _____   |
| 2. <Minus> Temporary General Property Tax Credit/<br>Temporary Mill Levy Rate Reduction <sup>I</sup> | < _____ > mills   | \$ < _____ >   |
| <b>SUBTOTAL FOR GENERAL OPERATING:</b>   | <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span> mills | <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span> \$ |
| 3. General Obligation Bonds and Interest <sup>J</sup>  | _____ mills   | \$ _____   |
| 4. Contractual Obligations <sup>K</sup>  | _____ mills   | \$ _____   |
| 5. Capital Expenditures <sup>L</sup>   | _____ mills   | \$ _____   |
| 6. Refunds/Abatements <sup>M</sup>   | _____ mills   | \$ _____   |
| 7. Other <sup>N</sup> (specify): _____   | _____ mills   | \$ _____   |
|  | _____ mills   | \$ _____   |
| <b>TOTAL:</b> <small>[ Sum of General Operating Subtotal and Lines 3 to 7 ]</small>                  | <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span> mills | <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span> \$ |

Contact person: \_\_\_\_\_ Daytime phone: ( ) \_\_\_\_\_  
 (print)

Signed: \_\_\_\_\_ Title: \_\_\_\_\_

*Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 864-7720.*

<sup>1</sup> If the *taxing entity's* boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.

<sup>2</sup> Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's **FINAL** certification of valuation).

**CERTIFICATION OF TAX LEVIES, continued**

**THIS SECTION APPLIES TO TITLE 32, ARTICLE 1 SPECIAL DISTRICTS THAT LEVY TAXES FOR PAYMENT OF GENERAL OBLIGATION DEBT (32-1-1603 C.R.S.).** Taxing entities that are

Special Districts or Subdistricts of Special Districts must certify separate mill levies and revenues to the Board of County Commissioners, one each for the funding requirements of each debt (32-1-1603, C.R.S.) Use additional pages as necessary. The Special District's or Subdistrict's total levies for general obligation bonds and total levies for contractual obligations should be recorded on Page 1, Lines 3 and 4 respectively.

**CERTIFY A SEPARATE MILL LEVY FOR EACH BOND OR CONTRACT:**

**BONDS<sup>J</sup>:**

- 1. Purpose of Issue: \_\_\_\_\_  
Series: \_\_\_\_\_  
Date of Issue: \_\_\_\_\_  
Coupon Rate: \_\_\_\_\_  
Maturity Date: \_\_\_\_\_  
Levy: \_\_\_\_\_  
Revenue: \_\_\_\_\_
  
- 2. Purpose of Issue: \_\_\_\_\_  
Series: \_\_\_\_\_  
Date of Issue: \_\_\_\_\_  
Coupon Rate: \_\_\_\_\_  
Maturity Date: \_\_\_\_\_  
Levy: \_\_\_\_\_  
Revenue: \_\_\_\_\_

**CONTRACTS<sup>K</sup>:**

- 3. Purpose of Contract: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
Principal Amount: \_\_\_\_\_  
Maturity Date: \_\_\_\_\_  
Levy: \_\_\_\_\_  
Revenue: \_\_\_\_\_
  
- 4. Purpose of Contract: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
Principal Amount: \_\_\_\_\_  
Maturity Date: \_\_\_\_\_  
Levy: \_\_\_\_\_  
Revenue: \_\_\_\_\_

Use multiple copies of this page as necessary to separately report all bond and contractual obligations per 32-1-1603, C.R.S.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the STC  
Metropolitan District No. 3 of Boulder County, Colorado on this 19th day of October 2022.

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Peggy Ripko, Secretary

S E A L



# ICENOGL SEAVR POGUE

## MEMORANDUM

**TO:** Board of Directors, Managers, and other District Representatives

**FROM:** Icenogle Seaver Pogue, P.C.

**DATE:** July 22, 2022

**RE:** Summary of 2022 Legislation

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## INTRODUCTION

The Second Regular Session of the Seventy-Third General Assembly of the State of Colorado (the “General Assembly”) convened on January 12, 2022 and adjourned on May 11, 2022. This memorandum summarizes certain bills enacted into law in 2022 that may impact special districts, either directly or indirectly. The Colorado Revised Statutes (“C.R.S.”) should be consulted for the complete statutory requirements of the legislation discussed herein.

## SPECIAL DISTRICTS

### **Concerning Special District Director Retirement Benefits**

**HB 22-1087**

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House Bill (“HB”) 22-1087 excludes a special district director who began his or her service on or after July 1, 2022 from becoming eligible for membership in the Public Employees’ Retirement Association due to the director’s service as a director. HB 22-1087 took effect on March 24, 2022.

### **Dissolution of Special Districts**

**HB 22-1097**

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Current law allows for municipalities and regional service authorities to file an application for dissolution with a special district’s board of directors. HB 22-1079 expands current law to allow for the board of county commissioners to file with a special district’s board of directors an application for dissolution of the special district if the special district is wholly located in the boundaries of one county. If the special district is located within two or more counties, the board of county commissioners of each county may jointly file the application. After receiving the application, the board of directors are to promptly and in good faith, take the necessary steps to dissolve the district. In addition, HB 22-1079 allows for a board of county commissioners and a special district that is wholly within the county’s boundaries and that has no financial obligations or outstanding debt to mutually consent to dissolution of the special district via court order dissolving the special district without an election. Finally, if more than eighty-five percent (85%) of the special district lies within one or more municipalities, the governing bodies of all such

municipalities also must consent to dissolution via court order without an election. HB 22-1097 will take effect on August 9, 2022, assuming no referendum petition is filed.

## TAXATION

### **Correction Property Tax Disclosure Info**

**SB 22-164**

Senate Bill 22-164 corrects an incorrect statutory reference in the current law by substituting county assessor with county treasurer as the entity that issues property tax certificates. No other changes were made other than correcting the proper entity. Senate Bill 22-164 took effect on May 6, 2022.

### **2023 and 2024 Property Tax**

**SB 22-238**

Senate Bill (“SB”) 22-238 reduces certain property tax assessment rates and taxable valuations for the 2023 and 2024 tax years and requires that the state government reimburse local governments for a portion of the resulting property tax revenue reductions. The impact of SB 22-238 on a special district will depend on (i) the type of special district, (ii) the district’s existing authority to adjust its mill levy to account for the changes set forth in SB 22-238, and (iii) the county where the special district is located. Below is an illustration of the changes set forth in SB 22-238:

#### Defined Terms For Purposes of this Illustration:

- Adjusted Actual Value =
  - Non-residential = Actual Value – (lesser of \$30,000 OR amount necessary to reduce assessed valuation to \$1,000)<sup>1</sup>
  - Residential = Actual Value – (lesser of \$15,000 OR amount necessary to reduce assessed valuation to \$1,000)
- Assessed Valuation = Assessment rate \* Actual Value (or Adjusted Actual Value, if applicable)
- Additional State Revenue = lesser of \$240M or total amount of state revenues exceeding TABOR limits which must be refunded to taxpayers (including projected refunding amounts for state fiscal year commencing July 1, 2022 and then for property tax year commencing January 1, 2023)

| Taxable Category            | Tax Year 2022 | SB 22-238 Rate                                    | Tax Year            |
|-----------------------------|---------------|---|---------------------|
| Nonresidential<br>(Lodging) | 29%           | 27.9% of Non-Residential<br>Adjusted Actual Value | 2023                |
|                             |               | 29% of the Actual Value                           | 2024 and thereafter |

<sup>1</sup> The bill directs assessors to apply assessment rates to the actual value of residential property, less \$15,000, and to the actual value of certain nonresidential property, less \$30,000, so long as these subtractions do not cause the valuation for assessment of the property to fall below \$1,000.

|  |                                      |  |   |
|--|--------------------------------------|--|---|
| Nonresidential (Agriculture or Renewable Energy)     | 26.4% <sup>2</sup>                   | 26.4% of Actual Value<br>29% of Actual Value   | 2022, 2023, and 2024<br>2025 and thereafter |
| Nonresidential (Improved Commercial)                 | N/A (this is a new taxable category) | 27.9% of Nonresidential Adjusted Actual Value<br>29% of Actual Value   | 2023<br>2024 and thereafter                 |
| Nonresidential – Other (non-specified <sup>3</sup> ) | 29%                                  | 27.9% of Actual Value<br>29% of Actual Value   | 2023<br>2024 and thereafter                 |
| Residential (Multifamily)                            | 6.8% <sup>4</sup>                    | 6.765% of Residential Adjusted Actual Value <sup>5</sup><br>6.8% of Actual Value<br>7.15 of Actual Value   | 2023<br>2024<br>2025 and thereafter         |
| Residential (Other)                                  | 6.95%                                | 6.765% of Residential Adjusted Actual Value <sup>6</sup><br>% calculated per Section 39-1-104.4 (% necessary to equal local government property tax reductions of \$700M in 2023 and 2024) <sup>7</sup><br>7.15% of Actual Value | 2023<br>2024<br>2025                        |

The following excerpts are from the SB 22-238 Revised Fiscal Note, dated May 5, 2022 (“Fiscal Note”):

- The bill requires each county treasurer calculate the 2023 property tax revenue reduction to local governments in their county, other than school districts, as a result of the changes to property tax assessment in the bill. Calculations are submitted to the property tax administrator, who may request additional information to verify their accuracy. Upon receipt of the correct amount for each county, the state treasurer will reimburse local governments as follows:
  - For municipalities, water districts, fire protection districts, sanitation districts, and library districts in counties with over 300,000 people:
    - for jurisdictions where total assessed values for property taxation grew

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<sup>2</sup> This rate was historically 29% but was decreased to 26.4% by SB 21-293.  
<sup>3</sup> Applies to all other nonresidential property not specified in §§ 39-1-104(1), (1.8)(a), and (1.8)(b)(I), C.R.S. (*i.e.*, all nonresidential other than lodging, agriculture or renewable energy, and improved commercial)  
<sup>4</sup> This rate was 7.15% but was decreased to 6.8% for tax year 2022 by SB 21-293.  
<sup>5</sup> §39-1-104.3, C.R.S.  
<sup>6</sup> §39-1-104.3, C.R.S.  
<sup>7</sup> On or before March 31, 2024, the State Property Tax Administrator must provide a report to the legislature with the required calculation equaling \$700M.

- by at least 10 percent between 2022 and 2023, 90 percent of the revenue reduction; and
- for jurisdictions where total assessed values for property taxation grew by less than 10 percent between 2022 and 2023, 100 percent of the revenue reduction; and
- For county government and special districts other than water districts, fire protection districts, sanitation districts, and library districts in counties with over 300,000 people, 65 percent of the revenue reduction.
- Nine counties are projected to have populations over 300,000, including: Adams; Arapahoe; Boulder; Denver; Douglas; El Paso; Jefferson; Larimer; and Weld.

This bill took effect on May 16, 2022.

### **Modifications to Severance Tax**

**HB 22-1391**

The State imposes a severance tax on nonrenewable natural resources that are removed from land including metallic minerals, molybdenum, oil, gas, and coal. The majority of all severance tax collections is from oil and gas production. Current law allows a credit against the severance tax on oil and gas equal to 87.5% of all ad valorem taxes paid to local governments, including special districts, on oil and gas leaseholds and lands, except those imposed on equipment and facilities used for production, transportation, and storage and those paid on stripper wells. Because the credit is a function of property taxes paid, there is generally at least a one-year lag between when production actually occurs and the when the credit is claimed. To address this issue, HB 22-1391 modifies the ad valorem credit allowed on the State’s severance tax on oil and gas. Effective January 1, 2025, the ad valorem tax credit will be calculated on a per-well basis using the following formula:

$$0.7656 \times \text{Gross Income}^8 \times \text{Total Mill Levy}^9$$

In 2021, the Governor signed SB 21-281 into law which requires new metropolitan districts organized on or after July 1, 2021, to pay the State an amount equivalent to the total oil and gas severance tax credits associated with property taxes collected from oil and gas. The impact of the revised severance tax credit calculation on metropolitan districts required to pay the State for oil and gas severance tax credits is still being evaluated.

In addition, HB 22-1391 established a working group consisting of several directors of different departments (including the Office of State Planning and Budgeting, Department of Revenue, Natural Resources, Education and Local Affairs) to develop an implementation plan concerning additional changes to the state severance tax through July 1, 2024. HB 22-1391 takes effect on August 9, 2022, assuming no referendum petition is filed.

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<sup>8</sup> Gross income attributable to the well for the current taxable year.

<sup>9</sup> Total of all mill levies, fixed not later than December 22 of the preceding calendar year pursuant to Section 39-1-111, C.R.S., by all local governments for property at the well’s location.

## ELECTIONS

### **Ballot Measure Campaign Finance**

**SB 22-237**

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SB 22-237 makes changes to the laws governing issue committees and contribution limits under the Fair Campaign Practices Act (“FCPA”). More specifically, SB 22-237 modifies the definition of “major purpose” which is used to determine if an organization has acted as an issue committee and made financial contributions in support or opposition of a ballot issue. SB 22-237 further amends the FCPA by expanding the definition of “earmark” to include an independent expenditure that supports or opposes a candidate, is used for electioneering communication, or is an expenditure greater than \$1,000. Finally, SB 22-237 requires individuals who contribute over \$5,000 in support or opposition of ballot issues to disclose the amount and purpose of the expenditure to the Secretary of State within 48 hours. SB 22-237 took effect on June 7, 2022.

### **The Vote Without Fear Act**

**HB 22-1086**

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Subject to certain exceptions, HB 22-1086 makes it illegal for any person to openly carry a firearm within a polling location, within 100 feet of a drop box, or within 100 feet of any building in which a polling location is located. This prohibition applies to the day of an election, as well as during the time when voting is permitted for any election. Additionally, HB 22-1086 requires that the designated election official visibly place a sign notifying persons of the 100 foot no open carry zone for firearms. HB 22-1086 also extends this prohibition to a central count facility during any ongoing election administration activity. Finally, HB 22-1086 makes clear that a person who violates the prohibition is guilty of a misdemeanor and upon conviction is subject to a fine, imprisonment in county jail, or both. HB 22-1086 took effect on March 30, 2022.

### **Public Official Reporting Requirements Modification**

**HB 22-1156**

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HB 22-1156 modifies the deadline for political candidates to file a campaign expenditure report to 35 days instead of the current 30-day deadline. In addition, HB 22-1156 also exempts candidates seeking reelection from filing an additional disclosure statement if the incumbent has filed an annual report as required by Section 24-6-202(2), C.R.S. HB 22-1156 will take effect on August 9, 2022, provided no referendum petition is filed.

## EMPLOYMENT

### **Workers’ Compensation Injury Notices**

**HB 22-1112**

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HB 22-1112 extends the timeframe for an employee to notify their employer about an on-the-job injury from 4 days to 10 days and updates the public signage regarding workers’ compensation that must be displayed. HB 22-1112 will take effect on August 9, 2022, provided no referendum petition is filed.

## MISCELLANEOUS

### **Resources for Volunteer Firefighters**

**SB 22-002**

SB 22-002 allows for the economic support of local fire departments, including fire protection districts and metropolitan districts that provides fire protection, through reimbursements, a grant program, and a health benefit trust. The funds provided are to be used for wildland fire suppression activity reimbursements, including replacement equipment costs and volunteer firefighter compensation, as well as to fund the replacement or disposal of equipment and a behavioral benefits trust for firefighters. SB 22-002 took effect on June 3, 2022.

### **State Entity Authority for Public-Private Partnerships**

**SB 22-130**

SB 22-130 allows certain state public entities<sup>10</sup> to enter into public-private partnerships with private partners to develop or operate a “public project”<sup>11</sup> subject to oversight and approval by the Department of Personnel and Administration. “Private partners” as defined in SB 22-130 includes “local governments” but does not further define this term.<sup>12</sup> Various other sections of Title 24 include special districts within the definition of “local governments.” Therefore, it is arguable that special districts fall within the scope of the definition “local governments” as used in SB 22-1130. This may allow for greater coordination between special districts and state public entities but will also add additional administrative barriers and state oversight to coordinated public projects. This bill took effect on May 26, 2022.

### **Municipal Bond Supervision Advisory Board**

**SB 22-142**

In 1991, the Colorado Municipal Bond Supervision Advisory Board was created to provide expertise and advice to the State’s Securities Commissioner regarding the State’s regulation and oversight of municipal bonds issuance. SB 22-142 repeals the Municipal Bond Supervision Advisory Board, effective August 9, 2022, assuming no referendum petition is filed.

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<sup>10</sup> “State public entity” means any department, agency, or subdivision of the executive branch of state government; except that state public entity does not include certain state entities that already have specific statutory authority to enter into public private partnerships. *See* C.R.S. § 24-94-102(10).

<sup>11</sup> “Public project” means any construction, alteration, repair, demolition, or improvement of any *state-owned* land, building, structure, facility, asset, or other public improvement suitable for and intended for use in the promotion of the public health, welfare, or safety, and any maintenance programs for the upkeep of such projects. The definition specifically includes but is not limited to a project to civic, child care, utility, telecommunication, cultural, recreational, or educational facilities or services. C.R.S. § 24-94-102(9) (emphasis added).

<sup>12</sup> “Private Partner” means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, *local government*, other private business entity, or any combination thereof. C.R.S. § 24-94-102(6) (emphasis added).

SB 22-169 permits the custodian of public records to deny inspection of records containing data or information that reveals the specific location or could be used to determine the specific location of (i) a plant species as a Colorado plant of greatest conservation need in Colorado’s state wildlife action plan; (ii) an individual animal or a group of animals; or an individual animal’s or group of animal’s breeding or nesting habitat. SB 22-169 will take effect on August 9, 2022, assuming no referendum petition is filed.

**Homeowners Associations Prohibited from Regulating Use of Public Rights-of-way  
HB 22-1139**

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Section 38-33.3-106.5 of the Colorado Common Interest Ownership Act (“CCIOA”) prohibits homeowners’ associations from adopting certain rules and regulations that are contrary to public policy. HB 22-1139 amends this section of CCIOA and provides that an association shall not prohibit the use of a public right-of-way in accordance with a local government’s ordinance, resolution, rule, franchise, license, or charter regarding use of the public right-of-way. HB 22-1139 also prohibits an association from requiring that a public right-of-way be used in a certain manner. Because many metropolitan districts provide covenant enforcement services for associations, covenants should be reviewed for any provisions that may violate HB22-1139. HB 22-1139 will take effect on August 9, 2022, assuming no referendum petition is filed.

**Local Firefighter Safety Resources**

HB 22-1194 makes a transfer of \$5 million to the Local Firefighter Safety and Disease Prevention Fund. The transfer allows the department to purchase protective equipment, fund training, and reimburse local governments, including fire protection districts and metropolitan districts that provides fire protection, and volunteer firefighters for the cost of protective equipment and training. There is no requirement for a grant application nor a peer review process for funds to be distributed. In the event that the Department of Public Safety (“DPS”) is unable to spend all of the funds, the department may use funds for any currently authorized purpose of the firefighter safety grant program. HB 22-1194 took effect on March 1, 2022.

**State Grants Investments Local Affordable Housing**

HB 22-1304 creates two housing-related grant programs in the Department of Local Affairs (“DOLA”): the Local Investments in Transformational Affordable Housing Grant Program (“LITAH”) and Infrastructure and Strong Communities Grant Program (“ISC”).

The LITAH program provides grants to certain governmental entities (including special districts) or nonprofit organizations for affordable housing initiatives. These initiatives include the development and integration of infrastructure tied to an affordable housing development inclusive of funding for capital constructive and infrastructure design. DOLA must establish policies and procedures for the LITAH program by September 1, 2022.

The ISC program requires that the Division of Local Government within DOLA, the Colorado Energy Office, and the Department of Transportation develop a list of sustainable land use practices and provide grants to local governments for investments in infill infrastructure projects that support affordable housing. HB 22-1304 took effect on June 1, 2022.

**Towing Carrier Nonconsensual Tows**

**HB 22-1314**

HB 22-1314 generally imposes limitations and obligations on towing companies and owners of private property that must be followed prior to the nonconsensual towing of a vehicle from private property. Because HB 22-1314 applies to private property there is likely no impact on most special districts. However, private property is not defined for purposes of HB 22-1314 and some special districts may be providing covenant enforcement on property that is privately owned, as such, special districts that are or may in the future engage in towing are encouraged to discuss this bill and other legal considerations related to towing with legal counsel. HB 22-1314 goes into effect on August 9, 2022, assuming no referendum petition is filed.



141 Union Boulevard, Suite 150  
Lakewood, CO 80228-1898  
303-987-0835 • Fax: 303-987-2032

## MEMORANDUM

TO: Board of Directors

FROM: Christel Gemski  
Executive Vice-President

DATE: September 2, 2022

RE: Notice of 2023 Rate Increase

A rectangular box containing a handwritten signature in blue ink that reads "Christel Gemski".

In accordance with the Management Agreement (“Agreement”) between the District and Special District Management Services, Inc. (“SDMS”), at the time of the annual renewal of the Agreement, the hourly rate described in Article III for management and all services shall increase by the CPI (8.5%) per hour.

We hope you will understand that it is necessary to increase our rates due to increasing gas and operating costs along with new laws and rules implemented by our legislature.



## ICENOGLE SEAVER POGUE

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### 2023 BILLING RATES

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|                       |                     |                   |
|-----------------------|---------------------|-------------------|
| T. Edward Icenogle    | Of Counsel          | \$360.00 per hour |
| Tamara K. Seaver      | Shareholder         | \$460.00 per hour |
| Alan D. Pogue         | Shareholder         | \$460.00 per hour |
| Deborah A. Early      | Shareholder         | \$385.00 per hour |
| Jennifer L. Ivey      | Shareholder         | \$385.00 per hour |
| Anna C. Wool          | Shareholder         | \$290.00 per hour |
| Shannon Smith Johnson | Shareholder         | \$290.00 per hour |
| Alicia J. Corley      | Associate           | \$280.00 per hour |
| Karlie R. Ogden       | Associate           | \$250.00 per hour |
| Alexandra L. Moore    | Associate           | \$235.00 per hour |
| Kayla M. Enriquez     | Associate           | \$235.00 per hour |
| Stacie L. Pacheco     | Paralegal           | \$195.00 per hour |
| Donette B. Hunter     | Paralegal           | \$195.00 per hour |
| Megan Liesmaki        | Paralegal           | \$190.00 per hour |
| Kimberly L. Vernon    | Legal Administrator | \$ 50.00 per hour |
| Daniel T. Shed        | Legal Administrator | \$ 50.00 per hour |