

## STC METROPOLITAN DISTRICT NO. 2

141 Union Boulevard, Suite 150  
Lakewood, Colorado 80228-1898  
Tel: 303-987-0835 · 800-741-3254  
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### NOTICE OF REGULAR MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expires:</u>
James A. Brzostowicz	President	2020/May 2020
Angie Hulsebus	Treasurer	2020/May 2020
<i>VACANT</i>		2022/May 2022
<i>VACANT</i>		2022/May 2020
<i>VACANT</i>		2020/May 2020

Lisa A. Johnson Secretary

DATE: December 5, 2018

TIME: 9:00 A.M.

PLACE: McGeady Becher P.C.  
450 E. 17<sup>th</sup> Ave., Suite 400  
Denver, CO 80203

#### I. ADMINISTRATIVE MATTERS

A. Present Disclosures of Potential Conflicts of Interest.

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B. Approve Agenda, confirm location of the meeting and posting of meeting notices.

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C. Discuss §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2019.

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#### II. CONSENT AGENDA

- Approve Minutes of the November 7, 2018 Regular Meeting (enclosure).
  - Ratify approval of service agreement with Thyssen Krupp for annual elevator maintenance services (to be distributed).
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III. FINANCIAL MATTERS

- A. Review and ratify approval of payment of claims for the following period (enclosure):

Fund	Period Ending Nov. 26, 2018
General	\$ 50,713.22
Debt	\$ -0-
Capital	\$ 15,312.93
<b>Total</b>	<b>\$ 66,026.15</b>

- B. Review and accept unaudited financial statements through the period ending October 31, 2018 and updated cash position statement dated October 31, 2018 (to be distributed).

IV. LEGAL MATTERS

- A. Review and consider approval of Supplemental Environmental Projects (“SEP”) Third Party Agreement (enclosure).

- B. Discussion regarding District Boundary Maps.

- C.

V. OPERATIONS AND MAINTENANCE

- A. Status of proposals for 2019 landscape maintenance services contracts and consider award of a service agreement.

- B.

- C.

VI. COVENANT CONTROL

- A.

VII. CAPITAL PROJECTS

- A. Status of improvement costs in the amount of \$\_\_\_\_\_ under that certain Final Engineers Report and Certification No. 41 prepared by Manhard Consulting, Ltd. (to be distributed).
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VIII. DEVELOPER UPDATE

- A. Status of lot and home sales.
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IX. OTHER MATTERS

- A.
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- X. ADJOURNMENT **THE NEXT MEETING IS SCHEDULED FOR JANUARY 2, 2019.**

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE STC METROPOLITAN DISTRICT NO. 2 HELD NOVEMBER 7, 2018

A Regular Meeting of the Board of Directors (referred to hereafter as the "Board") of the STC Metropolitan District No. 2 (referred to hereafter as the "District") was convened on Wednesday, the 7th day of November, 2018, at 9:00 A.M., at the offices of McGeady Becher P.C., 450 E. 17<sup>th</sup> Avenue, Suite 400, Denver, Colorado. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

James A. Brzostowicz  
Angie Hulsebus

##### Also In Attendance Were:

Lisa A. Johnson and Peggy Ripko; Special District Management Services, Inc.

Megan Becher, Esq.; McGeady Becher P.C.

Mark Chambers; Simmons & Wheeler, P.C.

Sonia Chin, Bill Jencks, and Jessica Sergi (via speakerphone); 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. Johnson 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. Johnson distributed for the Board's review and approval a proposed Agenda for the District's Regular Meeting.

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

## RECORD OF PROCEEDINGS

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**Confirm Location of Meeting, Posting of Meeting Notices and Quorum:** Ms. Johnson confirmed the presence of a quorum. The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting.

Following discussion, upon motion duly made by Director Hulsebus, seconded by Director Brzostowicz and, upon vote, unanimously carried, the Board determined that because there was not a suitable or convenient location within its boundaries or within 20 miles of its boundaries to conduct this meeting, the meeting would be conducted at the above-stated location. The Board further noted that the notice of the time, date and location was duly posted and that no objections to the location or any requests that the meeting place be changed were received from taxpaying electors within its boundaries.

### **CONSENT AGENDA**

The Board considered the following actions:

- Approve Minutes of the October 3, 2018 Regular Meeting.
- Ratify approval of Change Order No. 4, Superior Town Center – FDP 2/FDP 3 Phase 1 South Courtyard under the Contract between the District and SAMORA Construction, in the amount of \$18,180.15.

Following discussion, upon motion duly made by Director Hulsebus, seconded by Director Brzostowicz and, upon vote, unanimously carried, the Board approved and/or ratified approval of, as appropriate, the above actions.

### **FINANCIAL MATTERS**

**Claims:** The Board considered approval of the payment of claims as follows:

Fund	Period Ending Oct. 29, 2018
General	\$ 30,229.66
Debt	\$ -0-
Capital	\$ 7,195.58
<b>Total</b>	<b>\$ 37,425.24</b>

Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Hulsebus and, upon vote, unanimously carried, the Board ratified approval of the payment of claims, as presented.

**Unaudited Financial Statements:** Mr. Chambers presented the unaudited financial statements for the period ending September 30, 2018 and the updated schedule of cash position for the period ending September 30, 2018.

## RECORD OF PROCEEDINGS

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Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Hulsebus and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending September 30, 2018 and the updated schedule of cash position for the period ending September 30, 2018.

**2018 Audit Preparation:** Mr. Chambers reviewed with the Board the Audit Engagement Letter from Dazzio & Associates, PC to perform the 2018 Audit.

Following discussion, upon motion duly made by Director Hulsebus, seconded by Director Brzostowicz and, upon vote, unanimously carried, the Board approved the engagement of Dazzio & Associates, PC to perform the 2018 Audit, for an amount not to exceed \$6,000.

**2018 Budget Amendment Hearing:** The Board opened the public hearing to consider the Resolution to Amend the 2018 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 2018 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 this public hearing. There were no comments from the public in attendance and the public hearing was closed.

Following review and discussion, Director Brzostowicz moved to adopt Resolution No. 2018-11-02; Resolution to Amend the 2018 Budget, Director Hulsebus seconded the motion and, upon vote, unanimously carried, the Board adopted the Resolution to Amend the 2018 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**2019 Budget Hearing:** The Board opened the public hearing to consider the proposed 2019 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2019 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 this public hearing. There were no comments from the public in attendance and the public hearing was closed.

Mr. Chambers reviewed the estimated 2018 expenditures and the proposed 2019 expenditures with the Board.

## RECORD OF PROCEEDINGS

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Following discussion, the Board considered the adoption of Resolution No. 2018-11-03; Resolution to Adopt the 2019 Budget and Appropriate Sums of Money, and Resolution No. 2018-11-04; Resolution to Set Mill Levies, for the General Fund at 11.056 mills and the Debt Service Fund at 38.694 mills, for a total mill levy of 49.750 mills. Upon motion duly made by Director Brzostowicz, seconded by Director Hulsebus and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, subject to final assessed valuation, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of the final Certification of Assessed Valuation from the County on or before December 10, 2018. Ms. Johnson was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Boulder County and the Division of Local Government, not later than December 15, 2018. Ms. Johnson was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2019. Copies of the adopted Resolutions are attached to these minutes and incorporated herein by this reference.

**DLG-70 Mill Levy Certification Form:** The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Hulsebus and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties

### **LEGAL MATTERS**

**Parking Garage Conveyance:** Attorney Becher reported that the Parking Garage Conveyance is complete.

**Colorado Department of Public Health and Environment (“CDPHE”)– Stormwater Management Plan and Meeting Results:** Ms. Johnson reported to the Board that approval of the SEP Project by the Colorado Department of Public Health and Environment continues to be a work in progress.

**Rules and Regulations:** No action was taken by the Board of Directors.

**Notice of Intent to File Lien Pursuant to 38-22-101 from Parkway Electric & Communications, LLC:** The Board discussed a Notice of Intent to File Lien Pursuant to 38-22-101. No action was necessary by the Board at this time.

**Status of Subpoena Response to JD Enterprises:** It was noted that Special Counsel has closed this case.

## RECORD OF PROCEEDINGS

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**Current District Boundary Map:** The Board of Directors reviewed the current District boundary map and will make any changes needed.

**First Amendment to Facilities Funding and Acquisition Agreement between the District and RC Superior, LLC:** Attorney Becher reported to the Board that the First Amendment to Facilities Funding and Acquisition Agreement needs to be extended through 2019 for the actual and budgeted amounts.

Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Hulsebus and, upon vote, unanimously carried, the Board accepted the First Amendment to Facilities Funding and Acquisition Agreement between the District and RC Superior, LLC. Subject to final review by Legal Counsel.

**First Amendment to Operations Funding Agreement between the District and RC Superior, LLC:** Attorney Becher reported to the Board that the First Amendment to Operations Funding Agreement needs to be extended through 2019 for the actual and budgeted amounts.

Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Hulsebus and, upon vote, unanimously carried, the Board accepted the First Amendment to Operations Funding Agreement between the District and RC Superior, LLC. Subject to final review by Legal Counsel.

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### **OPERATIONS / MAINTENANCE**

**Resolution Regarding Imposition of Fees from Town of Superior:** Ms. Ripko presented to the Board the finalized Operations and Maintenance Budget. The 2019 Budget presentation indicates adequate coverage and therefore, there is no need to impose an Operations and Maintenance Fee.

**Proposals for 2018-2019 Landscape Maintenance Services Contract:** Ms. Ripko presented three proposal bids to the Board for 2019 landscape maintenance services. She recommends contracting with Vargas Property Services, Inc.

Following discussion, the Board deferred action until the December Meeting.

**Service Agreement with Thyssen Krupp for Elevator Maintenance Services:** The Board discussed a Service Agreement with Thyssen Krupp for Elevator Maintenance Services.



## RECORD OF PROCEEDINGS

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Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Hulsebus and, upon vote, unanimously carried, the Board approved the Service Agreement with Thyssen Krupp for Elevator Maintenance Services, subject to execution of the District's Standard Service Agreement and final review by legal counsel.

### COVENANT CONTROL

**Appointment Consideration for Covenant Control Committee:** The Board discussed the need for a Covenant Control Committee and considered Peggy Ripko for appointment of the position.

Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Hulsebus and, upon vote, unanimously carried, the Board appointed Peggy Ripko for the position on the Covenant Control Committee.

### CAPITAL PROJECTS

**Final Engineer's Report and Certification No. 40 prepared on October 16, 2018:** Ms. Johnson reviewed with the Board the improvement costs under the Final Engineer's Report and Certification No. 40, dated October 16, 2018, prepared by Manhard Consulting, Ltd.

Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Hulsebus and, upon vote, unanimously carried, the Board accepted the improvement costs in the approximate amount of \$438,293.56 under that certain Final Engineer's Report and Certification No. 40, dated October 16, 2018, prepared by Manhard Consulting, Ltd.

**Change Order No. 8, Superior Town Center Discovery Parkway FD1, Phase 2B, under Contract between the District and Hudick Excavating, Inc., for an increase in the contract amount of \$584,016.00:** Ms. Johnson reviewed with the Board Change Order No. 8, Superior Town Center Discovery Parkway FD1, Phase 2B, under contract between the District and Hudick Excavating, Inc., for an increase in the contract amount of \$584,016.

Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Hulsebus, and, upon vote, unanimously carried, the Board approved Change Order No. 8 Superior Town Center Discovery Parkway FD1, Phase 2B, under contract between the District and Hudick Excavating, Inc., for an increase in the contract amount of \$584,016.

**RECORD OF PROCEEDINGS**

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**Contract with SAMORA Construction for Site Work in Support of the Monument Sign:** The Board reviewed and discussed a contract with SAMORA Construction for site work in support of the Monument Sign in the amount of \$179,688.65.

Following discussion, upon motion duly made by Director Brzostowicz, seconded by Director Hulsebus, and, upon vote, unanimously carried, the Board approved the contract with SAMORA Construction for site work in support of the Monument Sign in the amount of \$179,688.65.

**DEVELOPER  
UPDATE**

**Lot and Home Sales:** Mr. Jencks provided an update to the Board on lot and home sales.

**OTHER MATTERS**

There were no other matters before the Board for discussion.

**ADJOURNMENT**

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

Respectfully submitted,

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

THESE MINUTES ARE APPROVED AS THE OFFICIAL NOVEMBER 7, 2018  
MINUTES OF THE STC METROPOLITAN DISTRICT NO. 2 BY THE BOARD  
OF DIRECTORS SIGNING BELOW:

\_\_\_\_\_  
James A. Brzostowicz

\_\_\_\_\_  
Angie Hulsebus

STC Metropolitan District No.2  
November-18

	General	Debt	Capital	Totals
Disbursements	\$ 50,390.27	\$ -	\$ 15,312.93	\$ 65,703.20
Qtr Payroll Tax	\$ -	\$ -	\$ -	\$ -
Payroll	\$ 300.00	\$ -	\$ -	\$ 300.00
Payroll Taxes District Portion	\$ 22.95	\$ -	\$ -	\$ 22.95
<b>Total Disbursements from Checking Acct</b>	<b>\$50,713.22</b>	<b>\$0.00</b>	<b>\$15,312.93</b>	<b>\$66,026.15</b>

Check No and Date	Payee	Invoice No	GL Account Title	GL Acct	Amount	Total
1306						
11/26/2018	Colorado Special Districts P& L	31C61406-1915 A	Prepaid Expenses	1-143	1,433.98	1,433.98
11/26/2018	Colorado Special Districts P& L	32C61406-1675	Prepaid Expenses	1-143	15,162.49	15,162.49
Total 1306:						16,596.47
1307						
11/26/2018	Comcast	11/2018	Utilities - Lift Station	1-705	139.77	139.77
Total 1307:						139.77
1308						
11/26/2018	Manhard Consulting	38212	Engineering	3-784	2,040.00	2,040.00
11/26/2018	Manhard Consulting	39083	Engineering	3-784	6,372.00	6,372.00
Total 1308:						8,412.00
1309						
11/26/2018	McGeady Becher P.C.	1190B OCT 18	Legal	3-675	5,530.40	5,530.40
11/26/2018	McGeady Becher P.C.	1190B OCT 18	Legal	1-675	4,743.37	4,743.37
Total 1309:						10,273.77
1310						
11/26/2018	MMI Water Engineers, LLC	1047	Legal	1-675	588.53	588.53
Total 1310:						588.53
1311						
11/26/2018	Prairie Mountain Publishing	101525329/97	Legal	1-675	76.56	76.56
Total 1311:						76.56
1312						
11/26/2018	Simmons & Wheeler, P.C.	23342	Accounting	1-612	510.26	510.26
11/26/2018	Simmons & Wheeler, P.C.	23342	Accounting	3-612	510.27	510.27
11/26/2018	Simmons & Wheeler, P.C.	23519	Accounting	1-612	860.27	860.27
11/26/2018	Simmons & Wheeler, P.C.	23519	Accounting	3-612	860.26	860.26
Total 1312:						2,741.06
1313						
11/26/2018	Special Dist Management Svcs	#1 OCT 2018	Management	1-680	739.80	739.80
11/26/2018	Special Dist Management Svcs	#2 OCT 2018	Management	1-680	3,158.79	3,158.79
11/26/2018	Special Dist Management Svcs	#2 OCT 2018	Accounting	1-612	534.30	534.30
11/26/2018	Special Dist Management Svcs	#2 OCT 2018	Covenant Control	1-682	2,251.50	2,251.50
11/26/2018	Special Dist Management Svcs	#3 OCT 2018	Management	1-680	561.70	561.70
Total 1313:						7,246.09
1314						
11/26/2018	Town of Superior	290 1/2 11/18	Utilities	1-704	41.37	41.37
11/26/2018	Town of Superior	411 1/2 11/18	Utilities	1-704	282.17	282.17
Total 1314:						323.54
1315						
11/26/2018	Vargas Property Services, Inc.	27218	Utilities	1-704	1,130.35	1,130.35

Check No and Date	Payee	Invoice No	GL Account Title	GL Acct	Amount	Total
11/26/2018	Vargas Property Services, Inc.	27220	Utilities	1-704	7,920.00	7,920.00
11/26/2018	Vargas Property Services, Inc.	27709	Utilities	1-704	1,507.14	1,507.14
11/26/2018	Vargas Property Services, Inc.	27711	Utilities	1-704	7,920.00	7,920.00
Total 1315:						18,477.49
1316						
11/26/2018	Xcel Energy	612915865	Utilities	1-704	110.81	110.81
11/26/2018	Xcel Energy	612923934	Utilities	1-704	152.69	152.69
11/26/2018	Xcel Energy	612929043	Utilities	1-704	242.15	242.15
11/26/2018	Xcel Energy	612935546	Utilities	1-704	150.85	150.85
11/26/2018	Xcel Energy	613297787	Utilities	1-704	171.42	171.42
Total 1316:						827.92
Grand Totals:						65,703.20

<u>Check Issue Date</u>	<u>Check Number</u>	<u>Payee</u>	<u>Amount</u>
11/26/2018	9111	Brzostowicz, James	
11/26/2018	9112	Revis, Robert	92.35
11/26/2018	9113	Hulsebus, Angie	92.35
Grand Totals:			
	<u>3</u>		<u>184.70</u>

**SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP)  
THIRD PARTY AGREEMENT**

The regulated entity, identified below, submits the following SEP application to the Colorado Department of Public Health and Environment (the department) for SEP consideration. If the application is approved, it shall be signed by appropriate representatives of the department. If the approved document is then signed by the applicant, it shall serve as the SEP agreement for the project(s) at issue.

<b>Enforcement Action Information</b>	Case No.:	
<b>Regulated Entity Contact Information</b>	<b>Lisa Johnson</b> [title] Superior Town Center [Phone number] ljohnson@sdmsi.com	
<b>Third Party SEP Administrator Contact</b>	<b>Audrey DeBarros, Executive Director</b> Commuting Solutions 287 Century Circle, Suite 103 Louisville, CO 80027 303.604.4383 audrey@commutingsolutions.org	Type of organization: Nonprofit* <input checked="" type="checkbox"/> Government <input type="checkbox"/> *If nonprofit, please attach a copy of your 501c(3) exemption to this SEP Agreement.
<b>CDPHE Contact Person</b>	<b>Lauren McDonell</b> SEP Coordinator Division of Environmental Health and Sustainability Colorado Department of Public Health and the Environment (303)692-2979 lauren.mcdonell@state.co.us	
<b>Geographical Area to Benefit Most Directly From Project</b>	Town of Superior/Boulder County	
<b>Project Title</b>	Downtown Superior Transportation Demand Management Plan	
<b>Project Type</b>	Third Party SEP	
<b>SEP Category</b>	Pollution prevention and environmental education	

<b>Project Summary</b>	The Downtown Superior Transportation Demand Management (TDM) Plan will launch a new program to educate employees, tenants and residents about the transportation benefits of locating at Downtown Superior.				
<b>Project Description</b>	<p>Problem Statement: Residents, employees and tenants of Downtown Superior are not informed about the regional and local connectivity of multi-modal options that are available nearby.</p> <p>For this SEP, Commuting Solutions will create an outreach program to increase participation among Downtown Superior’s employees, tenants and residents in local and regional alternative transportation options. Components of the plan will include: data collection and program evaluation; creating a brand identity for the program; creating a program webpage and links for local municipal websites and other partners to post online, a multi-modal map specific to Downtown Superior; expanding commute options including the exploration of bike share, carshare, rerouting of RTD local service; creating a welcome packet for new residents; creating a commute options one sheet for employees and tenants; event participation to create visibility for the program.</p>				
<b>Expected Environmental and/or Public Health Benefits</b>	<p>As the Downtown Superior mixed-use development is currently being constructed to create a walkable, pedestrian oriented community, the time is right to invest in a program to inspire commute behavior change as people are locating to the site for work and to live. Positive impacts to the town will be creating a new program to facilitate the use of the local and regional commute options, reducing parking demand, instituting transportation into the amenities of locating at the Downtown Superior while improving air quality and reducing traffic congestion.</p> <p>To evaluate the effectiveness of the program, Commuting Solutions will develop an evaluation plan which will include obtaining pre and post program travel behavior data among employees and residents, review of parking utilization data ; analyze baseline survey results; complete CDPHE reports at 6, 12, 18 months and the SEP Completion Report; complete final program evaluation.</p>				
<b>Project Budget</b>	<b>Budget Category</b>	<b>Description</b>	<b>SEP Funds</b>	<b>Matching Funds (if any)</b>	<b>Total Cost</b>
	Personnel (Salaries, Wages)	.10 ED; .5 Coord.; .2 marketing	75,000		75,000
	Materials and Supplies	Welcome kit design and printing	9,000		9,000
		Incentives to inspire commute behavior change. Incentives could include transit, carpool, carshare, vanpool, bicycling	24,100		24,100
		Print materials such as rack cards, flyers	1,500		1,500
Promotional giveaways		2,000		2,000	



	Major Equipment				
	Contractors/ Subcontractors	UrbanTrans Consultants program evaluation	7,000		7,000
		Website Consultant	750		750
		Graphic Designer	5,000		5,000
	Other Direct Costs	Superior Chamber event sponsorship to increase awareness of the TDM program.	1,000		1,000
		Superior Chamber new resident bags to distribute program information.	500		500
	<b>Total:</b>		<b>\$125,850</b>		<b>\$125,850</b>
<b>Budget Discussion</b>	Personnel resources will include a part-time program coordinator to oversee the day-to-day implementation from a marketing and outreach perspective, as well as support from the Senior Programs & Outreach Specialist to assist with the program evaluation and data collection. A detailed plan will be developed once the contract is in place, but Commuting Solutions has already sought the input of the Superior Chamber of Commerce and Town of Superior staff to inform this document. A stakeholder process will be developed once under contract.				
<b>Project Schedule and Work Plan Date</b>					
	<b>Activities</b>	<b>Staff Responsible</b>	<b>Date</b>		
	SEP Payment from Regulated Entity to Third Party SEP Administrator	STC	Within x days of the effective date of the Compliance Order on Consent.		
	Project Start Date	Commuting Solutions	30 days after SEP payment is received		
	Convene stakeholder group which includes the Town of Superior, master developer, other primary partners	Commuting Solutions	Within 60 days of the effective date		
	Select and retain graphic designer and UrbanTrans Consultants	Commuting Solutions	Within 60 days of the effective date		
	Create a resident and business database of participants	Commuting Solutions	Within 90 days of the effective date		
	Launch program	Commuting Solutions	Within 4 months of the effective date		
	Explore viability of adding carshare, bikeshare or a bike library to the community	Commuting Solutions	Within 6 months of the effective date		
	<b>SEP Status Report Due</b>	<b>Commuting Solutions</b>	<b>Within 6 months of the effective date</b>		
	Projected Completion Date	Commuting Solutions	Within 18 months of the effective date		
	<b>SEP Completion Report Due to CDPHE</b>	<b>Commuting Solutions</b>	<b>Due no more than 30 days after project completion</b>		

<b>Reporting Requirements</b>	<p><u>Biannual Status Reports</u></p> <p>The SEP Administrator will submit a biannual project status report to the department's SEP Coordinator. Status reports will include the following information:</p> <ul style="list-style-type: none"> <li>• A description of activities completed to date;</li> <li>• A budget summary table listing funds expended to date by budget category; and</li> <li>• A discussion of any anticipated changes to the project scope or timeline.</li> </ul> <p><u>Final SEP Completion Report</u></p> <p>The SEP Completion report will be submitted within 30 days of project completion and contain at a minimum:</p> <ul style="list-style-type: none"> <li>• A detailed description of the project as implemented;</li> <li>• A summary table identifying project deliverables and tasks along with the associated completion date;</li> <li>• A description of any operating problems encountered and the solutions thereto;</li> <li>• A full expense accounting including itemized costs, documented by copies of purchase orders, contracts, receipts or canceled checks;</li> <li>• Certification and demonstration that the SEP has been fully implemented pursuant to the provisions of the Settlement Agreement and this SEP Agreement;</li> <li>• A description of the environmental and public health benefits resulting from implementation of the SEP along with <b>quantification</b> of the outcomes and benefits;</li> <li>• Examples of brochures, educational or outreach materials developed or produced as part of the SEP; and</li> <li>• Photographs documenting the project.</li> </ul>
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**Third Party  
SEP  
Administrator  
Conditions  
and  
Requirements**

Only qualified tax-exempt 501(c)(3) nonprofits or governmental organizations are eligible to serve as the SEP Administrator. The SEP Administrator agrees to the following SEP conditions and requirements:

- I. Maintain the SEP funds paid by the regulated entity in an independent SEP account and draw funds from the account as-needed for the purposes outlined in this SEP Agreement.
- II. Communicate issues and concerns related to the SEP promptly to the department SEP Coordinator.
- III. If the SEP Administrator elects to publicize the name of a violator in connection with the SEP either orally or in writing, the SEP Administrator must also include the following statement: *"This project was undertaken in connection with the settlement of an enforcement action taken by the Colorado Department of Public Health and Environment for violations of environmental laws and regulations"*.
- IV. Complete the SEP as described in this SEP Agreement
  - a. Any changes to the approved project scope or timeline must receive prior written approval from the department.
  - b. Budget reallocations of up to 10% of the total SEP payment amount may be made without prior authorization. Budget reallocations of over 10% must first receive written prior authorization from the department.
- V. Complete the SEP within the time frame(s) indicated in this SEP Agreement. If the SEP Administrator is unable to meet the SEP Agreement time frame(s) for the completion of the SEP, the SEP Administrator may request a deadline extension in writing from the department no later than 30 days prior to the deadline.
- VI. In any of the following situations, all funds remaining in the SEP account shall be released to the department within 30 days of the department's written request:
  - a. The SEP Administrator fails to complete the project or submit the final SEP Completion Report;
  - b. The project has been fully implemented and there are still funds remaining in the SEP account; or
  - c. The department terminates the SEP for failure of the Third Party SEP Administrator to adhere to this SEP Agreement.
- VII. Make available, at the department's request, all records pertaining to the SEP.
  - a. The SEP Administrator shall maintain a complete file of all records, documents, communications, and other materials that pertain to the operation of the SEP or the delivery of services under the SEP Agreement. Such files shall be sufficient to properly reflect all direct and indirect costs of labor, materials, equipment, supplies and services.
  - b. The SEP Administrator authorizes the department to perform audits and/or inspections of its SEP records, at any reasonable time during the implementation of the project and for a period of one (1) year following the completion of the project.

Failure to adhere to any of the above conditions and requirements may result in the termination of the SEP and/or no further SEP referrals.

**To be completed in the event of a SEP agreement only:**

This SEP has been reviewed and approved by the Colorado Department of Public Health and Environment.

\_\_\_\_\_  
Signed  
[[Division Contact Name, Title]  
[Division]  
Colorado Department of Public Health and Environment

\_\_\_\_\_  
Date

**Comment [ML1]:** To be added by Lauren.

\_\_\_\_\_  
Signed  
Lauren McDonell, SEP Coordinator  
Sustainability Program  
Colorado Department of Public Health and Environment

\_\_\_\_\_  
Date

I, Audrey DeBarros, Executive Director of Commuting Solutions certify on the behalf of Commuting Solutions that Commuting Solutions is not required or has not previously committed to perform this project and agrees to the SEP conditions and requirements detailed in this document.

\_\_\_\_\_  
Signed  
Audrey DeBarros, Executive Director  
Commuting Solutions

\_\_\_\_\_  
Date