

BEEBE DRAW FARMS AUTHORITY  
8390 E. Crescent Pkwy., Suite 300  
Greenwood Village, CO 80111  
Phone: 303-779-5710

A copy of the agenda/meeting packet is available at the Beebe Draw Farms website at <https://beebedrawfarmsauthority.colorado.gov>

**NOTICE OF SPECIAL MEETING AND AGENDA**

**DATE:** August 14, 2024

**TIME:** 6:00 p.m.

**LOCATION:** Via Microsoft Teams

**ACCESS:** To attend via [Microsoft Teams Videoconference](#), use the below link:  
[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MWRkZGM4MWYtNTUzYi00NmM2LTIINTQtNGRkYmFiMzcxMjRj%40thread.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%225b9f6fa2-e9dd-42cc-bfd8-f7dd2ed196a6%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MWRkZGM4MWYtNTUzYi00NmM2LTIINTQtNGRkYmFiMzcxMjRj%40thread.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%225b9f6fa2-e9dd-42cc-bfd8-f7dd2ed196a6%22%7d)  
To attend via telephone, dial 720-547-5281 and enter Conference ID: 165 209 713#

<b><u>Board of Directors</u></b>	<b><u>Office</u></b>	<b><u>Term Expires</u></b>
Sharon Dillon	President	June 2025
Diane Mead	Vice-President	June 2025
Scott Edgar	Secretary	June 2026
Cindy Billinger	Treasurer	June 2026

**I. ADMINISTRATIVE MATTERS**

- A. Confirm quorum, location of meeting and posting of meeting notices.
- B. Call to order and approval of agenda.
- C. Present disclosures of potential conflicts of interest.
- D. FIRST DISCUSSION:
  - 1. Review July 10, 2024 Special Meeting Minutes (enclosure).
- E. SECOND DISCUSSION:
  - 1. Approval of attendance of Board members at the SDA conference.
  - 2. Consider approval of June 12, 2024 Regular Meeting Minutes (enclosure).

**II. CONSENT AGENDA**

- A. Ratify the approval of the payment of claims (enclosure).

### **III. PUBLIC COMMENT**

### **IV. FINANCIAL MATTERS**

#### **A. FIRST DISCUSSION:**

1. Review payment of claims (enclosure).
2. Review June 30, 2024 Unaudited Financial Statements, Schedule of Cash Position and Property Tax Statements (to be distributed).
3. Review draft 2023 audit (to be distributed).

#### **B. SECOND DISCUSSION:**

- 1.

### **V. OPERATIONS & MAINTENANCE**

#### **A. FIRST DISCUSSION**

- 1.

#### **B. SECOND DISCUSSION**

1. Review and consider approval of proposal from Chavez Construction LLC for pool resurfacing in the amount of \$65,200.00 (enclosure).

### **VI. CAPITAL AMENITIES**

#### **A. Update on Fiber Optics project.**

#### **B. FIRST DISCUSSION:**

1. Review a proposal for pathway sign installation in the amount of \$1,800 (enclosure).

#### **C. SECOND DISCUSSION:**

- 1.

### **VII. INFRASTRUCTURE MATTERS**

#### **A. FIRST DISCUSSION:**

1. Acknowledge termination of Wernsman Engineering Service Agreement.

2. Review proposal from Terra Forma for engineering services related to Infrastructure Matters.
3. Review punch list items prepared by Weld County for Beebe Draw Subdivision Phase 5 Improvements (enclosure).

**B. SECOND DISCUSSION:**

- 1.

**VIII. LEGAL MATTERS**

**A. FIRST DISCUSSION:**

1. Acknowledge 2024 General Legislation Memo (enclosure).

**B. SECOND DISCUSSION:**

- 1.

- C. Executive Session Pursuant to §24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice on specific legal questions.**

**IX. OTHER BUSINESS**

**X. ADJOURNMENT**

**The next scheduled meeting is September 18, 2024 at 6:00 p.m.**

MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
BEEBE DRAW FARMS AUTHORITY (THE “AUTHORITY”)  
HELD  
JULY 10, 2024

A special meeting of the Board of Directors of the Beebe Draw Farms Authority (referred to hereafter as the “Board”) was convened on July 10, 2024, at 6:00 p.m. This District Board meeting was held at via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

Sharon Dillon, President  
Diane Mead, Vice-President  
Scott Edgar, Secretary  
Cindy Billinger, Treasurer

Also, In Attendance Were:

Lisa Johnson, Shauna D’Amato and Terri Boroviak, CliftonLarsonAllen LLP (“CLA”)  
Alan Pogue; Icenogle Seaver Pogue, P.C. (“ISP”)  
Bruce O’Donnell, MaryJo & Ed Farrell, Kelly Deitman, Melanie Briggs and other members of the public.

ADMINISTRATIVE MATTERS

**Quorum, Location of Meeting Posting of Meeting Notice:**

The presence of a quorum was confirmed. It was further noted that 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 by taxpaying electors within the Authority’s boundaries have been received.

**Call to Order and Agenda:**

The meeting was called to order at 6:00 p.m. The Board reviewed the agenda for the meeting. Ms. Johnson requested an addition to Capital Amenities. Following discussion, upon motion duly made by Director Edgar, seconded by Director Billinger and, upon vote, unanimously carried, the Board approved the Agenda, as amended.

**Disclosures of Potential Conflicts of Interest:**

The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board and to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for

the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute.

**Election of Officers:**

Following discussion, upon motion duly made by President Dillon, seconded by Director Edgar and, upon vote, unanimously carried, the following slate of officers were appointed for the District:

President:	Sharon Dillon
Vice President:	Diane Mead
Secretary:	Scott Edgar
Treasurer:	Cindy Billinger

**FIRST DISCUSSION:**

**Attendance of 2024 Special District Association (“SDA”) Conference:**

Ms. Johnson reviewed the SDA Conference with the Board. Discussion ensued. No action was taken.

**June 12, 2024 Regular Meeting Minutes:**

The Board reviewed the minutes. No action was taken.

**SECOND DISCUSSION:**

**May 8, 2024 Special Meeting Minutes:**

Following discussion, upon a motion duly made by Director Edgar, seconded by President Dillon and, upon vote, unanimously carried, the Board approved the May 8, 2024 Special Meeting Minutes.

**CONSENT AGENDA**

**Payment of Claims in the amount of \$154,399.45**  
**Cash Position schedule and PTax Statements**

Ms. Johnson reviewed the consent agenda with the Board. Following discussion, upon a motion duly made by President Dillon, seconded by Director Billinger and, upon vote, unanimously carried, the Board approved the consent agenda.

**PUBLIC COMMENT**

None.

## FINANCIAL MATTERS

### **FIRST DISCUSSION**

#### **Payment of Claims:**

Ms. Johnson reviewed the payment of claims with the Board. Discussion ensued. No action was taken.

#### **Draft 2023 Audit:**

This item was deferred.

### **SECOND DISCUSSION**

#### **March 31, 2024 Unaudited Financial Statements:**

Ms. Johnson reviewed the unaudited financial statements with the Board. Following discussion, upon motion duly made by President Dillon, seconded by Director Mead and, upon vote, unanimously carried, the Board accepted the March 31, 2024 Unaudited Financial Statements, as presented.

## OPERATIONS & MAINTENANCE

#### **Pool Manager Report:**

Ms. Johnson reviewed the report with the Board. No action was taken.

### **FIRST DISCUSSION**

#### **Proposals for Pool Resurfacing:**

President Dillon reviewed proposals from Mid-America Pool renovation, Inc. and Chavez Construction LLC with the Board and recommended Chavez. Discussion ensued. No action was taken.

### **SECOND DISCUSSION**

None.

## CAPITAL AMENITIES

#### **Change Order with Fossil Creek Builders for Additional Asphalt at Oilfield Driveways in the amount of \$5,612.60:**

Mr. Caldwell reviewed the change order with the Board. President Dillon requested more information. Discussion ensued. The Board directed staff to request Drexel Barrell split the change order cost. Mr. Boroviak will wait on the Pay App associated with the change order and will process the current Pay App in the meantime.

Following discussion, upon a motion duly made by President Dillon, seconded by Director Edgar and, upon vote, unanimously carried, the Board approved the Change Order, subject to Ms. Johnson getting appropriate paperwork consistent with course of conduct between parties.

**FIRST DISCUSSION**

None.

**SECOND DISUSSION**

None.

**INFRASTRUCTURE MATTERS**

**FIRST DISCUSSION**

None.

**SECOND DISUSSION**

None.

**LEGAL MATTERS**

**FIRST DISCUSSION**

None.

**SECOND DISUSSION**

None.

**OTHER MATTERS**

**Statutorily Required Documents Posted on Website and Remediation Services:**

Ms. Johnson reviewed the website and related needs with the Board. Following discussion, the Board directed staff to obtain quotes to remediate what is required by statute to be on the website and quotes for everything currently on the website and present them to the Board for review at a future meeting.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Edgar, seconded by President Dillon and, upon vote, unanimously carried, the meeting was adjourned at 7:16 p.m.

Respectfully submitted,

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



**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
BEEBE DRAW FARMS AUTHORITY  
HELD  
JUNE 12, 2024**

A regular meeting of the Board of Directors (referred to hereafter as the “Board”) of the Beebe Draw Farms Authority (referred to hereafter as the “Authority”) was convened on Wednesday, June 12, 2024, at 6:00 p.m. This meeting was held at 16494 Beebe Draw Farms Parkway, Platteville, CO 80651 and via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

**Directors In Attendance Were:**

Sharon Dillon, President  
Diane Mead, Vice President  
William Caldwell, Treasurer  
Scott Edgar, Secretary

**Also In Attendance Were:**

Lisa Johnson, Shauna D’Amato and Terri Boroviak; CliftonLarsonAllen LLP  
Alan Pogue, Esq.; McGeady Becher, P.C.  
Todd Johnson; Terra Forma  
Bruce O’Donnell, Carol Satersmoen, Cindy Billinger, Catrena Rosentreader,  
MaryJo & Ed Farrell, Jeff Heely, Judy Tunis, Kent Lewis, Christine Hethcock,  
Brenda Lewis, Bruce O’Donnell, Dave Miller, Patty Caldwell, Ken Rose, John  
Coleman, Gerry Tschirpke and other members of the public.

ADMINISTRATIVE  
MATTERS

**Confirm Quorum, Location of Meeting and Posting of Meeting Notice:** The presence of a quorum was confirmed. It was further noted that 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 by taxpaying electors within the Authority’s boundaries have been received.

**Call to Order and Agenda:** The meeting was called to order at 6:29 p.m. Director Edgar indicated he had a presentation to make under infrastructure matters and no action is required. Following discussion, upon a motion duly made by President Dillon, seconded by Director Edgar and, upon vote, unanimously carried, the Board approved the agenda, as amended.

**Disclosures of Potential Conflicts of Interest:** The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board and to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute.

**Appointment of One Board Member from Beebe Draw Farms Metropolitan District No. 1 and Beebe Draw Farms Metropolitan District No. 2 to Serve 2-Year Terms:** Following discussion, the Board acknowledged the appointment of Cindy Billinger from District No. 1 and Scott Edgar from District No. 2 to the Authority's Board. President Dillon administered the oath of office to Directors Billinger and Edgar.

Ms. Johnson thanked Director Caldwell for his service.

**FIRST DISCUSSION:**

**May 8, 2024 Special Meeting Minutes:** Ms. Johnson reviewed the May 8, 2024 Special Meeting minutes with the Board. No action was taken.

**SECOND DISCUSSION:**

**Minutes of the April 24, 2024 Special Meeting:** Upon a motion duly made by President Dillon, seconded by Director Mead and, upon vote, unanimously carried, the Board approved the minutes of the April 24, 2024 Special Meeting.

**Resolution Adopting Technology Accessibility Statement and Technical Standards:** Upon a motion duly made by President Dillon, seconded by Director Edgar and, upon vote, unanimously carried, the Board adopted the Resolution Adopting Technology Accessibility Statement and Technical Standards.

**CONSENT AGENDA**

**Payment of Claims in the Amount of \$80,555.13:** Ms. Johnson reviewed the claims with the Board. Following discussion, upon a motion duly made by President Dillon, seconded by Director Edgar and, upon vote, unanimously carried, the Board ratified the approval of payment of claims in the amount of \$80,555.13.

**PUBLIC COMMENT**

Catrena Rosentreader reported that several members in community are wondering if treatment for mosquitos near the holding pond will occur.

Bill Caldwell reported that the walking trail is anticipated to be complete in about four weeks.

Ed Farrell noted there is no update regarding the Hilltop grant application at this time, but will send it to Ms. Johnson to disperse to the Board, when available.

Jeff Heeley requested to host a firefighter appreciation day at the Community Pool/Pavilion. President Dillon stated the Authority would support use of property as long as the Property Owners Association would host the event.

Kent Lewis noted that with the activity near the lake & settling pond, dust is being blown around. He asked if the Authority Board could do something to help mitigate this. Mr. Lewis expressed concerns regarding West Nile Virus, and requested the Board establish an action plan for treatment of mosquitos.

Members of the public discussed keys to mailboxes, who is responsible for the cost and how they can be replaced. President Dillon clarified that Mr. Lewis is requesting REI address this issue. This is not an Authority matter.

## FINANCIAL MATTERS

### **FIRST DISCUSSION:**

**Payment of Claims:** The Board reviewed the payment of claims.

**March 31, 2024 Unaudited Financial Statements:** The Board reviewed the March 31, 2024 Unaudited Financial Statements. No action was taken.

**SECOND DISCUSSION:** None.

## OPERATIONS AND MAINTENANCE

**Pool Manager Report:** Ms. Johnson provided an update for the Board regarding the Kantech pool key system failure and need of repair. President Dillon and Director Caldwell gave approval to repair and get a new system up, as it was needed to keep the pool enclosure safe. The cost was approximately \$5,000.00. Attorney Pogue confirmed this is considered an emergency, can bypass the first/second discussion and the Board can take action tonight.

Following discussion, upon a motion duly made by President Dillon, seconded by Director Mead and, upon vote, unanimously carried, the Board approved repairing and setting a new pool key system up in an amount not to exceed \$5,000.00. Ms. Johnson noted the funds will come from the Capital R&R contingency fund.

**FIRST DISCUSSION:** None.

**SECOND DISCUSSION:**

**Proposals to Replace Ductwork on HVAC at the Sales and Info. Center:** Following discussion, upon a motion duly made by President Dillon, seconded by Director Billinger and, upon vote, unanimously carried, the Board approved the Air Mechanical Inc. proposal to replace ductwork on HVAC at the Sales and Info. Center in the amount of \$7,832.00. Ms. D'Amato will send the proposal to Attorney Pogue to prepare a service agreement.

## CAPITAL AMENITIES

**FIRST DISCUSSION:** None.

**SECOND DISCUSSION:** None.

INFRASTRUCTURE MATTERS

**FIRST DISCUSSION:**

**Filing No. 2 Plat / PUD Application:** Director Edgar and Mr. Johnson presented the Filing No. 2 Plat / PUD Application Presentation to the Board, noting that they are working with CLA to create a financial forecast. Discussion ensued. No action was taken.

**SECOND DISCUSSION:** None.

LEGAL MATTERS

**FIRST DISCUSSION:** None.

**SECOND DISCUSSION:** None.

OTHER BUSINESS

Director Edgar discussed an upcoming *Denver Post* article and informed the Board and those in attendance that he feels this was done in bad faith given that the Beebe Draw Farms Metropolitan District No. 1 Board of Directors agreed to consider his offer related to the land conveyance. Attorney Pogue stated he was contacted by a reporter for an article but has not returned the call.

Director Caldwell discussed thistle and noxious weeds with the Board, noting that the State of Colorado will come and request removal. Director Caldwell reminded residents that the Authority will not remove weeds on private property.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by President Dillon, seconded by Director Edgar and, upon vote, unanimously carried, the Board adjourned the meeting at 7:47 p.m.

Respectfully submitted,

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

**Beebe Draw Farms Authority**  
**Unpaid and Auto paid Claims 8/7/24**  
**First Reading**

<b>Vendor</b>	<b>Invoice #</b>	<b>Date</b>	<b>Payment Status</b>	<b>Open Balance</b>
Central Weld County	006060-01JULY24	7/24/2024	Auto paid	\$ 129.62
Central Weld County	006075-01JULY24	7/24/2024	Auto paid	58.96
Central Weld County	006053-01JULY24	7/24/2024	Auto paid	1,729.37
Central Weld County	006004-01JULY24	7/24/2024	Auto paid	478.37
Central Weld County	006003-01JULY24	7/24/2024	Auto paid	3,602.87
Century Link	CenturyLink JUN24	6/30/2024	Auto paid	138.77
Century Link	CenturyLink MAY24	5/31/2024	Auto paid	136.98
Century Link	CenturyLink APR24	4/30/2024	Auto paid	136.98
CLA	L241457969	6/30/2024	Unpaid	5,703.67
CLA	L241478554	6/30/2024	Unpaid	7,139.68
Diversified Underground	302521	7/31/2024	Unpaid	96.00
Drexel, Barrell & Co.	28115	7/31/2024	Unpaid	2,610.00
Drexel, Barrell & Co.	27965	6/30/2024	Unpaid	1,315.50
First Class Security Systems	148424	7/25/2024	Unpaid	5,741.50
Icenogle Seaver Pougé	25918	6/30/2024	Unpaid	2,278.00
LaSalle Oil	29166	7/31/2024	Unpaid	427.45
SDA	NA	9/10/2024	Unpaid	175.00
Talk Shop	23769	7/24/2024	Unpaid	250.00
United Power	24-Jun	6/30/2024	Auto paid	23.14
Warehouse	66375	5/6/2024	Unpaid	73.69
Xcel Energy	883881291	6/30/2024	Auto paid	611.89
Xcel Energy	883513050	6/30/2024	Auto paid	134.64
Xcel Energy	883206184	6/30/2024	Auto paid	127.24
<b>Grand Total</b>				<b>\$ 33,119.32</b>

**Beebe Draw Farms Authority**  
**Unpaid and Auto paid Claims 8/7/24**  
**Second Reading**

<b>Vendor</b>	<b>Invoice #</b>	<b>Date</b>	<b>Payment Status</b>	<b>Open Balance</b>
Big Horn Buildings	1042	6/28/2024	Unpaid	\$ 13,650.00
Central Weld County	006060-01JUNE24	6/24/2024	Auto paid	144.62
Central Weld County	006075-01JUNE24	6/24/2024	Auto paid	58.96
Central Weld County	00605.-01JUNE24	6/24/2024	Auto paid	829.37
Central Weld County	006004-01JUNE24	6/24/2024	Auto paid	464.87
Central Weld County	006003-01JUNE24	6/24/2024	Auto paid	865.37
CLA	L241400129	5/31/2024	Unpaid	4,446.40
CLA	L241392395	4/30/2024	Unpaid	9,357.25
CLA	L241380250	5/31/2024	Unpaid	6,283.20
Diversified Underground	30025	6/30/2024	Unpaid	180.00
Drexel, Barrell & Co.	27803	5/31/2024	Unpaid	234.00
Ewing Irrigation Products	22637178	6/19/2024	Unpaid	566.97
First Class Security Systems	147758	6/21/2024	Unpaid	375.00
First Class Security Systems	147718	6/8/2024	Unpaid	630.00
Fossil Creek Builders	23008.-1.6	6/30/2024	Unpaid	48,329.84
Fossil Creek Builders	COR No. 2	6/30/2024	Unpaid	5,612.62
Icenogle Seaver Pogue	25691	5/31/2024	Unpaid	2,363.50
LaSalle Oil	28998	6/30/2024	Unpaid	302.63
Ram Waste Systems Inc	7849105V327	7/31/2024	Unpaid	163.73
Xcel Energy	879356752	5/31/2024	Unpaid	65.21
Xcel Energy	879518968	6/1/2024	Unpaid	78.17
<b>Grand Total</b>				<b>\$ 95,001.71</b>

# CHAVEZ CONSTRUCTION LLC

Pelican Lake Ranch Pool Resurfacing

**Plaster Prep**- acid wash, chipping, bond coat

**Plaster installation** - Labor, plaster & pump

**\$38,700.00**

Removal and installation of coping with caulking (stamped or regular)

**\$15,300.00**

Heater removal, and installation of new heater

**\$11,200.00**

**Total: \$65,200.00**

*\*If we only perform the preparation and installation of the plaster, the price will be the \$38,700.00 listed above.*

Proposal does not include any tile work (see below)

For unforeseen conditions pricing is subject to change with notice. This includes structural issues or previous work done that will affect our performance.

*Chavez Construction LLC provides a 1 year warranty for the work performed. (We only warranty one year due to us not being responsible on how maintenance is kept up with throughout time. We are not responsible for the chemicals and deluding of chemicals that are used on the new surface that may possibly shorten the lifespan of the plaster if not used properly. If maintenance is kept up correctly, a new plaster surface will typically last 5-8 years.)*

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For any further questions:

Cruz Chavez: 303-886-5659

Edgar Chavez: 720-371-5704

Maricruz Chavez: [Chavezconstructionllc.co@gmail.com](mailto:Chavezconstructionllc.co@gmail.com)

# CHAVEZ CONSTRUCTION LLC

## Pelican Lake Ranch Pool Resurfacing



### Questions review:

1. Resurfacing our big pool and wader pool with Diamond Brite Blue Quartz along with replacing the white tile on the ramp going into the wader pool.
2. Resurfacing our big pool and wader pool with Diamond Brite Blue Quartz along with replacing the white tile on the ramp going into the wader pool and replacing the coping on both pools.

### Some additional questions:

- Can you give a breakdown of the demolition part in your estimates as well?
- Do you suggest replacing the white tile ramp in the wader pool with plaster or retiling it?
- Can you get us a quote for replacing our big pool heater or a referral for a company who handles pool heaters?
- Do you pull off the old plaster prior to putting on the new or cover over the old plaster?

**Demolition: Not all plaster will come off unless there are hollow spots (to be determined by Cruz) We will knock off an 1" under existing tile to allow for the new coat of plaster to be installed towards the tile smoothly.**

**We recommend replacing the old 1x1 white tile (entering kid pool) with new tile, instead of plaster. Since the water does not cover that area entirely, replacing it with just plaster will not be the best option since it needs to be hydrated. Tile replacement is not included in the price, please let us know if you would like to go that route.**

**After the new plaster, the pool must be filled and hydrated with water at all times. By winter, you will be able to continue your winter maintenance routine.**

# ***CHAVEZ CONSTRUCTION LLC***

## **Pelican Lake Ranch Pool Resurfacing**

**If you have any further questions please feel free to give any of us a call, or send an email we are available at all times to assist. It would be an honor to take on this project for our new neighborhood.**

**Chavez Construction LLC**





**Bilrite Sign Service, Inc**

4315 Industrial Parkway  
 Evans, CO 80620  
 Fax: 970-353-0318  
 sales@bilritesign.com

**BID PROPOSAL**

Date: 7/1/2024  
 Expires: 9/29/2024

Customer: Pelican Lake Ranch  
 Attn: Linda Cox  
 Job Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: coxlindaevans2@gmail.com

Job Reference: Beebe Draw Farms Pathway  
 Sales Person: Scott Riley  
 Email: scott@bilritesign.com

<i>Description of work to be performed:</i>	<b>PRICE:</b>
Manufacture new, double-sided sign measuring 4'-8" tall by 4'-0" wide. The sign will be made with 1/8" thick aluminum painted dark green. The lettering and graphics will be applied to the panel with high performance 3M vinyl. The sign will be mounted on aluminum angle brackets also painted dark green. Color and layout as per drawing.	\$871.00
Labor and materials to install sign on (2) 4x4 wood posts in drypacked concrete footings.	\$814.00

Please note the following conditions apply unless stated otherwise above:		<b>Subtotal:</b>	<b>\$1,685.00</b>
• Electrical service to sign(s) must be provided by licensed electrician contracted by the customer		<b>Estimated Permit Fee:</b>	<b>\$0.00</b>
• All signs are subject to property owner and government approval		<b>Estimated City Tax:</b>	<b>\$0.00</b>
• Production will be scheduled once property owner and government approval has been received		<b>State Tax:</b>	<b>\$25.26</b>
• Production schedule and deadlines are approximate and subject to weather and unforeseen delays		<b>TOTAL:</b>	<b>\$1,710.26</b>
• Any required licensed engineer's review, stamp, and/or changes will be an additional charge			
• Permit fees are based on a standard permit, any special reviews or additional fees required to procure permit will be additional			
• Sign removals do not include painting and/or repair of the building, building surfaces, and/or mounting structure			
• Landscaping, landscape repair, and removal of concrete footings is excluded from scope of work			

**Customer Authorization:** The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work specified. Payment will be made as outlined below.

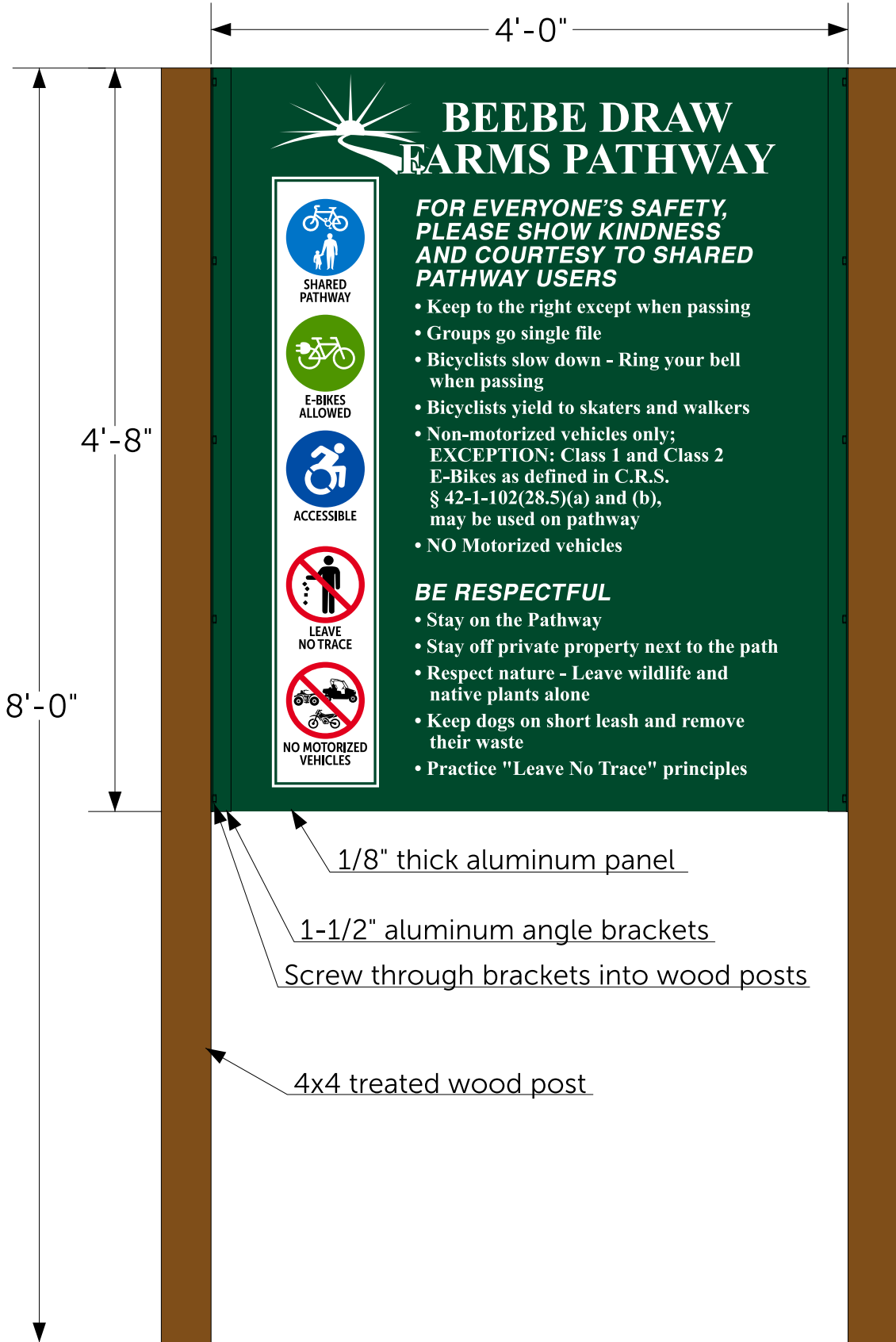
Terms: 50% down, balance due upon completion  
 Visa/MasterCard are accepted up to \$2,500. Any amount over \$2,500 will be assessed a 3% fee and added to the final balance due.

Purchaser: \_\_\_\_\_ Signature: \_\_\_\_\_

Billing Address: \_\_\_\_\_

**This order will be scheduled for production when we have ALL required information, signed authorization, deposit, and approvals.**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strike, accidents, or delays beyond our control. Our workers are fully covered by Workman's Compensation.



**BEEBE DRAW FARMS PATHWAY**

-  SHARED PATHWAY
-  E-BIKES ALLOWED
-  ACCESSIBLE
-  LEAVE NO TRACE
-  NO MOTORIZED VEHICLES

**FOR EVERYONE'S SAFETY,  
PLEASE SHOW KINDNESS  
AND COURTESY TO SHARED  
PATHWAY USERS**

- Keep to the right except when passing
- Groups go single file
- Bicyclists slow down - Ring your bell when passing
- Bicyclists yield to skaters and walkers
- Non-motorized vehicles only; EXCEPTION: Class 1 and Class 2 E-Bikes as defined in C.R.S. § 42-1-102(28.5)(a) and (b), may be used on pathway
- NO Motorized vehicles

**BE RESPECTFUL**

- Stay on the Pathway
- Stay off private property next to the path
- Respect nature - Leave wildlife and native plants alone
- Keep dogs on short leash and remove their waste
- Practice "Leave No Trace" principles

1/8" thick aluminum panel

1-1/2" aluminum angle brackets

Screw through brackets into wood posts

4x4 treated wood post





**PUBLIC WORKS DEPARTMENT**  
1111 H STREET, P.O. BOX 758  
GREELEY, COLORADO 80632  
WEBSITE: <https://www.weld.gov>  
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Date: July 23<sup>rd</sup>, 2024

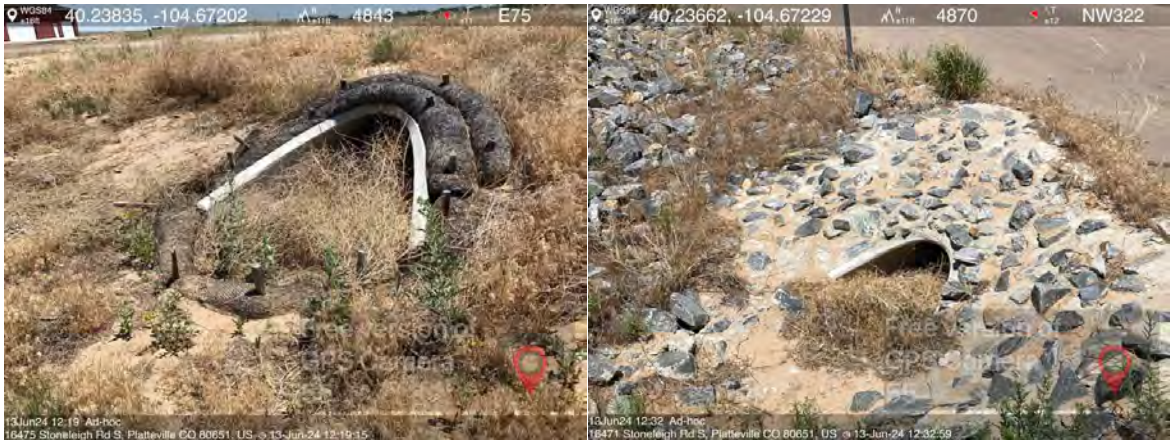
Project: Beebe Draw Subdivision Phase 5

### Punch List

- 1) Crack Seal all existing cracks in asphalt.



- 2) Cleanout all culverts.



- 3) Address the hole in the well access road, southeast of Stoneleigh Road South and directly south of Retention Pond 4.



4) Clean all cattleguards.



5) Address the erosion on the north side of Retention Pond 4.





## ICENOGL SEAVR POGUE

### MEMORANDUM

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

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

**DATE:** July 15, 2024

**RE:** Summary of 2024 Legislation

### INTRODUCTION

The Second Regular Session of the Seventy-Fourth General Assembly (“General Assembly”) of the State of Colorado (the “State”) convened on January 10, 2024 and adjourned on May 8, 2024. This memorandum summarizes certain bills enacted into law and regulations promulgated in 2024 that may impact special districts, either directly or indirectly. This memorandum does not address every new law or regulation or every nuance of the laws and regulations that are included; therefore, the Colorado Revised Statutes (“C.R.S.”) and legal counsel should be consulted for the complete statutory requirements of the legislation discussed herein and laws impacting special districts.

### WEBSITE ACCESSIBILITY

#### **Grace Period Noncompliance Digital Accessibility**

**HB 24-1454**

House Bill (“HB”) 21-1110 (as amended by Senate Bill (“SB”) 23-244) required the Colorado Office of Information Technology (“OIT”) to promulgate rules regarding information technology systems accessibility standards by July 1, 2024, after which public entities are liable for discrimination claims.<sup>1</sup> HB 24-1454 permits a one-year grace period (to July 1, 2025) from liability if the noncompliant public entity demonstrates good faith efforts toward compliance with the OIT accessibility standards or makes good faith efforts toward resolution of a complaint of noncompliance. “Good faith efforts”<sup>2</sup> must include the following:

- Creation of a progress report demonstrating concrete and specific efforts toward compliance on the entity’s or agency’s front-facing web pages;

<sup>1</sup> For additional information regarding the OIT’s Rules Establishing Technology Accessibility Standards, see our memorandum on this issue dated March 25, 2024.

<sup>2</sup> If a civil action is filed and a public entity alleges that it has made a good faith effort towards compliance, the court shall determine whether a good faith effort was made based on a preponderance of the evidence.

- updating the progress report on a quarterly basis; and
- creating a clear, easy-to-find process for requesting redress for inaccessible digital products including contact options that are not dependent on web access or digital accessibility and are prominently displayed on all front-facing web pages.

HB 24-1454 took effect on May 24, 2024 and will be automatically repealed on July 1, 2025.

## **SPECIAL DISTRICTS**

### **Metropolitan District Covenant Enforcement Policy**

**HB 24-1267**

HB 24-1267 requires the board of directors of a metropolitan district that provides covenant enforcement and design review services to adopt a written policy that governs the imposition of fines and establishes procedures for imposing the same, including notice and an opportunity to be heard, and establishing procedures for disputes between the metropolitan district and a unit owner by January 1, 2025. The policy must be posted to the metropolitan district’s website if the metropolitan district is required to maintain one.

In addition, HB 24-1267 provides, among other things, that the metropolitan district cannot foreclose on a lien based on the unit owner’s delinquent payment of rates, fees, tolls, fines, penalties, or charges or charge a unit owner for court costs or attorney fees when a court determines an owner did not commit the alleged violation. Additionally, a metropolitan district may not prohibit the owner or occupant of a unit from displaying flags and signs, parking an emergency response vehicle in a driveway, removing vegetation for fire mitigation, making reasonable modifications for individuals with disabilities, utilizing certain drought-tolerant vegetation or rain barrels, and installing certain energy efficient devices. The bill also prohibits a metropolitan district from seeking to enforce the terms of a building restriction (which term is undefined) or to compel the removal of any building or improvement because of a violation of the terms of the building restrictions unless the action is commenced within one (1) year after the date that the metropolitan district knew or should have known of the violation. HB 24-1267 permits a metropolitan district to adopt a resolution to have delinquent amounts certified to the county treasurer for collection in the same manner as taxes are collected.

HB 24-1267 will take effect on August 7, 2024, assuming no referendum petition is filed. Metropolitan districts that provide covenant enforcement and design review services should expect to adopt a formal policy, in coordination with legal counsel, by no later than January 1, 2025.

### **Prohibit Landscaping Practices for Water Conservation**

**SB 24-005**

SB 24-005 prohibits local entities,<sup>3</sup> including special districts, from installing, planting, or placing nonfunctional turf, artificial turf, or invasive plant species (collectively, “turf”) as part of a new

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<sup>3</sup> “Local entity” is defined as a “home rule or statutory city, county, city and county, territorial charter city, or town; special district; and metropolitan district.”

development or redevelopment project on applicable property<sup>4</sup> beginning on January 1, 2026. On or before January 1, 2026, local entities must enact or amend ordinances, resolutions, regulations, or other laws in accordance with this prohibition. Finally, SB 24-005 provides that any turf installed prior to January 1, 2026 may continue to be maintained by a local entity. SB 24-005 will take effect on August 7, 2024, assuming no referendum petition is filed.

### **Restrictions on Tap Fees**

**HB 24-1463**

HB 24-1463 provides that within thirty (30) days of receiving a written request from any local government<sup>5</sup> within the boundaries of which the special district operates or partly operates, a special district must provide the rate schedule for tap fees, system development fees, and other fees and charges that contemplate future water or sanitation system usage (the “Fees”). In addition, upon request, the local government shall provide any professional analyses and a detailed written justification of the costs and methodologies used to calculate Fees. HB 24-1463 will take effect on August 7, 2024, assuming no referendum petition is filed.

## **TAXATION & OTHER FINANCING**

### **Update Local Government Sales & Use Tax Collection**

**SB 24-025**

SB 24-025 revises State laws that govern State administration of local sales or use tax, including those collected by special districts. Among other things, SB 24-025 requires that the executive director of the Department of Revenue (“DOR”) collect, administer, enforce, and distribute sales or use tax imposed by local governments, including special districts, in the same manner as the collection, administration, and enforcement of State sales and use tax. In addition, SB 24-025 allows local governments to allow retailers to retain a percentage of the amount remitted to cover the retailer’s expenses in collecting the tax. SB 24-025 will take effect on July 1, 2025, unless a referendum petition is filed by August 7, 2024.

### **Property Tax**

**SB 24-233**

SB 24-233<sup>6</sup> can be broken into three key components: 1) establishing a property tax revenue limitation for local governments, 2) reducing assessment rates for both residential and commercial property, and 3) providing State reimbursement to local governments that lost property tax revenue from such changes.

<sup>4</sup> “Applicable property” is defined as commercial, institutional, industrial property, common interest community property, rights-of-way, parking lots, medians, or transportation corridors. Residential properties are specifically excluded from the meaning of applicable property.

<sup>5</sup> “Local government” is defined as a home rule or statutory county, city and county, or municipality.

<sup>6</sup> At the outset, it should be noted that SB 24-233 will only go into effect if neither Initiative 50 nor Initiative 108 (discussed below) pass in the November 2024 election. Should either initiative pass in the November 2024 election, this bill will not become effective.

## 1. Property Tax Revenue Limitations for Local Governments

Beginning with the 2025 property tax year (collection year 2026), SB 24-233 limits property tax revenue growth for local governments.<sup>7</sup> The limit is equal to the level of the local government's base year property tax revenue, plus any reimbursements received by the State for that year, grown annually by 5.5% from the base year.<sup>8</sup> However, SB 24-233 excludes certain revenue from the calculation of the property tax revenue limit including, but not limited to, (1) revenue resulting from assessed value attributable to new construction and personal property, newly included property, formerly exempt federal property that becomes taxable, refunds and abatements by local governments during a reassessment cycle, oil and gas production, and revenues previously diverted for tax increment financing; and (2) revenue for the payment of bonds outstanding as of the effective date of the bill and interest thereon, contractual obligations approved by voters as of the effective date of the bill, and bonds or other contractual obligations issued with existing voted authorization. Beginning in 2025, revenue from voter-approved mill levy increases is also excluded. *It should be noted that any special district that has previously received voter approval for the waiver of the 5.5% statutory limitation and TABOR expenditure limitations are now subject to the above limitation.*

In addition, SB 24-233 requires that a local government either enact a temporary property tax credit or temporarily reduce its mill levy in order to meet the limitations of SB 24-233, and neither action shall change the underlying mill levy imposed by the local government and does not require prior voter approval. Pursuant to SB 24-233, revenues collected in excess of the above limitation must be refunded. SB 24-233 allows local governments to (1) waive the limit for a single property tax year,<sup>9</sup> a specified number of years, or for all future tax years with advance voter approval; and (2) seek voter authorization to (a) increase the total number of mills levied, or (b) allow a floating mill levy up to the property tax limit, so long as voter authorization for (a) and (b) are obtained after the effective date of SB 24-233.

## 2. Property Tax Assessment Rates and Reductions

SB 24-233 lowers assessment rates and extends value reductions for the 2024 property tax year (collection year 2025). For the 2024 tax year, SB 24-233 carries over the temporary assessment

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<sup>7</sup> "Local government entity" for this portion of the bill means a governmental entity authorized to impose ad valorem taxes on taxable property within its territorial limits; however, school districts, home-rule jurisdictions, and local governments whose revenue is already limited by TABOR's collection, retention, and spending limits or by the 5.5% revenue limit are specifically excluded.

<sup>8</sup> "Base year" is defined as 1) "[f]or a local government entity that had a qualified property tax revenue for the property tax year commencing on January 1, 2023, the local governmental entity's qualified property tax revenue for the property tax year commencing on January 1, 2023, plus any money that the local governmental entity received pursuant to Section 39-3-210," C.R.S.; or 2) "[f]or a local governmental entity that did not have qualified property tax revenue for the property tax year commencing on January 1, 2023, the local governmental entity's qualified property tax revenue for the first year that the local governmental entity had property tax revenue." In addition, for local governmental entities that have temporarily waived the property limit, the local governmental entity's qualified property tax revenue for the most recent property tax year for which the local governmental entity temporarily waived the property tax limit serves as the base year.

<sup>9</sup> The base year for calculation of the 5.5% growth limit is based off the year when the waiver last applied.



rates and actual value reductions from the 2023 property tax year (collection year 2024). This includes a 6.7% assessment rate applied to the actual value of the property minus \$55,000 or the amount that reduces assessed value to \$1,000 for residential real property.

In addition, beginning in the 2025 property tax year, SB 24-233 creates two assessed values for each residential property: one that is used for mill levies assessed by school districts,<sup>10</sup> and one that is used for all other local government entities.<sup>11</sup> For local governments for property tax year 2025, SB 24-233 reduces the assessment rate for all residential property to 6.4% applied to the actual value of the property. For property year 2026, the residential assessment rate is 6.95% applied to the actual value of the property minus the lesser of (a) 10% of the actual value, or (b) \$70,000 Finally, beginning with the 2027 property tax year, the \$70,000 maximum is increased annually by inflation in the first year of each subsequent reassessment cycle.

**SB24-233 (Concerning Property Tax) – Overview for Non-School Local Governments**

	PTY* 2024	PTY 2025	PTY 2026	PTY 2027	PTY 2028
<b>Property Tax Limit</b>	No new limit	5.5%	5.5%	5.5%	5.5%
<b>Residential AR**</b>	6.7%	6.4%	6.95%	6.95%	6.95%
<b>Homestead Exemption from Actual Value</b>	\$55K	10% of first \$700K***	10% of first \$700K***	10% of first \$700K***	10% of first \$700K***
<b>Non-Residential AR**</b>	27.9%	27%	25%	25%	25%
<b>Commercial Exemption from Actual Value</b>	\$30K of actual value				

\* Revenues are collected in the year following the Property Tax Year (PTY) – eg. PTY 2024 is collected in 2025

\*\* Assessment Rate (AR)

\*\*\*The Homestead Exemption is adjusted by inflation/CPI starting in PTY 2025

Source: Special District Association, 2024 Legislative Summary (July 2024)

3. State Reimbursements

Finally, SB 24-233 establishes a process by which local governments can be reimbursed by the State for revenue lost pursuant to the reductions in assessed value in the 2024 property tax year only. Reimbursements shall be based on the decline in assessed value multiplied by the local government’s 2022 mill levy, less mills for bonds and contractual obligations. In order to qualify for State reimbursement, the change in assessed value from the 2022 property tax year to the 2024 property tax year must be negative. If there is insufficient State funding to fully backfill the eligible local governments, the backfill will be proportionately reduced.

<sup>10</sup> For purposes of this memorandum, details regarding school district assessment rates have been excluded.

<sup>11</sup> “Local government entity” for the purpose of this portion of the bill means a governmental entity authorized by law to impose ad valorem taxes on taxable property located within its territorial limits but excepting school districts. “Local government entity” does not include local governments that are subject to and have not received voter approval to exceed the 5.5% limitation of Section 29-1-301, C.R.S. nor entities that have not received voter approval to collect, retain, and spend without regard to TABOR.

SB 24-233 was signed into law by the Governor on May 14, 2024 and takes effect upon the Governor's proclamation of the results of the 2024 General Election only if voters do not approve ballot measures that either reduce valuations for assessment and/or require voter approval for retaining property tax revenue that exceeds a limit, as briefly discussed below.

*Initiative 50 and Initiative 108*

Initiative 50, which is qualified to appear on the November 2024 ballot, seeks to amend the Colorado Constitution<sup>12</sup> by imposing a 4% annual cap on total statewide property tax revenues. Any revenue received in excess of the 4% cap would require statewide advance voter approval to be retained.

Initiative 108, which is not yet qualified to appear on the November 2024 ballot, seeks to amend Colorado Revised Statutes<sup>13</sup> by reducing the residential assessment rate to 5.7% and non-residential assessment rate to 24%. Initiative 108 would require State backfill of revenue loss to local governments as a result of this measure.

Should either Initiative 50 or Initiative 108 be approved by voters at the November 2024 election, SB 24-233 will not take effect.

**Tax Rate Information to Real Property Owners**

**HB 24-1302**

HB 24-1302 requires taxing authorities, including special districts, to submit certain information about each mill levy they impose with their annual certification of levies starting with the 2024 property tax year (fiscal year 2025).

The required information includes:<sup>14</sup>

1. The rate of the levy;
2. The prior year levy and revenue collected from the levy;
3. The maximum levy that may be levied without further voter approval;
4. The allowable annual growth in revenue collected from the levy;
5. The actual growth in revenue collected from the levy over the prior year;
6. Whether revenue from the levy is allowed to be retained and spent as a voter-approved revenue change under TABOR;
7. Whether revenue from the levy is subject to the statutory 5.5% local revenue growth limit;
8. Whether revenue from the levy is subject to any other limit;
9. Whether the levy must be adjusted, or whether a mill levy credit must be allowed, to collect a certain amount of revenue for the tax year and, if applicable, that amount of revenue; and

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<sup>12</sup> Requires 55% approval to pass.

<sup>13</sup> Requires 50% approval to pass.

<sup>14</sup> Counties are required to ensure that such information is publicly available beginning January 1, 2026. From December 31, 2024 through December 31, 2025, counties must ensure the information is available upon request.

10. Any other information determined necessary by the Department of Local Affairs (“DOLA”).

On or before September 1, 2024, DOLA is required to determine the process by which taxing authorities, including special districts, will provide the above information.

Finally, under current law, county assessors are required to include an estimate of taxes owed with the notice of valuation that is sent annually to each property owner. HB 24-1302 removes this requirement.

HB 24-1302 took effect on June 3, 2024.

### **Senior Primary Residence Property Tax Reduction**

**SB 24-111**

SB 24-111 establishes a new subclass of residential property called “qualified-senior primary residence real property.” For the 2025 and 2026 property tax years, SB 24-111 reduces the assessed value of owner-occupied senior primary residences for those who previously qualified for the senior homestead tax exemption in 2020 or later years but have since relocated. The actual value of the property is adjusted to 50% of the first \$200,000 or the amount that causes the valuation or assessment to be \$1,000. SB 24-111 requires that revenue lost by local governmental entities, including special districts, be reimbursed by the State. SB 24-111 will take effect on August 7, 2024, assuming no referendum petition is filed.

### **County Revitalization Authorities**

**HB 24-1172**

HB 24-1172 allows counties to create county revitalization authorities (“CRAs”) to promote economic revitalization in unincorporated areas of the State. CRAs may use resources such as tax increment financing and private financing to conduct revitalization projects according to approved plans. Plans must be reviewed by county planning commissions, are subject to statutory notice provisions, and the public decision-making process. HB 24-1172 outlines the requirements for counties choosing to create and administer a CRA. Under HB 24-1172, special districts have the option to request to join a CRA and participate in the revitalization effort. HB 24-1172 will take effect on August 7, 2024, assuming no referendum petition is filed.

## **ELECTIONS**

### **Modifications to Laws Regarding Elections**

**SB 24-210**

SB 24-210 contains various additions, amendments, and repeals regarding Colorado’s election laws. Many sections of this bill do not apply to special districts; however, the bill includes the following changes, which may affect special district elections:<sup>15</sup>

<sup>15</sup> It should be noted that other elements of SB 24-210 may apply to elections coordinated by the county.

- Section 39 specifies the conditions under which an elector may request a replacement ballot from the designated election official and modifies the time by which an elector must submit that request to remove the requirement that it be made before 5:00 p.m. on Election Day.
- Section 41 eliminates a requirement from Section 1-10.5-104, C.R.S. that the designated election official order a recount no later than 25 days after the election if it appears that a recount is required for any office, ballot question, or ballot issue. Section 1-13.5-1306, C.R.S. still contains recount requirements for the Colorado Local Government Election Code.
- Section 49 prohibits a natural person who is not a citizen of the United States, a foreign government, or a foreign corporation from making a direct ballot issue or ballot question expenditure in the State.

The foregoing provisions of SB 24-210 took effect on June 1, 2024.

## **EMPLOYMENT**

### **Public Employees’ Workplace Protection**

**SB 24-232**

SB 24-232 clarifies definitions in the Protection for Public Workers Act, which was adopted by SB 23-111. It clarifies that “protected, concerted activity for the purpose of mutual aid or protection” does not include the right or obligation to recognize or negotiate a collective bargaining agreement and does not include certain activities of confidential or managerial public employees. It further clarifies that public employers (which includes special districts) may limit the rights of an employee to the extent necessary to maintain the nonpartisan role of the employer’s nonpartisan legislative, judicial, or election-related staff. SB 24-232 also clarifies that activity by a public employee that results in a material disruption of a public employee’s duties, the public employer’s operations, or the delivery of public services is not a protected activity; provided, disagreement with the content of a viewpoint expressed or a strike does not constitute a material disruption. In addition, SB 24-232 modifies the applicability of a public employer's authority to limit the rights of public employees in certain circumstances. SB 24-232 will take effect on August 7, 2024, assuming no referendum petition is filed.

### **Safer Youth Sports**

**SB 24-113**

SB 24-113 establishes requirements for nonprofit and for-profit youth sports organizations as well as local governments providing youth athletic activities. It requires local governments,<sup>16</sup> including special districts, perform a criminal history record check prior to employing a person as a coach of a youth athletic activity. Any person who has been convicted of, pled nolo contendere to, or have a deferred sentence or prosecution for felony child abuse or felony unlawful sexual behavior, including a comparable offense committed in another state, is disqualified from acting as a coach of a youth athletic activity.

<sup>16</sup> “Local government” has the same meaning as set forth in Section 29-1-102, C.R.S. This includes, but is not limited to, authorities, counties, municipalities, and special districts.

In addition, local governments must make available a prohibited conduct policy relating to youth athletic activities,<sup>17</sup> including (1) a list of prohibited conduct by coaches, parents, spectators, and athletes; (2) a mandatory reporting policy for adults who have knowledge of an act of prohibited conduct; and (3) a code of conduct for parents, spectators, coaches, and athletes to follow, which may be the model code of conduct policy made available by the Department of Early Childhood.

SB 24-113 will take effect on August 7, 2024, assuming no referendum petition is filed.

## **MISCELLANEOUS<sup>18</sup>**

### **Concerning Prohibiting Restrictions on the Use of Fire-Hardened Building Materials in Residential Real Property HB 24-1091**

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HB 24-1091 prohibits property transfer instruments (*e.g.*, deeds or contracts), homeowner association bylaws, and declarations from restricting the installation, use, or maintenance of fire-hardened building materials in residential property. Existing provisions that violate this prohibition are void and unenforceable as of March 12, 2024. HB 24-1091 took effect on March 12, 2024.

### **Discrimination in Places of Public Accommodation HB 24-1124**

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Under current law, any person who discriminates in places of public accommodation is subject to a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). HB 24-1124 increases the fine amount to three thousand five hundred dollars (\$3,500) for each violation. HB 24-1124 will take effect on August 7, 2024, assuming no referendum petition is filed.

### **Hold Harmless for Error in GIS Database Data SB 24-023**

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SB 24-023 establishes that any vendor relying on the DOR’s GIS database to determine the tax rate and which local tax jurisdictions<sup>19</sup> are owed sales and use tax is held harmless in an audit by the State or any local taxing jurisdiction for an underpayment of tax, charge, or fee liability that results solely from an error or omission in the GIS database. To be held harmless, the vendor must collect and produce certain documentation to demonstrate proper system use. SB 24-023 applies to audits commenced by local taxing jurisdictions, directly or by contractors, on or after April 19, 2024.

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<sup>17</sup> “Youth athletic activity” means “an organized athletic activity in which the majority of the participants are less than eighteen years of age and are engaging in an organized athletic game, competition, or training program.”

<sup>18</sup> It should be noted that all bills affecting homeowners associations are not included for purposes of this memorandum and there may be other bills not otherwise mentioned here. Please contact legal counsel for more information regarding homeowners association bills.

<sup>19</sup> “Local Taxing Jurisdiction” means “a city, town, municipality, county, special district, or authority authorized to levy a sales or use tax pursuant to title 24, 25, 29, 30, 31, 32, 37, 42, or 43, and any county, city and county, or municipality governed by a home rule charter that uses the electronic sales and use tax simplification system.”

## **Towing Carrier Regulation**

**HB 24-1051**

HB 24-1051 imposes additional 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 24-1051 applies to private property, there is likely no impact on most special districts. However, private property is not defined for purposes of HB 24-1051, 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 24-1051 will take effect on August 7, 2024, assuming no referendum petition is filed.

## **Local Government Utility Relocation in Right-Of-Way**

**HB 24-1266**

SB 24-1266 focuses on coordination between “local governments”<sup>20</sup> and utility providers for utility relocation work<sup>21</sup> required for road improvement projects<sup>22</sup> and establishes guidelines for notifications from local governments. SB 24-1266 broadly defines “public roadway” as property controlled by a local government that is acquired, dedicated, or reserved for the construction, operation, and maintenance of a street or public highway and that is open to public travel, or any other public highway established by law.

Although SB 24-1266 does not specifically implicate special districts, these requirements may come into play if there is engagement in a roadway improvement project that requires relocation of utility facilities with an affected local government. SB 24-1266 will take effect on August 7, 2024, assuming no referendum petition is filed, and will apply to relocation work commenced on or after the effective date.

## **Prohibiting Carrying Firearms in Sensitive Spaces**

**SB 24-131**

SB 24-131 prohibits, with limited exceptions, the carrying of firearms in government buildings (including the property, offices, and adjacent parking lots) of the general assembly, local government governing bodies,<sup>23</sup> and courthouses). In addition, SB 24-131 permits a local

<sup>20</sup> “Local government” is defined to include a statutory or home rule county, city and county, municipality, or town, excluding a local government that has granted a franchise to a utility company pursuant to Section 31-32-101 or article XX of the Colorado constitution.

<sup>21</sup> This includes “private project relocation” work including a construction or reconstruction project for the adjustment, expansion, or realignment of a public roadway or public right-of-way that 1) requires the removal, relocation, or alteration of a utility, 2) is necessary to facilitate the development of private property, and 3) is required by reason of a local government zoning, approval, or other land use regulation permitting requirement.

<sup>22</sup> “Road improvement project” means “any construction or reconstruction project for the adjustment, expansion, or realignment of a public roadway or public right-of-way, including but not limited to maintenance, replacement, bridge, culvert, or traffic signal projects” (not for projects under the control of CDOT).

<sup>23</sup> This includes the property or within any building in which the (1) chambers of a local government’s governing body are located; (2) meeting of a local government’s governing body is being conducted; or (3) official office of any

government,<sup>24</sup> including special districts, to enact an ordinance, regulation, or other law allowing a person to carry a firearm at any of the applicable locations. SB 24-131 took effect on July 1, 2024.

### **Emission Reduction Requirements for Lawn and Garden Equipment**

### **Regulation No. 29**

In February 2024, the Air Quality Commission adopted Regulation No. 29 to reduce air pollution from gas-powered lawn and garden equipment. Regulation No. 29 prohibits local governments, including special districts and their contractors, from using certain gas-powered push and held-held lawn and garden equipment with an internal combustion engine smaller than 7 kW (10 horsepower) between June 1 and August 31 of each year in the ozone nonattainment area<sup>25</sup> beginning June 1, 2025.

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elected member of a local government’s governing body or of the chief executive officer of a local government is located.

<sup>24</sup> “Local government” is defined as “any city, county, city and county, special district, or other political subdivision of this state, or any department, agency, or instrumentality thereof.”

<sup>25</sup> The current “ozone nonattainment areas” designated by the Air Quality Control Commission and approved by the U.S. Environmental Protection Agency are Adams County, Arapahoe County, Boulder County, Broomfield County, Denver County, Douglas County, Jefferson County, Weld County, and a portion of Larimer County.