

**YARROW GARDENS METROPOLITAN DISTRICT**

141 Union Boulevard, Suite 150  
Lakewood, Colorado 80228-1898  
Tel: 303-987-0835 • 800-741-3254  
Fax: 303-987-2032

<https://yarrowgardensmd.colorado.gov/>

NOTICE OF A REGULAR MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expires:</u>
Brooks Cannon	President	2025/May 2025
Jeanette Kelder	Treasurer	2027/May 2027
John “Jay” Garcia	Assistant Secretary	2025/May 2025
Shane Harris	Assistant Secretary	2027/May 2027
Jeffrey Seibold	Assistant Secretary	2025/May 2025

DATE: Tuesday, March 12, 2024

TIME: 2:00 P.M.

PLACE: Zoom Meeting

Join Zoom Meeting:

<https://us02web.zoom.us/j/86267550643?pwd=V3RnRGRtWkRyUIZZc1VMWTJFZjFHdz09>

Meeting ID: 862 6755 0643

Passcode: 987572

Dial In: 1-719-359-4580

I. ADMINISTRATIVE MATTERS

A. Call to Order, Conform Quorum, and Present Disclosures of Potential Conflicts of Interest.

---

B. Approve Agenda, confirm posting of meeting notices.

---

C. Review and consider approval of Minutes from the December 12, 2023 Regular Meeting, from the December 12, 2023 Statutory Annual Meeting and from the February 13, 2024 Special Meeting (enclosures).

---

II. PUBLIC COMMENT

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

III. FINANCIAL MATTERS

- A. Review and ratify approval of payment of claims for the period ending December 31, 2023 in the amount of \$3,199.44 and approval of payment of claims for the period ending December 31, 2023 in the amount of \$28,427.30 (enclosure).
- 

- B. Review and accept audited financial statements through the period ending December 31, 2023 (enclosure).
- 

IV. LEGAL MATTERS

- A. Review and consider adoption of Resolution adopting Residential Water Systems Management Policy (enclosure).
- 

- B. Review and consider adoption of Resolution adopting Website Accessibility Plan and Policy (enclosure).
- 

V. COVENANTS, OPERATION, AND MAINTENANCE MATTERS

- A. Community Manager's Report.
- 

VI. OTHER BUSINESS

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

- VII. ADJOURNMENT: **THE NEXT REGULAR MEETING IS SCHEDULED FOR JUNE 11, 2024.**

# RECORD OF PROCEEDINGS

---

## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE YARROW GARDENS METROPOLITAN DISTRICT HELD DECEMBER 12, 2023

A Regular Meeting of the Board of Directors (referred to hereafter as “Board”) of the Yarrow Gardens Metropolitan District (referred to hereafter as the “District”) was convened on Tuesday, the 12th day of December, 2023, at 2:00 p.m. This District Board Meeting was held by teleconference. The meeting was open to the public by teleconference.

### ATTENDANCE

#### Directors In Attendance Were:

Brooks Cannon  
Jeanette Kelder  
John “Jay” Garcia  
Shane Harris  
Jeffrey Seibold

#### Also In Attendance Were:

Peggy Ripko and John Haubert (for a portion of the meeting); Special District Management Services, Inc. (“SDMS”)

Jeffrey Erb, Esq.; Erb Law LLC

Joy Tatton and Lucinda Gang; Simmons & Wheeler, PC (for a portion of the meeting)

### PUBLIC COMMENTS

There were no public comments.

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosures of Potential Conflicts of Interest: The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Ms. Ripko noted that a quorum was present and requested members of the Board 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. Attorney Erb noted that Conflict of Interest Disclosure Statements were filed for all directors at least 72-hours before the meeting.

### ADMINISTRATIVE MATTERS

Agenda: Ms. Ripko reviewed with the Board the proposed agenda for the meeting.

## RECORD OF PROCEEDINGS

---

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the agenda as presented.

**Meeting Location and Posting of Notice:** The Board discussed the requirements of Section 32-1-903(1), C.R.S., concerning the location of the Board meeting. Following discussion, upon motion duly made by Director Cannon, seconded by Director Seibold and, upon vote, unanimously carried, the Board determined to conduct the District’s meeting via conference call. The Board further noted that notice of the time, date and conference bridge information was duly posted and that they had not received any objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the District’s boundaries.

**Minutes:** The Board reviewed the Minutes of the June 13, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Minutes from June 13, 2023 Regular Meeting were approved, as presented.

**Annual Administrative Resolution:** The Board reviewed Resolution No. 2023-12-01: 2024 Annual Administrative Resolution, including the 2024 regular meeting schedule.

The Board determined to hold Regular Meetings on March 12, June 11, and December 10, 2024. The Meetings will be held at 2:00 p.m., via teleconference.

Following discussion, upon motion duly made by Director Garcia, seconded by Director Seibold and, upon vote, unanimously carried, the 2024 Annual Administrative Resolution was approved.

**Section 32-1-809, C.R.S., Compliance for 2024:** Attorney Erb discussed with the Board the requirements of Section 32-1-809, C.R.S.

Following discussion, the Board directed that the required Transparency Notice be posted on the District website and the Special District Association website.

---

### **FINANCIAL MATTERS**

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

Fund	Period ending Sept. 30, 2023
Total	\$ 57,307.85

## RECORD OF PROCEEDINGS

---

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

**Unaudited Financial Statements:** Ms. Tatton presented to the Board the audited financial statements through the period ending December 31, 2022 and the unaudited financial statements through September 30, 2023.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board accepted the audited financial statements through the period ending December 31, 2022 and the unaudited financial statements through September 30, 2023.

**2023 Audit:** The Board reviewed the proposal from Wipfli LLP to perform the 2023 Audit.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the engagement of Wipfli LLP to perform the 2023 Audit, for an amount not to exceed \$6,000.

**2023 Budget Amendment Hearing:** It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received and the President closed the public hearing.

The Board determined that an amendment to the 2023 Budget was not necessary and thus no public hearing was held.

**2024 Budget Hearing:** The President opened the public hearing to consider the proposed 2024 Budget at 2:14 p.m.

It was noted that publication of Notice stating that the Board would consider adoption of the 2024 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.

Ms. Tatton reviewed the proposed 2024 budget with the Board, including expected revenues and expenditures. No public comments were received, and the public hearing was closed.

## RECORD OF PROCEEDINGS

---

Following discussion, the Board considered the adoption of Resolution No. 2023-12-02 to Adopt the 2024 Budget and Appropriate Sums of Money and Resolution No. 2023-12-03 to Set Mill Levies (for the General Fund at 63.395 mills and the Debt Service Fund at 71.035 mills, for a total of 134.430 mills). Upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2023. Ms. Ripko was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Jefferson County and the Division of Local Government not later than December 15, 2023. Ms. Ripko was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2024. Copies of the adopted Resolutions are attached hereto 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 Cannon, seconded by Director Harris 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.

**Status of Refinancing Options:** The Board discussed the possibility of refunding the bonds and directed the consultants to get more information.

---

### **LEGAL MATTERS**

There were no legal matters.

---

### **COVENANTS, OPERATION, AND MAINTENANCE MATTERS**

**Community Manager's Report:** Ms. Ripko discussed with the Board the Community Manager's Report.

**Fire Line Ownership:** The Board discussed the Fire Line Ownership and Maintenance Items, including the properties with in-home fire suppression systems, backflow testing challenges, and inspections.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved up to \$1,000 for backflow testing.

**Parking Issues:** The Board discussed the issue with persons parking in fire lanes in the District and enforcement options.

## RECORD OF PROCEEDINGS

---

### **Landscape Proposals:**

*Mulch Refresh:* The Board reviewed a proposal from LandTech Contractors, LLC for mulch refresh.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the proposal from LandTech Contractors, LLC for mulch refresh.

*2023/2024 Snow Removal:* The Board reviewed a proposal from LandTech Contractors, LLC for 2023/2024 snow removal.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the proposal from LandTech Contractors, LLC for 2023/2024 snow removal.

*2023/2024 Landscape Maintenance:* The Board reviewed a proposal from LandTech Contractors, LLC for 2023/2024 landscape maintenance.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the proposal from LandTech Contractors, LLC for 2023/2024 landscape maintenance.

**Architectural Landscape from Homeowner:** The Board reviewed an appeal of architectural landscape from homeowner at 7804 W. 43rd Place, Wheat Ridge, CO 80033.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the appeal of architectural landscape from homeowner at 7804 W. 43rd Place, Wheat Ridge, CO 80033.

**Proposal from CAM Services for Boulders:** The Board reviewed a proposal from CAM Services for boulders.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the proposal from CAM Services for boulders.

**Proposal from CAM Services for Striping:** The Board reviewed a proposal from CAM Services for striping.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the proposal from CAM Services for striping, not to exceed \$1,000 for fire lane painting.

## RECORD OF PROCEEDINGS

---

**OTHER BUSINESS**

\_\_\_\_\_

There was no other business to discuss.

\_\_\_\_\_

**ADJOURNMENT**

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

Respectfully submitted,

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



# RECORD OF PROCEEDINGS

---

## MINUTES OF THE STATUTORY ANNUAL MEETING OF THE YARROW GARDENS METROPOLITAN DISTRICT (THE “DISTRICT”) HELD DECEMBER 12, 2023

Pursuant to Section 32-1-903(6), C.R.S., a statutory annual meeting of the Yarrow Gardens Metropolitan District was convened on December 12, 2023, at 1:30 p.m., via video / telephone conference. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Brooks Cannon  
Jeanette Kelder  
John “Jay” Garcia  
Shane Harris  
Jeffrey Seibold

#### Also In Attendance Were:

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

Jeffrey Erb, Esq.; Erb Law LLC

Joy Tatton and Lucinda Gang; Simmons & Wheeler, PC

### ANNUAL MEETING ITEMS

**Confirmation of Posting of Annual Meeting Notice:** It was noted for the record that notice of the time, date and location of the annual meeting was duly posted on the District’s website and that no objections to the means of hosting the meeting by taxpaying electors within the District’s boundaries have been received.

**Presentation Regarding the Status of the Public Infrastructure Projects Within the District and Outstanding Bonds, as appropriate:** The District consultants presented information regarding the status of public infrastructure projects within the District.

**Unaudited Financial Statements, Including Year-to-Date Revenue and Expenditures of the District in Relation to its Adopted Budget, for the Calendar Year:** The District consultants presented the District’s Unaudited Financial Statements, including year-to-date revenue and expenditures of the District in relation to the District’s adopted budget, for the calendar year.

**Public Questions:** There was no public in attendance.

## RECORD OF PROCEEDINGS

---

### CONCLUSION

There being no further business, the statutory annual meeting was concluded.

Respectfully submitted,

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

# RECORD OF PROCEEDINGS

---

## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE YARROW GARDENS METROPOLITAN DISTRICT HELD FEBRUARY 13, 2024

A Special Meeting of the Board of Directors (referred to hereafter as “Board”) of the Yarrow Gardens Metropolitan District (referred to hereafter as the “District”) was convened on Tuesday, the 13th day of February, 2024, at 2:00 p.m. This District Board Meeting was held by teleconference. The meeting was open to the public by teleconference.

### ATTENDANCE

#### Directors In Attendance Were:

Brooks Cannon  
Jeanette Kelder  
John “Jay” Garcia  
Shane Harris  
Jeffrey Seibold

#### Also In Attendance Were:

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

Jeffrey Erb, Esq.; Erb Law LLC

Joy Tatton & Lucinda Gang; Simmons & Wheeler, PC

Michael Lund & Blaine Hawkins; Piper Sandler & Co.

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

**Disclosures of Potential Conflicts of Interest:** The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Ms. Ripko noted that a quorum was present and requested members of the Board 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. Attorney Erb noted that Conflict of Interest Disclosure Statements were filed for all directors at least 72-hours before the meeting.

### ADMINISTRATIVE MATTERS

**Agenda:** Ms. Ripko reviewed with the Board the proposed agenda for the meeting.

## RECORD OF PROCEEDINGS

---

Following discussion, upon motion duly made by Director Cannon, seconded by Director Seibold and, upon vote, unanimously carried, the Board approved the agenda as presented.

**Designation of 24-Hour Posting Location:** Following discussion, upon motion duly made by Director Cannon seconded by Director Seibold, and upon vote unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted at least 24 hours prior to each meeting on the District’s website at: <https://yarrowgardensmd.colorado.gov/> or if posting on the website is unavailable, notice will be posted at the following physical location within the District’s boundaries on a post within the Boundaries of the District.

**PUBLIC COMMENT** There were no public comments.

**FINANCIAL  
MATTERS**

**2024 Bond Refinance Update on Potential 2024 Bond Refinancing from Piper Sandler & Co.:** Mr. Lund provided an update to the Board on the potential 2024 Bond refinancing from Piper Sandler & Co.

The Board discussed potential interest rate changes in 2024 and the potential to wait until later in the year in the hopes that interest rates will drop and also to reduce the redemption premium on the current bonds.

The Board determined to revisit the refinancing mid-year.

**OTHER BUSINESS** There was no other business to discuss.

**ADJOURNMENT**

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

Respectfully submitted,

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

Account	PO/Cont	Vend #	Invoice	Date	Description	Amount
01-000-09200	0	2	02 21 24	02/21/2024	2024 Fee	422.05
**** TOTAL FOR VEN# 2 Special District Association of Col						422.05
01-000-09650	0	8	8102	02/20/2024	02 Snow removal	1,885.31
01-000-09650	0	8	8103	02/20/2024	02 Snow removal	763.40
**** TOTAL FOR VEN# 8 Landtech Contractors, Inc						2,648.71
01-000-09450	0	13	535761	02/29/2024	02 Dog Station	129.18
**** TOTAL FOR VEN# 13 Pet Scoop						129.18
CLAIMS TO BE HELD						0.00
CLAIMS TO BE PAID						3,199.94
*** GRAND TOTAL ***						3,199.94

Account	PO/Cont	Check #	Invoice	Date	Date Paid	Description	Amount
01-000-09050	0	1143	36991	11/30/2023	01/02/2024	11 Accounting	937.00
	**** TOTAL ****			Simmons & Wheeler PC			937.00
01-000-09100	0	1144	11 30 23	11/30/2023	01/02/2024	11 Management	2,753.95
	**** TOTAL ****			Special District Management Svcs, I			2,753.95
01-000-09650	0	1145	6813	12/12/2023	01/02/2024	12 Snow removal	1,176.33
	**** TOTAL ****			Landtech Contractors, Inc			1,176.33
01-000-09450	0	1146	101532	11/30/2023	01/02/2024	11 Public Notice	36.56
01-000-09050	0	1146	37347	12/31/2023	02/16/2024	12 Accounting	1,214.75
	**** TOTAL ****			Simmons & Wheeler PC			1,251.31
01-000-01700	0	1147	24PL-61691	09/05/2023	02/16/2024	2024 Insurance	2,076.00
01-000-09300	0	1147	415	11/30/2023	01/02/2024	11 Legal	1,472.50
	**** TOTAL ****			ERB Law LLC			3,548.50
01-000-01700	0	1148	13304	09/15/2023	02/16/2024	2024 Renewal	595.00
01-000-09450	0	1148	512851	11/30/2023	01/02/2024	11 Dog Station	154.04
	**** TOTAL ****			Pet Scoop			749.04
01-000-09100	0	1149	12 31 23	12/31/2023	02/16/2024	12 Management	3,846.13
	**** TOTAL ****			Special District Management Svcs, I			3,846.13
01-000-09300	0	1150	450	12/31/2023	02/16/2024	12 Legal	1,901.50
	**** TOTAL ****			ERB Law LLC			1,901.50
01-000-09450	0	1151	523916	12/31/2023	02/16/2024	12 Dog Station	123.23
01-000-09450	0	1151	524585	01/31/2024	02/16/2024	01 Dog Station	154.04
	**** TOTAL ****			Pet Scoop			277.27
01-000-09050	0	1152	37517	01/31/2024	03/04/2024	01 Accounting	1,014.00
	**** TOTAL ****			Simmons & Wheeler PC			1,014.00
01-000-09100	0	1153	01 31 24	01/31/2024	03/04/2024	01 Management	3,925.56
	**** TOTAL ****			Special District Management Svcs, I			3,925.56
01-000-09650	0	1154	7792	02/07/2024	03/04/2024	02 Snow removal	2,234.90
01-000-09650	0	1154	7940	02/14/2024	03/04/2024	02 Snow removal	1,709.54
	**** TOTAL ****			Landtech Contractors, Inc			3,944.44
01-000-09300	0	1155	483	01/31/2024	03/04/2024	01 Legal	2,655.27
	**** TOTAL ****			ERB Law LLC			2,655.27
01-000-09450	0	1156	164813909	01/03/2024	03/04/2024		447.00
	**** TOTAL ****			Andre Amoor			447.00
*** GRAND TOTAL ***							28,427.30

Yarrow Gardens Metropolitan District  
Financial Statements

December 31, 2023

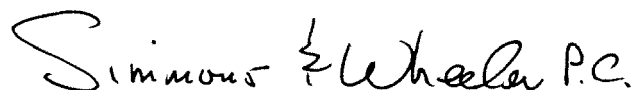
ACCOUNTANT'S COMPILATION REPORT

Board of Directors  
Yarrow Gardens Metropolitan District

Management is responsible for the accompanying financial statements of each major fund of Yarrow Gardens Metropolitan District, as of and for the period ended December 31, 2023, which are comprised of the Balance Sheet and the related Statement of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual – Governmental Funds and account groups for the twelve months then ended in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with the Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

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

We are not independent with respect to Yarrow Gardens Metropolitan District because we performed certain accounting services that impaired our independence.



February 5, 2024  
Englewood, Colorado



Yarrow Gardens Metropolitan District  
Balance Sheet - Governmental Funds and Account Groups  
December 31, 2023

See Accountant's Compilation Report

	<u>General Fund</u>	<u>Debt Fund</u>	<u>Account Groups</u>	<u>Total All Funds</u>
Assets				
Current assets				
Cash in checking	\$ 12,484	\$ -	\$ -	\$ 12,484
Cash in Colotrust	196,276	155,807	-	352,083
Cash with Trustee	-	269,674	-	269,674
Taxes Receivable	670	706	-	1,376
	<u>209,430</u>	<u>426,187</u>	<u>-</u>	<u>635,617</u>
Other assets				
Improvements	-	-	2,688,447	2,688,447
Amount available in debt service fund	-	-	426,187	426,187
Amount to be provided for retirement of debt	-	-	3,353,885	3,353,885
	<u>-</u>	<u>-</u>	<u>6,468,519</u>	<u>6,468,519</u>
	<u>\$ 209,430</u>	<u>\$ 426,187</u>	<u>\$ 6,468,519</u>	<u>\$ 7,104,136</u>
Liabilities and Equity				
Current liabilities				
Accounts payable	\$ 13,616	\$ -	\$ -	\$ 13,616
	<u>13,616</u>	<u>-</u>	<u>-</u>	<u>13,616</u>
Bonds Payable 2018A	-	-	2,200,000	2,200,000
Bonds Payable 2018B	-	-	292,000	292,000
Note Payable - Developer (Gen)	-	-	57,325	57,325
Note Payable - Developer (Cap)	-	-	988,403	988,403
Note Payable - Dev interest (Gen)	-	-	10,902	10,902
Note Payable - Dev interest (Cap)	-	-	231,442	231,442
	<u>13,616</u>	<u>-</u>	<u>3,780,072</u>	<u>3,793,688</u>
Fund Equity				
Investment in improvements	-	-	2,688,447	2,688,447
Fund balance (deficit)	195,814	426,187	-	622,001
	<u>195,814</u>	<u>426,187</u>	<u>2,688,447</u>	<u>3,310,448</u>
	<u>\$ 209,430</u>	<u>\$ 426,187</u>	<u>\$ 6,468,519</u>	<u>\$ 7,104,136</u>

Yarrow Gardens Metropolitan District  
Statement of Revenues, Expenditures and Changes in Fund Balance  
Governmental Funds  
Budget and Actual  
For the Twelve Months Ended December 31, 2023  
General Fund

See Accountant's Compilation Report

	<u>Annual Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>
<b>Revenues</b>			
Property taxes	\$ 151,135	\$ 151,135	\$ -
Specific ownership taxes	10,579	10,816	237
Interest Income	-	19,418	19,418
Miscellaneous income	<u>500</u>	<u>151</u>	<u>(349)</u>
	<u>162,214</u>	<u>181,520</u>	<u>19,306</u>
<b>Expenditures</b>			
Community Management	14,400	-	14,400
District Management	15,000	28,132	(13,132)
Insurance	7,500	2,971	4,529
Accounting	7,000	13,596	(6,596)
Elections	5,000	-	5,000
Legal	15,000	18,958	(3,958)
Audit	5,000	4,700	300
Miscellaneous	1,500	1,631	(131)
Website Review/Updates	1,000	-	1,000
County Collection Fee	2,266	2,267	(1)
Detention Pond	1,500	-	1,500
Irrigation Repairs	2,500	-	2,500
Landscape Maintenance	25,000	29,755	(4,755)
Tree Care	2,500	-	2,500
Snow Removal	25,000	8,152	16,848
Landscape Enhancements	2,500	-	2,500
Irrigation/Water	10,000	7,984	2,016
Electric-Irrigation & Lighting	350	215	135
Winter Watering/Irrigation	2,500	-	2,500
Entrance Monuments	1,500	-	1,500
Mailbox - Cluster Boxes	2,500	-	2,500
Graffiti Removal	2,500	-	2,500
Contingency	136,156	-	136,156
Emergency Reserve	<u>4,851</u>	<u>-</u>	<u>4,851</u>
	<u>293,023</u>	<u>118,361</u>	<u>174,662</u>
Excess (deficiency) of revenues over expenditures	(130,809)	63,159	193,968
Fund balance - beginning	<u>130,809</u>	<u>132,655</u>	<u>1,846</u>
Fund balance - ending	<u>\$ -</u>	<u>\$ 195,814</u>	<u>\$ 195,814</u>

Yarrow Gardens Metropolitan District  
Statement of Revenues, Expenditures and Changes in Fund Balance  
Governmental Funds  
Budget and Actual  
For the Twelve Months Ended December 31, 2023  
Debt Fund

See Accountant's Compilation Report

	<u>Annual Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues			
Property taxes	\$ 159,168	\$ 159,168	\$ -
Specific ownership taxes	11,142	11,391	249
Interest income	<u>300</u>	<u>13,505</u>	<u>13,205</u>
	<u>170,610</u>	<u>184,064</u>	<u>13,454</u>
Expenditures			
Series 2018A Bond Principal	-	-	-
Series 2018A Bond Interest	129,250	129,250	-
Treasurer's Fees	2,388	2,388	-
Trustee/Paying Agent Fees	<u>6,000</u>	<u>12,000</u>	<u>(6,000)</u>
	<u>137,638</u>	<u>143,638</u>	<u>(6,000)</u>
Excess (deficiency) of revenues over expenditures	32,972	40,426	7,454
Fund balance - beginning	<u>384,298</u>	<u>385,761</u>	<u>1,463</u>
Fund balance - ending	<u>\$ 417,270</u>	<u>\$ 426,187</u>	<u>\$ 8,917</u>

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE  
YARROW GARDENS METROPOLITAN DISTRICT**

Adopting a Residential Water Systems Management Policy

A. The Yarrow Gardens Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in Jefferson County, Colorado; and

B. Under its Service Plan and pursuant to Article 1, Title 32 of the Colorado Revised Statutes the District owns, operates and maintain various public improvements within and without the boundaries of the District, which includes the provision of fire protection infrastructure and water service infrastructure; and

C. Pursuant to § 32-1-1001(1)(m), C.R.S., the District has the power to adopt, amend, and enforce rules and regulations necessary for carrying on the business, objects and affairs of the District; and

D. Certain properties within the District have a residential fire sprinkler system located on their property (“**Residential Fire Sprinkler System**”) served by a dedicated Fire Service Line:

E. Properties within the District receive domestic water services via a domestic water service line (“**Domestic Water Service Line**”); and

F. The District desires to clarify the ownership and responsibility for the testing, maintenance, repair and replacement of the Domestic Water Service Line, Fire Service Line, Backflow Prevention Assembly and Residential Fire Systems with the District.

NOW THEREFORE, be it resolved by the board of directors of the Yarrow Gardens Metropolitan District as follows:

1. Policy. The Residential Water Systems Management Policy attached as **Exhibit A** is approved and adopted effective as of the date of this Resolution.

**REMAINDER OF PAGE LEFT INTENTIONALLY BLANK**

APPROVED AND ADOPTED this 12<sup>th</sup> day of March 2024.

**YARROW GARDENS METROPOLITAN  
DISTRICT**

\_\_\_\_\_  
Name: \_\_\_\_\_

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

Attest:

\_\_\_\_\_  
Secretary/Assistant Secretary

**YARROW GARDENS METROPOLITAN DISTRICT**  
**RESIDENTIAL WATER SYSTEMS MANAGEMENT POLICY**

Adopted March 12, 2024

## TABLE OF CONTENTS

<b>I.</b>	<b>SECTION 1: GENERAL</b> .....	1
	A. <b>Definitions</b> .....	1
	B. <b>Policy and Purpose</b> .....	2
	C. <b>Rules of Construction</b> .....	2
	D. <b>Amendment/Modification/Waivers</b> .....	2
	E. <b>Liability</b> .....	2
	F. <b>Severability</b> .....	3
<b>II.</b>	<b>SECTION 2: RESIDENTIAL WATER SYSTEMS</b> .....	4
	A. <b>Ownership and Responsibilities</b> .....	4
	B. <b>Recordkeeping</b> .....	6
	C. <b>Right of Entry</b> .....	6
	D. <b>Compliance and Notification</b> .....	6
	E. <b>Violations and Penalties</b> .....	7

**I. SECTION 1: GENERAL**

A. **Definitions.** Unless the context specifically indicates otherwise the meaning of terms used in this Policy shall be as follows:

1. “Backflow Prevention Assembly” means any mechanical assembly installed on a Fire Service Line to prevent a backflow contamination event.
2. “Board” and “Board of Directors” means the governing body of the District.
3. “District” means the Yarrow Gardens Metropolitan District.
4. “Domestic Water Service Line” means the water line, conduit and appurtenances, from the water main/curb stop to the property that provides domestic water service.
5. “Fire Service Lines” refers to all water-related infrastructure extending from the water main to the Backflow Prevention Assembly. The Fire Service Lines are located at the following properties within the District:

<u>Number</u>	<u>Address</u>
1	7810 W. 43 <sup>rd</sup> Cir.
2	7814 W. 43 <sup>rd</sup> Cir.
3	7818 W. 43 <sup>rd</sup> Cir.
4	7822 W. 43 <sup>rd</sup> Cir.
5	7826 W. 43 <sup>rd</sup> Cir.
6	7807 W. 43 <sup>rd</sup> Pl..
7	7811 W. 43 <sup>rd</sup> Pl.
8	7819 W. 43 <sup>rd</sup> Pl.
9	7823 W. 43 <sup>rd</sup> Pl.
10	7831 W. 43 <sup>rd</sup> Pl.
11	7839 W. 43 <sup>rd</sup> Pl.
12	7863 W. 43 <sup>rd</sup> Pl.
13	7847 W. 43 <sup>rd</sup> Pl.
14	7849 W. 43 <sup>rd</sup> Pl.
15	7867 W. 43 <sup>rd</sup> Pl.
16	7876 W. 43 <sup>rd</sup> Cir.
17	7880 W. 43 <sup>rd</sup> Cir.

6. “Homeowner” means an individual or entity that owns the property and holds the legal title to such property. The term “Homeowner” shall encompass the party identified as the property owner and shall include their respective successors, assigns, and legal representatives.

7. “Manager” or “District Manager” means the Manager of the Yarrow Garden Metropolitan District or a designated representative.



8. “Residential Fire Sprinkler System” refers to all infrastructure and water-related components installed on the property located after the Backflow Prevention Assembly that includes, but is not limited to, pipes, valves, heads, controllers, and associated equipment designed for the controlled distribution of water for fire prevention purposes. The Residential Fire Sprinkler System specifically includes all water distribution components located downstream from the Backflow Prevention Assembly.

B. **Policy and Purpose.** The District is a quasi-municipal corporation and political subdivision of the State of Colorado. The Board of Directors of the District has adopted this Policy to clarify the ownership and responsibility for the testing, maintenance, repair and replacement of the Domestic Water Service Line, Fire Service Line, Backflow Prevention Assembly and Residential Fire Systems with the District. This Policy applies to all property within the District and all Homeowner, contractors and their designated representatives shall comply with this Policy. This Policy applies at all times to all persons regardless of any persons’ failure to become familiar with the Policy.

C. **Rules of Construction.** This Policy shall be construed to affect the general purposes set forth in this Policy. Nothing contained in this Policy shall be so construed as to prejudice or affect the right of the District to secure the full benefit and protection of any law now in effect or any law which may subsequently be enacted by the Colorado General Assembly pertaining to the affairs of the District. Any dispute as to the interpretation of this Policy or as to its application in any given case shall be submitted to the Board of Directors and their decision shall be final. The Board reserves the right to construe any provision of this Policy in its sole discretion in order to effectuate lawful purposes of the District and to attempt to ensure orderly and non-discriminatory treatment of all persons or entities subject to this Policy now or in the future.

D. **Amendment/Modification/Waivers.** The Board shall have the sole authority to waive, suspend or modify this Policy at any time without notice. No refusal, failure or omission of the Board or its agents to apply or enforce this Policy shall be construed as an alteration, waiver, or deviation from this Policy or from any grant of power, duty or responsibility, or any limitation or restriction upon the Board of Directors or the District by virtue of statutes now existing or subsequently amended, or under any contract or agreement existing between the District and any other person or entity. Any express waiver shall not be deemed an amendment of this Policy. No waiver shall be deemed a continuing waiver.

E. **Liability.** Except as provided by the Colorado Government Immunity Act, § 24-10-101, *et seq.*, C.R.S. (the “CGIA”), it is expressly stipulated that no claim for damage shall be made against the District by reason of any of the circumstances governed by the CGIA, including but not limited to the following: failure of the Residential Fire Sprinkler System; failure of the water supply; shutting off or turning on of water; damage caused by water running or escaping from open or defective faucets; burst service lines and other facilities not owned by the District; damage to property resulting from shutting water off, or from turning it on, or from inadequate or sporadic pressures; or from inadequate water delivery, or interruption of any services brought about by circumstances beyond its control.

F. **Severability.** If any term, condition or provision of this Policy shall be declared invalid or unenforceable, the remainder of this Policy shall not be affected and shall be valid and enforceable to the fullest extent permitted by law.

## II. SECTION 2: RESIDENTIAL WATER SYSTEMS

This Policy delineates the ownership and responsibilities of the Yarrow Gardens Metropolitan District and Homeowners regarding the Fire Service Lines, Residential Fire Sprinkler Systems, Backflow Prevention Assemblies, and Domestic Water Lines located within the District.

### A. Ownership and Responsibilities.

#### 1. Fire Service Lines.

a. Ownership. The District owns each Fire Service Line located within the District.

b. Homeowner's Responsibility. Each Homeowner shall protect the Fire Service Line on their property from damage. Each Homeowner shall promptly notify the District in the event of any issues with the Fire Service Line, including any damage or needed repairs.

c. District Responsibility. The District is responsible for the inspection, maintenance, and repair of the Fire Service Lines.

d. Access. Each Homeowner is required to provide access to the District or its authorized contractors for the purpose of inspecting, maintaining, and repairing the Fire Service Line located on their property.

e. Maintenance, Repairs and Costs of Repairs. The District shall perform all repairs or replacements of the Fire Service Line. Any required repairs or replacements will be performed within 120 days of discovery of the needed repair or replacement.

i. Repairs or replacements needed due to the action or inaction of the Homeowner shall be paid for by the Homeowner, including the costs to return the property to the condition that existed immediately prior to the repair or replacement.

ii. Repairs or replacements needed due to normal wear and tear shall be paid for by the District, including the costs to return the property to the condition that existed immediately prior to the repair or replacement.

#### 2. Backflow Prevention Assembly.

a. Ownership. The District owns each Backflow Prevention Assembly located within the District.

b. Homeowner's Responsibility. The Homeowner shall protect the Backflow Prevention Assembly from damage. Each Homeowner shall promptly notify the District in the event of any issues with the Backflow Prevention Assembly, including any damage or needed repairs.

i. Freezing Weather Precautions. Each Homeowner shall ensure that the Backflow Prevention Assembly and Fire Service Line connecting to the Backflow Prevention Assembly is properly insulated and heated as necessary to prevent freezing, damage to and breaking of the Backflow Prevention Assembly or connected Fire Service Line.

c. District Responsibility. The District is responsible for the testing, repair and replacement of the Backflow Prevention Assembly.

d. Access. Each Homeowner is required to provide access to the District or its authorized contractors for the purpose of inspecting, maintaining, and repairing the Backflow Prevention Assembly located on their property.

e. Testing. All Backflow Prevention Assemblies shall be tested annually at the District's expense by a District-approved contractor trained to perform Backflow Prevention Assembly testing. Each Homeowner is required to provide access to the District for the purpose of conducting Backflow Prevention Assembly testing.

f. Maintenance, Repairs and Costs of Repairs. The District shall perform all repairs or replacements of the Backflow Prevention Assembly. Any required repairs or replacements will be performed within 120 days of discovery of the needed repair or replacement.

i. Repairs or replacements needed due to the action or inaction of the Homeowner shall be paid for by the Homeowner, including the costs to return the property to the condition that existed immediately prior to the repair or replacement.

ii. Repairs or replacements needed due to normal wear and tear shall be paid for by the District, including the costs to return the property to the condition that existed immediately prior to the repair or replacement.

g. Repairs or replacements needed due to the action or inaction of the Homeowner shall be paid for by the Homeowner. Repairs or replacements needed due to normal wear and tear shall be paid for by the District. The District will perform any required repairs or replacements to the Backflow Prevention Assembly within 120 days of discovery of the needed repair or replacement.

### 3. Residential Fire Sprinkler System.

a. Ownership. Each Homeowner owns the Residential Fire Sprinkler System located on their property.

b. Homeowner Responsibility. Each Homeowner is responsible for all maintenance, repairs and replacement of the Residential Fire Sprinkler System located on their property.

c. District Responsibility/No Liability. The District does not assume any obligation nor will it acquire any liability for damage to the property or any portion thereof caused by or resulting from the Residential Fire Sprinkler System. The District is not responsible

for any loss or damage caused by the Homeowner or any contractor in installing, maintaining, using, or operating the Residential Fire Sprinkler System. The Homeowner shall hold the District harmless from any loss or damage that may be directly or indirectly caused by the installation, use or malfunction of the Residential Fire Sprinkler System.

d. Repairs. The Homeowner shall bear the costs associated with repairing, upgrading, modifying, or replacing their existing Residential Fire Sprinkler System, including expenses related to adjustments needed for the Backflow Prevention Assembly located on their property due to changes to the Residential Fire Sprinkler System.

4. Domestic Water Lines.

a. Ownership. The Domestic Water Lines are owned by the Homeowner.

b. Homeowner Responsibility: Each Homeowner is responsible for all maintenance, repairs and replacement of their Residential Fire Sprinkler System.

c. District Responsibility/No Liability. The District does not assume any obligation nor will it acquire any liability for damage to the property or any portion thereof caused by or resulting from the Domestic Water Lines. The District is not responsible for any loss or damage caused by the Homeowner or any contractor in installing, maintaining, using, or operating the Domestic Water Lines. The Homeowner shall hold the District harmless from any loss or damage that may be directly or indirectly caused by the installation, use or malfunction of the Domestic Water Lines.

d. Maintenance. The District is not responsible for maintenance of the Domestic Water Lines located within the District. Each Homeowner is responsible for ensuring that the Domestic Water Line located on their property is operating and in good repair. The District does not assume any obligation nor acquire any liability for damage to the property caused by or resulting from the Domestic Water Lines located within the District.

B. **Recordkeeping.**

1. The District shall keep records of all testing and repairs conducted on Backflow Prevention Assemblies and Fire Service Lines for at least 3 years.

C. **Right of Entry.**

1. District-approved personnel, including contractors, shall have the right of entry to inspect and test any Backflow Prevention Assemblies or Fire Service Lines.

D. **Compliance and Notification.**

1. Compliance. Homeowners shall cooperate with the installation, inspection, testing, maintenance, and repair and replacement of Backflow Prevention Assemblies and Fire Service Lines.

2. Notification. The District shall provide a minimum of 48-hour notice to the Homeowner before conducting the annual testing of the Backflow Prevention Assembly and any testing, repair or replacement activities related to the Backflow Prevention Assembly or Fire Service Lines.

E. **Violations and Penalties.**

1. Any violation of the provisions of this Policy, shall be punishable as provided in all applicable statutes, laws, and regulations.

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE  
YARROW GARDENS METROPOLITAN DISTRICT**

Website Accessibility Plan and Policy

A. The Yarrow Gardens Metropolitan District (the “**District**”) maintains a website accessible to the public providing information about the District, including the information required by § 32-1-104.5(3), C.R.S.; and

B. To ensure the District’s website is accessible to as many members of the public as possible, the District desires to adopt a plan and policy setting forth its intent that its website comply with the website accessibility standards as set forth by the Colorado Office of Information Technology (“**OIT**”) no later than July 1, 2024 as required by §§ 24-82-802(1)(c) and 24-85-103(2.5), C.R.S.

NOW THEREFORE, be it resolved by the Board of Directors of the Yarrow Gardens Metropolitan District as follows:

1. Policy. The District adopts the W3C Web Content Accessibility Guidelines (“**WCAG**”) 2.1 AA as adopted and approved by the OIT as its minimum standard of accessibility for its website, or such other guidelines as later adopted by the OIT.

2. Plan. To help ensure that the District’s website complies with the WCAG standards no later than July 1, 2024, the District adopts the following plan:

a. Responsibility. The District designates its manager or person delegated with responsibility for the District’s website as the responsible party for ensuring the District’s website meets the accessibility requirements.

b. Evaluation. The District designates its manager or person delegated with responsibility for the District’s website to review and test the District’s website for compliance with accessibility requirements no less than once-per-year.

c. Skills. The District will, when hiring employees or contractors for technology related roles, consider the applicants familiarity with and skills to implement accessibility requirements.

d. Communication and Support Process. The District designates its manager or person delegated with responsibility for the District’s website to be the contact person for the reporting of any accessibility issues and be responsible for resolving the accessibility issue.

e. Technology Contracts. The District directs its managers and consultants to ensure that contracts for technology-based products or services include requirements for the contractor to provide services and/or products that meet accessibility requirements.

f. Software Development Lifecycle. The District directs its managers and consultants to ensure that accessibility requirements are incorporated into ongoing events and projects and that accessibility requirements are considered during the entire lifecycle of the event and project.

3. Notice. Provide the following notice on the District's website home page:

The Yarrow Gardens Metropolitan District is committed to ensuring that this website is accessible to all people, including those with disabilities. We strive to ensure all the pages on our website meet W3C WAI's Web Content Accessibility Guidelines 2.1, Level AA. However, if any person should have problems accessing content on our site, please contact the District using the Contact Us Page.

**[Remainder of Page Intentionally Left Blank]**



ADOPTED AND APPROVED this 12<sup>th</sup> day of March, 2024.

**YARROW GARDENS METROPOLITAN  
DISTRICT**

\_\_\_\_\_  
Name: \_\_\_\_\_

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

Attest:

\_\_\_\_\_  
Secretary/Assistant Secretary