

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
Shane Harris	Assistant Secretary	2027/May 2027
Jeffrey Seibold	Assistant Secretary	2025/May 2025
VACANT	Assistant Secretary	2025/May 2025

DATE: Tuesday, December 10, 2024

TIME: 2:00 P.M.

PLACE: Zoom Meeting

** Individuals requiring special accommodation to attend and/or participate in the meeting please advise the District Manager (pripko@sdmsi.com or 303-987-0835) of their specific need(s) before the 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 August 9, 2024 and October 11, 2024 Special Meetings (enclosures).

- D. 2025 Annual Administrative Resolution. Including regular meeting dates and locations for 2025 (suggested dates are the second Tuesday of March, June and December, 2025 at 2:00 p.m. via Zoom Meeting); Board officer positions and posting locations.
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- E. Discuss § 32-1-809, C.R.S., Transparency Notice reporting requirements and mode of eligible elector notification (2025 SDA Website).
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II. PUBLIC COMMENTS

- A. Members of the public may express their views to the Boards on matters that affect the Districts. Comments will be limited to three (3) minutes per speaker.
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III. FINANCIAL MATTERS

- A. Review and ratify approval of payment of claims as follows (enclosure):

Fund	Period ending Oct. 31, 2024
Total	\$ 35,242.53

- B. Review and accept the unaudited financial statements through September 30, 2024 (to be distributed).
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- C. Consider engagement of Wipfli LLP for preparation of 2024 Audit, in the amount of \$_____ (to be distributed).
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- D. Conduct Public Hearing to consider Amendment to 2024 Budget (if necessary) and consider adoption of Resolution to Amend the 2024 Budget and Appropriate Expenditures.
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- E. Conduct Public Hearing on the proposed 2025 Budget and consider adoption of Resolution to Adopt the 2025 Budget, Appropriate Sums of Money and Set Mill Levies for General Fund _____, Debt Service Fund _____, and Other Fund(s) _____ for a total mill levy of _____ (enclosures – preliminary AV, draft 2025 Budget, and Resolution).

V. LEGAL MATTERS

- A. Discuss May 6, 2025 Regular Director Election and consider adoption of Resolution Calling May 6, 2025 Election for Directors, appointing Designated Election Official (“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election. Self-Nomination Forms are due by February 28, 2025 (enclosure). Discuss the need for ballot issues and/or questions.
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- B. Resolution Adopting Revised Policy for the Enforcement of Covenants, Conditions and Restrictions (enclosure).
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V. COVENANTS, OPERATION, AND MAINTENANCE MATTERS

- A. Community Manager’s Report.
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- B. Review and approve Proposals from Brightview Landscape Services and Environmental Designs, LLC for removal of mulch and replace with river rock (enclosures).
-

VI. OTHER BUSINESS

- A. Discuss fire backflows.
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VII. ADJOURNMENT: **THERE ARE NO MORE REGULAR MEETINGS SCHEDULED FOR 2024.**

Informational Enclosure:

- Memo regarding New Rate Structure from Special District Management Services, Inc.

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE YARROW GARDENS METROPOLITAN DISTRICT HELD AUGUST 9, 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 Friday, the 9th day of August, 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:

Jeanette Kelder
Shane Harris
Jeffrey Seibold

Also In Attendance Were:

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

Jeffrey Erb, Esq. and Sean Heidelberg, Esq.; Erb Law LLC

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

Michael Lund and Blaine Hawkins; Piper Sandler & Co (for a portion of the meeting)

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 Director Seibold at least 72-hours before the meeting.

ADMINISTRATIVE MATTERS

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

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

Minutes: The Board reviewed the Minutes from the March 12, 2024 Regular Meeting.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Cannon seconded by Director Kelder and, upon vote, unanimously carried, the Minutes from March 12, 2024 Regular Meeting were approved.

Resignation of Director: The resignation of Director John “Jay” Garcia from the Board of Directors was acknowledged.

PUBLIC COMMENT There were no public comments.

FINANCIAL MATTERS

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

Fund	Period ending March 31, 2024
Total	\$ 32,433.11

Following discussion, upon motion duly made by Director Seibold, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the payment of claims in the amount of \$3,711.59 and ratified approval of the payment of claims in the amount of \$28,721.52, as presented.

Unaudited Financial Statements: The Board reviewed the unaudited financial statements for the period ending March 31, 2024.

Following discussion, upon motion duly made by Director Seibold, seconded by Director Kelder and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending March 31, 2024, as presented.

2023 Audit: The Board reviewed the 2023 Audit.

Following discussion, upon motion duly made by Director Harris, seconded by Director Seibold and, upon vote, unanimously carried, the Board ratified approval of the 2023 Audit and authorized execution of the Representations Letter.

2018 A and B Bonds: The Board discussed the 2018 A and B Bond refinancing options with Piper Sandler. The Board discussed possible options for the refinance and potentially delaying refinancing due to the possibility that interest rates will be lowers in the coming months.

The refinancing issue was tabled to allow the Board further time to consider their options.

LEGAL MATTERS There were no legal matters at this time.

RECORD OF PROCEEDINGS

COVENANTS, OPERATION, AND MAINTENANCE MATTERS

Community Manager's Report: The Board reviewed the Community Manager's Report.

Proposal from Landtech Contractors, LLC: The Board reviewed the Proposal from Landtech Contractors, LLC for breeze installation in the amount of \$4,950.00. No action was taken at this time.

Proposal from Landtech Contractors, LLC: The Board reviewed the Proposal from Landtech Contractors, LLC for ornamental grass installation in the amount of \$4,800.00. No action was taken at this time.

Proposal from Landtech Contractors, LLC: The Board reviewed the Proposal from Landtech Contractors, LLC for tree installation in the amount of \$3,800.00. No action was taken at this time.

Proposal from Landtech Contractors, LLC: The Board reviewed the Proposal from Landtech Contractors, LLC for boulder installation in the amount of \$7,487.00.

Following discussion, upon motion duly made by Director Harris, seconded by Director Kelder and, upon vote, unanimously carried, the Board approved the Proposal from Landtech Contractors, LLC for boulder installation in the amount of \$7,487.00.

Proposal from Landtech Contractors, LLC: The Board reviewed the Proposal from Landtech Contractors, LLC for replacement of mulch with rock in the amount of \$40,980.00. No action was taken at this time.

Proposal from Property Solutions Team: The Board reviewed the Proposal from Property Solutions Team for trip hazard repair and redirecting of rainwater in the amount of \$4,456.25. The Board discussed possible contractor liability for covering the costs of sidewalk repair while also noting the urgency of repairing sidewalk due to community safety risks.

Following discussion, upon motion duly made by Director Harris, seconded by Director Kelder and, upon vote, unanimously carried, the Board approved the Proposal from Property Solutions Team for trip hazard and redirect in the amount of \$4,456.25.

Residential Water Systems Management Policy: The Board reviewed the Residential Water Systems Management Policy. Following discussion regarding potential future community liability, the policy was tabled to allow the Board to follow up with the local fire district.

OTHER BUSINESS

The Board deferred discussion regarding parking issues.

RECORD OF PROCEEDINGS

ADJOURNMENT

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

Respectfully submitted,

By _____
Secretary for the Meeting

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE YARROW GARDENS METROPOLITAN DISTRICT HELD OCTOBER 11, 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 Friday, the 11th day of August, 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
Shane Harris

Also In Attendance Were:

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

Jeffrey Erb, Esq. and Jillian Martin, Esq.; Erb Law LLC

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.

PUBLIC COMMENT

There were no public comments.

ADMINISTRATIVE MATTERS

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

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

LEGAL MATTERS

EXECUTIVE SESSION: Following discussion, a motion was made by Director Cannon, seconded by Director Harris and unanimously carried to go into Executive Session at 2:11 p.m. pursuant to Section 24-6-402(4)(b), C.R.S., for the purpose of conferring with legal counsel on specific legal questions related to potential

RECORD OF PROCEEDINGS

refinancing of 2018 A and B bonds and outstanding advances owed to TH Yarrow Gardens, LLC, and to determine positions relative to negotiations and to instruct negotiators related to outstanding advances owed to TH Yarrow Gardens, LLC.

RETURN TO OPEN PUBLIC MEETING: Following discussion, a motion was made by Director Harris, seconded by Director Cannon and unanimously carried, the Board came out of Executive Session at 2:45 p.m.

**COVENANTS,
OPERATION, AND
MAINTENANCE
MATTERS**

Snow Removal Services: The Board discussed Snow Removal Services and the scope of areas for removal, which does not include aprons at each residence.

Following discussion, upon motion duly made by Director Cannon, seconded by Director Harris and, upon vote, unanimously carried, the Board approved the Snow Removal Services.

OTHER BUSINESS

The Board deferred discussion regarding parking issues.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Harris and seconded by Director Cannon, upon vote, unanimously carried, the meeting was adjourned at 2:50 p.m.

Respectfully submitted,

By _____
Secretary for the Meeting

**CERTIFIED COPY OF ANNUAL ADMINISTRATIVE RESOLUTION OF
YARROW GARDENS METROPOLITAN DISTRICT (2025)**

STATE OF COLORADO)
) ss.
COUNTY OF DOUGLAS)

At a regular meeting of the Board of Directors of the Yarrow Gardens Metropolitan District, City and County of Douglas, Colorado, held at 2:00 p.m., on Tuesday, December 10, 2024, via video/teleconferencing platform, there were present:

President, May 2025	Brooks Cannon
Treasurer, May 2027	Jeanette Kelder
Asst. Secretary, May 2025	VACANT
Asst. Secretary, May 2027	Shane Harris
Asst. Secretary, May 2025	Jeffrey Seibold

Also present were, Jeffrey E. Erb, Erb Law, LLC; and Peggy Ripko, SDMS.

When the following proceedings were had and done, to wit:

It was moved by Director _____ to adopt the following Resolution and ratify actions taken in connection herewith:

A. The Yarrow Gardens Metropolitan District (the “**District**”) was organized as a special district pursuant to an Order of the District Court in and for Douglas County and is located within Douglas County, Colorado; and

B. The Board of Directors of the District has a duty to perform certain obligations in order to ensure the efficient operation of the District; and

C. The directors may receive compensation for their services subject to the limitations imposed by § 32-1-902(3)(a)(I) and (II), C.R.S.; and

D. Section 32-1-103(15), C.R.S., requires the Board of Directors to publish certain legal notices in a newspaper of general circulation in the District; and

E. Section 24-6-402, C.R.S., specifies the duty of the Board of Directors at its first regular meeting of the calendar year to designate a public posting place within the boundaries of the District for notices of meetings, in addition to any other means of notice; and

F. Section 32-1-903, C.R.S., states that the Board shall meet regularly at a time and in a location to be designated by the Board; and special meetings shall be held as often as the needs to the special district require, and such meetings may be held (A) (1) telephonically; (2) electronically; or (3) by other means not including physical presence but must provide a method for members of the public to attend the meeting; or (B) at a physical location within the boundaries of the District or which are within the boundaries of any county in which the District is located,

or, in any county so long as the meeting location does not exceed twenty miles from the District boundaries, unless an appropriate resolution to hold the meeting in another location is adopted by the Board and notice appears on the meeting agenda; and

G. Section 32-1-903(2), C.R.S., requires that notice of the time and place designated for all regular and special meetings shall be in accordance with § 24-6-402(2)(c), C.R.S., on a website or other online presence of the District which complies with the statutory criteria, or on a physical posting location as designated by the Board and within the limits of the Special District at least 24 hours prior to said meeting; and

H. Section § 32-1-1001(2)(a), C.R.S., requires that a district may fix or increase fees, rates, tolls, penalties, or charges for domestic water or sanitary sewer services only after consideration of the action at a public meeting held at least thirty days after providing notice stating that the action is being considered and stating the date, time, and place of the meeting at which the action is being considered; and

I. In accordance with the Colorado Governmental Immunity Act, the Board is given authority to obtain insurance against liability for injuries for which the District may be liable under the Governmental Immunity Act, and to provide for defense and payment of judgements or settlements against public employees, pursuant to §§ 24-10-110 and 24-10-115, C.R.S.; and

J. Sections 32-1-901(2) and 32-1-902(2), C.R.S., requires the District to obtain an individual, schedule or blanket surety bond in an amount of no less than \$1,000 per director and \$5,000 for the Board Treasurer, and to file such bond with the District Court and the Division of Local Government; and

K. Section 32-1-104.8, C.R.S., requires the District to record a special district public disclosure document and a map of the boundaries of the District with the County Clerk and Recorder of each county in which the District is located by December 31, 2014, and at any time thereafter that an order confirming the inclusion of property into the District is recorded; and

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

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

N. Section 32-1-809, C.R.S., requires that on or before January 15 of each year the District will provide a notice to the eligible electors of the District containing the information required by § 32-1-809(1), C.R.S. in the manner set forth in § 32-1-809(2), C.R.S.; and

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

P. In accordance with the Public Securities Information Reporting Act, §§ 11-58-101, et seq., C.R.S., issuers of non-rated public securities must file an annual report with the Department of Local Affairs; and

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

R. The Unclaimed Property Act, §§ 38-13-101, et seq., C.R.S., requires that governmental subdivisions, if applicable, file an annual report listing unclaimed property with the State Treasurer; and

S. Elections may be held pursuant to the Special District Act, the Uniform Election Code of 1992, and the Colorado Local Government Election Code for the purpose of (1) electing members of the District's Board of Directors; (2) to present certain ballot issues to the eligible electors of the District as required by Article X, § 20 of the Colorado Constitution; and (3) to present certain ballot questions to the eligible electors of the District; and

T. Section 1-1-111, C.R.S., states that all powers and authority granted to the governing body of a political subdivision to call and conduct an election may be exercised by the appointed Designated Election Official; and

U. Sections 1-11-103 and 32-1-104(1), C.R.S., require the District to notify the Division of Local Government of the results of any elections held by the District, including the name and address of all members and officers of the board of directors, and a business address, telephone number and name of the contact person for the District; and

V. Section 32-1-1101.5, C.R.S., requires the District to certify results of any election to incur general obligation indebtedness to the board of county commissioners of each county in which the special district is located or to the governing body of the municipality that has adopted a resolution of approval of the District; and

W. Section 32-1-1604, C.R.S., requires within 30 days of incurring or authorizing general obligation debt that the District record a notice of such debt with the County Clerk and Recorder, on a form prescribed by the Division of Local Government; and

X. In accordance with §§ 32-1-1101.5(1.5) and (2), C.R.S., either the board of county commissioners of each county in which the special district is located, or the governing body of the municipality that has adopted a resolution of approval of the District, may require the District to file an application for quinquennial finding of reasonable diligence; and

Y. Special district directors are governed by §§ 32-1-902(3) and 32-1-902(4), C.R.S., which requires such director to disqualify himself or herself from voting on an issue in which he or she has a conflict of interest unless the director has properly disclosed such conflict in

compliance with law, and by the provisions of the Colorado Code of Ethics, §§ 24-18-101, *et seq.*, C.R.S, which provide rules of conduct concerning public officials and their fiduciary duties; and

Z. Section 32-1-902, C.R.S., requires the Board to elect officers, including a Chair of the Board and President of the District, a Treasurer of the Board and District, and a Secretary, who may be a member of the Board; and

AA. The Board of Directors desires to appoint legal counsel for the District to provide legal services and to assist with the operation of the District; and

BB. The Board of Directors desires to appoint an accountant for the District to provide financial services and to assist with the financial operations of the District, and who shall also be designated as the budget officer required to prepare and submit to the Board a proposed District budget by October 15, pursuant to §§ 29-1-104 and 29-1-105 C.R.S.; and

CC. The Board of Directors desires to appoint a District Manager to provide management services in connection with the purposes for which the District was organized; and

DD. Pursuant to §§ 24-71.3-101, *et seq.*, C.R.S., The Uniform Electronic Transaction Act, parties may agree to conduct transactions by electronic means relating to business, commercial and governmental affairs, and that for all documents covered by the Act, if a law requires a record to be in writing, an electronic record satisfies the law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF YARROW GARDENS METROPOLITAN DISTRICT, DOUGLAS COUNTY, COLORADO AS FOLLOWS:

1. The Board of Directors of the District determines that each director shall not receive compensation for services as director.

2. The Board designates the *Jeffco Transcript* as the newspaper of general circulation within the boundaries of the District, or in the vicinity of the District if none is circulated within the District, and directs that all legal notices shall be published in accordance with applicable statutes.

3. The Board designates the District website; <https://yarrowgardensmd.colorado.gov/> at least 24 hours prior to the meetings. The Board designates the northeast corner of the District, which is within the boundaries of the District, as the physical 24-hour posting place for meeting notices, pursuant to § 32-1-903(2) and § 24-6-402(2)(c), C.R.S.

4. The Board determines to hold regular meetings at 2:00 p.m. on the second Tuesday of March, June and December via telecommunication platform, depending on the Boards discretion.

5. The Board directs legal counsel to obtain and maintain insurance for the District, to insure the Directors acting within the scope of employment by the Board against all or any part of such liability for an injury; to insure against the expense of defending a claim for injury against the District or its Board. Additionally, the Board directs legal counsel, to obtain bonds or

equivalent insurance coverage as required by §§ 32-1-901(2) and 32-1-902(2), C.R.S., in an amount of no less than \$1,000 per director and \$5,000 for the Board Treasurer, and to file the bond or certificate of insurance with the District Court and the Division of Local Government.

6. The Board designates Peggy Ripko as the District's "Primary Representative" and designates Shawna Stevens as the District's "Alternate Representative" to the SDA Insurance Pool so that District insurance coverage may be timely renewed annually and updated as necessary.

7. The Board directs legal counsel to update the Special District Public Disclosure Document and map with Douglas County Clerk and Recorder after the initial filing deadline of December 31, 2014, if the District includes additional property and records an Order of Inclusion with the County Clerk and Recorder.

8. The Board directs legal counsel to file an accurate boundary map with the Division of Local Government and the Douglas County Assessor, as may be required by statute.

9. The Board directs legal counsel to file a copy of the transparency notice as described in § 32-1-809, C.R.S. with the Douglas County Board of County Commissioners, Assessor, Treasurer, Clerk and Recorder, and the Division of Local Government.

10. The Board directs legal counsel to notify the registered electors in the District of certain specified District information by completing the Special District Transparency Notice as detailed in § 32-1-809, C.R.S. and causing it to be posted to the Special District Association website.

11. The Board designates the District's accountant to serve as the budget officer, and to submit a proposed budget to the Board by October 15th for the following year, and, in cooperation with legal counsel, to schedule a public hearing on the proposed budget; to prepare a final budget, budget resolutions and amendments to the budget, if necessary; to certify the mill levies on or before December 15; and to file the approved budgets and amendments thereto with the proper governmental entities in accordance with the Local Government Budget Law of Colorado.

12. The Board directs the accountant to prepare and file the annual public securities report for nonrated public securities issued by the District, with the Department of Local Affairs on or before March 1st.

13. The Board directs the accountant to prepare or cause to be prepared for filing with the State Auditor either an Audit Exemption and Resolution for approval of Audit Exemption for the prior fiscal year by March 31; or an audit of the financial statements by June 30; further, the Board directs that the Audit be filed with the State Auditor by July 31.

14. The Board directs legal counsel to prepare, if necessary, the Unclaimed Property Act report and forward the report to the State Treasurer by November 1.

15. The Board hereby appoints Natalie M. Fleming, Erb Law, LLC, as the "Designated Election Official" of the District for any elections to be held during 2025 and any subsequent year. The Board hereby grants all powers and authority for the proper conduct of the election to the

Designated Election Official, including but not limited to appointing election judges, appointing a canvass board and cancellation, if applicable, of the election.

16. The District directs the Designated Election Official to notify the Division of Local Government of the results of any elections held by the District, including the name and address of all members and officers of the board of directors.

17. The District directs the Designated Election Official to certify results of any election to incur general obligation indebtedness to the Douglas County Commissioners.

18. Whenever the District authorizes or incurs general obligation debt, the Board directs the Designated Election Official or legal counsel to record a notice of such debt with the Douglas County Clerk and Recorder, within 30 days of authorizing or incurring the debt, on a form prescribed by the Division of Local Government.

19. The Board directs legal counsel to prepare and file with the Board of County Commissioners of each County in which the special district is located, or to the governing body of the municipality that has adopted a resolution of approval of the District, if requested, the quinquennial finding of reasonable diligence in accordance with §§ 32-1-1101.5(1.5) and (2), C.R.S.

20. The Board directs legal counsel to prepare and file the special district annual report with the Douglas County, the Division of Local Government, the State Auditor and shall further deposit a copy of such report with the County Clerk and Recorder per § 32-1-207(3)(c), C.R.S.

21. The District hereby directs each present and future member of the Board to execute an Affidavit of Qualification of Director, to be retained in the District's files.

22. The District hereby elects the following officers for the District:

President/Chair of the Board – Brooks Cannon

Vice President – Jeanette Kelder

Secretary/Treasurer – Peggy Ripko

Asst. Secretary – VACANT

Asst. Secretary – Shane Harris

Asst. Secretary – Jeffrey Seibold

23. The Board directs legal counsel to file conflict of interest disclosures provided by Board members with the Secretary of State. In addition, written disclosures provided by Board members required to be filed with the governing body in accordance with § 18-8-308, C.R.S. shall be deemed filed with the Board of Directors of the District when filed with the Secretary of State.

24. The Board extends the current resolution providing for the defense of directors and employees of the District to allow the resolution to continue in effect as written.

25. The Board extends the current disposal of personal identifying information resolution to allow the resolution to continue in effect as written.

26. The Board of Directors appoints the law firm of Erb Law, LLC as legal counsel for the District.

27. The Board of Directors appoints Simmons & Wheeler, P.C. to serve as the District's accountant and to provide accounting services for the District.

28. The Board of Directors appoints Special District Management Services, Inc. to serve as the District's management and to provide management services for the District.

29. The Board authorizes its consultants to conduct transactions by electronic means to the extent allowed by the Uniform Electronic Transactions Act.

Wherefore, the motion was seconded by Director _____, and upon vote, unanimously carried. The Chair declared the motion carried and so ordered.

ADOPTED AND APPROVED THIS 10TH DAY OF DECEMBER 2024.

YARROW GARDENS METROPOLITAN
DISTRICT

Name: _____
President, Board of Directors

ATTEST

Name: _____
Secretary/Assistant Secretary, Board of Directors

CERTIFICATION

I, Peggy Ripko, Secretary/Asst. Secretary of the Board of Directors of the Yarrow Gardens Metropolitan District, do hereby certify that the attached and foregoing Resolution is a true and correct copy of the proceedings of the Board of said District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District, at Douglas County, Colorado, this 10th day of December, 2024.

By: _____
Secretary / Asst. Secretary

[S E A L]

Account	PO/Cont	Check #	Invoice	Date	Date Paid	Description	Amount
01-000-09050	0	1175	38349	05/31/2024	07/11/2024	05 Accounting	1,050.25
	**** TOTAL ****			Simmons & Wheeler PC			1,050.25
01-000-09100	0	1176	136948	05/31/2024	07/11/2024	05 Management	2,013.25
	**** TOTAL ****			Special District Management Svcs, I			2,013.25
01-000-09600	0	1177	9630	06/14/2024	07/11/2024	06 Irrigation	175.59
	**** TOTAL ****			Landtech Contractors, Inc			175.59
01-000-09300	0	1178	611	05/31/2024	07/11/2024	05 Legal	472.50
	**** TOTAL ****			ERB Law LLC			472.50
01-000-09600	0	1179	9949	07/01/2024	07/23/2024	07 Landscape	1,571.00
	**** TOTAL ****			Landtech Contractors, Inc			1,571.00
01-000-09450	0	1180	555669	06/30/2024	07/23/2024	06 Dog Station	162.03
	**** TOTAL ****			Pet Scoop			162.03
01-000-09450	0	1181	22275	05/15/2024	07/23/2024	05 Electrical services	1,737.50
	**** TOTAL ****			McBride Lighting & Electrical Servi			1,737.50
01-000-09050	0	1182	38677	06/30/2024	08/29/2024	06 Accounting	799.25
01-000-09050	0	1182	38819	07/31/2024	08/29/2024	07 Accounting	1,030.38
	**** TOTAL ****			Simmons & Wheeler PC			1,829.63
01-000-09100	0	1183	06 30 24	06/30/2024	08/29/2024	06 Management	1,841.56
01-000-09100	0	1183	07 31 24	07/31/2024	08/29/2024	07 Management	2,180.07
	**** TOTAL ****			Special District Management Svcs, I			4,021.63
01-000-09600	0	1184	10497	08/01/2024	08/29/2024	08 Landscape	1,571.00
01-000-09600	0	1184	10596	08/02/2024	08/29/2024	08 Irrigation	361.12
	**** TOTAL ****			Landtech Contractors, Inc			1,932.12
01-000-09000	0	1185	2540509	07/31/2024	08/29/2024	2023 Audit	6,500.00
	**** TOTAL ****			WIPFLI LLP			6,500.00
01-000-09300	0	1186	645	06/30/2024	08/29/2024	06 Legal	1,035.00
01-000-09300	0	1186	673	07/31/2024	08/29/2024	07 Legal	292.00
	**** TOTAL ****			ERB Law LLC			1,327.00
01-000-09450	0	1187	561776	07/31/2024	08/29/2024	06 Dog Station	183.79
	**** TOTAL ****			Pet Scoop			183.79
01-000-09050	0	1188	38936	09/15/2024	10/07/2024	08 Accounting	1,346.75
	**** TOTAL ****			Simmons & Wheeler PC			1,346.75
01-000-09100	0	1189	08 31 24	08/31/2024	10/07/2024	08 Management	3,466.81
	**** TOTAL ****			Special District Management Svcs, I			3,466.81
01-000-09600	0	1190	11126	09/03/2024	10/07/2024	09 Monthly Landscape	1,571.00
01-000-09600	0	1190	11337	09/13/2024	10/07/2024	09 Tree Stake	130.14
01-000-09600	0	1190	11354	09/13/2024	10/07/2024	09 Irrigation	127.46

Account	PO/Cont	Check #	Invoice	Date	Date Paid	Description	Amount
01-000-09600	0	1190	11597	10/01/2024	10/07/2024	10 Monthly Landscape	1,571.00
01-000-09650	0	1190	7456	01/18/2024	10/07/2024	01 Snow Removal	2,008.05
**** TOTAL ****							5,407.65
Landtech Contractors, Inc							
01-000-09300	0	1191	702	08/31/2024	10/07/2024	08 Legal	1,898.00
**** TOTAL ****							1,898.00
ERB Law LLC							
01-000-09450	0	1192	569110	08/31/2024	10/07/2024	08 Dog Station	147.03
**** TOTAL ****							147.03
Pet Scoop							
*** GRAND TOTAL ***							35,242.53



JEFFERSON
COUNTY COLORADO

AUG 29 2024

SCOT KERSGAARD

Assessor

August 26, 2024

OFFICE OF THE ASSESSOR
100 Jefferson County Parkway
Golden, CO 80419-2500
Phone: 303-271-8600
Fax: 303-271-8616
Website: <http://assessor.jeffco.us>
E-mail Address: assessor@jeffco.us

YARROW GARDENS METRO
SPECIAL DISTRICT MANAGEMENT
SERVICES INC
PEGGY RIPKO
141 UNION BLVD 150
LAKEWOOD CO 80228

Code # 4998

CERTIFICATION OF VALUATION

The Jefferson County Assessor reports a taxable assessed valuation for your taxing entity for 2024 of:

3,210,707

The breakdown of the taxable valuation of your property is enclosed. The certification reflects any adjustments enacted by the Legislature, including adjustments resulting from Senate Bill 22-238 and Senate Bill 23B-001.

As further required by CRS 39-5-128(1), you are hereby notified to officially certify your levy to the Board of County Commissioners no later than December 15.

CRS 39-1-111(5) requires that this office transmit a notification by December 10 of any changes to valuation made after the original certification.

SCOT KERSGAARD
Jefferson County Assessor

enc

CERTIFICATION OF VALUATION BY JEFFERSON COUNTY ASSESSOR

New Tax Entity YES NO

Date: August 26, 2024

NAME OF TAX ENTITY: YARROW GARDENS METRO

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

IN ACCORDANCE WITH 39-5-121(2)(a) AND 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTAL VALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR 2024:

1. PREVIOUS YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	1.	\$	3,209,157
2. CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION: ‡	2.	\$	3,210,707
3. LESS TOTAL TIF AREA INCREMENTS, IF ANY:	3.	\$	0
4. CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	4.	\$	3,210,707
5. NEW CONSTRUCTION: *	5.	\$	0
6. INCREASED PRODUCTION OF PRODUCING MINE: ≈	6.	\$	0
7. ANNEXATIONS/INCLUSIONS:	7.	\$	0
8. PREVIOUSLY EXEMPT FEDERAL PROPERTY: ≈	8.	\$	0
9. NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY PRODUCING OIL AND GAS LEASEHOLD OR LAND (29-1-301(1)(b), C.R.S.): ☐	9.	\$	0
10. TAXES RECEIVED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1)(A), C.R.S.). Includes all revenue collected on valuation not previously certified:	10.	\$	0
11. TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a), C.R.S.) and (39-10-114(1)(a)(I)(B), C.R.S.):	11.	\$	0

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

USE FOR TABOR "LOCAL GROWTH" CALCULATION ONLY

IN ACCORDANCE WITH ART X, SEC.20, COLO. CONSTITUTION AND 39-5-121(2)(b), C.R.S., THE ASSESSOR CERTIFIES THE TOTAL ACTUAL VALUATION FOR THE TAXABLE YEAR 2024:

1. CURRENT YEAR'S TOTAL ACTUAL VALUE OF ALL REAL PROPERTY: ¶	1.	\$	52,087,223
ADDITIONS TO TAXABLE REAL PROPERTY			
2. CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:	2.	\$	0
3. ANNEXATIONS/INCLUSIONS:	3.	\$	0
4. INCREASED MINING PRODUCTION: §	4.	\$	0
5. PREVIOUSLY EXEMPT PROPERTY:	5.	\$	0
6. OIL OR GAS PRODUCTION FROM A NEW WELL:	6.	\$	0
7. TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT: (If land and/or a structure is picked up as omitted property for multiple years, only the most current year's actual value can be reported as omitted property.):	7.	\$	0

DELETIONS FROM TAXABLE REAL PROPERTY

8. DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:	8.	\$	0
9. DISCONNECTIONS/EXCLUSIONS:	9.	\$	0
10. PREVIOUSLY TAXABLE PROPERTY:	10.	\$	0

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

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

1. TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY	1.	\$	47,366,040
---	----	----	------------

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

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

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

NOTE: ALL LEVIES MUST BE CERTIFIED TO THE COUNTY COMMISSIONERS NO LATER THAN DECEMBER 15.

Application/Tool:

CERTIFICATION OF TAX LEVIES
for NON-SCHOOL Governments
– Jefferson County, Colorado

External

This Job Aid will cover how to submit the DLG70 form for CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments – Jefferson County, Colorado

Submitting the DLG 70 form to Jefferson County, Colorado

Below are the steps on how to submit your taxing entities DLG 70 to Jefferson County, Colorado.

Mill levy certification submission how-to

1. Access the Jefferson County Certification of Tax Levies Landing Page:

<https://www.jeffco.us/3804/Certification-of-Tax-Levies>

This page will have additional information on how to access the form center along with a job aid, links, and deadlines to help with completing the Mill Levy Certification submission.

- a. Access the Jefferson County Form Center submission form:

<https://www.jeffco.us/FormCenter/Finance-42/CERTIFICATION-OF-TAX-LEVIES-for-NONSCHOO-412>

- b. Assessor Notification Letter:

2. Directly access the form from the Jefferson County Website under the Finance subsection:

<https://www.jeffco.us/FormCenter/Finance-42>

- a. The form is located under the *Finance* section of the Forms Center:

<https://www.jeffco.us/formcenter>

- b. Either scroll down to the finance section

or

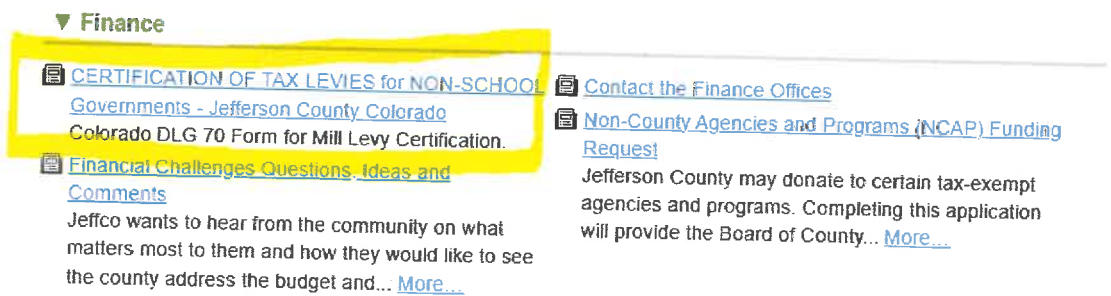
Application/Tool: CERTIFICATION OF TAX LEVIES
for NON-SCHOOL Governments
– Jefferson County, Colorado

External

c. Filter for *Finance*



3. Click on the form titled CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments – Jefferson County Colorado



Application/Tool:

CERTIFICATION OF TAX LEVIES
for NON-SCHOOL Governments
– Jefferson County, Colorado

External

4. Complete the entries on the form; note these entries should come directly from the completed DLG 70 form for your taxing entity.

County Tax Entity Code

DOLA LGID/SID

CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments

TO: County Commissioners of Jefferson County, Colorado.

On behalf of the*

(taxing entity)

the*

(governing body)

of the*

(local government)

5. Select whether your taxing entity has a tax levy submission (Yes or No). If yes, the below section of the form will be populated and must be completed accordingly. If no, gross and net amounts as well as section 1-7 under *Purpose* will not be applicable, nor will those sections be presented in the form.

Application/Tool:

CERTIFICATION OF TAX LEVIES
for NON-SCHOOL Governments
- Jefferson County, Colorado

External

Does the taxing entity have a tax levy submission?*

- Yes
- No

6. The below sections are only applicable and will be presented in the form if *Does the taxing entity have a tax levy submission* selection of Yes. If no, section will not be presented in the form or be applicable (proceed to step 9).

Hereby officially certifies the following mills to be levied against the taxing entity's GROSS assessed valuation of:

(GROSS assessed valuation, Line 2 of the certification of Valuation Form DLG 57)

Note: If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area the tax levies must be calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET assessed valuation of:

(NET assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)

USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED BY ASSESSOR NO LATER THAN DECEMBER 10

Submitted:*

(mm/dd/yyyy)

(no later than Dec. 15)

for budget/fiscal year*

(yyyy)

PURPOSE

1. General Operating Expenses

LEVY in mills

1. General Operating Expenses

REVENUE in \$'s

2. *MINUS* Temporary General Property Tax Credit/Temporary Mill Levy Rate Reduction

LEVY in mills

2. *MINUS* Temporary General Property Tax Credit/Temporary Mill Levy Rate Reduction

REVENUE in \$'s

SUBTOTAL FOR GENERAL OPEARTING

LEVY in mills

SUBTOTAL FOR GENERAL OPERATING

REVENUE in \$'s

3. General Obligation Bonds and Interest

LEVY in mills

3. General Obligation Bonds and Interest

REVENUE in \$'s

4. Contractual Obligations

LEVY in mills

4. Contractual Obligations

REVENUE in \$'s

5. Capital Expenditures

LEVY in mills

5. Capital Expenditures

REVENUE in \$'s

6. Refunds/Abatements

LEVY in mills

6. Refunds/Abatements

REVENUE in \$'s

7. Other

LEVY in mills

7. Other

REVENUE in \$'s

(specify Other in box below)

(specify Other in box below)



Note: LEVY in mills must be numbers and REVENUES in \$'s must be currency.

If revenue amounts greater than \$1.00 for lines 3 and 4 are entered, then bond and contractual obligation entry sections will populate below where the signed DLG 70 form and signed resolution attachments are uploaded.

Application/Tool:

**CERTIFICATION OF TAX LEVIES
for NON-SCHOOL Governments
- Jefferson County, Colorado**

External

Other Explanation

Specify

TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]

LEVY in mills

TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]

REVENUE in \$'s

File Attached of Taxing Entity Completed and Signed DLG 70 Form

No file chosen

Please also attach a copy of your completed and signed DLG 70 form

Please use Taxing Entity Name in file attachment naming

File Attachment of Taxing Entity Full Executed Resolution

No file chosen

Please also attach a copy of your fully executed resolution

Please use Taxing Entity Name in file attachment naming

7. In order to satisfy the mill levy certification submission the completed and fully executed DLG 70 form and resolution **MUST** be attached to the bottom of the submission form.

File Attached of Taxing Entity Completed and Signed DLG 70 Form

No file chosen

Please also attach a copy of your completed and signed DLG 70 form

Please use **Taxing Entity Name** in file attachment naming

File Attachment of Taxing Entity Full Executed Resolution

No file chosen

Please also attach a copy of your fully executed resolution

Please use **Taxing Entity Name** in file attachment naming

Application/Tool:

CERTIFICATION OF TAX LEVIES
for NON-SCHOOL Governments
– Jefferson County, Colorado

External

8. Bond and Contractual Obligations; as noted above, if revenue amounts greater than \$1.00 are entered into lines 3 and 4 of the *Purpose* section then the below short answer entry boxes will populate for details pertaining to Bond(s) and/or Contractual Obligations(s) related to those specific revenue(s).

Below sections for Bonds and Contracts ONLY applicable if bond revenue or contractual obligation revenue is included in submission

CERTIFY A SEPARATE MILL LEVY FOR EACH BOND OR CONTRACT

BONDS

1. Purpose of Issue:

Series:

Date of Issue:

Coupon Rate:

Maturity Date:

Levy:

Revenue:

Application/Tool: CERTIFICATION OF TAX LEVIES
for NON-SCHOOL Governments
- Jefferson County, Colorado

External

CONTRACTS

4. Purpose of Contract:

Title:

Date:

Principal Amount:

Maturity Date:

Levy:

Revenue:

9. Submit form and complete reCAPTCHA authentication



* indicates a required field

Application/Tool:

CERTIFICATION OF TAX LEVIES
for NON-SCHOOL Governments
– Jefferson County, Colorado

External

Additional Information

Please Visit the Jefferson County Certification of Tax Levies Landing Page at

<https://www.jeffco.us/3804/Certification-of-Tax-Levies>

For any questions regarding how to submit your Mill Levy Certification (DLG 70 form) to Jefferson County, Colorado, please reference the below contact information:

Please contact Jefferson County Strategy, Planning and Analysis at
milllevycertify@co.jefferson.co.us

With the Subject line of *Mill Levy Certification – Taxing Entity – Budget/Fiscal Year*

Or

Call us at 303-271-8589



Important: *Mill Levy MUST be submitted through the Jefferson County Form Center to be considered submitted. If the Mill Levy is submitted to the above email address, it will not be processed as a submission*****

Yarrow Gardens Metropolitan District
Proposed Budget
General Fund
For the Year ended December 31, 2025

	Actual 2023	Adopted Budget 2024	Actual 6/30/2024	Estimate 2024	Proposed Budget 2025
Beginning fund balance	\$ 132,654	\$ 190,792	\$ 195,813	\$ 195,813	\$ 325,771
Revenues:					
Property taxes	151,135	203,445	205,601	205,601	203,543
Specific ownership taxes	10,816	14,241	5,661	11,330	14,248
Interest income	19,418	-	11,890	23,780	-
Developer Advance	-	-	-	-	-
Miscellaneous	151	500	50	100	500
Total revenues	<u>181,520</u>	<u>218,186</u>	<u>223,202</u>	<u>240,811</u>	<u>218,291</u>
Total funds available	<u>314,174</u>	<u>408,978</u>	<u>419,015</u>	<u>436,624</u>	<u>544,062</u>
Expenditures:					
Administration					
Community Management	28,132	14,400			14,400
District Management	-	20,000	14,095	28,190	20,000
Insurance	2,971	3,200	3,093	3,093	3,500
Accounting	13,596	14,000	6,247	12,500	14,000
Elections	-	-	-	-	-
Legal	18,958	20,000	8,904	17,800	20,000
Audit	4,700	6,000	-	6,000	6,000
Miscellaneous	1,631	1,500	3,711	7,430	1,500
Website Review/Updates	-	1,000	-	-	1,000
County collection fee	2,267	3,052	3,084	3,084	3,053
Total administration	<u>72,255</u>	<u>83,152</u>	<u>39,134</u>	<u>78,097</u>	<u>83,453</u>
Detention ponds	-	1,500	-	-	1,500
Landscaping					
Irrigation Repairs	-	2,500	-	2,500	2,500
Landscape Maintenance	29,755	30,000	5,400	10,800	30,000
Tree Care	-	2,500	-	-	2,500
Snow removal	8,152	25,000	10,973	16,460	25,000
Landscape Enhancements	-	2,500	-	-	2,500
Total Landscaping	<u>37,907</u>	<u>62,500</u>	<u>16,373</u>	<u>29,760</u>	<u>62,500</u>
Utilities					
Irrigation/Water	7,984	10,000	-	-	10,000
Electric- Irrigation & Lighting	215	7,500	248	496	7,500
Winter Watering/Irrigation	-	2,500	2,052	2,500	2,500
Total Utilities	<u>8,199</u>	<u>20,000</u>	<u>2,300</u>	<u>2,996</u>	<u>20,000</u>
Entrance monuments	-	1,500	-	-	1,500
Other maintenance & repair					
Mailbox - Cluster boxes	-	2,500	-	-	2,500
Graffiti Removal	-	2,500	-	-	2,500
	<u>-</u>	<u>5,000</u>	<u>-</u>	<u>-</u>	<u>5,000</u>
Contingency	-	228,795	-	-	363,575
Emergency reserve (3%)	-	6,531	-	-	6,534
Total expenditures	<u>118,361</u>	<u>408,978</u>	<u>57,807</u>	<u>110,853</u>	<u>544,062</u>
Ending fund balance	<u>\$ 195,813</u>	<u>\$ -</u>	<u>\$ 361,208</u>	<u>\$ 325,771</u>	<u>\$ -</u>
Assessed valuation		<u>\$ 3,209,157</u>			<u>\$ 3,210,707</u>
Mill Levy		<u>63.395</u>			<u>63.395</u>

**Yarrow Gardens Metropolitan District
Proposed Budget
Capital Projects Fund
For the Year ended December 31, 2025**

	Actual 2023	Adopted Budget 2024	Actual 6/30/2024	Estimate 2024	Proposed Budget 2025
Beginning fund balance	\$ -	\$ -	\$ -	\$ -	\$ -
Revenues:					
Developer advances	-	-	-	-	-
Bond proceeds	-	-	-	-	-
Interest income	-	-	-	-	-
Total revenues	-	-	-	-	-
Total funds available	-	-	-	-	-
Expenditures:					
Issuance costs	-	-	-	-	-
Capital expenditures	-	-	-	-	-
Repay developer advances	-	-	-	-	-
Transfer to Debt Service	-	-	-	-	-
Total expenditures	-	-	-	-	-
Ending fund balance	\$ -	\$ -	\$ -	\$ -	\$ -

**Yarrow Gardens Metropolitan District
Proposed Budget
Debt Service Fund
For the Year ended December 31, 2025**

	Actual 2023	Adopted Budget 2024	Actual 6/30/2024	Estimate 2024	Proposed Budget 2025
Beginning fund balance	\$ 385,762	\$ 431,342	\$ 432,188	\$ 432,188	\$ 446,936
Revenues:					
Property taxes	159,168	227,962	230,379	230,379	228,060
Specific ownership taxes	11,391	15,957	6,344	12,700	15,964
Interest income	13,505	9,000	7,967	15,930	9,000
Total revenues	<u>184,064</u>	<u>252,919</u>	<u>244,690</u>	<u>259,009</u>	<u>253,024</u>
Total funds available	<u>569,826</u>	<u>684,261</u>	<u>676,878</u>	<u>691,197</u>	<u>699,960</u>
Expenditures:					
Series 2018A Bond interest	129,250	129,250	64,625	129,250	127,781
Series 2018A Bond principal	-	25,000	-	25,000	25,000
Series 2018B Bond interest	-	80,592	-	80,592	97,758
Series 2018B Bond principal	-	-	-	-	-
Treasurer's fees	2,388	3,419	1,796	3,419	3,421
Trustee / paying agent fees	6,000	6,000	6,000	6,000	6,000
Total expenditures	<u>137,638</u>	<u>244,261</u>	<u>72,421</u>	<u>244,261</u>	<u>259,960</u>
Ending fund balance	<u>\$ 432,188</u>	<u>\$ 440,000</u>	<u>\$ 604,457</u>	<u>\$ 446,936</u>	<u>\$ 440,000</u>
Max Surplus Fund req before pmt on 2018B		<u>\$ 440,000</u>			<u>\$ 440,000</u>
Assessed valuation		<u>\$ 3,209,157</u>			<u>\$ 3,210,707</u>
Mill Levy		<u>71.035</u>			<u>71.031</u>
Total Mill Levy		<u>134.430</u>			<u>134.426</u>

RESOLUTION NO. 2024-12-__
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE YARROW GARDENS METROPOLITAN DISTRICT
TO ADOPT THE 2025 BUDGET AND APPROPRIATE SUMS OF MONEY

WHEREAS, the Board of Directors of the Yarrow Gardens Metropolitan District (“District”) has appointed the District Accountant to prepare and submit a proposed 2025 budget to the Board at the proper time; and

WHEREAS, the District Accountant has submitted a proposed budget to this Board on or before October 15, 2024, for its consideration; and

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 10, 2024, and interested electors were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, the budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, reserve transfers and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution ("TABOR") and other laws or obligations which are applicable to or binding upon the District; and

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

WHEREAS, the Board of Directors of the District has made provisions therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, as more fully set forth in the budget, including any interfund transfers listed therein, so as not to impair the operations of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Yarrow Gardens Metropolitan District:

1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of the Yarrow Gardens Metropolitan District for the 2025 fiscal year.

2. That the budget, as hereby approved and adopted, shall be certified by the Secretary of the District to all appropriate agencies and is made a part of the public records of the District.

3. That the sums set forth as the total expenditures of each fund in the budget attached hereto as **EXHIBIT A** and incorporated herein by reference are hereby appropriated from the revenues of each fund, within each fund, for the purposes stated.

ADOPTED this 10th day of December, 2024.

Secretary

EXHIBIT A
(Budget)

I, Peggy Ripko, hereby certify that I am the duly appointed Secretary of the Yarrow Gardens Metropolitan District, and that the foregoing is a true and correct copy of the budget for the budget year 2025, duly adopted at a meeting of the Board of Directors of the Yarrow Gardens Metropolitan District held on December 10, 2024.

By: _____
Secretary

RESOLUTION NO. 2024-12-___
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE YARROW GARDENS METROPOLITAN DISTRICT
TO SET MILL LEVIES

WHEREAS, the Board of Directors of the Yarrow Gardens Metropolitan District (“District”) has adopted the 2025 annual budget in accordance with the Local Government Budget Law on December 10, 2024 and

WHEREAS, the adopted budget is attached to the Resolution of the Board of Directors to Adopt the 2025 Budget and Appropriate Sums of Money, and such budget is incorporated herein by this reference; and

WHEREAS, the amount of money necessary to balance the budget for general fund expenses from property tax revenue is identified in the budget; and

WHEREAS, the amount of money necessary to balance the budget for debt service fund expenses from property tax revenue is identified in the budget; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Yarrow Gardens Metropolitan District:

1. That for the purposes of meeting all general fund expenses of the District during the 2025 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

2. That for the purposes of meeting all debt service fund expenses of the District during the 2025 budget year, the District determined to levy mills upon each dollar of the total valuation for assessment of all taxable property within the District, as set forth in the budget, to raise the required revenue.

3. That the District Accountant of the District is hereby authorized and directed to immediately certify to the County Commissioners of Jefferson County, Colorado, the mill levies for the District as set forth in the District’s Certification of Tax Levies (attached hereto as **EXHIBIT A** and incorporated herein by reference), recalculated as needed upon receipt of the final certification of valuation from the County Assessor in order to comply with any applicable revenue and other budgetary limits.

ADOPTED this 10th day of December, 2024.

Secretary

EXHIBIT A
(Certification of Tax Levies)

I, Peggy Ripko, hereby certify that I am the duly appointed Secretary of the Yarrow Gardens Metropolitan District, and that the foregoing is a true and correct copy of the Certification of Mill Levies for the budget year 2025, duly adopted at a meeting of the Board of Directors of the Yarrow Gardens Metropolitan District held on December 10, 2024.

Secretary

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

Calling an Election – May 6, 2025

A. The Board of Director seats occupied by three directors are subject to election at the May 6, 2025 regular special district election (the “**Election**”); and

B. Three seats subject to election are for four-year terms one seat subject to election are for two-year terms.

C. These seats are to be voted upon at the Election as required by the Special District Act, Title 32, Article 1, C.R.S. (“**Act**”); and the Uniform Election Code of 1992, Title 1, Articles 1-13, C.R.S., and the Colorado Local Government Election Code, Title 1, Article 13.5, C.R.S. (the “**Code**”); and

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Yarrow Gardens Metropolitan District as follows:

1. Date and Time of Election. The regular election shall be held on May 6, 2025, between the hours of 7:00 A.M. and 7:00 P.M. pursuant to and in accordance with the Act, the Code and other legal requirements.

2. Conduct of Election. The Election shall be conducted as an independent mail-ballot election in accordance with all relevant provisions of the Code. The Designated Election Official shall have on file, no later than fifty-five (55) days prior to the Election, a plan for conducting the independent mail ballot Election.

3. Designated Election Official. Natalie M. Fleming, Erb Law, LLC, shall be the Designated Election Official (“**DEO**”). The DEO is authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Act, Code, or other applicable laws. Among other matters, the DEO shall appoint election judges as necessary, arrange for the required notices of election (either by mail or publication) and printing of ballots, and direct that all other appropriate actions be accomplished.

4. Self-Nomination and Acceptance Forms. Self-nomination and acceptance forms for the director positions are available at the DEO’s offices: 3900 E. Mexico Avenue, Suite 300, Denver, CO 80210, or by requesting a form via telephone or e-mail: (303) 626-7125 or nfleming@erblawllc.com. All candidates must file self-nomination and acceptance forms with the DEO no later than 5:00 P.M. on February 28, 2025.

5. Cancellation of Election. Pursuant to § 1-13.5-513, C.R.S., if there are not more candidates running than seats to be filled at 5:00 P.M. on February 28, 2025, the DEO shall

cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with law.

6. Severability. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board of Director's intention that the various provisions hereof are severable.

7. Repealer. All acts, orders and resolutions, or parts thereof, of the Board of Directors which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

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DRAFT

ADOPTED AND APPROVED this 10th day of December, 2024.

YARROW GARDENS METROPOLITAN DISTRICT

Name: _____
Title: _____

Attest:

Secretary/Assistant Secretary

DRAFT

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

Revised Policy for the Enforcement of Covenants, Conditions and Restrictions

Recitals

A. The Yarrow Gardens Metropolitan District (the “**District**”) was organized as a special district pursuant to an Order of the District Court in and for Jefferson County and is located within Jefferson County, Colorado; and

B. Pursuant to Section 32-1-1004(8), C.R.S., a metropolitan district has the power to furnish covenant enforcement and design review services within the district if (1) the district’s declaration, rules and regulations, or any similar document containing the covenants to be enforced name the district as the enforcement or design review entity; and (2) the district governing body have entered into a contract to define the duties and responsibilities of each of the contracting parties, including the covenants that may be enforced by the district, and the covenant enforcement services of the district do not exceed the enforcement powers granted by the declaration, rules and regulations, or any similar document containing the covenants to be enforced; and

C. The property within the District is subject to a Declaration of Covenants, Conditions, and Restrictions for Yarrow Gardens (“Covenants”), recorded in the office of the Jefferson County Clerk and Recorder on June 19, 2019, Instrument No. 2019045517; and

D. The Covenants provide for the enforcement of the Covenants and the establishment of a Architectural Control Committee to adopt and enforce establishment architectural and landscape guidelines to ensure a consistent architectural theme and landscaping standards for the homes in the District; and

E. Section 2.4 of the Covenants authorizes the District to adopt, amend and enforce rules and regulations to enforce the Covenants, including, but not limited to, a policy for providing notices of violations, procedures, and a schedule of fines; and

F. The District adopted the Policy for the Enforcement of Covenants, Conditions and Restrictions for Yarrow Gardens on June 14, 2022; and

G. Section 32-1-1004.5, C.R.S. requires that a district providing covenant enforcement and design review services adopt certain written policies governing the imposition of fines, fact-finding processes regarding alleged violations, and procedures for dispute resolution on or before January 1, 2025; and

H. To further comply with such updated requirements under § 32-1-1004.5, C.R.S., the District desires to adopt a revised policy and schedule of fines provided under **Exhibit A** herein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE YARROW GARDENS METROPOLITAN DISTRICT AS FOLLOWS:

1. The Board of Directors approves the revised Policy for the Enforcement of Covenants, Conditions and Restrictions for Yarrow Gardens provided under Exhibit A, to be effective as of the date this Resolution is adopted.

APPROVED AND ADOPTED THIS ____ DAY OF _____ 2024.

YARROW GARDENS METROPOLITAN
DISTRICT

Name:
President, Board of Directors

ATTEST:

By: _____

Name: _____

Secretary or Assistant Secretary

EXHIBIT A

Policy for the Enforcement of Covenants, Architectural and Landscape Designs

1. Purpose. The purpose of this Policy is to provide transparency to Owners regarding the enforcement of the Declaration of Covenants, Conditions, and Restrictions for Yarrow Gardens (“**Covenants**”) by the Yarrow Gardens Metropolitan District (“**District**”).

2. Content of Notice of Violation. All Notices of Violation shall contain and be provided to the Owner as follows:

- a. The nature of the alleged violation;
- b. The action or actions required to cure the violation;
- c. Notice of the Owner’s right to a fact-finding hearing regarding the alleged violation; and
- d. The fine schedule and late fees if not paid.
- e. In addition, the Notice of Violation shall:
 - i. Be made in English or the previously indicated language preference of the Owner;
 - ii. Sent via certified mail, return receipt requested, and one of the following methods:
 - 1) First-class mail;
 - 2) Text message to the number on file for the Owner; or
 - 3) E-mail to the e-mail on file for the Owner; and
 - iii. Be posted on the Owner’s property.

3. Violations/Notification of Violation. In the event the alleged violation(s) constitute an immediate threat to the health, safety and welfare of the public or property within the District, the District may pursue any remedy available to it in law or equity to abate the violation, including, for example, an injunction; the assistance of law enforcement, the fire department, animal control, or other enforcement authorities. Upon request by an Owner contesting the alleged violation, a hearing shall be held as soon as practicable thereafter to determine the nature of the violation(s) and any applicable fines.

With respect to any other violation of the Covenants, the District shall send the Owner a notice identifying the nature of the violation, providing that the Owner has forty-five (45) days to cure the violation, action(s) required to cure such violation, opportunity to request a hearing, and risk of the imposition of fines. In the case of Improvements being built without prior approval of the Architectural Control Committee (“**ACC**”), the Owner shall be allowed to submit as-built plans and specifications to the ACC within ten (10) days for potential review and approval, and

further enforcement action will be stayed until the ACC has concluded its review process and made its final determination.

4. Notice of Cure. Once the Owner cures the violation, Owner may notify the District of the cure and may provide visual evidence of the cure. If no visual evidence is provided, the District shall inspect the property as soon as practicable to determine if the violation has been cured. If cured, a Notice of Cure shall be provided to the Owner confirming that the violation has been cured, no additional fines will be imposed, providing the Owner the outstanding fine balance and late charges owed, as well as additional late charges that will be imposed if not timely paid. Until paid, a new statement of amounts owed will be provided on a monthly basis.

5. Hearing Request.

a. Hearing Request. A Hearing must be requested in writing and received by the District within twenty-one (21) days of initial receipt of a Notice of Violation. Such request must be made in writing and can be made via e-mail or regular mail at the address provided in the Notice of Violation.

b. Failure to Request a Hearing and to Correct Violation – Waiver and Fines. If a Hearing Request is not timely received, then the Owner shall be deemed to have waived their right to a Hearing and conceded to the violation. If the violation has not been timely cured, fines and enforcement shall be imposed as set forth in the Covenants and the Fine Schedule attached as Schedule A.

6. Hearing Procedures.

a. Scheduling. A Hearing shall be scheduled as soon as practicable after receipt of a Request for a Hearing, but in any event no later than the District's next regular meeting.

b. Procedure. A Hearing is an informational, administrative procedure with the District Board, the Owner, and an impartial decision-maker as delegated by the District Board, acting impartially with regard to the alleged violation. Rules of evidence do not apply and either party may have an attorney present. Hearings are open to the public. Any party with an interest in the matter may present testimony. The impartial decision-maker may exercise its discretion as to the specific manner in which a hearing shall be conducted and may question witnesses, review evidence, and take such reasonable action during the course of a hearing as it deems appropriate to reach a just decision. The Hearing shall be a fair and impartial process to determine whether the violation actually occurred and the Owner's responsibility for the violation.

c. Decision. The impartial decision-maker shall render its decision and issue a "Decision" regarding the violation within fourteen (14) days following the Hearing. A copy of the Decision shall be provided to the Owner. In the event the Owner fails to appear at the Hearing, or at any re-scheduled Hearing, the impartial decision-maker will proceed based on information available at that time, render its decision and issue a "Decision" within fourteen days following the Hearing.

7. Failure to Cure or Pay Fine/Liens. If Owner fails to cure the violation(s) following a determination that a violation occurred and/or fails to pay the fine imposed, the District may pursue any remedy available in law or equity to the District under the Covenants or Colorado law. Until paid, any fee, rate, toll, fine, penalty, or charge assessed according to this Policy shall constitute a perpetual lien on and against the property unit for which the covenant enforcement and design review services were provided. Further, the Board, by resolution and at a public meeting held after notice has been provided to an affected Owner, may elect to have certain delinquent fees, rates, tolls, fines, penalties, charges, or assessments made or levied for covenant enforcement and design review services certified to the county treasurer to be collected and paid over in the same manner as taxes are authorized to be collected and paid.

The prevailing party in any court proceeding shall be entitled to recover from the other party their reasonable attorney fees and costs incurred in prosecuting or defending the court proceeding.

8. Notices. All notices under this section are presumed to have been received upon personal delivery or within three days after the notice has been sent, postage prepaid, by 1st Class U.S. Mail. It is the Owner's responsibility to provide the District with correct and up-to-date contact information regarding Owner's present address, and tenant information, if applicable.

9. Owner Complaints. Allegation of an alleged violation of the Covenants or architectural guidelines submitted by another Owner must be in writing to the District. The complaint must include the nature of the violation including the date and time if applicable, the name or address of the alleged violation, and any material facts supporting the complaint. The complaint must also contain the printed name and signature of the person lodging the complaint. It is the general policy of the District to maintain confidentiality of complaints, if possible. However, if a complaint becomes the subject of a Hearing or litigation or is otherwise required to be produced pursuant to the law, the original complaint and the name of the person lodging the complaint will be disclosed.

10. Definitions. Any terms not defined herein shall have the same meaning as set forth in the Covenants.

11. No Waiver. Nothing in this Policy shall be deemed to waive the District's right to pursue any other legal action available to it in addition to, in lieu of, or in conjunction with, the notification and fine process.

12. Enforcement of Building Restrictions. Notwithstanding any law to the contrary, an action shall not be commenced or maintained to enforce the terms of any building restriction contained in the Covenants to compel the removal of any building or improvement because of a violation of the terms of any such building restriction, unless the action is commenced within one year after the date that the District first knew or, in the exercise of reasonable diligence, should have known of the violation forming the basis of the action.

13. Option to Mediate. Any controversy between the District and an Owner that arises out of the enforcement of Covenants may be submitted to mediation by agreement of the parties prior to the commencement of any legal proceeding. Either party to the mediation may terminate such mediation process without prejudice. If a mediation agreement is reached between the District and Owner, the mediation agreement may be presented to a court as a stipulation. The stipulation shall not include a requirement that the Owner pay additional interest or unreasonable attorney fees. If either party subsequently violates the stipulation, the other party may apply immediately to the court for relief.

14. Compliance with Law. Notwithstanding any provision in the Covenants or any other related rules and regulations of Yarrow Gardens, the District shall not enforce requirements as prohibited by Section 32-1-1004.5(6), C.R.S.

SCHEDULE A

Schedule of Fines

	<u>Fine</u>	<u>Interest</u>	<u>Late Charge</u>
<u>Public Safety or Health Violations</u>	\$100 for initial violation, with an additional \$100 owed every other day that the violation is not cured	8% on Fine amount	\$15 or 5% of the Fine amount owed, whichever is less, per month if not paid by due date, not to exceed a total of 25% of the Fine amount
<u>Other Violations</u>	\$100 owed if not cured within initial 45-day cure period; thereafter \$100 every 30-day period, not to exceed a total of \$500	8% on the Fine amount owed	\$15 or 5% of the Fine amount owed, whichever is less, per month if not paid by due date, not to exceed a total of 25% of the Fine amount

1. Liens: As provided in Chapter 3.3 of the Covenants, the District has the right and authority to impose and collect fees, rates, tolls, charges and penalties, and until paid, such lien constitutes a perpetual, statutory lien against the property. Any fine is considered delinquent if not paid by the due date.

a. If the District determines, in its discretion, to record a statement of lien against the property, such costs of preparing and recording the lien shall be included with the charges owed by the property due to the violation.

2. Additional Charges: Additional charges may be allocated to the property as set forth in the Covenants, including, but not limited to, Chapter 3.4.

Proposal for Extra Work at Remove mulch and replace with river rock

Property Name	Remove mulch and replace with river rock	Contact	Travis Hunsaker
Property Address	4241 Yarrow St Wheat Ridge, CO 80228	To Billing Address	Yarrow Gardens C/O SDMS 141 Union Blvd suite 150 Lakewood, CO 80228
Project Name	Remove mulch and replace with river rock		
Project Description	remove mulch in (3) locations and replace with river rock		

Scope of Work

QTY	UoM/Size	Material/Description	Total
Area 1 and 2			\$3,698.52
1.00	LUMP SUM	Remove and dispose of existing mulch	
9.00	TON	1-1/2" Local River Rock - TON Rock/Gravel Installed	
1.00	LUMP SUM	Delivery	
Area 3			\$661.48
1.25	TON	1-1/2" Local River Rock - TON Rock/Gravel Installed	
100.00	SQUARE FEET	Filter Fabric - Fabric and Netting Installed	
1.00	LUMP SUM	Delivery	

For internal use only

SO# 8505897
JOB# 400400000
Service Line 130

Total Price \$4,360.00

THIS IS NOT AN INVOICE

This proposal is valid for thirty (30) days unless otherwise approved by Contractor's Senior Vice President
2333 W Oxford Ave, Sheridan, CO 80110-4340 ph. (303) 761-9262 fax (303) 761-9023

TERMS & CONDITIONS

1. The Contractor shall recognize and perform in accordance with written terms, written specifications and drawings only contained or referred to herein. All materials shall conform to bid specifications.
2. **Work Force:** Contractor shall designate a qualified representative with experience in landscape maintenance/construction upgrades or when applicable in tree management. The workforce shall be competent and qualified, and shall be legally authorized to work in the U.S.
3. **License and Permits:** Contractor shall maintain a Landscape Contractor's license, if required by State or local law, and will comply with all other license requirements of the City, State and Federal Governments, as well as all other requirements of law. Unless otherwise agreed upon by the parties or prohibited by law, Customer shall be required to obtain all necessary and required permits to allow the commencement of the Services on the property.
4. **Taxes:** Contractor agrees to pay all applicable taxes, including sales or General Excise Tax (GET), where applicable.
5. **Insurance:** Contractor agrees to provide General Liability Insurance, Automotive Liability Insurance, Worker's Compensation Insurance, and any other insurance required by law or Customer, as specified in writing prior to commencement of work. If not specified, Contractor will furnish insurance with \$1,000,000 limit of liability.
6. **Liability:** Contractor shall not be liable for any damage that occurs from Acts of God defined as extreme weather conditions, fire, earthquake, etc. and rules, regulations or restrictions imposed by any government or governmental agency, national or regional emergency, epidemic, pandemic, health related outbreak or other medical events not caused by one or other delays or failure of performance beyond the commercially reasonable control of either party. Under these circumstances, Contractor shall have the right to renegotiate the terms and prices of this Contract within sixty (60) days.
7. Any illegal trespass, claims and/or damages resulting from work requested that is not on property owned by Customer or not under Customer management and control shall be the sole responsibility of the Customer.
8. **Subcontractors:** Contractor reserves the right to hire qualified subcontractors to perform specialized functions or work requiring specialized equipment.
9. **Additional Services:** Any additional work not shown in the above specifications involving extra costs will be executed only upon signed written orders, and will become an extra charge over and above the estimate.
10. **Access to Jobsite:** Customer shall provide all utilities to perform the work. Customer shall furnish access to all parts of jobsite where Contractor is to perform work as required by the Contract or other functions related thereto, during normal business hours and other reasonable periods of time. Contractor will perform the work as reasonably practical after the Customer makes the site available for performance of the work.
11. **Payment Terms:** Upon signing this Agreement, Customer shall pay Contractor 50% of the Proposed Price and the remaining balance shall be paid by Customer to Contractor upon completion of the project unless otherwise, agreed to in writing.
12. **Termination:** This Work Order may be terminated by the either party with or without cause, upon seven (7) workdays advance written notice. Customer will be required to pay for all materials purchased and work complete to the date of termination and reasonable charges incurred in demobilizing.
13. **Assignment:** The Customer and the Contractor respectively, bind themselves, their partners, successors, assignees and legal representative to the other party with respect to all covenants of this Agreement. Neither the Customer nor the Contractor shall assign or transfer any interest in this Agreement without the written consent of the other provided, however, that consent shall not be required to assign this Agreement to any company which controls, is controlled by, or is under common control with Contractor or in connection with assignment to an affiliate or pursuant to a merger, sale of all or substantially all of its assets or equity securities, consolidation, change of control or corporate reorganization.
14. **Disclaimer:** This proposal was estimated and priced based upon a site visit and visual inspection from ground level using ordinary means, at or about the time this proposal was prepared. The price quoted in this proposal for the work described, is the result of that ground level visual inspection and therefore our company will not be liable for any additional costs or damages for additional work not described herein, or liable for any incidents/accidents resulting from conditions, that were not ascertainable by said ground level visual inspection by ordinary means at the time said inspection was performed. Contractor cannot be held responsible for unknown or otherwise hidden defects. Any corrective work proposed herein cannot guarantee exact results. Professional engineering, architectural, and/or landscape design services ("Design Services") are not included in this Agreement and shall not be provided by the Contractor. Any design defects in the Contract Documents are the sole responsibility of the Customer. If the Customer must engage a licensed engineer, architect and/or landscape design professional, any costs concerning these Design Services are to be paid by the Customer directly to the designer involved.

15. **Cancellation:** Notice of Cancellation of work must be received in writing before the crew is dispatched to their location or Customer will be liable for a minimum travel charge of \$150.00 and billed to Customer.

The following sections shall apply where Contractor provides Customer with tree care services:

16. **Tree & Stump Removal:** Trees removed will be cut as close to the ground as possible based on conditions to or next to the bottom of the tree trunk. Additional charges will be levied for unseen hazards such as, but not limited to concrete brick filled trunks, metal rods, etc. If requested mechanical grinding of visible tree stump will be done to a defined width and depth below ground level at an additional charge to the Customer. Defined backfill and landscape material may be specified. Customer shall be responsible for contacting the appropriate underground utility locator company to locate and mark underground utility lines prior to start of work. Contractor is not responsible damage done to underground utilities such as but not limited to, cables, wires, pipes, and irrigation parts. Contractor will repair damaged irrigation lines at the Customer's expense.
17. **Waiver of Liability:** Requests for crown thinning in excess of twenty-five percent (25%) or work not in accordance with ISA (International Society of Arboricultural) standards will require a signed waiver of liability.

Acceptance of this Contract

By executing this document, Customer agrees to the formation of a binding contract and to the terms and conditions set forth herein. Customer represents that Contractor is authorized to perform the work stated on the face of this Contract. If payment has not been received by Contractor per payment terms hereunder, Contractor shall be entitled to all costs of collection, including reasonable attorneys' fees and it shall be relieved of any obligation to continue performance under this or any other Contract with Customer. Interest at a per annum rate of 1.5% per month (18% per year), or the highest rate permitted by law, may be charged on unpaid balance 15 days after billing.

NOTICE: FAILURE TO MAKE PAYMENT WHEN DUE FOR COMPLETED WORK ON CONSTRUCTION JOBS, MAY RESULT IN A MECHANIC'S LIEN ON THE TITLE TO YOUR PROPERTY

Customer

	Assistant Community Manager
Signature	Title
Travis Hunsaker	September 09, 2024
Printed Name	Date

BrightView Landscape Services, Inc. "Contractor"

	Landscape Designer, Degreed
Signature	Title
Leigh DuFresne	September 09, 2024
Printed Name	Date

Job #:	400400000		
SO #:	8505897	Proposed Price:	\$4,360.00



ENVIRONMENTAL DESIGNS, LLC
 www.environmentaldesigns.com
 TWO COLORADO BRANDS. TRANSFORMING THE LANDSCAPE INDUSTRY TOGETHER
 Brighton | Golden | Centennial | Northern Colorado | Castle Rock | Colorado Springs



LANDSCAPE / IRRIGATION PROPOSAL

SUBMITTED TO: 4241 Yarrow St, Wheat Ridge, CO 80033 **ATTENTION:** Travis Hunsaker
PROJECT: Dry creek bed and Additional rock **SUBMITTAL DATE:** 4/1/2024

Bidding Firm: Environmental Designs, Inc. **Phone:** 303-432-8282
Contact: Branden Freiner **Fax:** 303-432-8191
Address: 605 Ulysses St, Golden, CO 80401

Add in a dry a creek bed that directs the water flow beneath the rock and away from the mulch.

Qty.	Description	Bid Amount
2.25	Tons of local river Rock to Match rock on site	
0.25	6"-12" Cobble	\$ 836.94
	The Home rock	
2	Tons Of local river rock	
0.25	Weed Fabric	\$782.13

TOTAL PRICE (Excludes applicable taxes) \$ 1,619.00

SPECIFIC QUALIFICATIONS OR EXCLUSIONS

1. Work that Arrowhead Landscape Services performs is not "engineered" unless otherwise noted.
2. A one year replacement warranty is included for all trees, shrubs and perennials that are planted by Arrowhead Landscape Services and maintained under contract by Arrowhead Landscape Services during the warranty period provided that the Customer follows all recommendations for care. This is a one time plant replacement warranty, Arrowhead does not warranty plant material planted between September 15th and April 15th unless otherwise noted.
3. Contractor is not responsible for acts of God, vandalism, or events beyond the control of the Contractor.
4. Payment terms are Net 30 unless otherwise stated on this proposal.
5. Irrigation Modifications will be performed on a T&M basis if required and unless otherwise noted.
6. Price does not include applicable Taxes, taxes will be added to the invoice as required.
7. Per Colorado tax code all materials are subject to taxes unless exempt. Taxes are not included in this proposal and will be added to the invoice.

This quote is good for 30 days from the submittal date

 Authorization to perform work

 Environmental Designs, Inc.
 Branden Freiner



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

MEMORANDUM

TO: Board of Directors

FROM: Christel Gemski
Executive Vice-President

DATE: September 23, 2024

RE: Notice of 2025 Rate Increase

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

In accordance with the Management Agreement (“Agreement”) between the District and Special District Management Services, Inc. (“SDMS”), at the time of the annual renewal of the Agreement, the hourly rate described in Article III for management and all services shall increase by (2.5%) per hour.

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