

TRIVIEW METROPOLITAN DISTRICT BOARD OF DIRECTORS

Regular Board Meeting Agenda

May 18, 2023

Triview Metropolitan District Office
16055 Old Forest Point Suite 302
Monument, CO 80132
5:30 p.m. – 8:00 p.m.

AGENDA

1. Call to Order
2. Declaration of a Quorum, Notice of Posting
3. Disclosure of Conflicts
4. Approval of Agenda
5. Recognition of Marco Fiorito and James Otis for their 8 years of Service on the Triview Metropolitan District Board of Directors.
6. Swearing in of New Board members Jason Gross and Amanda Carlton
7. Public Comment
8. Approval of Consent Agenda
 - a. Prior Meeting Minutes
April 20, 2023, Regular Board Meeting (enclosure)
 - b. Billing Summary Rate Code Report (enclosure)
 - c. Taps for April 2023 (enclosure)
 - d. Tax Transfer from Monument (enclosure)
9. Operations Reports
 - a. District Manager Monthly Report (enclosure)
 - b. Public Works and Parks and Open Space Updates (Matt Rayno)
 - c. Utilities Department Updates (Shawn Sexton)
10. Action Items:
 - a. Review and Consider a request for dissolution of the Triview Metropolitan District Sub District B which overlays the Conexus Metropolitan District 1 and 2 and provide direction to staff. (enclosure)

11. Review and Consider approval or ratification of the Triview Metropolitan District Financials and Payables.
 - a. Checks of \$5,000.00 or more (enclosure)
 - b. April 2023 Financials (enclosure)
12. Legal Comments (George Rowley Triview General Counsel)
 - a. Overview of 2023 Legislation affection Special Districts (enclosure)
13. Update Board on Public Relation activities.
 - Newsletter distribution
 - Website Updates (NDS Project Website)
14. Executive Session §24-6-402(4) (a), (b), (e), Acquisitions, Legal Advice, and Negotiations, regarding the following general topics:
 - Water Acquisitions,
 - Legal Advice Upper Monument Regional Wastewater facility
 - Property Acquisition Negotiations.
 - Legal Advice Sub District Disolution
13. Adjournment

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TRIVIEW METROPOLITAN DISTRICT AND THE BOARD OF DIRECTORS OF THE WATER ACTIVITY ENTERPRISE HELD

April 20, 2023

A meeting of the Board of Directors of the Triview Metropolitan District was held on Thursday, April 20, 2023, beginning at 5:30 p.m. The meeting was conducted via Zoom and in person. This meeting was open to the public. The meeting was called to order at 5:30 p.m.

ATTENDANCE

In attendance were Directors:

President	Mark Melville, present
Vice President	Anthony Sexton, present
Secretary/Treasurer	James Barnhart, present
Director	James Otis, present

Also, in attendance were on roll call:

James McGrady, District Manager
Steve Sheffield, Assistant District Manager
Joyce Levad, District Administrator
Chris Cummins, District Water Attorney
George Rowley, Triview General Counsel
Shawn Sexton, Water Superintendent
Rob Lewis, Distribution and Collection Manager
Matt Rayno, Parks, and Open Space Superintendent
Natalie Barszcz, Our Community News
Ann-Marie Jojola, resident
Jason Gross, resident

DISCLOSURE OF CONFLICTS

None.

RECORD OF PROCEEDINGS

ADMINISTRATIVE MATTERS

Agenda – Mr. McGrady distributed, for the Board's approval, the proposed agenda. A motion was made by Director Otis to approve the agenda. Upon a second by Director Barnhart. A vote was taken, and the motion was carried unanimously.

PUBLIC COMMENT

Ms. Natalie Barszcz had a question about the ADA ramp at the trail at Agate Creek Park. Matt Rayno stated the district decided to make the sidewalk ADA compliant while fixing the sidewalk in the area.

Consent Agenda

- a) Prior Meeting Minutes
 - March 23, 2023, Regular Board Meeting
- b) Billing Summary Rate Code Report
- c) Taps for March 2023
- d) Tax Transfer from Monument

A motion was made by Director Otis to approve the consent agenda. The motion was duly seconded by Director Barnhart. A vote was taken, and the motion was carried unanimously.

OPERATIONS REPORT

District Manager Report (enclosure)

- Mr. McGrady stated he had a meeting today with Kiewit, design engineers and staff on the Northern Delivery System. Construction will start next week. This will entail clearing the pathway for where the pipe will be installed. The pipe installation will start the first or second week in May. In order to inform the public, there will be a website set up at triviewnds.com and also there will be a project hotline phone number on the Triview website and on Kiewit's website, for customers with any questions. The traffic on Roller Coaster Road will be open to local traffic only during construction, a car permit will be issued to residents.
- The Convey, Treat and Deliver Contract was signed by CSU and Director Mark Melville on behalf of Triview.

RECORD OF PROCEEDINGS

- The Pueblo County 1041 Permit is moving along. A staff memo was written by Tom Corver, one of Pueblo County's staff attorneys, and that staff report is currently being reviewed by Pueblo County Planning. There will be a 30-day comment period and a 30-day review period. Tentatively, a public hearing will be held on June 8, 2023.
- The South Reservoir pump house is being constructed at this time. The floor will be poured the week of April 17, 2023, with the building being set on April 25th.
- Mr. McGrady had a meeting with the Buena Vista Town Manager, which included Steve Sheffield and two other Triview staff members, and one of their agronomists about the revegetation process and what to expect. The meeting went very well.
- Mr. McGrady had a very comprehensive discussion with CSU about the NMCI. CSU will be putting out an RFP for design services in May. A 2-month turnaround will have a designer on board. The design plan will be taken to 30% which will give them an order of magnitude price. From there they will decide if the project is a go or no go.
- The building for the Vac Truck, at the A Yard, is done. The floor and the utilities are being installed currently.
- Triview continues to work on the design of Higby Road.

Public Works and Parks and Open Space Updates (Matt Rayno)

- Mr. Rayno stated they crews are working on the A yard storage building.
- Irrigation break along Lyons Tail is in the process of getting fixed.
- The pre-emergent application is being done on the ornamental beds along with mulch.
- Aeration in the parks is complete with playground mulch being installed.
- Agate Creek Park enhancement project is ongoing. Trees will be planted on 4/19/2023, irrigation mainline to be completed 4/21/2023 and seeding will be done mid May.

Utilities Department Update

- Wells A4, A9 and D9 are currently out of service for well maintenance.
- Well A4 will be online 4/25/2023.
- Wells A7, D7, A8, A1 and D1 available for normal service.
- All other wells are operating normally.
- C Plant booster pump #2 upgrade is completed.
- Water treatment plants A, B, and C are all running normally.

RECORD OF PROCEEDINGS

ACTION ITEMS:

Review and Approve Resolution 2023-03 appointing James C. McGrady to the Upper Monument Creek Regional Wastewater Treatment Facility Operations Committee Representative.

A motion was made by Director Otis to approve Resolution 2023-03, appointing James C. McGrady to the Upper Monument Creek Regional Wastewater Treatment Facility Operations Committee Representative. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

Review and Consider Approval of the 1st Amendment to the Home Place Ranch Water and Sewer Infrastructure Agreement Between Home Place Ranch, LLC and the Triview Metropolitan District.

A motion was made by Director Otis to approve the 1st Amendment to the Home Place Ranch Water and Sewer Infrastructure Agreement Between Home Place Ranch, LLC and the Triview Metropolitan District. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

Review and Consider Amendment 4 between Kiewit Infrastructure Corporation and the Triview Metropolitan District for the Construction of the Booster Pump Station:

- A guaranteed maximum Price for the construction of the Booster Pump Station
- Construction Schedule
- Total Project Cost

RECORD OF PROCEEDINGS

A motion was made by Director Otis to approve the Agreement 4 between Kiewit Infrastructure Corporation and the Triview Metropolitan District for the Construction of the Booster Pump Station. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously.

FINANCIALS AND PAYABLES

Approve and Ratify Checks over \$5,000 – The Board reviewed the payment of claims over \$5,000. A motion to approve checks greater than \$5,000 was made by Director Otis. The motion was duly seconded by Director Barnhart. A vote was taken, and the motion was carried unanimously.

Monthly Cash Position and Unaudited Financial Statements - The Board reviewed the March 2023 unaudited Financial Statements as presented. A motion to approve the District's March 2023 Financial Statements was made by Director Barnhart. The motion was duly seconded by Director Otis. A vote was taken, and the motion was carried unanimously.

LEGAL COMMENTS (George Rowley, Triview General Counsel)

None.

PUBLIC RELATIONS:

Triview newsletter for April is in the mail. The election deadline is May 2, 2023. The NDS project has a website triviewnds.com. Next month's Newsletter will be published towards the end of May after the election, with pictures of the new members of the Board.

BOARD BREAK

The Board took a ten-minute break at 7:01 p.m. before entering Executive Session.

RECORD OF PROCEEDINGS

EXECUTIVE SESSION:

A motion was made by Director Otis for the Board to enter Executive Session pursuant to C.R.S. Section 24-6-402(4) (b), (e), (f) Legal Advice and Negotiations. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously. Executive Session was entered into at 7:11 p.m.

- Negotiations associated with water delivery infrastructure.
- Water Acquisitions.
- Property Acquisitions.

ADJOURN

There being no further business to come before the Board, a motion to adjourn the meeting was made by Director Otis. The motion was duly seconded by Director Sexton. A vote was taken, and the motion was carried unanimously. The meeting was adjourned at 8:38 p.m.

Respectfully Submitted

James C. McGrady
Secretary for the Meeting

Triview Metropolitan District 4/1 to 4/30/2023
Summary Financial Information - Board Packet

Sales	Amount	Transactions
Rate Code 01 Triview Metro - Res Sewer Base Rate	\$111,636.00	2151
Rate Code 01 Triview Metro - Res Sewer Use Rate	\$43,044.98	2137
Rate Code 01 Triview Metro - Res Water Base Rate	\$67,473.00	2146
Rate Code 01 Triview Metro - Res Water Use Rate Tier1	\$53,072.51	2119
Rate Code 01 Triview Metro - Res Water Use Rate Tier2	\$2,204.40	79
Rate Code 01 Triview Metro - Res Water Use Rate Tier3	\$51.20	2
Rate Code 01 Triview Metro - Res Water Use Rate Tier4		
Rate Code 01 Triview Metro - Res Water Use Rate Tier5		
Rate Code 02 Triview Metro - Com Sewer Base Rate 1"	\$2,831.49	27
Rate Code 02 Triview Metro - Com Water Base Rate 1"	\$1,692.90	27
Rate Code 04 Triview Metro - Com Sewer Base Rate 1.5"	\$6,292.50	30
Rate Code 04 Triview Metro - Com Water Base Rate 1.5"	\$3,887.40	31
Rate Code 07 Triview Metro - Com Sewer Base Rate 2"	\$5,691.21	14
Rate Code 07 Triview Metro - Com Water Base Rate 2"	\$3,402.52	14
Rate Code 09 Triview Metro - Com Sewer Base Rate 3"	\$2,516.97	3
Rate Code 09 Triview Metro - Com Water Base Rate 3"	\$1,504.80	3
Usage Fee Triview Metro - Com Sewer Use Rate	\$14,842.67	72
Usage Fee Triview Metro - Com Water Use Rate	\$22,106.10	72
Rate Code 03 Triview Metro - Com Irr Water Base 1"	\$1,442.10	23
Rate Code 11 Triview Metro - Com Irr Water Base 1.5"	\$2,131.80	17
Rate Code 10 Triview Metro - Com Irr Water Base 2"	\$4,263.60	17
Usage Fee Triview Metro - Com Irr Water Use	\$6.93	2
Triview Metro - Quik Way Sewer	\$213.00	1
Triview Metro - Metering & Billing Fee	\$11,300.00	2260
Title Prep Fee Triview Metro - Title Request Fee	\$500.00	10
Triview Metro - 5% Late Fee	\$1,861.33	193
Special Impact Triview Metro - Special Impact Fee	\$2,430.00	246
Triview Metro - Reconnect Fee		
Triview Metro - NSF Fee		
Total Accounts	\$366,399.41	11696

Rate Code Breakout of Billed Accounts	# Units
Rate Code 01 - Residential 5/8"	2144
Rate Code 02 - Commercial Account 1"	27
Rate Code 03 - Irrigation Account 1"	22
Rate Code 04 - Commercial Account 1 1/2"	35
Rate Code 06 - Transition Account (Quik Way)	1
Rate Code 07 - Commercial Account 2"	13
Rate Code 08 - Triview No Charge	2
Rate Code 09 - Commercial Account 3"	3
Rate Code 10 - Irrigation Account 2"	17
Rate Code 11 - Irrigation Account 1 1/2"	14
Rate Code 12 - Permitted	
Total Accounts	2278

Aging Report	Amount
Amount Past Due 1-30 Days	\$ 49,277.86
Amount Past Due 31-60 Days	\$ (3,245.07)
Amount Past Due 61-90 Days	\$ (1,755.07)
Amount Past Due 91-120 Days	\$ (1,509.16)
Amount Past Due 120+ Days	\$ (3,754.92)
Total AR	\$39,013.64

Receipts	Amount	Items
Payment - ACH		
Payment - ACH Key Bank	\$226,311.74	1448
Payment - Check Key Bank	\$111,946.00	545
Payment - On Site	\$22,019.70	152
Refund CREDIT	(\$1,056.01)	9
REVERSE Payment	(\$142.09)	1
Transfer CREDIT In		
Transfer CREDIT Out		
REVERSE Payment - NSF		
Total Receipts	\$359,079.34	2155
Checks versus Online Payments	32.49%	67.51%
	Checks	ACH's

Water	Gallons	Accounts
Gallons sold 3-1 to 3-31-2023 =	10,935,584	2275
Gallons sold 4-1 to 4-30-2023 =	12,192,187	2278

Usage Breakout in Gallons for Residential	# of Accounts	Combined Use	% of Usage
Over 50,000	0	0	0.00%
40,001 - 50,000	0	0	0.00%
30,001 - 40,000	1	34,955	0.32%
20,001 - 30,000	2	42,754	0.39%
10,001 - 20,000	32	411,014	3.76%
8,001 - 10,000	48	428,531	3.92%
6,001 - 8,000	186	1,265,300	11.57%
4,001 - 6,000	526	2,553,561	23.35%
2,001 - 4,000	955	2,829,155	25.87%
1 - 2,000	375	503,008	4.60%
Zero Usage	19	0	0.00%
Total Meters	2144	8,068,278	73.78%

Usage Breakout in Gallons for Commercial	# of Accounts	Combined Use	% of Usage
Over 50,000	22	2,367,529	21.65%
40,001 - 50,000	1	47,230	0.43%
30,001 - 40,000	3	113,013	1.03%
20,001 - 30,000	7	184,320	1.69%
10,001 - 20,000	3	49,151	0.45%
8,001 - 10,000	2	19,390	0.18%
6,001 - 8,000	2	15,188	0.14%
4,001 - 6,000	5	25,647	0.23%
2,001 - 4,000	9	23,945	0.22%
1 - 2,000	15	18,311	0.17%
Zero Usage	9	0	0.00%
Total Meters	78	2,863,724	26.19%

Usage Breakout in Gallons for Irrigation	# of Accounts	Combined Use	% of Usage
Over 50,000	0	0	0.00%
40,001 - 50,000	0	0	0.00%
30,001 - 40,000	0	0	0.00%
20,001 - 30,000	0	0	0.00%
10,001 - 20,000	0	0	0.00%
8,001 - 10,000	0	0	0.00%
6,001 - 8,000	0	0	0.00%
4,001 - 6,000	0	0	0.00%
2,001 - 4,000	1	2,682	0.02%
1 - 2,000	2	900	0.01%
Zero Usage	50	0	0.00%

SANCTUARY POINTE				
NO.	ADDRESS	PAYEE	DATE	TOTAL FEES PAID TO TMD
16333	Treetop Glory Court	Classic Homes	04/19/23	\$46,482.36
			Total:	\$46,482.36

JACKSON CREEK NORTH (CREEKSIDE)				
NO.	ADDRESS	PAYEE	DATE	TOTAL FEES PAID TO TMD
			Total:	\$0.00

HOME PLACE RANCH				
NO.	ADDRESS	PAYEE	DATE	TOTAL FEES PAID TO TMD
16318	Monument Rock Court	Challenger Homes	04/13/23	\$46,992.89
16336	Monument Rock Court	Challenger Homes	04/13/23	\$47,346.79
16354	Monument Rock Court	Challenger Homes	04/13/23	\$47,296.99
			Total:	\$141,636.67



May 15, 2023

Triview Metropolitan District
P. O. Box 849
Monument, CO 80132

Per the current Intergovernmental Agreement (IGA) between the Town of Monument and Triview Metropolitan District, the Town will transfer \$210,183.82 to the Triview ColoTrust District Fund account on or before May 31, 2023. The ACH details are as follows and documentation is enclosed.

Sales Tax for March 2023	\$ 195,327.93
Regional Building Use Tax for April 2023	\$ 260.51
Motor Vehicle Tax for March 2023	\$ 14,595.38

If you have questions or need additional information, please do not hesitate to contact me.

Sincerely,

Mike Foreman
Town Manager



Triview Metropolitan Public Works May 2023 Report

List of May Projects:

- Weekly/Daily: Daily trash pick-up around the District and bi-weekly cleaning of trash cans and doggie pot stations
- A Yard utilities conduits installed but Triview water department team, public works to install base for concrete pad the week of May 15th and ready for concrete on the last week of the month.
- First mow for the district was May 9th
- Agate Creek Park enhancement well on its way. Team is working hard on installing the trail and landscape this month and seed contractor is currently prepping the park to be seeded end of May.
- Finish mulching landscape beds
- Finished mulch top dress of all playgrounds
- Irrigation repairs on going. Repairs to leaking valves, broken or plugged heads, leaks in drip lines.
- Fleet maintenance (Trucks, Mowers and small equipment)
- District Graffiti removal and clean up.
- Irrigation and Mow schedule set for the season.
- Spot spray off lawn weeds in rock and landscape beds.
- Landscape walk through and pre acceptance of new landscape and irrigation Sanctuary Rim and Harness.



Focus for June:

- Finish Agate Creek Park enhancement project.
- Glen Eagle Street scape enhancements, define tree rings and mulch and drip lines buried.
- Irrigation system upgrades to leather chaps. Coverage issues on tops of hills.
- Seeding bare spots throughout district turf.
- Trail Maintenance
- Continued Off lawn weed control
- Trail repairs to swing park trail system.
- Trail repairs Piute trail system.
- Tree replacements "remove and replace dead trees."
- Street sweeping district roads.
- Monthly edging of walks and curbs.



SNOW REPORT

your window to the weather
SKYVIEW WEATHER®

Report Created May 2, 2023

Start Date: April 1, 2023
End Date: April 30, 2023

Region: Colorado Springs and Pueblo

Meteorological Discussion:

The month of April 2023 over SE Colorado from Colorado Springs to Pueblo produced slightly below normal temperatures and near normal to above normal precipitation with above and below normal snowfall. The average high temperatures in Colorado Springs for April were 61.1°F, or 0.6 degrees above normal. Average low temperatures were 31.3°F, or 2.7 degrees below normal. Combining the average monthly highs and lows resulted in a monthly mean temperature of 46.5°F which was 1.0 degrees below normal. Precipitation at the Colorado Springs municipal airport was 1.45" which is exactly "normal". Snowfall came in at 6.7" which was 1.2" above the normal of 5.5". Most areas in and around Colorado Springs reported between 8-10" of snow with isolated higher and lower amounts. Snow totals of 16-25" were reported over northern El Paso County from Palmer Lake into Black Forest which was near normal to slightly above normal. The snow fell in 4 separate events in Colorado Springs which occurred on 4/3-4/4, 4/5-4/6, 4/14-4/15 and 4/21-4/22 with 6 total events for northern El Paso County. The additional 2 events for El Paso County occurred at the end of the month on 4/25-4/26 and 4/27-4/28. Further south into the city of Pueblo temperatures were also below normal with a monthly mean temperature of 50.6°F, which was 0.7 degrees below normal. Pueblo reported 2.33" of moisture, 0.76" above normal and 1.7" of snow which is 1.7" below the normal of 3.4". Pueblo only experienced 2 snow events for the month on 4/15-4/16 and 4/21-4/22. Snowfall amounts typically ranged from 1-2" from Pueblo to Canon City with isolated higher amounts. Snow totals in the table may contain estimates due to partial or missing data, if new information becomes available this report may be updated.

Seasonal snow reports will be issued late in the month of May or June depending upon when the last snow occurs.

SNOW REPORT

your window to the weather
SKYVIEW WEATHER®

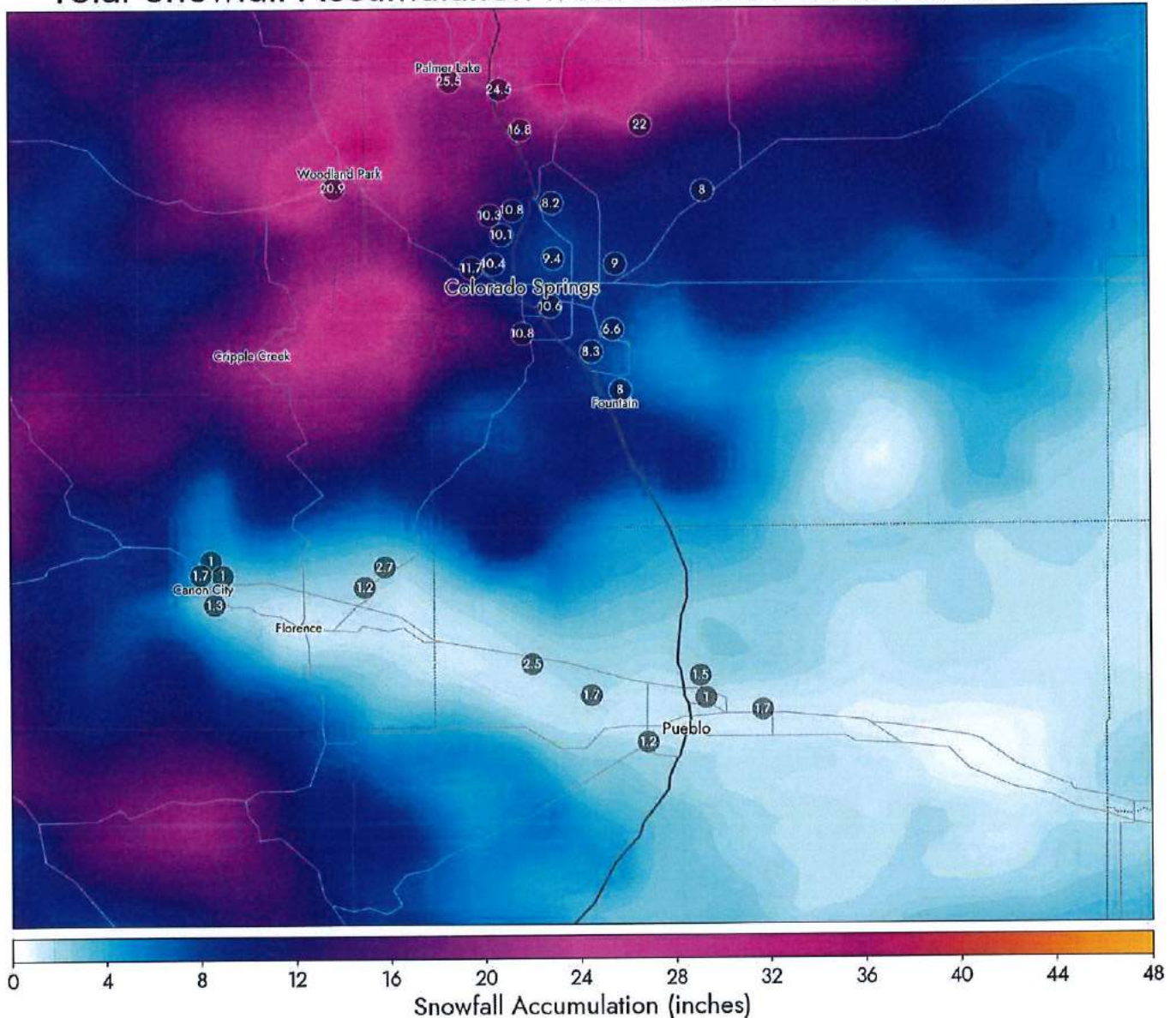
Report Created May 2, 2023

Start Date: April 1, 2023

End Date: April 30, 2023

Region: Colorado Springs and Pueblo

Total Snowfall Accumulation from 2023-04-01 to 2023-04-30



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Forecasts@SkyviewWeather.us

303-688-9175

SNOW REPORT

your window to the weather
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Report Created May 2, 2023

Start Date: April 1, 2023

End Date: April 30, 2023

Region: Colorado Springs and Pueblo

Snowfall: El Paso, Pueblo, & Fremont Counties

Location	Zip	Snowfall	Location	Zip	Snowfall	Location	Zip	Snowfall
Black Forest W	80908	22.0	Colo Springs S	80906	10.8	Penrose ESE	81240	1.2
Canon City	81212	1.3	Colo Springs NW	80919	10.1	Pueblo NWS	81001	1.7
Canon City N	81212	1.0	Colo Springs NW	80904	10.4	Pueblo E	81001	1.0
Canon City NW	81212	1.0	Colo Springs NE	80909	9.4	Pueblo WSW	81007	1.7
Canon City E	81212	1.7	Falcon NNE	80831	8.0	Pueblo West	81007	2.5
Cimarron Hills	80915	9.0	Fountain E	80817	8.0	Pueblo SW	81005	1.2
Colorado Springs Airport	80916	6.6	Gleneagle	80921	16.8	Pueblo N	81001	1.5
Colo Sprgs NW	80919	10.3	Manitou Springs East	80829	11.7	Widefield/Security	80911	8.3
Colo Sprgs NNW	80919	10.8	Monument Hill N	80132	24.5	Woodland Park	80863	20.9
Colo Sprgs NNE	80920	8.2	Palmer Lake	80133	25.5			
Colo Springs S FD HQ	80910	10.6	Penrose NNW	81240	2.7			

Disclaimer Statement

This Skyview Weather SnowREPORT is certified to be accurate and representative of snowfall totals. Individual data reports represent both physical measurements and derived-snowfall totals for specific georeferenced locations. The source of this data may include Cooperative Observers, National Weather Service (NWS) reports, and other private and public entities. Reports are quality controlled by Skyview Weather meteorologists through a comparison of physical and derived measurements vs. storm reanalysis data. Filled contour data is made available by the NWS NOHRSC system, providing high-resolution snowfall reanalysis through remote sensing, local storm reports, and area climatology. NOHRSC data is derived, interpolated data and may not align with physical measurements. Skyview Weather reserves the right to update these reports as needed as new data becomes available. Use of this SnowREPORT for legal purposes is prohibited without expressed written consent. If approved, additional fees may apply.



Triview Metro Water Department

List of Accomplishments for April, 2023

Pumpage for month of April 2023 –

Total to Production

14.956 Mg

Total to Production April/2022

15.975 Mg

Net water impounded in District ground storage tanks

167978 Gal

Total Sold

12.192 Mg

Total Sold April/2022

12.611 Mg

Total District flow to WWTP for April 2022

11.060 Mg

Water Division Activity for April 2023

Wellfield-

- Well A4 currently being sampled for bacti clearance
- Well D9 scheduled for restoration with Hydro resources (A9 linked to D9)
- All other wells available

Water Plants A/B, C Plant Pump Station-, anticipate concluding test

- A Plant on line
- B Plant on line
- C Plant on line

Water Division Accomplishments-

- Locates, hydrant maintenance, valve exercising ongoing
- Working on B plant air compressor electrical problem (Breakers)
- Completed large pump/motor maintenance (Grease motors, change out oil on oil bath bearings)
- Completed utility installation at storage building at A yard (Water line, sewer line, electrical conduit, gas line)
- Made accommodations for Kewitt to occupy C plant yard area for NDS project

Future projects-

- Coordinate tie in projects with Kewitt
- B plant discharge line check valve modifications for new service line tap at Home Ranch
- Cyber security- Stepping forward is working on installing firewall at B plant, C plant for SCADA security, also preparing to move computer system from B plant trailer into B plant building



2 N. Cascade Avenue, Suite 1280
Colorado Springs, CO 80903
719-633-4500

May 9, 2023

Mr. Jim McGrady
District Manager
Triview Metro District
16055 Old Forest Point, Suite 302
Monument, CO 80132

Re: Disbanding / Unincluded Conexus Sub District

Dear Jim,

Conexus LLC hereby formally requests that the Conexus Sub District, formed in April 2022, be Disbanded / Unincluded from the Triview Metropolitan District and the Conexus Property. Now that the Conexus Metropolitan Districts No. 1 & 2 have been formed and Approved by the Town of Monument and the Overlap Consent Agreement between the Conexus Metropolitan Districts No. 1 & No. 2 and Triview Metropolitan District that was approved and signed by all parties effective April 21, 2022, there is no longer a need for the sub district.

Conexus LLC is currently under contract with numerous buyers in Conexus Filing No. 2 and we have agreed in our Purchase Contracts that the tax mill levy of 35 mills, stated in the Conexus Metropolitan District Service Plan is the maximum assessment each buyer will have on their property, other than the mill levy assessed by Triview Metropolitan District.

Please let me know your formal process and schedule to disband / unincluded the sub district.

Sincerely,

Mike DeGrant
Senior Vice President
Schuck – Chapman Companies and Conexus LLC



TRIVIEW METROPOLITAN DISTRICT
16055 Old Forest Point
Suite 302
P.O. Box 849
Monument, CO 80132
(719) 488-6868 Fax: (719) 488-6565

DISBURSEMENTS OVER \$5,000
May 18, 2023

Paid Invoices Over \$5,000 For 2023

- 1. Donala Water & Sanitation District** **\$46,251.70**
Enterprise Fund –Wastewater Operations -Wastewater-System-Wastewater -
TF/Donala/IGA
- 2. Monson, Cummins & Shohet, LLC** **\$9,400.04**
Enterprise Fund – Professional Services -Legal Fees/Monson, Cummins & Shohet
- 3. Kiewit Infrastructure Co.** **\$1,035,737.50**
Capital Project –Enterprise – Water Improvements – Northern Delivery System
- 4. Carollo Engineers** **\$15,058.38**
Enterprise Fund – Professional Services – Professional Services Engineering
- 5. White Bear Ankele Tanaka & Waldron** **\$28,025.71**
General Fund – Professional Services – Legal Fees
- 6. Radiation Pros, LLC.** **\$11,304.78**
Capital Project –Enterprise – Water Improvements – Water Improvements- Filter
Media Replacement
- 7. Deere & Ault** **\$9,895.90**
Capital Project–Enterprise –Water Improvements – South Reservoir– Improvements

- 8. Deere & Ault** **\$52,112.41**
Capital Project –Enterprise – Water Improvements – Central Reservoir – Powerline Relocation and Permitting (April & May Invoices)
- 9. Treatment Technology** **\$12,664.90**
Enterprise Fund - Water System – Bulk Chemical Supplies – (2 Invoices)
- 10. Wagner Equipment Co.** **\$9,146.34**
General Fund – Parks & Open Space – Equipment & Projects
- 11. DBC Irrigation Supply** **\$10,543.43**
Capital Project – General – Park/Street Improvements –Playground Improvements - Agate Park
- 12. Kimley Horn** **\$13,000.00**
Capital Project – General – Other Financing Sources – Higby Road – Developer Contribution – Escrow
- 13. Summit Water Engineers, Inc.** **\$55,488.75**
Capital Project -Enterprise – Water Improvements – AVIC – (2 Invoices December 2022 – May 2023 – Avic Headgate Design & Engineering)
- 14. Summit Water Engineers, Inc.** **\$14,325.00**
Enterprise Fund – Professional Services – Engineering
- 15. Summit Water Engineers, Inc.** **\$19,487.50**
Capital Project -Enterprise – Water Improvements – Bale Ditch Change (December 2022 – March 2023)
- 16. Summit Water Engineers, Inc.** **\$14,211.25**
Capital Project -Enterprise – Water Improvements -Excelsior Exchange Case
- 17. Brownstein Hyatt Farber Schreck, LLP** **\$15,731.44**
Capital Project - Enterprise – Water Improvements – AVIC

- | | |
|---|--------------------|
| 18. Electrical Excellence Enterprises | \$24,096.40 |
| <hr/> | |
| General Fund – Lighting – Operation & Maintenance | |
|
 | |
| 19. RESPEC Company LLC | \$68,141.76 |
| <hr/> | |
| Capital Project –Enterprise – Water Improvements — Northern Delivery System | |
|
 | |
| 20. USA Bluebook | \$6,367.08 |
| <hr/> | |
| Enterprise Fund – Water System – Equipment Meter Supplies | |

Total Over \$5,000.00 = \$1,470,990.27



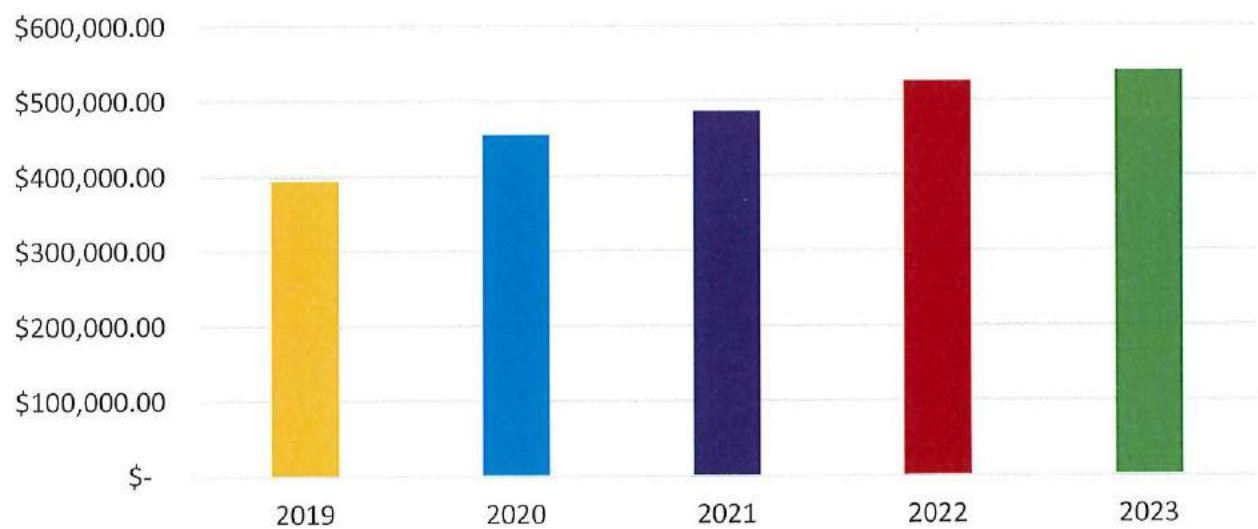
TRIVIEW METROPOLITAN DISTRICT
Financial Statements
April 2023
Unaudited

TOWN OF MONUMENT

Sales Tax Share

**Year to Date – March 2023
with 2019, 2020, 2021 and 2022**

Town of Monument
Sales Tax Revenue
March - YTD
2019 thru 2023



CASH POSITION
April 30, 2023

TRIVIEW METROPOLITAN DISTRICT

Cash Position - 2023

Fund/Account	Balance												
	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23
General/District Fund Accounts													
General Fund - Checking Account													
KeyBank #1567	781,122	157,255	674,968	438,921	323,096	0	0	0	0	0	0	0	0
Transfer in Process													
General Fund Investment Account - Sales Tax Revenue													
ColoTrust #8002	8,923,994	9,220,331	9,562,918	7,034,418	7,442,439	0	0	0	0	0	0	0	0
Transfer in Process	(4,500,000)	(5,000,000)	(5,000,000)										
General Fund Cash Accounts	5,205,116	4,377,586	5,237,886	7,473,339	7,765,535	0	0	0	0	0	0	0	0
Enterprise Fund Accounts													
Enterprise Fund - Checking Account													
KeyBank #1575	583,342	839,955	549,293	723,411	1,425,534	0	0	0	0	0	0	0	0
Transfer in Process													
Enterprise Fund Reserve Account													
ColoTrust #8001	8,057,453	8,088,693	8,118,142	12,161,903	12,212,252	0	0	0	0	0	0	0	0
Transfer in Process	(4,500,000)	(5,000,000)	(5,000,000)										
Enterprise Fund - Money Market													
KeyBank #7892	136,546	136,622	136,695	136,776	136,856	0	0	0	0	0	0	0	0
Tap Fee Escrow Account													
ColoTrust #8003	805	808	811	814	817	0	0	0	0	0	0	0	0
Escrow Account-Renewable Water Fees													
ColoTrust #8004 - GL #500-100-102.06	1,815,235	1,822,273	1,828,908	1,836,470	1,844,073	0	0	0	0	0	0	0	0
Escrow Account-Sewer and Water Impact Fees													
ColoTrust #8006 - January corrected.	734,383	737,230	739,914	742,974	746,050	0	0	0	0	0	0	0	0
Enterprise Fund Cash Accounts	15,827,764	16,625,581	16,373,763	15,602,348	16,365,582	0	0	0	0	0	0	0	0
Capital Projects Fund Accounts													
Capital Projects Fund Checking Account													
KeyBank #2516	868,276	632,744	3,948,351	3,476,275	3,280,084	0	0	0	0	0	0	0	0
Capital Projects Fund-MI-PB Escrow													
KeyBank #3676	243,002	243,002	243,002	226,002	226,002	0	0	0	0	0	0	0	0
Capital Projects Fund-General-Highy Escrow													
KeyBank #9922	2,023,104	2,021,304	1,981,754	1,894,404	1,894,404	0	0	0	0	0	0	0	0
Capital Projects Fund Cash Accounts	3,134,382	2,897,050	6,173,107	5,596,681	5,400,490	0	0	0	0	0	0	0	0
2016 Bond Funds - Restricted													
Series 2016 Bond Fund													
BOK Financial	937,661	940,892	2,187,222	2,194,765	2,203,374	0	0	0	0	0	0	0	0
Transfer in Process								0	0				
Series 2016 Revenue Fund - (Property Tax)													
BOK Financial	1,236,579	1,238,331	1	1	2	0	0	0	0	0	0	0	0
Bond Funds - Totals - Restricted	2,174,240	2,179,223	2,187,223	2,194,766	2,203,376	0	0	0	0	0	0	0	0
Total Cash - All Funds	26,341,502	26,079,440	29,971,979	30,867,134	31,734,983	0	0	0	0	0	0	0	0
Month to Month Change		(262,062)	3,892,539	895,155	867,849	0	0	0	0	0	0	0	0

FUND BALANCE SUMMARY

April 30, 2023

TRIVIEW METROPOLITAN DISTRICT

April 30, 2023

Fund Summary

GENERAL FUND

	Public Works/ Streets	Parks and Open Space	Debt Service	Total
Total Revenue	\$ 1,370,776	\$ 1,042,281	\$ 1,654,355	\$ 4,067,412
Total Expenditures	521,667	309,186	28,626	859,479
Net Excess (Deficiency)	\$ 849,108	\$ 733,095	\$ 1,625,729	\$ 3,207,933
			Less: Transfer to Capital Projects Fund	\$ 314,477
			Transfer to Enterprise Fund	\$ 297,000
			Net Excess (Deficiency) - 2023	\$ 2,596,456
			Beginning Fund Balance - January 1, 2023 -unrestricted -estimated	\$ 2,737,674
			Less: Debt Service - Restricted	\$ 1,625,779
			Ending Fund Balance - April 30, 2023 - unrestricted	\$ 3,708,351

WATER AND WASTEWATER ENTERPRISE FUND

	Water Operations	Wastewater Operations	Debt Service	Total
Total Revenue	\$ 746,538	\$ 756,668	\$ 438,191	\$ 1,941,396
Transfer from General Fund	-	-	297,000	297,000
Total Expenditures	623,969	628,261	-	1,252,230
Net Excess (Deficiency)	\$ 122,569	\$ 128,407	\$ 735,191	\$ 986,166
			Less: Transfer to Capital Projects Fund	\$ -
			Net Excess (Deficiency) - 2023	\$ 986,166
			Beginning Fund Balance - January 1, 2023 - estimated	\$ 18,340,298
			Ending Fund Balance - April 30, 2023 - unrestricted	\$ 19,326,464

CAPITAL PROJECTS - GENERAL FUND

	Total
Total Revenue	\$ -
Plus: Transfer from General Fund	314,477
Total Expenditures	(411,677)
Less: Higby Road Escrow	97,200
Net Excess (Deficiency)	\$ -
Beginning Fund Balance - January 1, 2023	\$ -
Ending Fund Balance - April 30, 2023 - unrestricted	\$ -

CAPITAL PROJECTS - ENTERPRISE FUND

	Total
Total Revenue	\$ 4,074,558
Plus:	
MI-PB Escrow	17,000
Total Expenditures	(1,120,886)
Net Excess (Deficiency)	\$ 2,970,672
Beginning Fund Balance - January 1, 2023 - estimated	\$ 440,373
Ending Fund Balance - April 30, 2023 - unrestricted	\$ 3,411,045

GENERAL FUND
Cost Allocation
April 30, 2023

TRIVIEW METROPOLITAN DISTRICT

GENERAL FUND

PUBLIC WORKS/STREETS

For the Four Months Ending April 30, 2023

Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
REVENUE				
Sales Tax/IGA/Town - Estimated	\$ 1,980,000	\$ 481,508	\$ (1,498,492)	24%
Property Tax - Operations	226,890	124,387	(102,503)	55%
Property Tax/IGA/Town	231,000	-	(231,000)	0%
Specific Ownership Tax	198,000	65,252	(132,748)	33%
Auto Tax/IGA/Town - Estimated	165,000	45,440	(119,560)	28%
Interest	66,000	66,516	516	101%
Drainage Impact Fees	265,500	211,975	(53,525)	80%
Road and Bridge Fees	217,144	174,946	(42,198)	81%
Forest Lakes- Streets/ Parks Maintenance Revenue	60,000	14,246	(45,754)	24%
Use Tax - Construction Material	132,000	170,523	38,523	129%
Use Tax - Town	3,300	1,481	(1,819)	45%
Miscellaneous - (includes Safety Grant)	6,600	14,502	7,902	220%
Total Revenue	\$ 3,551,434	\$ 1,370,776	\$ (2,180,658)	39%
EXPENDITURES				
<u>Legislative</u>				
Directors' Fees	\$ 6,930	\$ 990	\$ 5,940	14%
FICA and Unemployment	554	69	485	12%
Workers Compensation Insurance	35	19	16	55%
Total Legislative	\$ 7,519	\$ 1,078	\$ 6,441	14%
<u>General and Administrative</u>				
<u>Salaries and Benefits</u>				
Salaries/Wages	\$ 179,837	\$ 33,515	\$ 146,322	19%
Unemployment Insurance	693	602	91	87%
Workers' Compensation Insurance	340	149	191	44%
Health and Dental Insurance	19,460	4,340	15,120	22%
Employer's FICA	9,513	2,064	7,449	22%
Employer's Medicare	2,608	494	2,114	19%
Retirement	2,888	386	2,502	13%
Life and Disability Insurance	2,099	327	1,772	16%
Total Salaries and Benefits	\$ 217,437	\$ 41,877	\$ 175,561	19%
<u>Professional Services</u>				
Professional Services-Engineering	\$ 39,600	\$ 6,168	\$ 33,432	16%
Professional Services-Public Relations	19,800	4,287	15,513	22%
Legal Fees/Monson, Cummins & Shohet	6,600	1,449	5,151	22%
Legal Fees	49,500	14,271	35,229	29%
Total Professional Services	\$ 115,500	\$ 26,174	\$ 89,326	23%
<u>General Administration</u>				
Accounting Services	\$ 33,000	\$ 11,450	\$ 21,550	35%
Audit Fees	8,250	-	8,250	0%
Conference, Class and Education	4,950	-	4,950	0%
Dues, Publications and Subscriptions	5,940	2,144	3,796	36%
Election	19,800	15,361	4,439	78%
IT Support	14,520	7,525	6,995	52%
Office Equipment and Supplies	3,960	1,757	2,203	44%
Publication - Legal Notice	990	-	990	0%

TRIVIEW METROPOLITAN DISTRICT

GENERAL FUND

PUBLIC WORKS/STREETS

For the Four Months Ending April 30, 2023

Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
Repairs and Maintenance	1,320	434	886	33%
Telephone Service	17,556	7,330	10,226	42%
Travel and Meeting Expense	3,300	661	2,639	20%
Office Overhead (COA, utilities, rent, etc.)	27,720	10,089	17,631	36%
General Insurance	31,246	31,820	(574)	102%
Tax Collection Expense - Operations	3,403	1,865	1,538	55%
Vehicle Expense	660	6,935	(6,275)	1051%
Stormwater Detention Pond Assessment	-	-	-	0%
Contingency/Emergency Reserves/Miscellaneous	6,600	2,521	4,079	38%
Total General Administration	\$ 183,215	\$ 99,892	\$ 83,323	55%
Total General Administrative, Legislative and Professional Services	\$ 523,671	\$ 169,020	\$ 354,652	32%

Operations

Salaries and Benefits- Streets and Parks

Salaries/Wages	\$ 514,430	\$ 172,437	\$ 341,993	34%
Salaries/Wages - Seasonal	16,500	-	16,500	0%
Overtime/On-call	13,200	8,321	4,879	63%
Unemployment Insurance	1,980	356	1,624	18%
Workers' Compensation Insurance	11,880	9,160	2,720	77%
Health and Dental Insurance	107,950	45,512	62,438	42%
Employer's FICA	33,736	11,388	22,348	34%
Employer's Medicare	7,890	2,663	5,227	34%
Retirement	26,382	5,297	21,085	20%
Life and Disability Insurance	5,584	2,330	3,254	42%
Total Salaries and Benefits - Streets and Parks	\$ 739,531	\$ 257,464	\$ 482,068	35%

Streets Operations and Maintenance

Operations and Maintenance - (includes Crack Seal)	\$ 60,000	\$ 14,892	\$ 45,108	25%
Vehicle Maintenance	20,000	14,529	5,471	73%
Customer Sidewalk Repair	20,000	-	20,000	0%
District Sidewalk Repair/ADA Ramps	35,000	-	35,000	0%
Streets- Engineering	2,500	800	1,700	32%
Snow Removal Per Diem/Emergency	5,000	-	5,000	0%
Engineering - TOM	5,000	-	5,000	0%
Fuel	25,000	8,005	16,995	32%
Contract Street Sweeping	25,000	3,685	21,315	15%
Sand and Salt for Roads	45,000	8,604	36,396	19%
Supplies	3,500	-	3,500	0%
Total Streets	\$ 246,000	\$ 50,515	\$ 195,485	21%
Total Streets O & M	\$ 985,531	\$ 307,979	\$ 677,553	31%

Lighting

MVE Operation and Maintenance	\$ 33,000	\$ 2,757	\$ 30,243	8%
Repair and Maintenance	1,980	4,150	(2,170)	210%
Total Lighting	\$ 34,980	\$ 6,908	\$ 28,072	20%

TRIVIEW METROPOLITAN DISTRICT
GENERAL FUND
PUBLIC WORKS/STREETS

For the Four Months Ending April 30, 2023

Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
<u>Signage</u>				
Repairs and Maintenance	\$ 5,280	\$ 158	\$ 5,122	3%
Total Signage	<u>\$ 5,280</u>	<u>\$ 158</u>	<u>\$ 5,122</u>	<u>3%</u>
<u>Traffic Control</u>				
Operation and Maintenance	\$ 50,000	\$ 37,602	\$ 12,398	75%
Operation and Maintenance- Signal Repair	15,000	-	15,000	0%
Repairs and Maintenance - Striping	30,000	-	30,000	0%
Total Traffic Control	<u>\$ 95,000</u>	<u>\$ 37,602</u>	<u>\$ 57,398</u>	<u>40%</u>
<u>Drainage/Erosion Control</u>				
Repairs and Maintenance (includes Concrete work)	\$ -	\$ -	\$ -	0%
Stormwater Pond Maintenance Repair	20,000	-	20,000	0%
Stormwater Inlet Maintenance	20,000	-	20,000	0%
Total Drainage/Erosion Control	<u>\$ 40,000</u>	<u>\$ -</u>	<u>\$ 40,000</u>	<u>0%</u>
Total Expenditures - Public Works/Streets	<u>\$ 1,684,462</u>	<u>\$ 521,667</u>	<u>\$ 1,162,797</u>	<u>31%</u>
EXCESS OF REVENUE OVER (UNDER)				
EXPENDITURES	<u>\$ 1,866,971</u>	<u>\$ 849,108</u>	<u>\$ (1,017,862)</u>	

TRIVIEW METROPOLITAN DISTRICT

GENERAL FUND

PARKS AND OPEN SPACE

For the Four Months Ending April 30, 2023

Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
REVENUE - Parks and Open Space				
Sales Tax/IGA/Town - Estimated	\$ 1,020,000	\$ 248,050	\$ (771,950)	24%
Property Tax - Operations	116,882	64,077	(52,805)	55%
Property Tax/IGA/Town	119,000	-	(119,000)	0%
Specific Ownership Tax	102,000	33,615	(68,385)	33%
Park, Rec and Landscape Fees	647,616	516,069	(131,547)	80%
Forest Lakes- Streets/ Parks Maintenance Revenue	60,000	14,246	(45,754)	24%
Auto Tax/IGA/Town - Estimated	85,000	23,409	(61,591)	28%
Interest	34,000	34,266	266	101%
Use Tax - Construction Material	68,000	87,845	19,845	129%
Use Tax- Town	1,700	763	(937)	45%
Conservation Trust Fund	40,000	12,471	(27,529)	31%
Miscellaneous - (includes Safety Grant)	3,400	7,470	4,070	220%
Total Revenue	\$ 2,297,598	\$ 1,042,281	\$ (1,255,317)	45%
EXPENDITURES				
<u>Legislative</u>				
Directors' Fees	\$ 3,570	\$ 510	\$ 3,060	14%
FICA and Unemployment	286	35	251	12%
Workers Compensation Insurance	18	10	8	55%
Total Legislative	\$ 3,874	\$ 555	\$ 3,319	14%
<u>General and Administrative</u>				
<u>Salaries and Benefits</u>				
Salaries/Wages	\$ 92,643	\$ 17,265	\$ 75,378	19%
Unemployment Insurance	357	310	47	87%
Workers' Compensation Insurance	175	76	99	44%
Health and Dental Insurance	10,025	2,236	7,789	22%
Employer's FICA	4,901	1,064	3,837	22%
Employer's Medicare	1,343	255	1,088	19%
Retirement	1,488	199	1,289	13%
Life and Disability Insurance	1,081	168	913	16%
Total Salaries and Benefits	\$ 112,013	\$ 21,573	\$ 90,440	19%
<u>Professional Services</u>				
Professional Services-Engineering	\$ 20,400	\$ 3,177	\$ 17,223	16%
Professional Services-Public Relations	10,200	2,208	7,992	22%
Legal Fees/Monson, Cummins & Shohet	3,400	747	2,653	22%
Legal Fees	25,500	7,351	18,149	29%
Total Professional Services	\$ 59,500	\$ 13,484	\$ 46,016	23%
<u>General Administration</u>				
Accounting Services	\$ 17,000	\$ 5,898	\$ 11,102	35%
Audit Fees	4,250	-	4,250	0%
Conference, Class and Education	2,550	-	2,550	0%
Dues, Publications and Subscriptions	3,060	1,104	1,956	36%
Election	10,200	7,913	2,287	78%
IT Support	7,480	3,876	3,604	52%
Office Equipment and Supplies	2,040	905	1,135	44%
Publication - Legal Notice	510	-	510	0%
Repairs and Maintenance	680	224	456	33%
Telephone Service	9,044	3,776	5,268	42%
Travel and Meeting Expense	1,700	341	1,359	20%
Office Overhead (COA, utilities, rent, etc.)	14,280	5,197	9,083	36%
General Insurance	16,096	16,392	(296)	102%
Tax Collection Expense - Operations	1,753	961	792	55%
Vehicle Expense	340	3,572	(3,232)	1051%
Stormwater Detention Pond Assessment	-	-	-	0%
Contingency/Emergency Reserves/Miscellaneous	3,400	1,299	2,101	38%
Total General Administration	\$ 94,383	\$ 51,459	\$ 42,924	55%

TRIVIEW METROPOLITAN DISTRICT

GENERAL FUND

PARKS AND OPEN SPACE

For the Four Months Ending April 30, 2023

Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
Total Parks - Administrative, Professional Services, etc.	\$ 269,770	\$ 87,070	\$ 182,700	32%
Operations				
Salaries and Benefits- Streets and Parks				
Salaries/Wages	\$ 265,010	\$ 88,832	\$ 176,178	34%
Salaries/Wages - Seasonal	8,500	-	8,500	0%
Overtime/On-call	6,800	4,286	2,514	63%
Unemployment Insurance	1,020	184	836	18%
Workers' Compensation Insurance	6,120	4,719	1,401	77%
Health and Dental Insurance	55,610	23,446	32,164	42%
Employer's FICA	17,379	5,866	11,513	34%
Employer's Medicare	4,064	1,372	2,692	34%
Retirement	13,590	2,728	10,862	20%
Life and Disability Insurance	2,876	1,200	1,676	42%
Total Salaries and Benefits - Parks	\$ 380,971	\$ 132,632	\$ 248,337	35%
Parks and Open Space O & M				
Repair of Facilities	\$ 6,000	\$ -	\$ 6,000	0%
Annual Flower and Shrub replacement Program	10,000	-	10,000	0%
Holiday Lights	5,000	-	5,000	0%
Lawn Fertilizer, Tree Fertilizer and Weed Control Program	60,000	6,650	53,350	11%
Park Irrigation Water Payments	200,000	24,496	175,504	12%
Repair and Maintenance	85,000	27,190	57,810	32%
Supplies/Trees Replacement	15,000	-	15,000	0%
Tools	7,000	1,392	5,608	20%
Equipment and Projects	10,000	2,838	7,162	28%
Clothing and Safety Equipment	12,000	4,968	7,032	41%
Vehicle Expense- Fuel	40,000	5,838	34,162	15%
Back Flow Inspection	3,500	-	3,500	0%
ET 3 Year Subscription	-	-	-	0%
Total Parks and Open Space O & M	\$ 453,500	\$ 73,372	\$ 380,128	16%
Total Parks O & M	\$ 834,471	\$ 206,004	\$ 628,465	25%
Lighting				
MVE Operation and Maintenance	\$ 17,000	\$ 1,421	\$ 15,579	8%
Repair and Maintenance	1,020	2,138	(1,118)	210%
Total Lighting	\$ 18,020	\$ 3,558	\$ 14,462	20%
Signage				
Repairs and Maintenance	\$ 2,720	\$ 82	\$ 2,638	3%
Total Signage	\$ 2,720	\$ 82	\$ 2,638	3%
Total Conservation Trust Fund Projects	\$ 40,000	\$ 12,471	\$ 27,529	31%
Total Expenditures - Parks and Open Space	\$ 1,164,981	\$ 309,186	\$ 855,793	27%
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	\$ 1,132,618	\$ 733,095	\$ (399,523)	

TRIVIEW METROPOLITAN DISTRICT
GENERAL FUND
DEBT SERVICE

For the Four Months Ending April 30, 2023
Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
REVENUE				
Property Tax	\$ 2,656,420	\$ 1,620,910	\$ (1,035,510)	61%
Interest - GO Bond	40,000	33,445	(6,555)	84%
Total Revenue	\$ 2,696,420	\$ 1,654,355	\$ (1,042,065)	61%
EXPENDITURES				
<u>Administrative</u>				
Tax Collection Expense	\$ 39,846	\$ 24,316	\$ 15,530	61%
Total Administrative	\$ 39,846	\$ 24,316	\$ 15,530	61%
<u>Debt Service</u>				
Bond Interest Payment	\$ 1,815,363	\$ -	\$ 1,815,363	0%
Bond Principal Payment	760,000	-	760,000	0%
Paying Agent Fees	5,000	4,310	690	86%
Total Debt Service	\$ 2,580,363	\$ 4,310	\$ 2,576,053	0%
Total Expenditures	\$ 2,620,209	\$ 28,626	\$ 2,591,583	1%
EXCESS OF REVENUE OVER (UNDER)				
EXPENDITURES	\$ 76,211	\$ 1,625,729	\$ 1,549,518	

ENTERPRISE FUND
Cost Allocation
April 30, 2023

TRIVIEW METROPOLITAN DISTRICT
WATER AND WASTEWATER ENTERPRISE FUND

Water Operations

For the Four Months Ending April 30, 2023

Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
REVENUE				
Water Revenue	\$ 2,200,000	\$ 298,695	\$ (1,901,305)	14%
Base Rate/Capital Improvement Fee	977,000	332,282	(644,718)	34%
Contract Sewer and Water Service - Forest Lakes	110,000	26,750	(83,251)	24%
Lot Inspection Fees	-	5,000	5,000	0%
Water Meter Kits	34,500	20,750	(13,750)	60%
Administrative Fee	120,000	43,770	(76,230)	36%
Miscellaneous	30,000	9,856	(20,144)	33%
Bulk Water Revenue	100,000	9,435	(90,565)	9%
Total Revenue	\$ 3,571,500	\$ 746,538	\$ (2,824,963)	21%
EXPENDITURES				
<u>Administrative</u>				
<u>Salaries and Benefits</u>				
Salaries/Wages	\$ 483,100	\$ 176,968	\$ 306,133	37%
Overtime/On-call	15,000	6,445	8,556	43%
Unemployment Insurance	1,650	284	1,366	17%
Workers' Compensation Insurance	5,000	4,554	447	91%
Health and Dental Insurance	87,865	27,120	60,745	31%
Employer's FICA	30,882	11,299	19,583	37%
Employer's Medicare	7,222	2,642	4,580	37%
Retirement	24,905	5,666	19,239	23%
Life and Disability Insurance	5,375	1,929	3,446	36%
Total Salaries and Benefits	\$ 661,000	\$ 236,906	\$ 424,093	36%
<u>Professional Services</u>				
Professional Services- Engineering	\$ 30,000	\$ 15,793	\$ 14,207	53%
Professional Services-Public Relations	15,000	3,248	11,753	22%
Professional Services/Amcobi/National Meter	51,500	18,755	32,745	36%
Development Services/Monson, Cummins & Shohet	50,000	28,303	21,698	57%
Total Professional Services	\$ 146,500	\$ 66,098	\$ 80,402	45%
<u>Administrative</u>				
Accounting Services	25,000	8,674	16,326	35%
Audit Fees	6,250	-	6,250	0%
Conference, Class and Education	2,000	469	1,532	23%
Dues, Publications and Subscriptions	4,500	2,485	2,016	55%
Election Expense	-	-	-	0%
IT Support	11,000	9,135	1,866	83%
Office Equipment and Supplies	2,500	293	2,208	12%
Postage	500	391	109	78%
Publication - Legal Notice	100	-	100	0%
Repairs and Maintenance	-	-	-	0%
Telephone Service	7,300	2,615	4,686	36%
Travel and Meeting Expense	500	26	474	5%
Office Overhead (COA, utilities, rent, etc.)	7,000	2,023	4,977	29%
Clothing Uniform Rental and Safety Equipment	5,000	1,280	3,720	26%
General Insurance	23,671	25,059	(1,388)	106%
Vehicle Expense	30,000	8,650	21,350	29%
Bank Charges	7,500	117	7,383	2%
Miscellaneous	1,000	-	1,000	0%
Total General Administration	\$ 133,821	\$ 61,214	\$ 72,607	46%
Total General Administrative	\$ 941,321	\$ 364,218	\$ 577,102	39%

TRIVIEW METROPOLITAN DISTRICT
WATER AND WASTEWATER ENTERPRISE FUND

Water Operations

For the Four Months Ending April 30, 2023

Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
<u>Water System</u>				
Water Testing	\$ 40,000	\$ 14,229	\$ 25,771	36%
Waste Disposal	10,000	-	10,000	0%
Sludge Disposal	35,000	625	34,375	2%
Gas Utilities	9,000	5,624	3,376	62%
Electric Utilities	350,000	58,685	291,315	17%
SCADA Support/Meter Calibration	33,000	10,500	22,500	32%
Repairs and Maintenance	240,000	26,117	213,883	11%
Storage Tank Maintenance	5,000	-	5,000	0%
Operating Supplies	30,000	9,935	20,065	33%
Bulk Chemical Supplies (Starting HMO Treatment)	70,000	12,522	57,478	18%
Lab Chemicals and Supplies	15,000	8,352	6,648	56%
Instrumentation (Turbidity Meters, 2-CL-17, Photo Eye Lit, Repair Kit)	25,000	-	25,000	0%
Water and Ditch Assessments	150,000	103,489	46,511	69%
Tools	4,000	1,922	2,078	48%
Leased Pueblo Reservoir Lease & Outlet	63,206	-	63,206	0%
Equipment Meter Supplies/Meter Kits	204,000	7,751	196,249	4%
Lower Fountain Creek	11,500	-	11,500	0%
Total Water System	<u>\$ 1,294,706</u>	<u>\$ 259,751</u>	<u>\$ 1,023,455</u>	<u>20%</u>
Total Expenditures	<u>\$ 2,236,027</u>	<u>\$ 623,969</u>	<u>\$ 1,600,557</u>	<u>28%</u>
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	<u>\$ 1,335,473</u>	<u>\$ 122,569</u>	<u>\$ (1,212,904)</u>	

TRIVIEW METROPOLITAN DISTRICT
WATER AND WASTEWATER ENTERPRISE FUND

Wastewater Operations
For the Four Months Ending April 30, 2023

Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
REVENUE				
Sewer Revenue	\$ 2,063,000	\$ 720,062	\$ (1,342,938)	35%
Contract Sewer and Water Service - Forest Lakes	110,000	26,750	(83,251)	24%
Miscellaneous	30,000	9,856	(20,144)	33%
Total Revenue	\$ 2,203,000	\$ 756,668	\$ (1,446,333)	34%
EXPENDITURES				
<u>Administrative</u>				
<u>Salaries and Benefits</u>				
Salaries/Wages	\$ 483,100	\$ 176,968	\$ 306,133	37%
Overtime/On-call	15,000	6,445	8,556	43%
Unemployment Insurance	1,650	284	1,366	17%
Workers' Compensation Insurance	5,000	4,554	447	91%
Health and Dental Insurance	87,865	27,120	60,745	31%
Employer's FICA	30,882	11,299	19,583	37%
Employer's Medicare	7,222	2,642	4,580	37%
Retirement	24,905	5,666	19,239	23%
Life and Disability Insurance	5,375	1,929	3,446	36%
Total Salaries and Benefits	\$ 661,000	\$ 236,906	\$ 424,093	36%
<u>Professional Services</u>				
Professional Services- Engineering	\$ 30,000	\$ 15,793	\$ 14,207	53%
Professional Services-Public Relations	15,000	3,248	11,753	22%
Professional Services/Amcobi/National Meter	51,500	18,755	32,745	36%
Development Services/Monson, Cummins & Shohet	50,000	28,303	21,698	57%
Total Professional Services	\$ 146,500	\$ 66,098	\$ 80,402	45%
<u>Administrative</u>				
Accounting Services	\$ 25,000	\$ 8,674	\$ 16,326	35%
Audit Fees	6,250	-	6,250	0%
Conference, Class and Education	2,000	469	1,532	23%
Dues, Publications and Subscriptions	4,500	2,485	2,016	55%
Election Expense	-	-	-	0%
IT Support	11,000	9,135	1,866	83%
Office Equipment and Supplies	2,500	293	2,208	12%
Postage	500	391	109	78%
Publication - Legal Notice	100	-	100	0%
Repairs and Maintenance	-	-	-	0%
Telephone Service	7,300	2,615	4,686	36%
Travel and Meeting Expense	500	26	474	5%
Office Overhead (COA, utilities, rent, etc.)	7,000	2,023	4,977	29%
Clothing Uniform Rental and Safety Equipment	5,000	1,280	3,720	26%
General Insurance	23,671	25,059	(1,388)	106%

TRIVIEW METROPOLITAN DISTRICT
WATER AND WASTEWATER ENTERPRISE FUND

Wastewater Operations

For the Four Months Ending April 30, 2023

Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
Vehicle Expense	30,000	8,650	21,350	29%
Bank Charges	7,500	117	7,383	2%
Miscellaneous	1,000	-	1,000	0%
Total General Administration	<u>\$ 133,821</u>	<u>\$ 61,214</u>	<u>\$ 72,607</u>	<u>46%</u>
Total General Administrative	<u>\$ 941,321</u>	<u>\$ 364,218</u>	<u>\$ 577,102</u>	<u>39%</u>
 <u>Wastewater System</u>				
Wastewater TF/Donala/IGA	\$ 824,000	\$ 180,326	\$ 643,674	22%
Repairs and Maintenance	5,000	424	4,576	8%
Tools	3,000	-	3,000	0%
Wastewater-Engineering	-	75,534	(75,534)	0%
Operating Supplies	1,000	299	701	30%
Transit Loss	5,700	7,460	(1,760)	131%
Total Wastewater System	<u>\$ 838,700</u>	<u>\$ 264,043</u>	<u>\$ 574,657</u>	<u>31%</u>
Total Expenditures	<u>\$ 1,780,021</u>	<u>\$ 628,261</u>	<u>\$ 1,151,759</u>	<u>35%</u>
 EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	 <u>\$ 422,979</u>	 <u>\$ 128,407</u>	 <u>\$ (294,572)</u>	

**TRIVIEW METROPOLITAN DISTRICT
WATER AND WASTEWATER ENTERPRISE FUND
DEBT SERVICE**

For the Four Months Ending April 30, 2023

Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
REVENUE				
Renewable Water Fee	\$ 421,260	\$ 151,221	\$ (270,039)	36%
Water Lease- Comanche	180,460	60,386	(120,074)	33%
Interest	150,000	226,584	76,584	151%
Total Revenue	\$ 751,720	\$ 438,191	\$ (313,529)	58%
<u>Debt Service</u>				
Paying Agent Fees and Accrued Interest	\$ 5,000	\$ -	\$ 5,000	0%
2018 Bond Issue- Debt Service	665,100	-	665,100	0%
2020B Bonds- Debt Service	641,650	-	641,650	0%
2020A Bond Issue- Debt Service	890,494	-	890,494	0%
Total Debt Service	\$ 2,202,244	\$ -	\$ 2,202,244	0%
OTHER FINANCING SOURCES				
Transfer from other funds	\$ 900,000	\$ 297,000	\$ (603,000)	33%
Total Other Financing Sources	\$ 900,000	\$ 297,000	\$ (603,000)	33%
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	\$ (550,524)	\$ 735,191	\$ 1,285,715	

CAPITAL PROJECTS FUNDS

April 30, 2023

TRIVIEW METROPOLITAN DISTRICT
CAPITAL PROJECTS FUND - GENERAL

Budget Status Report - GAAP Basis
For the Four Months Ending April 30, 2023

Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
REVENUE				
Total Revenue	\$ -	\$ -	\$ -	0%
EXPENDITURES				
<u>Vehicles and Equipment Utilities</u>				
3/4 Ton Truck, plow package and Flatbed	\$ 82,000	\$ 67,936	\$ 14,064	83%
Ventrac Power Rake	10,000	9,049	951	90%
Plow Truck Combo Dump Truck	100,000	-	100,000	0%
Vac Truck	185,000	-	185,000	0%
Material Storage Facility	20,000	-	20,000	0%
Software - Cash Receipts	10,000	-	10,000	0%
Total Vehicles and Equipment	\$ 407,000	\$ 76,985	\$ 330,015	19%
<u>Park and Street Improvements</u>				
Overlay Parking Lot at Public Works Facility	\$ 196,000	\$ -	\$ 196,000	0%
Higby Road Study	250,000	97,200	152,800	39%
Remington Hill Overlay	242,500	-	242,500	0%
Irrigation Enhancement Lyons Tail Kitchner to Leather Chaps Northside	20,000	-	20,000	0%
Baseline Controller	15,000	-	15,000	0%
Irrigation Enhancement Kitchner near James Gate	10,000	-	10,000	0%
Storage/ Garage Building	65,000	37,409	27,591	58%
Playground Improvements (Old Creek Park)	168,000	107,243	60,757	64%
Restroom in Train Park	6,000	2,645	3,355	44%
Gazebos (Old Creek Park and Train Park)	50,000	54,442	(4,442)	109%
Agate Park	150,000	35,753	114,247	24%
Leather Chaps and Jackson Street Light	50,000	-	50,000	0%
Total Park and Street Improvements	\$ 1,222,500	\$ 334,692	\$ 887,808	27%
Total Expenditures - District Capital	\$ 1,629,500	\$ 411,677	\$ 1,217,823	25%
EXCESS OF REVENUE OVER (UNDER)				
EXPENDITURES	\$ (1,629,500)	\$ (411,677)	\$ 1,217,823	
OTHER FINANCING SOURCES (USES)				
Transfer from General Fund	\$ 1,379,500	\$ 314,477	\$ (1,065,023)	23%
Higby Road - Developer Contribution - Escrow	250,000	97,200	(152,800)	39%
Total Other Financing Sources (Uses)	\$ 1,629,500	\$ 411,677	\$ (1,217,823)	25%
EXCESS OF REVENUE OVER (UNDER)				
EXPENDITURES AND OTHER FINANCING SOURCES	\$ -	\$ -	\$ -	

TRIVIEW METROPOLITAN DISTRICT
CAPITAL PROJECTS FUND - ENTERPRISE

Budget Status Report - GAAP Basis
For the Four Months Ending April 30, 2023
Unaudited

	2023 Budget	YTD Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 33%)
REVENUE				
Water Tap Fees	\$ 722,400	\$ 312,816	\$ (409,584)	43%
Sewer Tap Fees	420,000	140,000	(280,000)	33%
Thompson Thrift Apartments	2,743,535	2,669,096	(74,439)	97%
Water/Sewer Impact Fee	30,000	10,500	(19,500)	35%
Renewable Water Fee	421,260	151,221	(270,039)	36%
Admin Fee	90,000	3,000	(87,000)	3%
Lease Revenue (FMIC)	65,000	51,629	(13,371)	79%
Effluent Paid-AGUA/Woodmoor	225,000	23,632	(201,368)	11%
Review and Comment Fee	30,000	10,500	(19,500)	35%
Western Interceptor	-	43,877	43,877	0%
Water Infrastructure Agreement Fee Homeplace Ranch	-	300,000	300,000	0%
Wastewater Treatment Fees Homeplace Ranch	-	300,000	300,000	0%
Miscellaneous Income-Stonewall Lease	1,000	33,150	32,150	3315%
Payment in Lieu of Water Rights	600,000	25,137	(574,863)	4%
Total Revenue	\$ 5,348,195	\$ 4,074,558	\$ (1,273,637)	76%
EXPENDITURES				
<u>Vehicles and Equipment Utilities</u>				
Camera Van - Outfit with Equipment	\$ 100,000	\$ 216,722	\$ (116,722)	217%
Vac Truck	185,000	-	185,000	0%
Total Vehicles and Equipment	\$ 285,000	\$ 216,722	\$ 68,278	76%
<u>Wells</u>				
A-4 Pump and Motor and Transfuser	\$ 150,000	\$ -	\$ 150,000	0%
Total Wells	\$ 150,000	\$ -	\$ 150,000	0%
<u>Water Improvements</u>				
Filter Media Replacement (2 Filter @ B Plant & 2 Filter @ A-Plant)	\$ 130,000	\$ 56,543	\$ 73,457	43%
SCADA	12,000	6,994	5,006	58%
NMCI-Wastewater Design and Permitting	300,000	546,838	(246,838)	182%
Northern Delivery System	100,000	-	100,000	0%
Bore I-25 for Service to Conexus	150,000	-	150,000	0%
Tap Fee Credits	100,000	66,800	33,200	67%
Bale Ditch- Augmentation Station	25,000	-	25,000	0%
Storage/ Garage Building	65,000	37,409	27,591	58%
AVIC Bale Change Case - Brownstein	200,000	54,538	145,462	27%
FMIC Change Case	50,000	-	50,000	0%
Excelsior Change Case - Cummins	50,000	-	50,000	0%
Excelsior Exchange Case	50,000	-	50,000	0%
Central Reservoir - Powerline Relocation and Permitting	200,000	89,052	110,948	45%
AVIC Augmentation Station	100,000	-	100,000	0%
Bale Ditch Purchase	100,000	12,865	87,135	13%
Quarter Circle Ranch	-	906	(906)	0%
Chicago Springs Ranch Master Plan and Improvements and Annex	50,000	-	50,000	0%
Chicago Springs Ranch Recharge Facility	40,000	-	40,000	0%
Chicago Springs Augmentation Station and Permitting	40,000	-	40,000	0%
MI-PB Infrastructure Project	-	17,000	(17,000)	0%
South Reservoir - Valve House	100,000	15,219	84,781	15%
Northern Delivery System Pipeline Construction Project	16,738,781	-	16,738,781	0%
Total Water Improvements	\$ 18,600,781	\$ 904,164	\$ 17,696,617	5%
Total Expenditures - Enterprise Capital	\$ 19,035,781	\$ 1,120,886	\$ 17,914,895	6%
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	\$ (13,687,586)	\$ 2,953,672	\$ 16,641,258	
OTHER FINANCING SOURCES (USES)				
Transfer from Enterprise Fund	\$ 12,787,586	\$ -	\$ (12,787,586)	0%
MI-PB - Escrow	-	17,000	17,000	0%
CWCB Loan Proceeds	900,000	-	(900,000)	0%
Total Other Financing Sources (Uses)	\$ 13,687,586	\$ 17,000	\$ (13,670,586)	0%
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES AND OTHER FINANCING SOURCES	\$ -	\$ 2,970,672	\$ 2,970,672	



MEMORANDUM

FROM: White Bear Ankele Tanaka & Waldron
DATE: May 10, 2023
RE: Overview of 2023 Legislation Affecting Special Districts and Community Associations

This year's Legislative Session officially wrapped up on May 8, 2023. As in past years we are providing a summary of the pertinent legislation impacting special districts and community associations. Each law listed below is linked to the Colorado General Assembly website and can be accessed by clicking the individual bill titles. Updated information related to laws that have not been signed as of the date of this memorandum or which do not officially become effective until after the referendum period runs will be provided on our website at www.whitebearankele.com. If you would like more detailed information on any of the information contained herein or on bills which were introduced but not passed, please let us know.

SPECIAL DISTRICT LEGISLATION

HB23-1023: Special District Construction Contracts

The law increases the requirement to publicly bid contracts for construction, materials, or both from \$60,000 to \$120,000 or more, and requires the amount to be adjusted for inflation every five years.

The law was signed by the Governor on March 17, 2023, and takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

HB23-1062: Metropolitan District Tax For Parks And Recreation

The law allows a metropolitan district that is not located in an incorporated municipality to levy a sales tax to provide parks or recreational facilities or programs within the district in which the tax is levied.

The law was signed by the Governor on April 17, 2023, and takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

HB23-1105: Homeowners' Association And Metropolitan District Homeowners' Rights Task Forces

The law creates the HOA homeowners' rights task force (HOA task force) and the metropolitan district homeowners' rights task force (metro district task force) in the division of housing (division) in the department of local affairs.

Members of the metro district task force must be designated or appointed on or before November 1, 2023. The metro district task force is required to:

- Study issues confronting metropolitan district homeowners' rights, including metropolitan district boards' tax levying authority and practices, foreclosure practices, communications with homeowners, and governance policies; and
- Prepare a report regarding its findings and conclusions, publish the report on the division's website, and submit copies of the report to the legislative committees and the governor on or before June 15, 2024.

The law was passed on May 7, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect immediately. If not signed by the Governor, the law takes effect 30 days after the end of the legislative session.

See below for description of HOA task force specific details.

HB23-1259: Open Meetings Law Executive Session Violations

The law creates a right for a local public body to cure a violation of the open meetings law with respect to an executive session if the local public body takes the corrective action at its next meeting after the meeting at which the violation occurred or at the local public body's next meeting that is held at least 14 days after receiving notice by a person who intends to challenge the violation. The law also addresses standing to challenge a violation of the open meetings law, and the payment of attorney fees. If a local public body in connection with an executive session commits a third violation of the same nature within a one-year period, the local public does not have a right to cure the violation.

The law was passed on May 4, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect immediately. If not signed by the Governor, the law takes effect 30 days after the end of the legislative session.

SB23-108: Allowing Temporary Reductions in Property Tax Due

The law allows a local government to provide temporary property tax relief through temporary property tax credits or mill levy reductions and later eliminate the credits or restore the mill levy. A temporary reduction in property taxes must be annually renewed by the local government.

The law was passed on May 7, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

SB23-110: Transparency for Metropolitan Districts

This law has four main sections to increase transparency for metropolitan districts.

- For a proposed metropolitan district that submits a service plan on or after January 1, 2024, the law requires the service plan to include a cap on the maximum mill levy and a cap on the maximum debt that may be issued by the metropolitan district.
- Beginning in the 2023 calendar year, the law requires the board of a metropolitan district to hold an annual “town hall” meeting if the metropolitan district was organized after January 1, 2000, has residential units within its boundaries, and is not on inactive status. This meeting is an opportunity for members of the public to ask questions about the metropolitan district. No formal action may be taken at the meeting and must ensure that the annual meeting includes a presentation from the metropolitan district regarding the status of public infrastructure projects within the metropolitan district and outstanding bonds, if any, a review of unaudited financial statements showing the year-to-date revenue and expenditures of the metropolitan district in relation to its adopted budget for that calendar year. Further, metropolitan districts will be required to include a public comment period at their budget hearing meeting to provide further opportunity for the public to provide formal, public comment.
- The law specifies that prior to issuing debt to a director of a metropolitan district or to an entity with respect to which a director of a metropolitan district must make a disclosure pursuant to current law, the board is required to receive a statement of a registered municipal advisor certifying specified criteria regarding the interest rate of the debt.
- The law requires the seller of residential real property that is located within a metropolitan district organized after January 1, 2000, to provide the purchaser of the property with the official website established by the metropolitan district. The seller is required to provide the information on the Colorado real estate commission approved seller's property disclosure.

The law was signed by the Governor on April 3, 2023, and takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

SB23-111: Public Employees' Workplace Protection

The law grants certain public employees, including individuals employed by various entities including special districts the right to:

- Discuss or express views regarding public employee representation or workplace issues;
- Engage in protected, concerted activity for the purpose of mutual aid or protection;
- Fully participate in the political process while off duty and not in uniform, including speaking with members of the public employer's governing body on terms and conditions of employment and any matter of public concern and engaging in other

political activities in the same manner as other citizens of Colorado without discrimination, intimidation, or retaliation; and

- Organize, form, join, or assist an employee organization or refrain from organizing, forming, joining, or assisting an employee organization.

The law also prohibits certain public employers from discriminating against, coercing, intimidating, interfering with, or imposing reprisals against a public employee for engaging in any of the rights granted.

The Colorado department of labor and employment (Department) is charged with enforcing any alleged violation of these rights and is granted rule-making authority. A party may appeal the Department's final decision to the Colorado court of appeals. The law requires the court of appeals to give deference to the Department.

The law was sent to the Governor on May 8, 2023, for signature. If signed by the Governor, the law takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

SB23-175: Financing of Downtown Development Authority Projects

The law amends the downtown development authority authorization act to make reauthorization less cumbersome and allow downtown development authorities to continue facilitating development. Following an initial period of 30-years and the option for one 20-year extension of a tax increment financing (TIF) arrangement, the law would allow a downtown development authority the option for an additional 20-year extension. During the 20-year extension periods authorized in the law, the default split of the incremental revenues under current law is continued unless the municipality and all other governmental entities reach an alternative agreement.

The law was sent to the Governor on May 4, 2023, for signature. If signed by the Governor, the law takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

SB23-286: Access to Government Records

The law makes various changes to the "Colorado Open Records Act" (CORA).

- *Public records open to inspection.* The law prohibits, with certain specified exceptions, a custodian of public records from requiring a requester to provide any form of identification to request or inspect records pursuant to CORA.
- *Format of records for inspection.* The law repeals requirements regarding records that are available in a sortable format and specifies that if a record is available in digital format, the custodian is required to transmit the record in a digital format by electronic communication or by another mutually-agreed upon transmission method if the size of the record prevents transmission by electronic communication. In addition, the law prohibits a custodian from converting a digital record into a non-searchable or non-sortable format prior to transmission.

- *Records subject to inspection.* The law adds to the category of records that a custodian can deny a right to inspect based on such disclosure being contrary to public interest the telephone number or home address that a person provides to an elected official, agency, institution, or political subdivision of the state for the purpose of future communication with the elected official, agency, institution, or political subdivision of the state.
- The law specifies that records of sexual harassment complaints made against an elected official and the results or report of investigations regarding alleged sexual harassment by an elected official conducted by or for that official's government shall be made available for inspection if the investigation concludes that the elected official is culpable for any act of sexual harassment. The law specifies that the identity of any accuser, accused who is not an elected official, victim, or witness and any other information that would identify any such person must be redacted.
- *Electronic mail policy.* The law requires each member of the general assembly, the governor's office, each office of the governor, and each state agency and institution to submit, on or before January 1, 2024, a report to the staff of the legislative council of the general assembly outlining its respective electronic mail retention policy.
- *Transmission and per-page fees for records.* The law specifies that the custodian may not charge a per-page fee if records are provided in a digital or electronic format.
- *Electronic payments.* The law requires a custodian to allow records requesters to pay any fee or deposit associated with the request via a credit card or electronic payment if the custodian allows members of the public to pay for any other product or service provided by the custodian with a credit card or electronic payment.

The law was passed on May 7, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.

SB32-303: Reduce Property Taxes and Voter-Approved Revenue Change

The law concerns a reduction in property taxes by several methods:

1. The law creates limits on annual property tax increases from the prior property tax year for certain local governments, including special districts, at inflation levels unless the local government takes specified actions to exceed the limitations.
2. The law temporarily reduces the valuation for assessment of certain residential and nonresidential property.

Nonresidential Property:

For lodging property, property listed under any improved commercial subclass code, and all other nonresidential property, excluding agricultural property and renewable energy production property, the assessment rate is reduced as follows:

- 27.9% to 27.85% for 2023 property tax year;
- 27.85% for the 2024 through 2026 property tax years;
- 27.65% for the 2027 and 2028 property tax years;
- 26.9% for the 2029 and 2030 property tax years; and
- 25.9% or 26.9% for the 2031 and 2032 property tax years, depending on the increase in the valuation in the 32 counties with the smallest increases from the 2030 to 2031 property tax years (revenue increases).

For agricultural property, excluding renewable energy agricultural land, and renewable energy property, the assessment rate is reduced as follows:

- 29% to 26.4% for the 2025 through 2030 property tax years; and
- 25.9% or 26.4% for the 2031 and 2032 property tax years, depending on the increase in the valuation in the 32 counties with the smallest revenue increases.

For renewable energy agricultural land, which is a newly created subclass of agricultural property, the assessment rate is reduced from 29% to 21.9% for the 2024 through 2032 property tax years.

Beginning with the 2033 property tax year, all temporary valuation reductions expire, and the valuation of all nonresidential real property is 29% of the actual value of the property.

Residential Property:

The law further reduces the valuation of residential real property as follows:

- *For the 2023 property tax year:* the valuation is reduced from 6.765% of the amount equal to the actual value minus the lesser of \$15,000 or the amount that causes the valuation to be \$1,000 (alternate amount) to 6.7% of the amount equal to the actual value minus the lesser of \$40,000 or the alternate amount.
- *For the 2024 property tax year:* the valuation is reduced as follows:
 - For multi-family residential real property, the valuation is reduced from 6.8% of the actual value to 6.7% of the amount equal to the actual value minus the lesser of \$40,000 or the alternate amount; and
 - For all other residential real property, the valuation is reduced from an estimate of 6.98% of the actual value to 6.7% of the amount equal to the actual value minus the lesser of \$40,000 or the alternate amount.
- *For the 2025 through 2032 property tax years:*
 - For multi-family residential real property and primary residence real property, including multi-family primary residence real property, the valuation is reduced from 7.15% of the actual value to 6.7% of the actual value minus the lesser of \$40,000 or the alternate amount;

- For qualified-senior primary residence real property, including multi-family qualified-senior primary residence real property, the valuation is reduced from 7.15% of the actual value to 6.7% of the amount equal to the actual value minus \$140,000 or the alternate amount; and
- For all other residential real property, the assessment rate is reduced from 7.15% to 6.7 %.

Beginning with the 2023 property tax year, all temporary valuation reductions expire and the valuation of all residential real property is 7.15% of the actual value of the property.

The law also establishes that all temporary reductions in valuation for residential and nonresidential property created in the law are contingent on the State's ability to retain and spend state surplus up to the proposition HH cap. If, for any reason, excluding a legislative enactment by the general assembly, the State is not permitted to retain and spend this money, then the temporary reductions in the law do not apply.

3. Creates new subclasses of residential property;
4. Permits the State to retain and spend revenue up to the proposition cap;
5. Requires the retained revenue to be used to reimburse certain local governments for lost property tax revenue and to be deposited in the State education fund to backfill the reduction in school district property tax revenue;
6. Transfers general fund money to the State public school fund and to a cash fund to also be used for the reimbursements;
7. Eliminates the cap on the amount of excess State revenues that may be used for the reimbursements for the 2023 property tax year; and
8. Refers a ballot issue to the voters at the November 2023 election that asks voters whether property taxes should be reduced and that seeks voter approval to retain and spend excess state revenues that will be used to backfill some of the reduced property tax revenue.

The law was passed on May 8, 2023, and will be sent to the Governor for signature. If signed, except as noted in the law, the majority of the law will take effect only if a majority of voters approve the ballot issued referred to in November 2023.

COMMUNITY ASSOCIATION LEGISLATION

HB23-1105: Homeowners' Association And Metropolitan District Homeowners' Rights Task Forces

The law creates the HOA homeowners' rights task force (HOA task force) and the metropolitan district homeowners' rights task force (metro district task force) in the division of housing (division) in the department of local affairs.

Members of the HOA task force must be designated or appointed on or before August 1, 2023. The HOA task force is required to:

- Study issues confronting HOA homeowners' rights, including homeowners' associations' fining authority and practices, foreclosure practices, communications with homeowners and the availability and method of making certain documents available to HOA homeowners in the association;
- Review HOA homeowners' complaints and relevant state and federal laws related to common interest communities;
- Prepare an interim report regarding its findings and conclusions, publish the interim report on the division's website, and submit copies of the report to the metro district task force on or before October 15, 2023; and
- Prepare a final report, publish the final report on the division's website, and submit copies of the final report to the metro district task force, the legislative committees with oversight of housing and local government issues (legislative committees), and the governor on or before April 15, 2024.

The law was passed on May 7, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect immediately. If not signed by the Governor, the law takes effect 30 days after the end of the legislative session.

See above for description of metropolitan district task force specific details.

HB23-1233: Electrical Vehicle Charing and Parking Requirements

The law requires the state electrical board to adopt rules facilitating electric vehicle charging at multifamily buildings, limiting the ability of the state electrical board to prohibit the installation of electric vehicle charging stations, forbidding private prohibitions on electric vehicle charging and parking, requiring local governments to count certain spaces served by an electric vehicle charging station for minimum parking requirements, forbidding local governments from prohibiting the installation of electric vehicle charging stations, exempting electric vehicle chargers from business personal property tax, and authorizing electric vehicle charging systems along highway rights-of-way.

The law was passed on May 4, 2023, and will be sent to the Governor for signature. If signed by the Governor, the law takes effect immediately. If not signed by the Governor, the law takes effect 30 days after the end of the legislative session.

SB23-178: Water Wise Landscaping

Under current law, a unit owners' association (association) of a common interest community may not prohibit the use of xeriscape, nonvegetative turf grass, or drought-tolerant vegetative landscapes to provide ground covering to property for which a unit owner is responsible. There is, however, an exception authorizing an association to adopt and enforce design or aesthetic guidelines or rules that apply to nonvegetative turf grass and drought-tolerant vegetative landscapes or to regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on a unit owner's property, on a limited common element, or on other property for which the unit owner is responsible.

The law states that an association's guidelines or rules must:

- Not prohibit the use of nonvegetative turf grass in the backyard of a unit owner's property;
- Not unreasonably require the use of hardscape on more than 20% of the landscaping area of a unit owner's property;
- Allow a unit owner an option that consists of at least 80% drought-tolerant plantings; and
- Not prohibit vegetable gardens in the front, back, or side yard of a unit owner's property.

The law also requires an association to permit the installation of at least 3 garden designs that are preapproved by the association for installation in front yards within the common interest community. To be preapproved, a garden design must adhere to the principles of water-wise landscaping or be part of a water conservation program operated by a local water provider.

The law allows a unit owner who is affected by an association's violation of the new requirements to bring a civil action to restrain further violation and to recover up to a maximum of \$500 or the unit owner's actual damages, whichever is greater. The law states that the new provisions apply only to a unit that is a single-family detached home and do not apply to:

- A unit that is a single-family attached home that shares one or more walls with another unit; or
- A condominium.

The law was sent to the Governor on May 5, 2023. If signed by the Governor, the law takes effect 90 days after the end of the legislative session, August 7, 2023, unless a referendum is filed. If a referendum is filed, then it will be on the November 2024 ballot.