

Town Of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466
Multi-Purpose Room
May 17, 2017
AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. CONSENT AGENDA

1. Approve meeting minutes from the April 19, 2017 meeting
2. Approval of warrants

E. INFORMATIONAL ITEMS

1. Financial Reports – Mandy Kneer
2. Beautification Project
3. Update on DCI conference and Mayors Task Force on Downtown Deveopment

F. ACTION ITEMS

1. Approve letter to District
2. Approve engagement with Kim Crawford, from Butler Snow, for Special Counsel/Election Advice for the 2017 Debt Authorizaiton

G. DISCUSSION ITEMS

1. Master Plan and Debt Authorization priority projects

H. OTHER BUSINESS

I. ADJOURNMENT

NEXT REGULAR MEETING:

June 21, 2017 6:30 pm at the Nederland Community Center multi purpose room

The NDDA Board encourages citizen participation. Public hearings and the “unscheduled citizens” agenda item allow an opportunity to address the Board. Discussion is limited to 3 minutes. Please address your comments to the Board. Thank you for your cooperation. The NDDA Board may take action on any item included on this agenda, regardless of the heading under which such item appears. Discussion items may become action items if the Board determines that deferring final action on an item to a subsequent meeting is unnecessary or unwarranted and that taking immediate action does not compromise any third-party's rights. The NDDA Board of Trustees meeting packets and agendas are prepared by the Monday before the Wednesday meetings and are available on the NDDA website, nederlanddowntown.org. Copies of the agendas and meeting packet are available at no cost via email from cindydowning0@gmail.com The information is reviewed and studied by the Board members, eliminating lengthy discussions to gain basic understanding. Short discussion on agenda items does not reflect lack of thought or analysis.

Town Of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466
Multi-Purpose Room
4/19/17 at 6:30 pm
Draft Meeting Minutes

A. CALL TO ORDER

Meeting called to order at 6:32 pm

B. ROLL CALL

Present: Charles Wood, Katrina Harms, Brent Tregaskis, Peter Marshall, Susan Schneider
Absent: Jeffrey Green and Amanda Kneer had excused absences

C. PUBLIC COMMENT

Ron Mitchell of 75 East First Street in Nederland. Ron said prior to previous debt authorization, there were 45 merchants and property owners that signed a petition for an Entertainment District. He said if that were in existence, he would go a long way to get the debt authorization approved. He thinks the DDA should tie some specific projects to the debt authorization so people would understand what they are getting and what will happen with the money if it is approved. Ron said parking in front of the Black Forest Restaurant would be a good project to consider.

Janette and Julian Taylor Taylor were there to represent the group, Indivisible Mountain Resistance. Julian told the Board that the environment has changed over the last few months and there are certain people in the community that feel excluded due to this change. To help people feel more comfortable, they suggested that businesses could help them make a clear statement to anyone who comes to Nederland that they are welcome there. They proposed that businesses hang the placard they designed in their window to let people know they are welcome there and would not be discriminated against. They feel this would be good for the businesses and the community, and they hope the Board can spread the word to let everyone know that this is happening. Brent Tregaskin suggested to have a piece of written literature accompany the placard to help answer any questions and to maintain consistency of what the statement is.

Kelly Delia of Nederland spoke on behalf of the Nederland Farmers market. They are going to be putting signage that will have information about the Farmers Market around town. Kelly asked the Board if they could coordinate with them on the signs and perhaps with the DDA help, the signs could be better. Katrina said later in the meeting they could talk about putting some money toward helping them with signage.

D. CONSENT AGENDA

1. Approval of the March 15, 2015 Meeting Minutes

Motion to approve March 15, 2015 the meeting minutes made by Brent Tregaskis seconded by Susan Schneider. Motion passed passed with unanimous approval.

2. Approval of warrants

Motion to approve the warrants made by Brent Tregaskis seconded by Susan Schneider
A roll called was taken and motion passed with unanimous approval.

E. INFORMATIONAL ITEMS

1. Financial Reports -Mandy Kneer

Mandy was not in attendance of this meeting.

2. Debt authorization/election schedule

Katrina Harms spoke with the Town lawyer the previous week and she was hoping to have their proposal for this meeting, but it wasn't available on time. Katrina said there is still plenty of time and they can discuss specifics like language, the questions, and the supporting documents from last year. She will get the schedule from the lawyer soon. The lawyer said by law the DDA can not conduct their own election, so the Town will have to do the election, and the DDA will assist as much as they can. Katrina would like the Board to walk around and get some support from local business owners, some signatures, and also perhaps to come to a BOT meeting to support the DDA debt authorization. Katrina is going to make some changes to the literature and then contact local business owners. Katrina would also like people to contact her and let her know who they are going to communicate with so they don't double up.

F. ACTION ITEMS

There were no action items on the original agenda, but the Board decided to move an item in "Other Business" to an action item. Please see Other Business for more information.

G. DISCUSSION ITEMS

1. Letter to DDA District Members

It was decided by the Board to make sure the language more more concise and projects were clearly defined before the letter was sent out.

H. OTHER BUSINESS

Katrina announced that they will be attending the DCI conference with Susan Schneider, Cynthia Bakke (Planning and Building Technician for the Town of Nederland), and Kelly Grebe (Sustainability Advisory Board) will all be attending the conference.

Katrina told the Board she would like to put an ad in the MMAC Adventure Guide and asked for their approval. The Board decided to make this an action item

Motion to spend \$325 on an ad in the MMAC Summer Adventure Guide for the Town of Nederland

and the DDA made by Susan Schneider, seconded by Brent Tregaskis. A roll call was taken and motion passed unanimously.

Katrina asked the Board if they would like to go forward with the signs that Kelly Delia was referring to earlier in the meeting. The Board agreed to move forward, and Katrina said she would speak to the Town Marshall about the logistics of the signs.

Jeffrey Green will not be renewing his term which expires in July, so they will need to find a replacement.

I. ADJOURNMENT

Motion to adjourn made by Susan Schneider, seconded by Brent Tregaskis Meeting adjourned at 7:32 pm

NEXT REGULAR MEETING:

May 17, 2017 6:30 pm at the Nederland community Center multi purpose room

The NDDA Board encourages citizen participation. Public hearings and the "unscheduled citizens" agenda item allow an opportunity to address the Board. Discussion is limited to 3 minutes and please address your comments to the Board. Thank you for your cooperation. The NDDA Board may take action on any item included on this agenda, regardless of the heading under which such item appears. Discussion items may become action items if the Board determines that deferring final action on an item to a subsequent meeting is unnecessary or unwarranted and that taking immediate action does not compromise any third-party's rights. The NDDA Board of Trustees meeting packets and agendas are prepared by the Tuesday before the Wednesday meetings and are available on the NDDA website, nederlanddowntown.org Copies of the agendas and meeting packet are available at no cost via email from cindydowning0@gmail.com. The information is reviewed and studied by the Board members, eliminating lengthy discussions to gain basic understanding. Short discussion on agenda items does not reflect lack of thought or analysis.

Invoice Number	Date	Vendor	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	Budget Remaining
04192017	4/19/2017	8500 Light Lab	\$ 120.00	\$ 120.00	70-75-5115	Website	700.00	580.00
04302017	4/30/2017	Cindy Downing	\$ 320.00	\$ 320.00	70-75-5129	DDA Secretary Services	3,600.00	2312.00
04032017	4/3/2017	USPS	\$ 9.80	\$ 9.80	70-75-5710	Postage/Shipping	50.00	40.20

Nederland Downtown Development Authority
Profit & Loss Statement

	Jan 2017	Feb 2017	Mar 2017	Apr 2017	YTD Actual	2017 Suppl Budget	Actual vs. Budget
DDA (70):							
Revenues							
70-75-4000 Property Taxes	4,095.42	5,978.18	2,368.39	2,107.64	14,549.63	22,500.00	(7,950.37)
70-75-4002 Specific Ownership Taxes	126.05	140.68	135.40	140.98	543.11	1,500.00	(956.89)
70-75-4900 Interest	49.43	49.72	64.51	67.78	231.44	500.00	(268.56)
70-75-4910 Misc	0.00	0.00	0.00	0.00	0.00	7,000.00	(7,000.00)
70-75-4915 Donations	7,000.00	0.00	0.00	0.00	7,000.00	0.00	7,000.00
70-75-4990 Proceeds from Debt	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-4998 Fund Reserve - Transfer In	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-8402 TARP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-8405 CDOT	0.00	0.00	0.00	0.00	0.00	505,000.00	(505,000.00)
	<u>11,270.90</u>	<u>6,168.58</u>	<u>2,568.30</u>	<u>2,316.40</u>	<u>22,324.18</u>	<u>536,500.00</u>	<u>(514,175.82)</u>
Expenditures							
70-75-5000 Salaries	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5005 Overtime	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5010 Employer Taxes	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5015 Health Insurance	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5020 Retirement	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5025 Expense Reimbursements	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5030 Other Employee Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5100 Legal	0.00	0.00	0.00	0.00	0.00	3,500.00	(3,500.00)
70-75-5110 IT	0.00	0.00	0.00	0.00	0.00	250.00	(250.00)
70-75-5115 Website	0.00	0.00	0.00	120.00	120.00	700.00	(580.00)
70-75-5125 Accounting	0.00	0.00	0.00	0.00	0.00	1,200.00	(1,200.00)
70-75-5129 DDA Secretary Services	256.00	256.00	456.00	320.00	1,288.00	3,600.00	(2,312.00)
70-75-5170 GIS Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5175 Elections	0.00	0.00	0.00	0.00	0.00	4,250.00	(4,250.00)
70-75-5181 Boulder County Recording	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5190 Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5200 Rent	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5216 Trails/Sidewalks Maintenance	250.00	250.00	250.00	250.00	1,000.00	3,000.00	(2,000.00)
70-75-5270 Downtown Area (DDA)	0.00	0.00	0.00	1,433.00	1,433.00	10,000.00	(8,567.00)
70-75-5410 Office Supplies	55.00	0.00	0.00	0.00	55.00	100.00	(45.00)
70-75-5420 Software	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5430 Computer	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5450 Minor Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5710 Postage/Shipping	0.00	0.00	0.00	9.80	9.80	50.00	(40.20)
70-75-5735 Boulder County Tax Collection	61.43	89.67	35.53	31.61	218.24	350.00	(131.76)
70-75-5740 Bank Fees	0.00	0.00	0.00	15.00	15.00	50.00	(35.00)
70-75-5750 Advertising	0.00	0.00	0.00	0.00	0.00	500.00	(500.00)
70-75-5770 Printing/Copying	0.00	0.00	0.00	0.00	0.00	250.00	(250.00)
70-75-5780 Publications	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5790 MISC	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5810 Conference/Training	0.00	0.00	1,400.00	20.00	1,420.00	1,500.00	(80.00)
70-75-5815 Travel (miles reimbursement)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5820 Lodging	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5830 Meals	0.00	0.00	13.00	0.00	13.00	500.00	(487.00)
70-75-5850 Annual Membership/Dues	0.00	0.00	0.00	0.00	0.00	250.00	(250.00)
70-75-5890 Goodwill	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-5999 Admin & Finance Allocation	0.00	0.00	0.00	0.00	0.00	1,200.00	(1,200.00)
70-75-6300 Vehicles	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-6400 Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-6500 Infrastructure	0.00	0.00	0.00	0.00	0.00	241,956.00	(241,956.00)
70-75-6550 Infrastructure Improvements	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70-75-9405 CDOT	0.00	0.00	0.00	0.00	0.00	505,000.00	(505,000.00)
	<u>372.43</u>	<u>595.67</u>	<u>2,154.53</u>	<u>2,199.41</u>	<u>5,572.04</u>	<u>778,206.00</u>	<u>(772,633.96)</u>
Net Income	<u>10,898.47</u>	<u>5,572.91</u>	<u>413.77</u>	<u>116.99</u>	<u>16,752.14</u>	<u>(241,706.00)</u>	<u>258,458.14</u>

	Jan 2017	Feb 2017	Mar 2017	Apr 2017	YTD Actual	2017 Suppl Budget	Actual vs. Budget
DDA TIF (80):							
Revenues							
80-75-4005 TIF Taxes	37,542.04	54,800.35	21,710.79	19,318.48	133,371.66	165,000.00	(31,628.34)
80-75-4998 Fund Reserve - Transfer In	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	<u>37,542.04</u>	<u>54,800.35</u>	<u>21,710.79</u>	<u>19,318.48</u>	<u>133,371.66</u>	<u>165,000.00</u>	<u>(31,628.34)</u>
Expenditures							
80-75-5710 Postage/Shipping	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-75-5735 Boulder County Tax Collection	563.10	822.00	325.66	289.78	2,000.54	0.00	2,000.54
80-75-7050 Payment to Escrow Agent	0.00	0.00	0.00	0.00	0.00	2,400.00	(2,400.00)
80-75-7100 Loan Principal	19,487.65	19,536.37	19,585.21	19,634.17	78,243.40	204,941.00	(126,697.60)
80-75-7200 Loan Interest	512.35	436.63	414.79	316.74	1,680.51	2,936.10	(1,255.59)
80-75-7400 Capital Lease Principal	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80-75-7500 Capital Lease Interest	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	<u>20,563.10</u>	<u>20,795.00</u>	<u>20,325.66</u>	<u>20,240.69</u>	<u>81,924.45</u>	<u>210,277.10</u>	<u>(128,352.65)</u>
Net Income	<u>16,978.94</u>	<u>34,005.35</u>	<u>1,385.13</u>	<u>(922.21)</u>	<u>51,447.21</u>	<u>(45,277.1)</u>	<u>96,724.3</u>



DOWNTOWN COLORADO INC PRESENTS

IN THE GAME



Incentivizing the “Right” Development

Challenge Studio Report



**DOWNTOWN
COLORADO, INC**



#DCIVibrantDowntowns #INTHEGAME





DOWNTOWN COLORADO INC PRESENTS

IN THE GAME

Challenge:

- Downtown Nederland; new development
- Design, scale, & character
- Articulation of town identity



#DCIVibrantDowntowns #INTHEGAME





DOWNTOWN COLORADO INC PRESENTS

IN THE GAME

Strategy:

1. Find aspects about Nederland that are “must haves” for town, community, and developer.
2. Engaging the community to define Nederland’s character
3. Explore incentives developed at challenge studio



**DOWNTOWN
COLORADO, INC**



#DCIVibrantDowntowns #INTHEGAME





DOWNTOWN COLORADO INC PRESENTS

IN THE GAME

Next Steps:

1. Build the team and organize task force
2. Work together to come up with a timeline
3. Seek out resources
4. Collect Data/Architectural survey Downtown



**DOWNTOWN
COLORADO, INC**



#DCIVibrantDowntowns #INTHEGAME





DOWNTOWN COLORADO INC PRESENTS

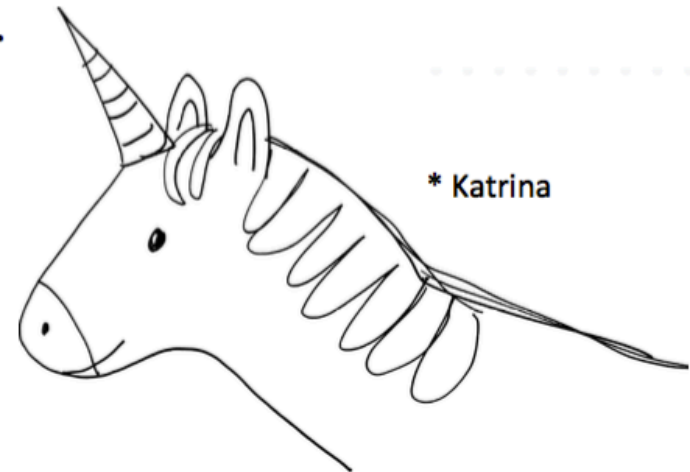
IN THE GAME

Roles and Responsibilities:

1. Board of Trustees, Downtown Development Authority, SAB, PC, PROSAB(?), & Staff

3. Facilitator

2.



* Katrina



**DOWNTOWN
COLORADO, INC**



#DCIVibrantDowntowns #INTHEGAME





AGENDA INFORMATION MEMORANDUM NEDERLAND BOARD OF TRUSTEES

Meeting Date: May 17, 2017
Prepared By: Katrina Harms

Consent Information Action Discussion

ACTION ITEM:

Approve letter to district.

SUMMARY:

At the BOT/DDA work shop the BOT asked the DDA to show that the DDA district approved of the DDA and DDA master plan.

The DDA worked on a letter at the last board meeting. The attached is the letter with the edits discussed.

Also attached per discussion is the DDA FAQ sheet that we would hand out as we got signatures, or left with businesses/property owners. Or anyone else.

We will print copies of the Master Plan for handing out as well.

ATTACHED:

DDA FAQ

Revised letter to the district



Downtown Development Authority (DDA) FAQ

What is a Downtown Development Authority?

- Local governmental entity managed by a board of directors that guides the implementation of a downtown development plan
- Can use financial tools, including TIF, operating mill levy
- Has the ability to finance long-term improvement bonds
- Can leverage other sources of funds for downtown improvements
- While a DDA can address blight and is encouraged to do so, it does NOT have the power of eminent domain

How is a DDA formed?

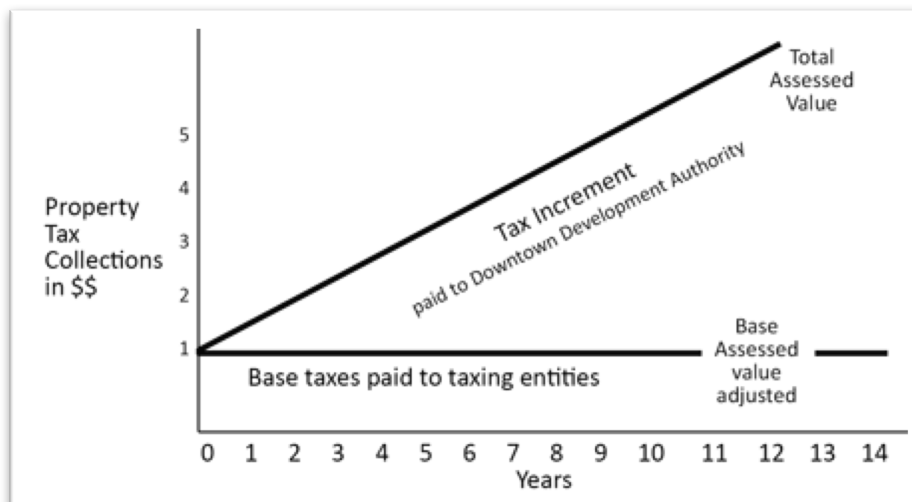
- Finalize a downtown development plan
- Plan is approved by Town Council
- Following an election within the affected area, DDA is formed by Town Council
- Authorization to use financial tools requires a majority vote of stakeholders within the DDA boundary – property owners and business lessees

How Does the DDA Work with the Town?

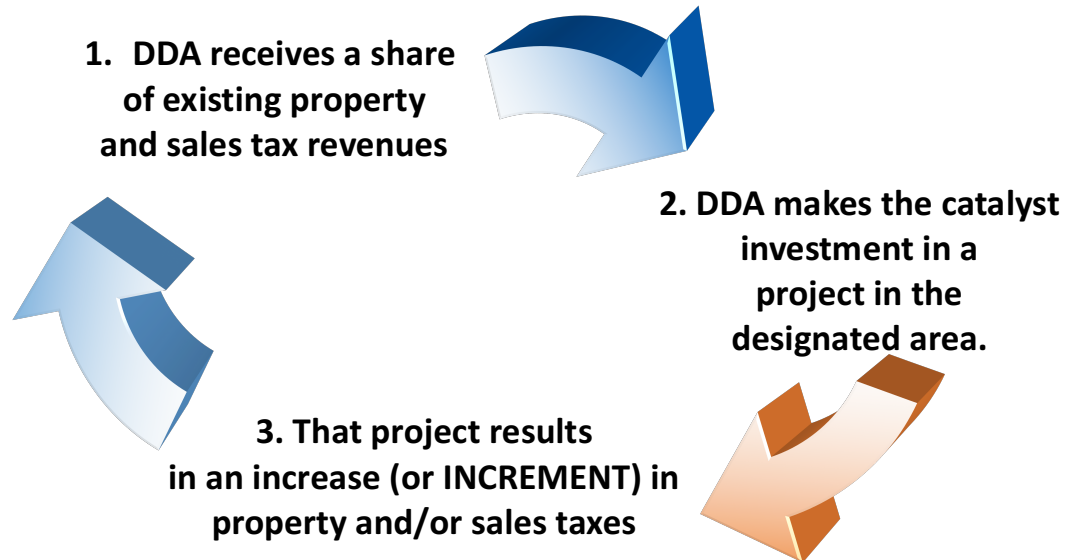
- Town Council appoints DDA board of directors
- DDA must provide annual report to Town Council
- DDA and Town can develop agreements to govern use of TIF
- Town Council has power to disband DDA by ordinance if there are no outstanding bonds or other financial obligations

What is Tax Increment Financing or TIF?

- TIF is a way to use revenues from future increases in sales and/or property taxes to finance downtown improvements today
- A base year is established
- Current taxes continue to be allocated to county, schools and town
- Future increase in tax revenues is an “increment” that must be reinvested in downtown improvements
- TIF does not constitute a tax increase, only a re-allocation of existing tax revenues



Tax Increment Financing Cycle



What is an Operational Mill Levy?

- In addition to collecting and investing TIF, a DDA can create a mill levy (i.e. property tax) to support operations with the approval of DDA voters
- Operations includes DDA administration, plus can include downtown planning, marketing, maintenance and capital replacement
- A DDA mill levy cannot exceed 5 mills
- Any proposed mill levy is subject to a vote by all affected property owners, lessees and residents

Why would a downtown need a DDA?

- A self-sustaining champion for downtown
- Has the ability to create and use financial tools (i.e. TIF and mill levy)
- Has the ability to leverage other sources of funds to help finance downtown improvements
- Can be the key to implementing the downtown vision and plan

Uses for TIF Dollars

- Tax Increment Financing (TIF) is a unique mechanism that enables a Downtown Development Authority (DDA) to use the net new tax revenues generated by projects within a designated area to help finance future improvements. TIF is a new source of tax revenue, not an additional tax, that would not be available but for new investment.
- TIF keeps the tax dollars from going into the general funds and instead re-invests these funds into investments to improve the property and services within the DDA area.
- Focusing on improvements in a downtown area will increase sales tax and property taxes that go back into the town's general fund for improvements throughout the whole town.



AGENDA INFORMATION MEMORANDUM NEDERLAND BOARD OF TRUSTEES

Meeting Date: May 17, 2017

Prepared By: Katrina Harms

Consent Information Action Discussion

ACTION ITEM:

Approve engagement with Kim Crawford from Butler Snow for Special Counsel to the NDDA for the 2017 Debt Authorization.

SUMMARY:

Recommending engaging Kim Crawford from Butler Snow as our Special Counsel for the Debt Authorization. She was one of the original authors of the legislation that created DDAs. Ms Crawford and her firm assists municipalities in bond elections and she has experience with other DDAs in Colorado.

ATTACHED:

Engagement letter
Kim Crawford Bio
Election Timeline

May 4, 2017

VIA E-MAIL

Katrina Harms
Nederland Downtown Development Authority
P. O. Box 396
Nederland, Colorado 80466

Re: 2017 Election Advice

Dear Katrina:

This letter is to confirm our engagement as special counsel to the Town of Nederland, Downtown Development Authority (the “DDA”), in connection with a ballot issue election to be held by the Town of Nederland, Colorado (the “Town”) on November 7, 2017 (the “Election”). This letter sets forth the role we propose to serve and the responsibilities we propose to assume as special counsel to the DDA in connection with this engagement.

Scope of Services

The scope of our services will include assisting the DDA in the conduct of an election to authorize a tax and debt increase of the DDA pursuant to of Article X, Section 20 of the Colorado (“TABOR”). Under state law, the ballot question is a question of the Town. We will work cooperatively with the Town to draft documents and ensure compliance with election details. Our services include drafting the resolution of both the DDA and the Town setting the ballot title and calling the election, assisting the Town with the notice which TABOR mandates be mailed to electors, advising the DDA and the Town on compliance with the limits on the expenditure of public funds to advocate for passage of the ballot measure at the election, and answering such questions regarding the Election as presented to us by the Town and the DDA. Our services do not include financial advice. Our services as special counsel to the DDA are limited to those contracted for explicitly herein and the execution of this letter by the DDA constitutes an acknowledgment of those limitations.

Personnel

Kim Crawford will be principally responsible for the work performed by Butler Snow LLP on your behalf and they will report to and take direction from you. Where appropriate, certain tasks may be performed by other attorneys or paralegals. At all times, however, Kim will coordinate, review, and approve all work completed for the DDA.

Attorney-Client Relationship

In performing our services hereunder, the DDA will be our client. We will represent the interests of the DDA rather than the Board of Directors of the DDA (the “Board”), the Board’s individual members, or the DDA’s employees.

Conflicts of Interest

Before accepting any new business, the Colorado Rules of Professional Conduct (the “Rules”) require us to evaluate whether there exist any ethical constraints to representing the Town. We have completed a conflicts check within our firm and have found no current conflict between the Town and our existing clients.

Financial Arrangements

Butler Snow will invoice the DDA at the conclusion of our engagement for our work based upon the time we spend on this matter. Butler Snow’s rates for the work by its attorneys and legal assistants vary based on the experience and expertise of the individuals involved. Typically, we adjust these rates at year-end to reflect changing economic conditions. If the firm increases rates during this engagement, we will provide written notice of those changes. The Rules require that the basis or rate of legal fees be communicated to the client in writing. Ms. Crawford’s current billing rate is \$515.00 but for this engagement the rate will be reduced to \$420.00. In addition, this letter authorizes us to incur expenses and make disbursements on behalf of the DDA, which we will include in our monthly invoice. Disbursement expenses will include such items as travel costs, photocopying, deliveries and other out-of-pocket costs. Please note that our fees for this matter shall not in any event exceed \$5,000.

Public Contract for Services – Compliance with § 8-17.5-101 C.R.S.

In connection with our engagement with the DDA, Butler Snow LLP qualifies as a “contractor” pursuant to § 8-17.5-101(2), C.R.S. and we hereby certify that, as of the date hereof: (i) we do not knowingly employ or contract with an illegal alien who will perform work pursuant to this engagement letter, and (ii) we have participated in the e-verify program or department program in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work pursuant to this engagement letter. In compliance with Section § 8-17.5-102(2), C.R.S., the provisions set forth in **Exhibit A** to this engagement letter are incorporated herein and made a part hereof.

Document Retention

Attached as **Exhibit B** is a copy of our document retention policy.

Termination of Engagement

Upon completion of our work relating to the Election, our representation of the DDA and the attorney-client relationship created by this engagement letter will be concluded.

We are pleased to have the DDA as our client, and look forward to a mutually satisfactory and beneficial relationship. If the foregoing terms are acceptable to you, please so indicate by having the appropriate individual execute a copy of this letter for the Town and then return the executed copy to me. Thank you.

BUTLER SNOW LLP

By: _____

Accepted and Approved:

TOWN OF NEDERLAND, COLORADO
D O W N T O W N D E V E L O P M E N T
AUTHORITY

By: _____

Title: _____

Date: _____

KKC:jw
Enclosures

Exhibit A

A. Butler Snow LLP shall not:

(I) knowingly employ or contract with an illegal alien to perform work described in this engagement letter under Scope of Services (the “Legal Services”) or

(II) enter into a contract with a subcontractor that fails to certify to Butler Snow LLP that the subcontractor shall not knowingly employ or contract with an illegal alien to perform the Legal Services.

B. Butler Snow LLP:

(I) has confirmed the employment eligibility of all employees who are newly hired for employment to perform the Legal Services through participation in either the e-verify program or the department program;

(II) shall not use either the e-verify program or the department program procedures to undertake preemployment screening of job applicants while performing Legal Services;

(III) shall be required (only if Butler Snow LLP obtains actual knowledge that a subcontractor performing Legal Services knowingly employs or contracts with an illegal alien):

(a) to notify the subcontractor and the Town within three days that Butler Snow LLP has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

(b) terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to subparagraph (a) of this subparagraph (III) the subcontractor does not stop employing or contracting with the illegal alien; except that Butler Snow LLP shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien; and

(IV) shall comply with any reasonable request by the Department of Labor and Employment made in the course of an investigation that such department is undertaking pursuant to § 8-17.5-102(5) C.R.S.

Exhibit B

NOTICE TO CLIENTS OF BUTLER SNOW'S RECORD RETENTION & DESTRUCTION POLICY FOR CLIENT FILES

Butler Snow maintains its client files electronically. Ordinarily, we do not keep separate paper files. We will scan documents you or others send to us related to your matter to our electronic file for that matter and will ordinarily retain only the electronic version while your matter is pending. **Unless you instruct us otherwise, once such documents have been scanned to our electronic file, we will destroy all paper documents provided to us.** If you send us original documents that need to be maintained as originals while the matter is pending, we ordinarily will scan those to our client file and return the originals to you for safekeeping. Alternatively, you may request that we maintain such originals while the matter is pending. If we agree to do that, we will make appropriate arrangements to maintain those original documents while the matter is pending.

At all times, records and documents in our possession relating to your representation are subject to Butler Snow's Record Retention and Destruction Policy for Client Files. Compliance with this policy is necessary to fulfill the firm's legal and ethical duties and obligations, and to ensure that information and data relating to you and the legal services we provide are maintained in strict confidence at all times during and after the engagement. All client matter files are subject to these policies and procedures.

At your request, at any time during the representation, you may access or receive copies of any records or documents in our possession relating to the legal services being provided to you, excluding certain firm business or accounting records. We reserve the right to retain originals or copies of any such records or documents as needed during the course of the representation.

Unless you instruct us otherwise, once our work on this matter is completed, we will designate your file as a closed file on our system and will apply our document retention policy then in effect to the materials in your closed files. At that time, we ordinarily will return to you any original documents we have maintained in accordance with the preceding paragraph while the matter was pending. Otherwise, we will retain the closed file materials for our benefit and subject to our own policies and procedures concerning file retention and destruction. Accordingly, if you desire copies of any documents (including correspondence, e-mails, pleadings, contracts, agreements, etc.) related to this matter or generated while it was pending, you should request such copies at the time our work on this matter is completed.

You will be notified and given the opportunity to identify and request copies of such items you would like to have sent to you or someone else designated by you. You will have 30 days from the date our notification is sent to you to advise us of any items you would like to receive. You will be billed for the expense of assimilating, copying and transmitting such records. We reserve the right to retain copies of any such items as we deem appropriate or necessary for our use. Any non-public information, records or documents retained by Butler Snow and its employees will be kept confidential in accordance with applicable rules of professional responsibility.

Any file records and documents or other items not requested within 30 days will become subject to the terms of Butler Snow's Record Retention and Destruction Policy for Client Files and will be subject to final disposition by Butler Snow at its sole discretion. Pursuant to the terms of Butler Snow's Record Retention and Destruction Policy for Client Files, all unnecessary or extraneous items, records or documents may be removed from the file and destroyed. The remainder of the file will be prepared for closing and placed in storage or archived. It will be retained for the period of time established by the policy for files related to this practice area, after which it will be completely destroyed. This includes all records and documents, regardless of format.

While we will use our best efforts to maintain confidentiality and security over all file records and documents placed in storage or archived, to the extent allowed by applicable law, Butler Snow specifically disclaims any responsibility for claimed damages or liability arising from damage or destruction to such records and documents, whether caused by accident; natural disasters such as flood, fire, or wind damage; terrorist attacks; equipment failures; breaches of Butler Snow's network security; or the negligence of third-party providers engaged by our firm to store and retrieve records.

KIMBERLEY K. CRAWFORD



PRACTICE AREAS AND INDUSTRY TEAMS

- Public Finance
- Tax Credits

EXPERIENCE

- Represents governmental entities and other transaction participants in public finance transactions and economic development matters in Colorado.
- Financings include general obligation bonds, user fee revenue bonds, special assessment bonds, excise tax revenue bonds, lease transactions, tax increment financings and private activity bonds.
- Clients include governmental entities such as municipalities, counties, special districts, school districts, transportation agencies, joint action agencies, urban renewal authorities, and downtown development authorities as well as non-profit corporations, underwriters, trustees and credit enhancers and banks.

BAR ADMISSIONS

- Colorado, 2000

DISTINCTIONS

- *AV-Rated*, Martindale Hubbell
- *Colorado Super Lawyers Rising Star®*, Bonds/Government Finance, 2009-2010
- *Fellow*, American Bar Association

ASSOCIATIONS

- National Association of Bond Lawyers
- West Chamber of Commerce
 - *Member*, 2009-2014
- The Jefferson Foundation
 - *Board of Directors*, 2002-2007
- Judge William E. Doyle American Inn of Court
 - *Executive Committee Member*, 2003-present
- American Bar Association

COORDINATED MAIL BALLOT ELECTION TIMETABLE

Ballot Issue Election - November 7, 2017

All statutory references are to the Colorado Revised Statutes, as amended; rule references are to the Election Rules of the Colorado Secretary of State, as amended, and in effect as of the date of this timetable. This timetable only provides dates for Ballot Issue Elections; no dates are included for Board or Council member elections. This timetable will vary depending on meeting schedules, publication dates, and any election contest.

DATE	EVENT
July 28 (100 days before the election) (Since 100 days is Sunday, July 30, use Friday, July 28. §1-1-106(5)).	Political subdivision notifies County Clerk in writing regarding the political subdivision's participation in coordinated election, if the political subdivision has taken formal action to participate in the election. §1-7-116(5).
August 9 (no later than 90 days prior to the election).	County Clerk and Recorder or designated election official sends a proposed election plan for conducting a coordinated mail ballot election to the Secretary of State. The proposed plan may be based on the standard plan adopted by the Secretary of State by Rule. §1-7.5-105(1). Rule 7.1.1.
August 24 (within 15 days after receipt of written mail ballot plan by the Secretary of State).	Secretary of State shall approve or disapprove the written mail ballot plan for a coordinated election within 15 days after receiving it and shall provide a written notice of approval or disapproval. §1-7.5-105(2)(a). Rule 7.1.
August 29 (no later than 70 days prior to the election).	Intergovernmental agreement for coordinated election must be signed with County Clerk regarding election duties. §1-7-116(2); Rule 4.1.2. The designated election official must certify to the County Clerk the completeness and accuracy of the SCORE (computerized statewide voter registration list) address library for addresses within the district. Rule 4.1.3. The canvassing board is appointed in accordance with the intergovernmental agreement. §1-10-202.
September 8 (no later than 60 days before the election).	Designated Election Official certifies the order of the ballot and the ballot content to the County Clerk of each county that has territory within the political subdivision. §1-5-203(3)(a); Rule 4. The list of ballot issues shall be in the following order: referred amendments shall be printed first, followed by initiated amendments, referred propositions, initiated

	<p>propositions, county issues and questions, municipal issues and questions, school district issues and questions, ballot issues and questions for other political subdivisions which are in more than one county, and then ballot issues and questions for other political subdivisions which are wholly within a county. §1-5-407(5)(a). Measures are ordered as follows: (1) referred measures to increase taxes; (2) referred measures to retain excess revenues; (3) referred measures to increase debt; (4) other referred measures; (5) initiatives to increase taxes; (6) initiatives to retain excess revenues; (7) initiatives to increase debt; (8) other citizen petitions. Rule 4.5.2. See §1-41-103 for local government ballot matters arising under Article X §20 of the Colorado Constitution.</p>
<p>September 22 (by the end of the business day on the Friday before the 45th day before the election. §1-7901(4)).</p>	<p>Last day to file pro and con statements on ballot issues with Designated Election Official. Colo. Const. Art. X §20(3)(b)(v); §1-7-901(4). TABOR Notice should be finalized. For political subdivisions of the state that have no Designated Election Official, the governing body of a Political Subdivision shall be solely responsible for preparing the summary of the filed comments in favor of and in opposition to the ballot issue for the TABOR Notice. §1-7-903(3.5).</p>
<p>September 23 (not more than 45 days prior to the election).</p>	<p>First day that the County Clerk and Recorder can hold a class of instruction for election judges and special school of instruction for supervisor judges. §1-6-101(5).</p>
<p>September 23 (not later than 45 days prior to the election).</p>	<p>Last day for Designated Election Official to transmit a ballot and balloting materials to all Uniform and Overseas Citizens Absentee Voting Act (UOCAVA) covered voters who by this date submit a valid ballot application. §1-8.3-110(1).</p>
<p>September 25 (no later than 43 days before the election).</p>	<p>If ballot issue is on the ballot as the result of a citizen’s petition, petition representatives are required to submit to the Designated Election Official a summary of favorable comments. §1-7-903(3).</p>
<p>September 26 (no later than 42 days before the election).</p>	<p>Designated Election Official shall prepare and deliver to the County Clerk(s) for the county or counties in which the political subdivision is located the full text</p>

	of any required ballot issue notices (TABOR Notice). §1-7-904. (Pursuant to an intergovernmental agreement for a coordinated election, the County Clerk(s) may have additional requirements or require notice earlier. §1-7-116(2).)
September 28 (no later than the 40 th day preceding the election).	Last day for Designated Election Official to order the registration records of eligible electors, §1-5-303(1); For elections where owning property is a requirement for voting in the election, last day for Designated Election Official to order the list of property owners from the County Assessor. §1-5-304(1).
October 6 (no later than 32 days before the election).	Ballots must be printed and in possession of the County Clerk and Recorder. §1-5-403(1).
October 6 (at least 30 days before the election) (Since 30 days is Sunday, October 8, using Friday, October 6. §1-1-106(5)).	Mailing of TABOR Notice by County Clerk or Designated Election Official, at the least cost and as a package where districts with ballot issues overlap. Colo. Const. Art. X, §20(3)(b); §1-7-906(1); §1-40-125; Rule 4.9. For Special Districts: The designated election official is responsible for mailing the TABOR Notice to each address of one or more active registered electors who do not reside within the county or counties where the Political Subdivision is located. §1-7-906(2). The text of all ballot issues that are subject to Article X, Section 20 shall be printed in all capital letters. §1-40-115(2)(a); Rule 4.8.1. The names of all candidates and all other ballot issues and questions shall be printed in upper and lower case letters. Rule 4.8.1.
October 13 (no later than 25 days before election).	Last day for governing body of political subdivision to withdraw a ballot issue from election. §1-5-208(2). If a municipal clerk has registered any eligible electors who appears in person at the municipal clerk's primary office at any time during which registration is permitted in the office of the county clerk and record, the municipal clerk shall deliver the new registration records to the office of the county clerk and recorder either in person or by mail no later

	than the tenth day of each month for the month immediately prior and in person on the day following the last day for registration for the election. §1-2-202(2).
October 16 (no later than 22 days before the election).	Last day to timely register to vote by submitting an application through a voter registration drive. §1-2-201(3)(b)(I).
October 16 - 20 (not sooner than 22 days before a general, primary or other mail ballot election and no later than 18 days before the election).	<p>County Clerk and Recorder or Designated Election Official mails a mail ballot packet to each active registered elector (§1-7.5-107(3)(a)). All mail ballot packets must include a ballot, instructions for completing ballot, secrecy envelope and return envelope. Secretary of State may otherwise prescribe the form of materials to be used. §1-7.5-106(1)(a). Rule 7.2.</p> <p>For a Special District mail ballot election, no sooner than twenty-two days prior to the election and until 7 pm on election day, mail ballots made available at the office of the designated election official, or the office designated in the mail ballot plan filed with the Secretary of State, for eligible electors who are not listed on the list of property owners or the registration list but who are authorized to vote pursuant to §32-1-806 or other applicable law. Drop off and walk-in voting locations available for ballot delivery and replacement ballots. §1-7.5-107(3)(c).</p>
<p>October 18 (at least 20 days before each election).</p> <p>(no later than 20 days before a general, primary or other mail ballot election election).</p>	<p>Last day to post polling location signs; signs must be posted during the period polling locations are open. §1-5-106.</p> <p>Last day for County Clerk and Recorder or designated election official to provide notice by publication of mail ballot election, §1-7.5-107(2.5) (a); and to mail a copy of such notice to the County Clerk, §1-5-205(2)). See §1-5-205(1)(a) through (e) for items to be included in notice.</p> <p>County Clerk and County Assessor each submit to Designated Election Official supplemental list of eligible electors or property owners whose names are not included on the preliminary lists. §1-7.5-107(2) (b). Special districts may order a preliminary list of property owners as of the thirtieth day before the election with a supplementary list to be provided on the twentieth day before the election, or Designated</p>

	<p>Election Official may order a complete list on the twentieth day before the election. §1-5-304(2).</p> <p>A local government (excluding enterprises) submitting a ballot issue concerning the creation of any debt or other financial obligation shall post notice of audited (if available) financial information prescribed by §1-7-908(1) on the local government's web site, or if the local government does not maintain a web site, at the local government's chief administrative office. See §1-7-908(1)(a)(I) through (V) for specific notice requirements.</p>
<p>October 23 (for the 15-day period prior to and including the day of the election).</p> <p>(no later than 15 days before the election).</p> <p>(at least 15 days prior to the election)</p>	<p>Voter service and polling centers must be open, at a minimum, by this date, except that voter service and polling centers are not required to be open on Sundays. §1-5-102.9(2). Each polling location shall comply fully with the current "ADA Standards for Accessible Design" promulgated in accordance with the federal "Americans with Disabilities Act," and no barrier shall impede the path of electors with disabilities to the voting booth. §1-5-703.</p> <p>Last day Designated Election Official or coordinated election official <u>MAY</u> mail a voter information card to each household where one or more active eligible electors reside. §1-5-206(2) (discretionary). The information may be included with the TABOR Notice.</p> <p>Election officials may begin counting mail ballots. §1-7.5-107.5; §1-7.5-202(2).</p>
<p>October 23 - November 7 (from the 15th day prior to and including Election Day).</p>	<p>Voter registration conducted at locations designated as voter service and polling centers by County Clerk and Recorders. §1-2-201(3)(b)(V), §1-2-217.7(3)(a), §1-5-102.9(2), Rule 7.8.</p>
<p>October 27 (at least 10 days prior to the election) (Since 10 days is Saturday, October 28, use Friday, October 27. §1-1-106(5)).</p>	<p>Notice of election posted in a conspicuous place in the office of the designation election official or the County Clerk and Recorder until 2 days after election (i.e., November 9, 2017). §1-5-205(1.3).</p>
<p>October 30 (through the 8th day prior to an election).</p>	<p>Last day to timely register to vote by submitting an application through the mail, a voter registration agency, a local driver's license examination facility,</p>

	or the on-line voter registration system. §1-2-201(3)(b)(III); §1-2-217.7(3)(c).
October 30 - November 7 (at a minimum, the 8 days prior to and including the day of the election).	Voter service and polling centers shall be open; except that voter service and polling centers are not required to be open on Sundays. §1-7.5-107(4.5)(c). The minimum number of required voter service and polling centers is described in §1-7.5-107(4.5)(a).
October 31 (no later than the close of business on the 7 th day before the election).	Last day to file application for a mail-in/absentee ballot if applicant wishes to receive ballot by mail. §1-7.5-116(3).
November 3 (no later than the close of business on the Friday immediately preceding the election).	Last day to file application for an absentee ballot (if the applicant does not wish to receive the ballot by mail). §1-7.5-116(3).
November 3 - November 7 (at a minimum, 4 days prior to and including the day of the election).	Drop-off locations shall accept mail ballots by electors during, at a minimum, reasonable business hours; except that mail ballots are not required to be accepted on Sundays. §1-7.5-107(4.3)(b). The minimum number of required drop-off locations is described in §1-7.5-107(4.3)(a).
November 7 - Election Day	ELECTION DAY. (7:00 a.m. to 7:00 p.m.) Colo. Const. Art. X, §20(3)(a); §1-41-102(1); §1-7-101. Same day registration permitted. §1-2-201(3)(b)(V); §1-2-217.7(4).
November 7 - 24 (no later than 17 days after the election).	Canvass board certifies the abstract of votes cast to Designated Election Official. §1-10-102(1), §1-10-203(1). Rule 10. Clerk and Recorder shall examine official abstract of votes cast and order appropriate recount, if required. §1-10.5-103. Mandatory recount is required if the difference between the highest number of votes cast and the next highest number of votes is less than or equal to one-half of one percent of the highest number of votes cast. §1-10.5-101(1)(b).
November 7 - December 4 (immediately after abstract of votes cast is prepared and certified).	Following completion of the abstract of votes cast by the canvass board, Designated Election Official notifies the governing body of the political subdivision and the petition representatives of election results and makes certificate of election

	available for public inspection in the office of Designated Election Official for no less than ten days. §1-11-103(2).
November 15 (by the close of business on the 8 th day after the election).	Last day to receive a mail ballot from a UOCAVA-eligible elector, if such ballot was postmarked by 7:00 p.m. on the day of election, in order for the ballot to be counted. §1-8.3-111; §1-8.3-113(2); Rule 16.1.6.
November 8 – December 4 (within 10 days after official survey of returns is filed with designated election official).	Last day for an eligible elector to file a written statement of intent to contest ballot issue election in district court. §1-11-213(4).
November 21 (within 14 days after election).	Last day for Designated Election Official to complete verification and counting of provisional ballots. §18.5-105(5); Rule 17.
December 7 (within 30 days after the election).	The results of a Special District election shall be certified to the Division of Local Government. §1-11-103(3); §32-1-104(1).
(no later than the 30 th day after election).	Mandatory recount must be completed. §1-10.5-103.
December 8 (within 31 days after election).	Last day for an interested party to file a notarized, written request for a recount on ballot issues at his or her own expense. §1-10.5-106(2).
December 11 (within 1 day after request for recount is filed) (Since one day after is Saturday, December 9, use Monday, December 11. §1-1-106(4)).	Election official with whom notarized written request for recount is filed notifies the political subdivision that an interested party has requested a recount. §1-10.5-106(2).
December 14 (no later than the 37 th day after election).	Requested recount must be completed. §1-10.5-106(2).
December 22 (no later than the 45 th day after the election).	For special districts : the results of a special district ballot issue election to incur general obligation indebtedness must be certified by the special district by certified mail to the Board of County Commissioners of each county in which the special district is located or to the governing body of a municipality that has adopted a resolution of approval for organization of a special district. The special district shall file a copy of certification with the Division of Securities. §32-1-1101.5(1)

EDUCATION & HONORS

- University of Denver, J.D., 2000
 - Order of St. Ives
 - Member, *Water Law Review*
- University of Colorado at Denver, M.S., Management and Organization, 1991
- University of Wyoming, B.S., Personnel Administration and Industrial Relations, 1985

PAPERS, PRESENTATIONS AND PUBLICATIONS

- *Co-Presenter*, "Bonds 101," Colorado Government Finance Officers Association Annual Conference, November 2013; GCFOA Western Slope Coalition Workshop, April 2013, and Special District Association of Colorado Annual Conference, September 2012.
- *Co-Presenter*, "The Federal Government and Its Impact on the Future of Tax Exempt Debt," Special District Association of Colorado Conference, September 2013.
- *Co-Author*, "Improvement Districts for Colorado Counties, Cities, and Towns," 30 *Colorado Lawyer*, 53, January 2001.



AGENDA INFORMATION MEMORANDUM NEDERLAND BOARD OF TRUSTEES

Meeting Date: May 17, 2017
Prepared By: Katrina Harms

Consent Information Action Discussion

DISCUSSION ITEM:

Review project priority list from 2016 Debt Authorization.

SUMMARY:

Feedback from the failed Debt Authorization showed that voters wanted more specifics on projects, including cost. The list should also be shorter and include more detail.

Original List

- 1) Traffic Study
- 2) Lakeview intersection project
- 3) Underused Parking Lot and on-street parking improvements
- 4) 1st Street Loading zone and Pedestrian/ADA walkability
- 5) 2nd crossing at Middle Boulder Creek
- 6) River pathway (design only)
- 7) Mitigate storm water and water quality issues for Middle Boulder Creek
- 8) Business improvement loans, grants, and rebate programs
- 9) Improve vehicular and pedestrian signage/wayfinding
- 10) Event Support
- 11) Business Incubation (bank office space and property purchase)
- 12) Beautification (public art installations, pocket parks, native planting and landscaping)
- 13) Visitors Center (operation)
- 14) Bury 1st Street utility lines

Proposed List for 2017 for discussion

1. NedPed improvements and maintenance
2. Vehicular and pedestrian signage and wayfinding
3. Beautification including public art, noxious weed mitigation, landscaping and public works summer support
4. Lakeview and Big Springs intersection traffic, sidewalk and parking improvements
5. Riverwalk and wetland preservation project
6. Event infrastructure support
7. Visitor Center management and improvements
8. Business Improvement Program (loans, grants, PACE, etc)
9. Second Crossing at Middle Boulder Creek

ATTACHED:

2016 Debt Authorization ballot question budget, F&D NedPed improvements,

Debt Authorization Ballot Question					
#1	Traffic Study	60,000			
#1	Lakeview intersection project	500,000			
#1	Underused Parking Lot Improvements	50,000			
#1	On Street Parking: Lakeview & Big Springs	20,000			
#1	1st Street Loading zone	5,000			
#1	1st Street Pedestrian/ADA walkability	500,000			
#2	2nd crossing at Middle Boulder Creek	360,000			
#2	River pathway design (construction TBD)	40,000			
#2	Mitigate stormwater and water quality issues related to Phase 1	550,000	detail-----	Hwy 119 WQ & Stormwater Mgmt	235,000
				Hwy 119 to MBC Stormwater Mgmt & WQ	165,000
				Conger St Stormwater Mgmt	150,000
#3	Loans, grants, and rebate programs	125,000			
#3	Improve vehicular and pedestrain signage/wayfinding	25,000			
#3	Event Support	25,000			
#3	Business Incubation (bank office space & property purchase)	254,000			
#3	Beautification (public art installations, pocket parks, native planting and landscaping)	25,000			
#3	Visitor center (operation)	60,000			
#3	Bury 1st Street utility lines	250,000			
#3	Amphitheater	75,000			
		2,924,000			