

Town of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466
Multi-Purpose Room
August 15, 2017 6:30pm
AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. Consent Agenda

1. Approval of July 19 meeting minutes
2. Approval of July 27 meeting minutes
3. Approval of Warrants

E. INFORMATIONAL ITEMS

1. Financial Reports

F. ACTION ITEMS

G. DISCUSSION ITEMS

1. Debt Authorization Election Schedule of Events
2. Entertainment District

H. OTHER BUSINESS

I. ADJOURNMENT

NEXT REGULAR MEETING:

September 20, 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
July 27, 2017
DRAFT MEETING MINUTES

A. CALL TO ORDER

Meeting called to order at 6:38 pm

B. ROLL CALL

Present: Brent Tregaskis, Katrina Harms, Claudia Schaufler, Peter Marshall, Susan Schneider
Absent: Alan Apt and Amanda Kneer

C. PUBLIC COMMENT ON NON-AGENDA ITEMS (Speakers limited to 3 minutes)

No public comments

D. CONSENT AGENDA

No consent agenda items

E. INFORMATIONAL ITEMS

No informational items

F. ACTION ITEMS

1. APPROVE A RESOLUTION SUBMITTING TO THE QUALIFIED ELECTORS OF THE TOWN OF NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY, AT THE ELECTION TO BE HELD NOVEMBER 7, 2017, A BALLOT ISSUE AUTHORIZING DEBT OF THE DOWNTOWN DEVELOPMENT AUTHORITY.

A discussion around whether the last election was lost due to the amount of the authorization or were the votes against actually against the DDA. The consensus was that the loss was due to people voting against the DDA more than the amount so the decision was to ask for the whole amount as calculated in the spreadsheet.

Motion to approve the debt authorization at 2.9/5.1 million amount made by Brent Tregaskis, seconded by Susan Schneider.

A roll call was taken and motion approved unanimously.

2. APPROVE AND FORWARD TO THE BOARD OF TRUSTEES A RESOLUTION APPROVING AN ELECTION CALLED BY THE NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY FOR

NOVEMBER 7, 2017.

Motion to approve and forward the Board of Trustees a Resolution approving an election called by the Nederland Downtown Development Authority for November 7, 2017 made by Brent Tregaskis, seconded by Susan Schneider.

A roll call was taken and motion approved unanimously.

G. DISCUSSION ITEMS

No discussion items

H. OTHER BUSINESS

No other business.

I. ADJOURNMENT

Motion to adjourn made by Brent Tregaskis, seconded by Katrina Harms. Meeting adjourned at 8:43pm

NEXT REGULAR MEETING:

August 16, 2017 6:30pm 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 on Friday before the Wednesday meetings and are available on the NDDA website, www.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

Nederland Downtown Development Authority
Warrant Report

Invoice Number	Date	Vendor	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	Budget Remaining
2335	7/1/2017	The Mountain Ear	\$ 29.97	\$ 29.97	70-75-5750	Advertising	500.00	470.03
2421	7/2/2017	The Mountain Ear	\$ 50.00	\$ 50.00	70-75-5750	Advertising	500.00	420.03
073017	7/30/2017	Elizabeth Allen	\$ 720.00	\$ 720.00	70-75-5270	Downtown Area/DDA	3,000.00	(4,754.00)
1429	7/12/2017	Beyond the Mountain Design	\$ 23.38	\$ 23.38	70-75-5770	Printing/Copying	250.00	224.58
1445	7/20/2017	Beyond the Mountain Design	\$ 68.50	\$ 68.50	70-75-5770	Printing/Copying	250.00	156.08
1451	7/24/2017	Beyond the Mountain Design	\$ 65.24	\$ 65.24	70-75-5770	Printing/Copying	250.00	90.84
1457	7/27/2017	Beyond the Mountain Design	\$ 3.26	\$ 3.26	70-75-5770	Printing/Copying	250.00	87.58
07312017	7/31/2017	Cindy Downing	\$ 248.00	\$ 248.00	70-75-5129	DDA Secretary Services	3,600.00	1,480.00

Nederland Downtown Development Authority

	Jan 2017	Feb 2017	Mar 2017	Apr 2017	May 2017	June 2017	July 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	13,394.78	31,968.87	4,106.29	182,841.60	165,000.00	17,841.60
80-75-4998 Fund Reserve - Transfer In	0.00	0.00	0.00	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>13,394.78</u>	<u>31,968.87</u>	<u>4,106.29</u>	<u>182,841.60</u>	<u>165,000.00</u>	<u>17,841.60</u>
Expenditures										
80-75-5710 Postage/Shipping	0.00	0.00	0.00	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	200.93	479.54	61.63	2,742.64	0.00	2,742.64
80-75-7050 Payment to Escrow Agent	0.00	0.00	0.00	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	19,683.26	19,732.47	19,781.80	137,440.93	204,941.00	(67,500.07)
80-75-7200 Loan Interest	512.35	463.63	414.79	365.83	316.74	267.53	218.20	2,559.07	2,936.10	(377.03)
80-75-7400 Capital Lease Principal	0.00	0.00	0.00	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	0.00	0.00	0.00
	<u>20,563.10</u>	<u>20,822.00</u>	<u>20,325.66</u>	<u>20,289.78</u>	<u>20,200.93</u>	<u>20,479.54</u>	<u>20,061.63</u>	<u>142,742.64</u>	<u>210,277.10</u>	<u>(67,534.46)</u>
Net Income	<u>16,978.94</u>	<u>33,978.35</u>	<u>1,385.13</u>	<u>(971.30)</u>	<u>(6,806.15)</u>	<u>11,489.33</u>	<u>(15,955.34)</u>	<u>40,098.96</u>	<u>(45,277.10)</u>	<u>85,376.06</u>

Nederland Downtown Development Authority

	Jan 2017	Feb 2017	Mar 2017	Apr 2017	May 2017	June 2017	July 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	1,461.40	3,517.21	461.78	19,990.02	22,500.00	(2,509.98)
70-75-4002 Specific Ownership Taxes	126.05	140.68	135.40	140.98	126.11	133.18	152.04	954.44	1,500.00	(545.56)
70-75-4900 Interest	49.43	49.72	64.51	67.78	74.07	74.14	76.05	455.70	500.00	(44.30)
70-75-4910 Misc	0.00	0.00	0.00	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	0.00	0.00	0.00	7,000.00	0.00	7,000.00
70-75-8402 TARP	0.00	0.00	0.00	0.00	5,500.00	0.00	0.00	5,500.00	0.00	5,500.00
70-75-8405 CDOT	0.00	0.00	0.00	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>7,161.58</u>	<u>3,724.53</u>	<u>689.87</u>	<u>33,900.16</u>	<u>536,500.00</u>	<u>(502,599.84)</u>
Expenditures										
70-75-5100 Legal	0.00	0.00	0.00	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	0.00	0.00	0.00	250.00	(250.00)
70-75-5115 Website	0.00	0.00	0.00	120.00	0.00	0.00	0.00	120.00	700.00	(580.00)
70-75-5125 Accounting	0.00	0.00	0.00	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	328.00	256.00	248.00	2,120.00	3,600.00	(1,480.00)
70-75-5175 Elections	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,250.00	(4,250.00)
70-75-5216 Trails/Sidewalks Maintenance	250.00	250.00	250.00	250.00	250.00	250.00	250.00	1,750.00	3,000.00	(1,250.00)
70-75-5270 Downtown Area (DDA)	0.00	0.00	0.00	1,433.00	1,768.00	3,833.00	720.00	7,754.00	10,000.00	(2,246.00)
70-75-5410 Office Supplies	55.00	0.00	0.00	0.00	0.00	0.00	0.00	55.00	100.00	(45.00)
70-75-5710 Postage/Shipping	0.00	0.00	0.00	9.80	0.00	0.00	0.00	9.80	50.00	(40.20)
70-75-5735 Boulder County Tax Collection	61.43	89.67	35.53	31.61	21.92	52.76	8.54	301.46	350.00	(48.54)
70-75-5740 Bank Fees	0.00	0.00	0.00	15.00	0.00	0.00	0.00	15.00	50.00	(35.00)
70-75-5750 Advertising	0.00	0.00	0.00	0.00	0.00	0.00	79.97	79.97	500.00	(420.03)
70-75-5770 Printing/Copying	0.00	0.00	0.00	0.00	2.04	0.00	137.00	139.04	250.00	(110.96)
70-75-5790 MISC	0.00	0.00	0.00	0.00	500.00	0.00	0.00	500.00	0.00	500.00
70-75-5810 Conference/Training	0.00	0.00	1,400.00	20.00	85.96	0.00	0.00	1,505.96	1,500.00	5.96
70-75-5830 Meals	0.00	0.00	13.00	0.00	12.27	0.00	0.00	25.27	500.00	(474.73)
70-75-5850 Annual Membership/Dues	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	250.00	(250.00)
70-75-5999 Admin & Finance Allocation	100.00	100.00	100.00	100.00	100.00	100.00	100.00	700.00	1,200.00	(500.00)
70-75-6500 Infrastructure	0.00	0.00	0.00	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	0.00	0.00	0.00
70-75-9405 CDOT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	505,000.00	(505,000.00)
	<u>372.43</u>	<u>695.67</u>	<u>2,254.53</u>	<u>2,299.41</u>	<u>3,068.19</u>	<u>4,491.76</u>	<u>1,543.51</u>	<u>15,075.50</u>	<u>778,206.00</u>	<u>(763,130.50)</u>
Net Income	<u>10,898.47</u>	<u>5,472.91</u>	<u>313.77</u>	<u>16.99</u>	<u>4,093.39</u>	<u>(767.23)</u>	<u>(853.64)</u>	<u>18,824.66</u>	<u>(241,706.00)</u>	<u>260,530.66</u>

Nederland Downtown Development Authority Balance Sheet

July 31, 2017

ASSETS

Current Assets

Checking/Savings

80-1001 · Pooled Cash (TIF)	0.00
80-1002 · DDA Cash Accounts (TIF)	198,366.64
80-1999 · Interfund (TIF)	0.00

Total Checking/Savings 198,366.64

Accounts Receivable

80-1100 · Taxes Receivable (TIF)	4,044.66
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Total Accounts Receivable 4,044.66

Total Current Assets 202,411.30

TOTAL ASSETS 202,411.30

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

80-2000 · Accounts Payable (TIF)	0.00
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Total Accounts Payable 0.00

Total Current Liabilities 0.00

Total Liabilities 0.00

Equity

Prior Years' Excess for Rev over Exp	43,949.43
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80-3010 · Unrestricted Fund Balance (TIF)	5,067.91
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80-3100 · Restricted Fund Balance (TIF)	113,295.00
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Excess of Revenue Over Expenditures	40,098.96
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Total Equity 202,411.30

TOTAL LIABILITIES & EQUITY 202,411.30

Nederland Downtown Development Authority

Balance Sheet

July 31, 2017

ASSETS

Current Assets

Checking/Savings

70-1001 - Pooled Cash	0.00
70-1002 - DDA Cash Accounts	164,000.03
70-1999 - Interfund	0.00
Total Checking/Savings	164,000.03

Accounts Receivable

70-1100 - Taxes Receivable	605.28
70-1300 - Other Receivable	0.00
Total Accounts Receivable	605.28

Total Current Assets **164,605.31**

TOTAL ASSETS **164,605.31**

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

70-2000 - Accounts Payable	1,105.00
Total Accounts Payable	1,105.00

Total Current Liabilities **1,105.00**

Total Liabilities **1,105.00**

Equity

Prior Years' Excess for Rev over Exp	91,973.18
70-3010 - Unrestricted Fund Balance	14,951.47
70-3100 - Restricted Fund Balance	37,751.00
Excess of Revenue Over Expenditures	18,824.66

Total Equity **163,500.31**

TOTAL LIABILITIES & EQUITY **164,605.31**



**AGENDA
INFORMATION
MEMORANDUM
NEDERLAND BOARD OF TRUSTEES**

Meeting Date: August 16, 2017

Prepared By: Katrina Harms

Dept: DDA

Consent Information Action Discussion X

AGENDA ITEM:

Discuss the Debt Authorization event schedule, participants and materials.

SUMMARY:

The election timeline is attached for discussion and possible addition of items.

The materials for the last debt authorization election are attached. They will need to be revised and there will be a schedule for completing and approving them.

ATTACHMENTS:

2017 Timeline

2016 docs

Ballot FAQ

Pro Statement

Website and Newsletter text

Corporation Letter

Real Person Letter

Leaseholder Letter

Election Timeline

	Election Timeline	
@ 8/20	Meet with CCC, the designated election official	Katrina +1
31-Aug	Election notice, affidavits mailed to identified property and business owners.	DDA/CCC
15-Sep	Affidavits will have deadline of September ???. Returned affidavits are used to create identify volunteers	DDA
15-Sep	DDA Debt Authorization FAQ mailing to district members.	DDA
	FCPA NOTE. Issue Committees shall register with the Nederland Town Clerk (“Town Clerk”) within 10 calendar days of accepting or making contributions or expenditures in excess of \$200 to support or oppose the ballot issue.	Town Clerk
22-Sep	Written comments for and against the TABOR ballot issue must be received by the Designated Election Official (45 days before the election). (Comments must be filed by the end of the business day on the Friday before the 45th day before the election).	DDA/CCC
1-Oct	Mail TABOR Notice to each household where a qualified elector of the NDDA resides (at least 30 days before the election).	DDA/CCC
5+C6A6:B6	NDDA will promote election with mailing and door-to-door visits. Materials - election FAQ, DDA FAQ, Why Yes. Also, at least one open house to educate the public on DDA and the Debt Authorization.	DDA
5+C6A6:B6	At least one open house to educate the public on DDA and the Debt Authorization.	DDA
16-Oct	Designated Election Official may begin mailing to each known qualified elector a mail ballot package. Mail ballots shall be made available at the office of the Designated Election Official for qualified electors who are designated after the date of the initial mailing of the ballots (not sooner than 22 days prior to election).	DDA/CCC
17-Oct	FCPA NOTE: File Issues Committee Report of Contributions and Expenditures pursuant to the Fair Campaign Practices Act with the Town Clerk (21 st day before the	Town Clerk
18-Oct	Post notice of additional financial information on the NDDA website (no later than 20 days before the election).	DDA/CCC
23-Oct	Last day to mail the ballot packages to the known qualified electors (no later than 15 days before the election). Appoint at least three (3) election judges (at least 15 days prior to election). Designated Election Official shall mail certificates of appointment and acceptance forms to each person appointed. Each election judge shall file an acceptance of appointment with the Designated Election Official within seven (7) days after certificate of appointment and acceptance forms were mailed.	
25-Oct	Election Judges may receive and prepare mail ballots for tabulation. Counting of the mail ballots may begin fifteen (15) days prior to the election and continue until one last mailing reminder (DDA? Or Promo?)	DDA/CCC DDA
27-Oct	Publish Notice of the election once (at least 10 days before the election). Post Notice in the office of the Designated Election Official. If cannot publish on the tenth day prior to the election, the publication shall occur on the earliest possible day before the	DDA
3-Nov	pursuant to the Fair Campaign Practices Act with the Town Clerk (Friday before the election).	Town Clerk
7-Nov	ELECTION DAY. 7:00 A.M. to 7:00 P.M	Town Hall or CCC
17-Nov	Canvass Board shall certify the official abstract of votes cast at the election (no later than 10 days after the election).	CCC
7-Dec	FCPA NOTE: File Issue Committee Report of Contributions and Expenditures with the Town Clerk (30 days after the election).	Town Clerk

DDA Ballot FAQ

On April 5, 2016, the eligible electors in the Nederland Downtown Development Authority will vote on one ballot question that will influence the future of the DDA. The answers on this page are governed mostly by Colorado election law, as outlined in statutes, regulations, and court cases. Please read this page thoroughly and carefully. Any additional questions should be directed to the Town Clerk laurajaneb@nederlandco.org, at 303. 258. 3266.

Please check back on this page frequently and before contacting the Town Clerk, as new questions and answers will be posted as they arise!

Question 1: What is the issue on the DDA ballot?

Answer 1: The DDA is asking the district voters for authorization of debt to cover projects to be undertaken by the DDA and paid for by its Tax Increment Financing (TIF) funds.

Question 2: Who will receive a DDA ballot on Election Day?

Answer 2: Most Nederland residents will receive and vote only on the regular municipal ballot, which will contain the slate of candidates running for Mayor and Board of Trustees and a single ballot question concerning retention of taxes.

Only "qualified electors" in the Nederland Downtown Development Authority will receive and vote on the DDA ballot. "Qualified electors" for the DDA ballot are natural persons or corporate entities who are **commercial property owners** or **commercial leaseholders** in the DDA. **Residential** property owners or residential leaseholders are **not** eligible to vote. If a commercial property owner or commercial leaseholder is a corporate entity rather than a natural person, that entity will have to appoint a natural person to vote on its behalf (more information on this below).

The Town Clerk and election judges will have a list of qualified electors and returned affidavits with which to validate ballots on Election Day. You can register to vote up to and including Election Day, and ballots and affidavits may also be dropped off, up to and on Election Day.

Question 3: How will the Town determine whether a property is commercial or residential?

Answer 3: This determination will be based on the Boulder County Assessor's Office designation for the property for property tax purposes. For example, a residential property owner who is leasing his or her property to a commercial entity will not be eligible to vote, but the commercial business owner leasing the property will be eligible to vote. In commercial mixed use properties, only the property owner and any commercial tenants will be permitted to vote on the DDA ballot. Residential tenants will not be eligible to vote.

Question 4: How will I know if I am on the list of qualified registered electors to vote on the DDA ballot on Election Day?

Answer 4: The Town Clerk will be compiling and maintaining a list of qualified electors for the DDA ballot. This list will start with a list of commercial property owners and commercial leaseholder tenants in the DDA, as provided by the Boulder County Assessor's office. Everyone on that list will be mailed a legally-required notice of the DDA ballot questions, along with a letter notifying them that they have been

tentatively identified as a qualified elector for the DDA ballot. The letters will require additional action on the part of the recipients. All letter recipients will need to sign and return to the Town Clerk the enclosed affidavit, affirming, under penalty of election fraud charges, that they are, in fact, a commercial property owner or commercial leaseholder in the DDA. *Unless a signed and notarized affidavit is returned to the Town Clerk's office, the letter recipient will not be eligible to vote on the DDA ballot on Election Day.*

Commercial property owners or commercial leaseholders that are corporate entities will also receive, along with their letter and affidavit, a form that will allow the corporate entity to appoint a natural person to vote on its behalf on Election Day.

One person = one vote: Each corporate entity may appoint a natural person to vote a ballot on its behalf, but **each natural person may only cast one vote**. Therefore, if multiple corporate entities all appointed a single natural person to vote on their behalf, that person would only be entitled cast **one vote total**. He or she **could not** cast multiple votes on behalf of the multiple entities that had appointed him or her.

One owner, one corporate entity name, multiple properties = one vote: A person or corporate entity that owns multiple properties under **one** corporate name may only designate one person to vote on behalf of that corporate entity, even if that person or corporate entity owns multiple properties

One owner, multiple corporate entity names, multiple properties = multiple votes: A person or corporate entity that owns multiple properties under multiple corporate names **may** appoint multiple natural persons to represent the individual interests of those multiple properties.

Question 5: What if I'm not on the list of qualified registered voters for the DDA ballot but believe that I should be?

Answer 5: If a commercial property owner or commercial leaseholder feels that he or she is eligible to vote but has not received the letter and notification from the Town Clerk by March 1, 2016, he or she should contact the Town Clerk as soon as possible prior to the election. Property owners will be required to present a valid deed for the property in question and the Town Clerk will confirm the commercial designation of that property with the Boulder County Assessor's office. Leaseholder tenants will be required to present a valid **commercial** lease for a property in the DDA. Voter eligibility determinations made by the Town Clerk are final and appealable only to the District Court in Boulder.

Question 6: Why is the procedure for confirming your status as a qualified elector for the DDA ballot so cumbersome? Why can't the Clerk just use the County lists?

Answer 6: The lists of commercial property owners and leaseholders obtained from Boulder County were incomplete for some property owners or leaseholders, duplicative for others, and, most importantly, did not indicate which individual was authorized to vote on behalf of a given legal entity that owned or leased property. For instance, the County lists might have identified ABC, Inc. as a property owner. State law permits corporate and legal entities to vote in elections, but requires that they designate a "natural person" to vote on their behalf. The County lists do not provide that information, and such designation may change from election to election. Additionally, because of the "one person, one vote" law, we had to confirm that no one person was planning to represent multiple entities at the ballot box. By requiring all potential DDA voters to submit affidavits confirming their eligibility to vote in the DDA election, the Clerk was able to compile a complete and clear list of natural persons who are eligible to vote on the April 3rd DDA ballot. This way, the election judges need only reference the DDA voter list, just as they would the Nederland registered voters list for the municipal ballot; they will not be required to

make a subjective, off-the-cuff determination of whether a particular individual is truly authorized to vote on behalf of ABC, Inc. By use of this affidavit mechanism, we can insure that votes are cast only by those authorized to cast them, only by one natural person per corporate or legal entity, and each natural person will cast only one DDA ballot.

The Clerk's office struggled with various approaches to the "natural person" dilemma, was advised by the Town attorneys, and consulted with other clerks who have tackled the issue previously. Ultimately, the Clerk determined that this method, used most recently by Longmont for its DDA election, was the least intrusive, expensive, and time-consuming. We are sorry to have to add an additional layer of effort on anyone's right to vote, but the goal of a legitimate, legal, and fair election is paramount. Colorado law grants clerks fairly wide latitude to implement procedures and rules toward that end.

Anyone with questions or concerns about the election policies or procedures should contact the Clerk's office at 303.258.3266, ext. 23.

Question 7: Why did the Clerk distribute the lists of DDA qualified electors to members of the public?

Answer 7: Voter registration lists, along with most election materials (except for ballots, of course) are considered public information and subject to Colorado's Open Records Act. It would be illegal for the Clerk to refuse to divulge those lists to members of the public making a request. The Clerk is permitted to – and does – redact all personal identification information from both the DDA lists and the Nederland voter registration lists, including social security or tax ID numbers, driver license numbers, birthdates, etc. As a matter of course, the Clerk also does not release individual information on party affiliation, although that information is available through the County Clerk's office.

Question 9: Does the Clerk's office sell the lists to vendors or other paying customers?

Answer 9: Neither the Clerk's office, nor any other Town office sells any information to vendors or other paying customers. Information that is public is made public to anyone making a formal request. Private, privileged or confidential information is only released subsequent to court order.

In support of the NDDA Debt Authorization Ballot Question,

The Nederland Downtown Development Authority (NDDA) also recognizes that its lead resource and business draw is its natural environment and is committed to preserving and restoring this environment as it is conducive to the growth of business in the district. Keeping what makes Nederland special, as well as ample opportunity for those with the desire and talent to start a small business, is what will make a successful downtown.

The NDDA is asking for approval from commercial property and business owners in the DDA district, for permission to pursue carefully considered infrastructure improvements and economic development programs in Downtown Nederland.

A vote for the debt authorization will NOT increase taxes. Tax Increment Funding (TIF) essentially predicts property value increases over time (historically proved) and borrows against them. This allows for improvements and programs focused on downtown. Since improvements further increase property values, it becomes an evolving payback system that is incredibly effective. A better downtown will mean more sales tax revenue for all of Nederland.

This does not mean that the NDDA is going to barrel in and tell the town what to do. Each project will be carefully evaluated, priced-out, brought to the townsfolk and the property owners for their opinions, and will need approval from the Board of Trustees before implementation.

Examples of projects that are detailed in the NDDA 2016 Master Plan include:

- Traffic Study
- Lakeview intersection project
- Underused Parking Lot and On Street Parking Improvements
- 1st Street Loading zone/1st Street Pedestrian/ADA walkability
- 2nd crossing at Middle Boulder Creek
- River pathway (design only)
- Mitigate storm water and water quality issues for Middle Boulder Creek
- Business improvement loans, grants, and rebate programs
- Improve vehicular and pedestrian signage/wayfinding
- Event Support
- Business Incubation (bank office space & property purchase)
- Beautification (public art installations, pocket parks, native planting and landscaping)
- Visitors Center (operation)
- Bury 1st Street utility lines

The sources of frustration for local residents, such as parking, intersection traffic and neglected properties, are among the first considerations of these programs. These projects, such as a traffic study, wayfinding and signage, and cleaning up downtown, will be achievable right away. For larger projects, planning and design can be done this year so that funding for implementation can be arranged through grants and partnerships. As funding is identified and secured, larger infrastructure projects can be scheduled quickly.

We hope the community will support this debt authorization, as it is written by those who love Nederland, want to keep it interesting and special, and do not want it to look like every other town in the country. We will be a small oasis of the unique, which will bring visitors who will support our businesses, and help businesses that serve local needs.

For more information, please visit www.nederlanddowntown.org

Nederland Downtown Development Authority Board of Directors
Katrina Harms, Carousel of Happiness
Jeffery Green, Very Nice Brewery
Amanda Kneer, Mountain People's Co-op
Susan Schnieder, Centennial Bank
Peter Marshall, Crosscut Pizzeria and Tap House
Brent Tragaskis, Eldora Mountain Resort

2016 Debt Authorization

On February 9th, the Nederland Downtown Development Authority (NDDA) will ask the Nederland Board of Trustees (BOT) to approve the **2016 Debt Authorization Ballot Question** (*pending approval of the BOT 2/9*) so that it can proceed with new projects and programs. These programs will not only benefit the downtown business district, but the entire town and surrounding region by improving the health and financial viability of our local businesses.

NDDA projects are funded by Tax Increment Funding (TIF). This allows the NDDA to borrow money against the anticipated increase in district property taxes when district property values go up. TIF financing does NOT increase property taxes. When the NDDA district was formed in 2005, the value of the business property within the NDDA district determined the NDDA's "base" property value. The NDDA's goal is to improve the infrastructure and promote economic development in its district. As infrastructure and business improves, property values increase. As property values increase, the NDDA receives the portion of the property taxes realized from the original "base" property values to the increased property values, to do improvements specific to the district.

The Debt Authorization Ballot Question will ask the NDDA district voters (The property owners and business owners within the NDDA district) to approve allowing the NDDA to borrow up to \$2.924 million plus interest (amount pending approval) to pay for improvements and programs in the district. Repayment of this debt will come from the TIF portion of the NDDA revenues. The amount of TIF revenue is currently over \$150,000 per year and has steadily increased since the formation of the NDDA. Because TIF funding will be in place until 2035, a predictable income stream is available for repayment of the proposed debt.

Passing of the Debt Authorization Ballot Measure does not give the NDDA \$2.9 million, it gives the NDDA permission to ask for project and program funds. The NDDA will have to develop detailed projects, programs and budgets, and then ask the BOT to borrow the money from the TIF fund. This is a very important part of the checks and balances for the NDDA.

A major component in the financing NDDA projects is the ability to partner with other organizations to share in the expense of the project. By partnering with local entities, regional partners and leveraging funding from government departments like Colorado Department of Local Affairs, Colorado Department of Transportation and Colorado Office of Economic Development (full list can be found in the Master Plan, pages 34 – 37) we can increase the value of the TIF as we did with NedPeds. The NedPeds project cost a little over \$1 million with only \$340,000 or about 1/3 coming from actual TIF funds.

Another important consideration for the Debt Authorization is that the NDDA will not be borrowing \$2.9 million at once but over the next 5 to 7+ years. The interest will vary depending on where we borrow the money from and the type of project it is. State statute governing DDAs also has rules about borrowing and interest rates and all our loans are reviewed by legal.

In creating the debt authorization the NDDA looked at the Master Plan, prioritized the

projects and programs by importance, and determined what could be done in the next 5-7 years. Some of the projects and programs **being considered** for this debt authorization include:

- Traffic Study
- Lakeview intersection project
- Underused Parking Lot Improvements
- On Street Parking: Lakeview & Big Springs
- 1st Street Loading zone
- 1st Street Pedestrian/ADA walkability
- 2nd crossing at Middle Boulder Creek
- River pathway design (construction TBD)
- Mitigate stormwater and water quality issues for Middle Boulder Creek
- Loans, grants, and rebate programs
- Improve vehicular and pedestrian signage/wayfinding
- Event Support
- Business Incubation (bank office space & property purchase)
- Beautification (public art installations, pocket parks, native planting and landscaping)
- Visitor center (operation)
- Bury 1st Street utility lines
- Amphitheater

Successful passage of the Ballot Issue will mean that the NDDA can start many of the smaller projects this summer like the traffic study, wayfinding, beautification and Visitors Center. In the case of the larger construction projects, planning and design can be done so that funding for the implementation and construction can be arranged through grants and partnerships. As funding is identified and secured the larger infrastructure projects can be scheduled.

It was through the Master Plan process that the NDDA came up with the list of above projects. You can read and comment on the final draft of the master plan [here](#).



Town of Nederland, Colorado

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Phone: (303) 258-3266

FAX: (303) 258-1240

March 14, 2016

Dear NDDA Commercial Property Owner:

The Town of Nederland will be conducting a ballot election which will include one question concerning the Nederland Downtown Development Authority (NDDA) on April 5, 2016. A notice of election outlining the ballot issue is attached.

Your corporation, company, partnership, trust, etc. is listed as a commercial real property owner on the tax roles for the NDDA. **In order to have your property represented in this upcoming election, a natural person must be designated to cast the ballot in the election.** If you own multiple properties in the Nederland Downtown Development Authority, you may designate multiple natural persons to represent the interests of those properties, but each natural person may only cast one vote on the NDDA ballot on Election Day.

Please complete the information on the attached natural person designation affidavit, have it notarized, and mail or deliver it to the Town Clerk's office, 45 West First St., no later than April 5, 2016.

If you have questions regarding the election process, please contact me at the Town Clerk's office, 303.258.3266, ext. 23. If you have questions regarding the ballot issue itself, contact Katrina Harms, NDDA Board Chairperson, 303.258.3266 ext. 28. Additional information is available on our website at <http://www.nederlanddowntown.org/2016-debt-authorization/>.

Sincerely,

LauraJane Baur
Town Clerk
Town Clerk



Town of Nederland, Colorado

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March 14, 2016

Dear NDDA Commercial Property Owner:

The Town of Nederland will be conducting a ballot election which will include one question concerning the Nederland Downtown Development Authority (NDDA) on April 5, 2016. A notice of election outlining the ballot issue is attached.

As the owner of real property in the NDDA, you are eligible to vote in the upcoming election. **In order to receive a ballot on election day, you must fill out the attached affidavit and return it to the Town Clerk's office no later than April 5, 2016.** If you own multiple commercial properties within the downtown, you need only complete one affidavit to be eligible to punch a ballot.

Only **one vote per person** is allowed in the Nederland Downtown Development Authority special election. If you own multiple commercial properties within the DDA in your name, you will likely receive multiple copies of this letter or one similar to it. Regardless, each elector may only punch one ballot.

If you are a legal joint property owner with another person, you may each punch one ballot. However, you must each submit a fully executed affidavit. You may make as many copies of the attached affidavit as necessary.

If you have questions regarding the election process, please contact me at the Town Clerk's office, 303.258.3266, ext. 23. If you have questions regarding the ballot issue itself, contact Katrina Harms, NDDA Board Chairperson, 303.258.3266 ext. 28. Additional information is available on our website at <http://www.nederlanddowntown.org/2016-debt-authorization/>.

Sincerely,

LauraJane Baur
Town Clerk
Town Clerk



Town of Nederland, Colorado

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FAX: (303) 258-1240

March 14, 2016

Dear NDDA Commercial Property Leaseholder:

The Town of Nederland will be conducting a ballot election which will include one question concerning the Nederland Downtown Development Authority (NDDA) on April 5, 2016. A notice of election outlining the ballot issue is attached.

As a commercial property leaseholder in the NDDA, you are eligible to vote in the upcoming election. **In order to receive a ballot on election day, you must fill out the attached affidavit and return it to the Town Clerk's office no later than April 5, 2016.** If you lease multiple commercial properties within the downtown, you need only return one affidavit to be eligible to punch a ballot.

Only **one vote per person** is allowed in the Nederland Downtown Development Authority election. If you lease multiple commercial properties within the downtown, you will likely receive multiple copies of this letter or one similar to it. Regardless, each elector may only punch one ballot.

If you hold a legal commercial lease listing two or more natural persons as tenants, each tenant may punch one ballot. However, you must each submit a fully executed affidavit. You may make as many copies of the attached affidavit as necessary.

If you have questions regarding the election process, please contact me at the Town Clerk's office, 303.258.3266, ext. 23. If you have questions regarding the ballot issue itself, contact Katrina Harms, NDDA Board Chairperson, 303.258.3266 ext. 28. Additional information is available on our website at <http://www.nederlanddowntown.org/2016-debt-authorization/>.

Sincerely,

LauraJane Baur
Town Clerk
Town Clerk