

Town Of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT
AUTHORITY

NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466
Multi-Purpose Room

October 15, 2014 @ 6:30 p.m.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

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

D. CONSENT AGENDA

1. Approval of the Meeting Minutes from the September 17, 2014 Meeting-Cindy Downing-Secretary
2. Approval of Warrants-Eva Forberger-Treasurer

E. INFORMATIONAL ITEMS

1. Treasurers Report-Eva Forberger-Treasurer
2. Nederland Board of Trustees Report – Kevin Mueller
3. Review of the new NDDA Website-Alexander Armani-Munn

F. ACTION ITEMS

1. Approval of draft 2015 budget for the Nederland Downtown Development Authority-Eva Forberger
2. Approve DDA letter regarding the Community Center Site Plan-Katrina Harms

G. DISCUSSION ITEMS

1. NDDA Business Community Exchange Event
2. Review State and Town definition of blight
3. Discussion on DDA's involvement on Parking and Vending issues
4. Review, update and approve NDDA Rules of Procedure and Code of Conduct
5. Holiday and tree lighting

H. OTHER BUSINESS

I. ADJOURNMENT

NEXT REGULAR MEETING:

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.neddda.org. Copies of the agendas and meeting packet are available at no cost via email from patricia.everson@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
DOWNTOWN DEVELOPMENT
AUTHORITY
NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466
Multi-Purpose Room
September 17, 2014 @ 6:30
Draft Meeting Minutes

A. CALL TO ORDER

Meeting convened at 6:36 pm

B. ROLL CALL

Present: Kevin Mueller, Amanda Kneer, Katrina Harms, Peter Marshall, Susan Schneider, Karina Luscher

Also Present: Town Treasurer Eva Forberger, Town Administrator Alisha Reis, Town Intern Alexander Armani-Munn

Absent: Jeffrey Green had an excused absence

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

No public comments

D. CONSENT AGENDA

1. Approval of Meeting Minutes from the August 20, 2014 Meeting-Cindy Downing-Secretary

Amanda Kneer pointed out an error in Section E. 4 and noted amount of \$44,108 should be corrected to reflect \$24,108.

Motion to approve minutes from the Aug 20, 2014 meeting with corrections made by Susan Schneider, seconded by Amanda Kneer. Motion passed unanimously.

Kevin Mueller abstains because he was not at the last meeting.

2. Approval of Warrants-Eva Forberger-Treasurer

Motion to approve warrants made by Kevin Mueller, seconded by Susan Schneider. Motion passed unanimously

E. INFORMATIONAL ITEMS

1. Treasurer's Report-Eva Forberger-Treasurer

A report was included in the packet.

2. Nederland Board of Trustees Report – Kevin Mueller

Kevin Mueller said there was a Board of Trustees meeting last night and they approved and discussed the two DDA projects they are putting forward for the TIF funding. The BOT agreed the amount should be increased and it should be kept as two separate projects to maintain a higher level of flexibility.

1. Update from Downtown Colorado, Inc. DCI Conference- Attendees

Amanda Kneer said the main points were to get the businesses more involved and to get a conversation going with them so we can support them more. Part of her afternoon was how to facilitate meetings with local businesses and stakeholders.

Susan Schneider said she gleaned that businesses owners have to put energy into creating a district. She said that creating a district is too much of a task for just a board of volunteers, and one idea is to send the local businesses to these sessions to get them inspired.

Amanda Kneer said the DCI could possibly come to the Town and help create a vision.

2. Update on the status of the new NDDA website-Alexander Armani-Munn

Alexander Armani-Munn said Spafford Ackerly is migrating all of the documents from the old site to the new site. Katrina Harms, Spafford Ackerly, Cindy Downing and Alexander met on 9/16 to discuss how to proceed. Armani-Munn encouraged Board members to write a 500 word blog post for the new site. The site is expected to go live next month prior to the October 15 meeting. Spafford will be sending a link to the site a week or two prior to the launch. A more formal presentation will be presented at the October 15 meeting and questions can be asked at that time. Armani-Munn would like the new website to correspond with public outreach.

Katrina Harms noted that we should use both "Nederland Downtown" and "Downtown Nederland" for a domain name.

F. ACTION ITEMS

1. Consideration of a creation of a Downtown Entertainment District-Ron Mitchell

Ron Mitchell has talked to many businesses in Town in regards to creating an entertainment district. Mitchell has positive feedback from the Pioneer Inn, the Thai Restaurant, and and First Street. He also went to the DCI conference and spent a

considerable amount of time talking to towns that have formed districts. In order to form a district, we would need 20,000 square foot floor space, 2 businesses to participate, and 5 people to form an Entertainment District Board. Greeley has set the role model by supplying chairs, umbrellas, and picnic tables and the businesses pay for the bands. Greeley's sales tax revenue s has increased 25% since they have started, and property values have gone up. This district increases table area for businesses. Mitchell said Nederland could even create two Downtown Entertainment Districts. Mitchell's next step is to get signatures on a letter of intent from the businesses on First Street.

Susan Schneider would like to know of the three businesses Mitchell spoke with, if any of them want to be on a board.

Ron Mitchell said he only knows for sure that Cynthia Shaw from the Pioneer Inn would want to participate but does not know about other businesses.

Susan Schneider points out those five local businesses with licenses would have to serve on the entertainment district board.

Karina Luscher adds that the board would have to be formed before he could ask for donations from any local businesses.

Katrina Harms asks how much money Mitchell would like from the DDA.

Mitchell replies he is going to ask \$1,000 from each business and he expects the DDA to match that amount.

Kevin Mueller would like to know how security and trash would be handled, since the Board of Trustees like the concept of zero waste.

Mitchell replies that Greeley hires a person to pick up the trash and in Westcliffe everyone helps to pick up the trash.

Alisha Reis said the Town attorney has reviewed this proposal, and district cannot turn on and off. Thus, a test on an entertainment district cannot be done.

Ron Mitchell said he does not want to live with the liability of customers carrying open intoxicants into the streets from the properties he owns.

Susan Schneider brings up the fact that the DDA does not have \$5,000 to give to a downtown entertainment district.

Alisha Reis points out that there have to be 5 businesses in the district area with liquor licenses to participate. Reis said it will be a hurdle to get people to serve on a board.

Amanda Kneer suggests perhaps the Town could be asked for the money since the DDA does not have the money.

Kevin Mueller said the DDA could direct this to the BOT. Mueller said a promotional

association could develop from property or business owners. Kevin said for now this issue could be taken to the BOT and they can direct Town staff to look into what it will take to establish an entertainment district.

Peter Marshall said they first need to hear from businesses to see if they want to spend the money, time and liability before any decisions are made.

Motion to table the Consideration of a Creation of a Downtown Entertainment District made by Kevin Mueller seconded by Amanda Kneer. Motion passed unanimously

2. Consideration of approval of back-in parking –Ron Mitchell

Ron Mitchell included material on this subject in the packet.

Kevin Mueller would like to know if Ron Mitchell expects the Town to re-stripe all new parking spots.

Ron Mitchell offers to have the striping done and to pay for it.

Peter Marshall would like to know if there is a history of accidents on First Street with front end parking.

Ron replies that there have been several accidents on First Street

Ron Mitchell asked Peter Swift, who is a civil and parking engineer to speak.

Peter Swift states that he is the Chairman of the Gold Hill Town council and the Inter Mountain Alliance. He has worked for over 40 years in civil and traffic engineering and also has had years of experience with sustainability. He has designed many projects and feels back in parking is effective for the following reasons:

- Enhanced visibility
- Less rear end accidents
- The trunk is at the sidewalk so people don't have to walk out in the street to put things in
- If a bunch of kids are in the car, they are blocked from moving into the street because
- the door prevents them from moving into the street

Swift goes on to note that the following things must be considered:

- Signage is important and people need to be notified on how to rear end park
- The spaces need to be wider than conventional spaces.

Swift said with appropriate signage and design, there will be a decrease in accidents. He feels it will be successful and perhaps they can do this in other parts of town.

Karina Luscher would like to know if the street is wide enough and if the grade is too steep to accommodate this. Luscher has done some research and said that it is not recommended to do back in parking on a steeper grade of road.

Amanda Kneer said this will not work on First Street since there is not an official sidewalk and there are barriers in front of the First Street Restaurant and the Pioneer Inn. She also said they would lose 2 or 3 spaces, and the test of the parking would create much confusion. She would also like to know if there are that many accidents that would be alleviated.

Kevin Mueller likes the idea and the concept of a test, but he would like to see what measurable quantities they could come up with to determine success. He suggests perhaps if there was middle row parking in front of the Black Forest that would perhaps be a better spot. First Street is the best place to do the test.

Karina Luscher said this is a good idea on streets that are wider, and there are studies out there that prove this is safe. However she said that First Street is not a good area to test. She has watched back in parking from Salto for 2 years and she said it is challenging for the drivers and the people in that area. Luscher said a 6 month trial periods and to repaint all of First Street doesn't make sense

Susan Schneider said 6 months is not enough time and a year would be needed so tourists, and seasons could be evaluated.

Katrina Harms also wonders if this is needed, and since she has been on First Street, she has never seen any accidents. Since it is a one way, bikers have more space and they can ride on the other side of the road from the cars. Harms main concern is that in front of the Pioneer Inn and First Street there is no access to the sidewalk. Harms worries that a high percentage of visitors on First Street are already confused and back in parking will not work well. Katrina likes the idea of trying rear end parking on Big Springs because it has a large speeding issue and making people back in, in front of the Black Forest would slow people down.

Alisha Reis said this would be a large project for staff, and staff is stacked with pressing needs right now. Unless it is a pressing issue, waiting a year would be a good idea.

Motion to, as per staff recommendation, table this topic for another year made by Karina Luscher seconded by Susan Schneider. Motion passes unanimously.

3. Review and Approval of the DRCOG TIPS Grant application-Katrina Harms

Alisha passed out an updated version of the Middle Boulder Creek project. This is one of two projects the DDA asked to put into the DRCOG submittal system to score. The other is the Lakeview Intersection Improvement Project. The BOT heard the recommendations for these two projects to be included in the 2016-2021 Transportation Improvement program for TIF, and they agreed to keep the 2 projects with a couple of caveats. One is that the Creek Access Project is still included. As this came together, Reis included an additional phase prior to design, which has environmental considerations. Reis is figuring for \$25,000 so they can review the bridge site and the most appropriate location. This is a pre-step for what is indicated in the application. The project as a whole is brought mostly from the DDA Master Plan

planning for the Secondary access but also from the BOT Master Infrastructure plan that the board of trustees adopted August 5, 2014

On the application that Reis passed around is the basic application and scoring. There are a number of other documents that need to go with it so Reis is going to be completing those. At the BOT review, The Mayor indicated they might be slim on the budgeting in since we will not be building any of these facilities based upon the vote of debt authorization in 2016, and based upon the fact that these constructions will not occur until about 2018. Reis said the cost of money increase will need to be filled during that time, and Eva Forberger is working on amplifying the budgets. This is a strong project and the reason it might not be scoring super high is they are still waiting on data and many of these calculations are based on service to larger populations.

Reis informed the board that she is still putting work into the Lakeview Project, and they are going to incorporate the intersection reconstruction, and also the associated storm water issues on nearby Conger and Big Springs area that connects to this. They are also going to incorporate the West side of 119 which has some issues as well. .

In the memo, Reis indicated that the local match based on the previous plans of the Bridge Project and the Lakeview turning area only, was going to indicate a local match of about \$175,000. That includes total cost of the environmental study at \$25,000 plus the \$150,000 of the 20% required match for the 2 projects. At this time, Reis is estimating the DDA match at a conservative \$350,000 for the entirety of all of the projects. The packet includes the availability of funding. At this point it is at a conceptual stat, and when funds are awarded, they can change individual elements but there are key scope points they still have to adhere to.

Mayor Geirlach mentioned that there are 160 items on the list that they are currently prioritizing. He does feel these items are high on the list even though they won't happen until 2018. Geirlach said we are doing ourselves a disservice to assume we are just serving a community of 1,500 people, since anyone from Denver or Boulder can come up on the RTD. Being a destination place, we are serving a huge population from down below. Gierlach said the way the process works is we submit these projects and they go to DRCOG then MVIC. He will go to the Metro Vision Committee, and right now they are in operation on Metro Vision 2030. Gierlach said part of his argument for funding will be that he will give them a piece of history on the money they have given Nederland thus far. Geirlach also notes that DRCOG has not given Nederland money in decades until the sidewalk project, and that RTD doesn't take you to Vail or Breckenridge but it does take people here. Geirlach feels there is a good argument to get the money.

Motion to approve the DRCOG TIPS grant application made by Amanda Kneer seconded by Katrina Harms. Motion passed unanimously.

G. DISCUSSION ITEMS

1. Review of the Community Center Site Plan-Dale Porter

Information was included in the packet.

Alisha Reis presented to the board. Reis said currently groundwater flows are coming into the building creating flooding. There have been post flood improvements and they are putting in for additional FEMA hazard mitigation funding for a major drainage plan. This is the first proposed phase for this site.

Reis said that the plan presented is a 30 year site master plan. The BOT seated a Project Committee that has looked at past efforts in regards to the Community Center and has tried to combine ideas. The chief concern is water flow among the site. They also took into account how this site affects the surrounding neighborhoods, and how this site serves its purpose as a community gathering site. Twenty people from advisory boards and their board liaisons met in July discuss the plans for this project. This review has also been through all of the other advisory boards. The plan indicates it will cost \$10,000,000 over thirty years for the 16 phases starting with the hydrology and drainage issue.

Susan Schneider said like it is a good plan and covers issues in a positive way. She hates to think about Nederland without a Community Center

Kevin Mueller likes what has been done with the plan in regards to the traffic flow. He also likes the idea of rearranging the West face for better drop off and pick up. Mueller is concerned that they don't justify taking down the west wing. He does not think 20% of water flow justifies taking down the west wing. He also said the new building will block storm water flow. Kevin said the best thing to do with asbestos is to encapsulate the building, and the idea of tearing it down and putting it in a landfill goes against the policy of the Town. Mueller also said the west wing is an efficient building, and solar orientation is ideal. A massive solar structure could be built into it, and if it is done correctly, it could make the east wing more efficient. Mueller is also concerned that this is not a passive solar design.

Amanda Kneer is not in agreement with taking down existing buildings and rebuilding, as it is a better plan to utilize what is already there.

Dale Porter said the engineers did take into consideration passive solar design, as well as traffic flow.

Kevin Mueller would also like to see aquatic facilities in the new plan. Mueller would also like to them to be more serious about food production, and grow food indoors and outdoors.

Katrina Harms said she will take into consideration all of input received at this meeting and will write a letter to present at the next meeting.

2. Parking Plans/Recommendations-Alexander Armani-Munn

Armani-Munn said he has had several discussions with the public in regards to this issue. He requests that the DDA take on this subject and incorporate it into public outreach in the next few months. He would like the DDA to include this as an element with other planning.

3. Communication and Outreach for the Master Plan Update-Alexander Armani-Munn

It was decided by the board to have a Public Outreach workshop on October 1, 2014

H. OTHER BUSINESS

Karina Luscher said as a DDA they are tasked with the charge of improvement of the Downtown Development area. Luscher said in descriptions of DDA's, most words that are reoccurring are "revitalization" and "economic development". Another function of the DDA is to drive policy and decision making. There is a lot of property in the Central Business District that is being ill treated because of poor policy. She notes that right now in the CBD, anyone can camp on property as long as they want, as long as the property owner has given permission for them to do it. Luscher also added that right now in the CBD someone can erect a certain sized structure without a permit and they don't need to go through any design review or get a permit. Luscher said the job that we are tasked with as a Town Board is to address these issues as part of envision 2020. She believes this is a critical issue that needs our critical attention. Luscher also said that certain property owners are taking advantage of the situation, and she is concerned with not only the aesthetics of the erected outbuildings, but also the people camping on the property do not have bathrooms and facilities.

Alisha Reis said that the DDA could present issues like this to the BOT Board Liaison, (for example, the camping issue) and the liaison can take it to the BOT.

Kevin Mueller said the job of the BOT is to set the policy, set the budget that reflects the policy, and then makes sure Town staff follows the policy

I. ADJOURNMENT

Motion to adjourn made by Susan Schneider seconded by Peter Marshall. Meeting adjourned at 9:07 p.m.

NEXT REGULAR MEETING: October 15, 2014 @ 6:30

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DRAFT



MEMORANDUM

To: Nederland DDA
From: Eva Forberger, Treasurer
Date: October 15, 2014
Re: Treasurer's Report

Please see attached financial report.

TOWN OF NEDERLAND 2014 MONTHLY FINANCIAL REPORT

Sep-14	2014 YEAR TO DATE (YTD)		<i>Act vs. Bud</i>		2013	<i>Act vs. Prior Year</i>		2014	2014
	ACTUALS	BUDGET	<i>var</i>	<i>%</i>	YTD PRIOR YEAR	<i>var</i>	<i>%</i>	FULL YEAR BUDGET	REFORECAST
	<i>Preliminary and Unaudited</i>								
<u>DOWNTOWN DEVELOPMENT AUTHORITY</u>									
<u>NON TIF FUNDING</u>									
Taxes	17,307	19,645	(2,338)	-12%	24,252	(6,945)	-29%	26,193	19,157
Intergovernmental	-	319,500	(319,500)	-100%	60,000	(60,000)	-100%	426,000	14,610
Loan Proceeds	-	267,375	(267,375)	-100%	-	0		356,500	7,000
Miscellaneous	3,000	1,125	1,875	167%	510	2,490	488%	1,500	9,200
Interest	210	375	(165)	-44%	325	(115)	-35%	500	306
TOTAL REVENUE	20,517	608,020	(587,503)		85,087	(64,570)	-76%	810,693	50,273
Personnel	2,320	9,750	(7,430)	-76%	9,685	(7,365)	-76%	13,000	3,070
Other Professional	1,868	675	1,193	177%	511	1,357	265%	900	6,068
Tax Collection	246	232	14	6%	1,810	(1,564)	-86%	310	269
Office	604	1,463	(858)	-59%	1,951	(1,347)	-69%	1,950	730
Professional Development	1,158	975			-	1,158		1,300	1,408
Sidewalk Maintenance	3,169	2,250	919	41%	2,155	1,014	47%	3,000	3,669
Downtown Beautification	1,537	2,250	(713)	-32%	1,699	(162)	-10%	3,000	2,037
Other	565	-			-	565		43,000	565
Administration Allocation	4,875	4,875	(0)	0%	2,250	2,625	117%	6,500	6,500
Capital	26,784	576,096	(549,312)	-95%	122,134	(95,350)	-78%	767,461	39,499
TOTAL EXPENDITURES	43,126	598,566	(555,440)		142,195	(99,070)	-70%	840,421	63,814
NON TIF CHANGE IN FUND BALANCE	(22,609)	9,454	(32,063)	-339%	(57,109)	34,500	-60%	(29,728)	(13,541)
FUND, BEGINNING BALANCE	52,702				117,226			52,702	52,702
FUND, ENDING BALANCE	30,093				52,702			22,974	39,161
RESEVERED					41,784			12,323	32,231
UNRESERVED					10,918			10,651	6,930
<u>TIF FUNDING</u>									
TIF REVENUE	139,021	140,000	(979)	-1%	98,136	40,885	42%	143,000	143,021
Tax Collection	2,085	1,267	818	65%	-	2,085		1,690	2,145
Debt Service	76,917	164,704	(87,786)	-53%	76,917	(0)	0%	219,605	109,606
TIF CHANGE IN FUND BALANCE	60,018	(25,971)	85,989	-331%	21,219	38,799	183%	(78,295)	31,269
FUND, BEGINNING BALANCE	118,363				122,479			118,363	118,363
FUND, ENDING BALANCE	178,381				118,363			40,068	149,632

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: 10/15/2014

INITIATED BY: Eva Forberger

INFORMATION: ACTION: X OR DISCUSSION:

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AGENDA ITEM: Approval of 2015 Draft Budget for the Nederland Downtown Development Authority (NDDA)

SUMMARY: There have been two work sessions to discuss the 2015 Draft budget for the NDDA. In both these sessions, a majority of NDDA members participated in providing feedback into what they would want to see in next year's budget. The attached budget reflects this feedback.

RECOMMENDATIONS: Approve the attached NDDA Budget to go forward to the Nederland Board of Trustees for approval.

FINANCIAL CONSIDERATIONS: The attached budget is reflective of anticipated revenues for 2015 and how those funds will be spent. The attached budget provides for a remaining Fund Balance of \$1,410 in the NDDA's working fund and \$36,337 in the NDDA's TIF fund.

TOWN OF NEDERLAND 2015 DRAFT BUDGET

	2014	2014		2015
	FULL YEAR	REFORECAST	%	10/14/14 version
	BUDGET	BUDGET		<i>Current</i>
<u>DOWNTOWN DEVELOPMENT AUTHORITY</u>				
<u>NON TIF FUNDING</u>				
Taxes	26,193	19,157	(7,036) -27%	19,300
Intergovernmental	426,000	14,610	(411,390) -97%	-
Loan Proceeds	356,500	7,000	(349,500) -98%	13,000
Miscellaneous	1,500	9,200	7,700 513%	-
Interest	500	306	(194) -39%	350
TOTAL REVENUE	810,693	50,273	(760,420) -94%	32,650
Personnel	13,000	3,070	(9,930) -76%	3,600
Other Professional	900	6,068	5,168 574%	2,900
Tax Collection	310	269	(41) -13%	270
Office	1,950	730	(1,220) -63%	900
Advertising/Tourism Grant Match				1,000
Professional Development	1,300	1,408	108 8%	1,000
Food for Meetings				500
District Entertainment				500
Sidewalk Maintenance	3,000	3,669	669 22%	4,000
Downtown Beautification	3,000	2,037	(963) -32%	4,000
Fireworks				1,000
Other	43,000	565	(42,435) -99%	15,000
Administration Allocation	6,500	6,500	0 0%	7,000
Capital	767,461	39,499	(727,962) -95%	-
TOTAL EXPENDITURES	840,421	63,814		41,670
NON TIF CHANGE IN FUND BALANCE	(29,728)	(13,541)		(9,020)
FUND, BEGINNING BALANCE	52,702	52,702		10,430
FUND, ENDING BALANCE	22,974	39,161		1,410
RESEVERED	12,323	32,231		-
UNRESERVED	10,651	6,930		1,410
<u>TIF FUNDING</u>				
TIF REVENUE	143,000	143,021		150,000
Tax Collection	1,690	2,145		2,295
Debt Service	219,605	109,606		261,000
TIF CHANGE IN FUND BALANCE	(78,295)	31,269		(113,295)
FUND, BEGINNING BALANCE	118,363	118,363		149,632
FUND, ENDING BALANCE	40,068	149,632		36,337
<u>NDDA Capital Fund</u>				
Intergovernmental				576,000
Loan Proceeds				340,000
TOTAL REVENUE				916,000
NEDPEDS				764,731
NEDPEDS SPURS				180,000
Total Expenditures				(28,731)
FUND, BEGINNING BALANCE				28,731
FUND, ENDING BALANCE				-

master plan update

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: 10/15/2014

INITIATED BY: Katrina Harms

INFORMATION: ACTION: X OR DISCUSSION:

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AGENDA ITEM: Approve DDA letter regarding the Community Center Site Plan

SUMMARY:

In September the Community Center Foundation Board solicited Feedback from DDA board members on the Community Center Site plan to be submitted to the CCFB and BOT to take into consideration before final approval.

RECOMMENDATIONS:

Review and submit with any final approved changes from the Board.

FINANCIAL CONSIDERATIONS:

None

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: 10/15/2014

INITIATED BY: Katrina Harms

INFORMATION: ACTION: OR DISCUSSION: X

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AGENDA ITEM: NDDA Business Community Exchange (working title) Event

SUMMARY:

As part of the Master Plan Update the DDA will be hosting a series of events with business and property owners in the DDA district. On 10/6 the event committee met to layout the logistics for the first event and how they could be applied to future events.

This discussion will go through the proposed event plans, logistics, activities and follow up/tracking as well as the invitation theme and elements.

RECOMMENDATIONS:

FINANCIAL CONSIDERATIONS:

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: 10/15/2014

INITIATED BY: Katrina Harms

INFORMATION: ACTION: OR DISCUSSION: X

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AGENDA ITEM: Review State and Town definition of blight

SUMMARY:

The DDA was established, “for the public health, safety, prosperity, security, and welfare in order to halt or prevent deterioration of property values or structures within the downtown area and to assist in the planning, development, and redevelopment of the downtown area...”

To that end the DDA should be recommending policies that further the physical and economic health of its district. One area of concern is deterioration of physical structures and the supporting infrastructure.

This discussion addresses the physical deterioration of the area of the DDA that contains first and second street and whether it meets the definition of blight.

Establishing blight is an extreme option. Working with the town and planning commission on policy that would halt the current practices that are detrimental to the health and viability of our commercial business district, could first be addressed through policy and asking the BOT to address specific issues.

RECOMMENDATIONS:

FINANCIAL CONSIDERATIONS:

None at this time

TOWN OF NEDERLAND, COLORADO

ORDINANCE NO. 599, SERIES 2005

AN ORDINANCE DETERMINING IT NECESSARY TO ESTABLISH A DOWNTOWN DEVELOPMENT AUTHORITY AND SUBMITTING THE QUESTION OF CREATING THE DOWNTOWN DEVELOPMENT AUTHORITY TO AN ELECTION ON NOVEMBER 1, 2005.

WHEREAS, the Board of Trustees of the Town of Nederland, Colorado, has researched the statutory provisions regarding the establishment and powers of a Downtown Development Authority as provided in C.R.S., §§ 31-25-801 *et. seq.*; and,

WHEREAS, the Board of Trustees of the Town of Nederland, Colorado, has determined that the establishment of a Downtown Development Authority is in the best interests of the citizens and the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO, THAT:

Section 1. The Board of Trustees of the Town of Nederland, Colorado, believes that it is prudent and necessary to establish a Downtown Development Authority for the public health, safety, prosperity, security, and welfare in order to halt or prevent deterioration of property values or structures within the downtown area, and to assist in the planning, development, and redevelopment of the downtown area, and that the establishment of the Downtown Development Authority will be of special benefit to the property within the boundaries of the authority.

Section 2. For the purposes of a Downtown Development Authority, the area in the Town of Nederland which is and traditionally has been the location of the principal business, commercial, financial, service, and governmental activities, zoned and used accordingly has a legal description as described in Section 3 below, and as shown in the map described as Exhibit A, attached hereto, and made a part of this Ordinance.

Section 3. Pursuant to C.R.S., §§ 31-25-801 *et. seq.*, there shall be submitted to the qualified electors (as that term is defined by law) of the area hereinafter described, at a special municipal election on November 1, 2005 in the Town of Nederland, the following question, to wit:

Shall a Downtown Development Authority be formed, and taxes be increased up to \$_____00 annually in the first full fiscal year and by whatever additional amounts are raised annually thereafter through the imposition of a five (5) mill tax on non-residential real property, including mixed use property within the boundaries of the authority as described hereafter, and shall the Downtown Development Authority be authorized to collect, keep and expend all revenues from such tax in 2007 and each year thereafter for a period of seven years as a voter-approved revenue change for each year and without regard to any

expenditure, revenue-raising or other limitation contained in Article X, Section 20 of the Colorado Constitution or any other Law?

_____ YES

_____ NO

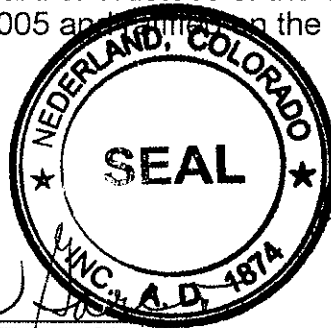
Section 4. If the creation of the Downtown Development Authority is approved, any Ordinance or Resolution by which bonds are issued pursuant to the authority granted to Downtown Development Authorities shall specify the maximum net effective interest rate of such bonds.

Section 5. In the event the Downtown Development Authority is approved by a majority of those voting thereon, the Board of Trustees shall comply with the requirements of Colorado law for the organization of the Downtown Development Authority.

Section 6. The Board of Trustees hereby authorizes the preparation and dispensation of a factual summary of the ballot issue, which shall include arguments both for and against the proposal, provided that such summary shall not contain a conclusion or opinion in favor or against the ballot issue, as permitted by the Fair Campaign Practices Act, C.R.S. '1-45-116.

Section 7. If any one or more sections or parts of this Ordinance shall be judged unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions hereof, it being the intention of the Board of Trustees that the various provisions hereof are severable. If any individual tract of land included within the area described in Section 3 of this Ordinance is determined by a court of competent jurisdiction to be excluded from the Downtown Development Authority, should the formation of the same be authorized by the qualified electors, such determination shall not affect, impair, or invalidate the inclusion of the remaining area described in Section 3 of this Ordinance in the Downtown Development Authority, it being the intention of the Board of Trustees that the inclusion of the separate tracts of land described herein be severable.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Nederland, Colorado, held the 7th day of June 2005 and the 21st day of June 2005.



TOWN OF NEDERLAND

Chris B. Perret, Mayor

ATTEST:

Sheridan Garcia
Sheridan Garcia, Town Clerk

APPROVED AS TO FORM:

Scotty P. Krob
Scotty P. Krob, Town Attorney

State of Colorado)
)
County of Boulder) *SS. CERTIFICATION OF ELECTION RETURNS*
)
Town of Nederland)

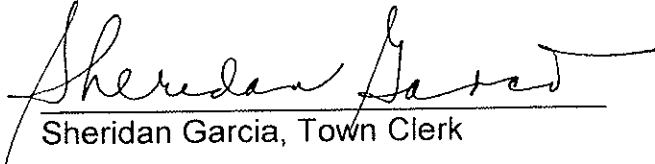
I, Sheridan Garcia, Town Clerk of the Town of Nederland Colorado, pursuant to C.R.S. 31-10-1201, DO HEREBY CERTIFY that the returns of the Special Mail Ballot Election have been delivered to me by the Judges of the Election, and the returns reflect the results of all votes cast in the election held on Tuesday, November 1, 2005 and are as follows:

BALLOT ISSUE 2A


Shall a Nederland Downtown Development Authority be formed, and taxes be increased up to \$18,691.60 annually in the first full fiscal year and by whatever additional amounts are raised annually thereafter through the imposition of a five (5) mill tax on non-residential real property, including mixed use property within the boundaries of the authority as described hereafter, and shall the Downtown Development Authority be authorized to collect, keep and expend all revenues from such tax in 2007 and each year thereafter for a period of seven years as a voter-approved revenue change for each year and without regard to any expenditure, revenue-raising or other limitation contained in Article X, Section 20 of the Colorado Constitution or any other Law?

FOR	<u>59</u>
AGAINST	<u>18</u>
TOTAL NUMBER OF OFFICIAL BALLOTS	<u>77</u>

IN WITNESS THEREOF, I have affixed my hand and the official Seal of the Town of Nederland, Colorado this 8th day of November 2005.


 Sheridan Garcia, Town Clerk

ATTEST:


 Stacey Hitzeman, Deputy Town Clerk

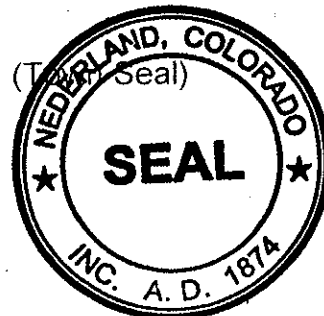
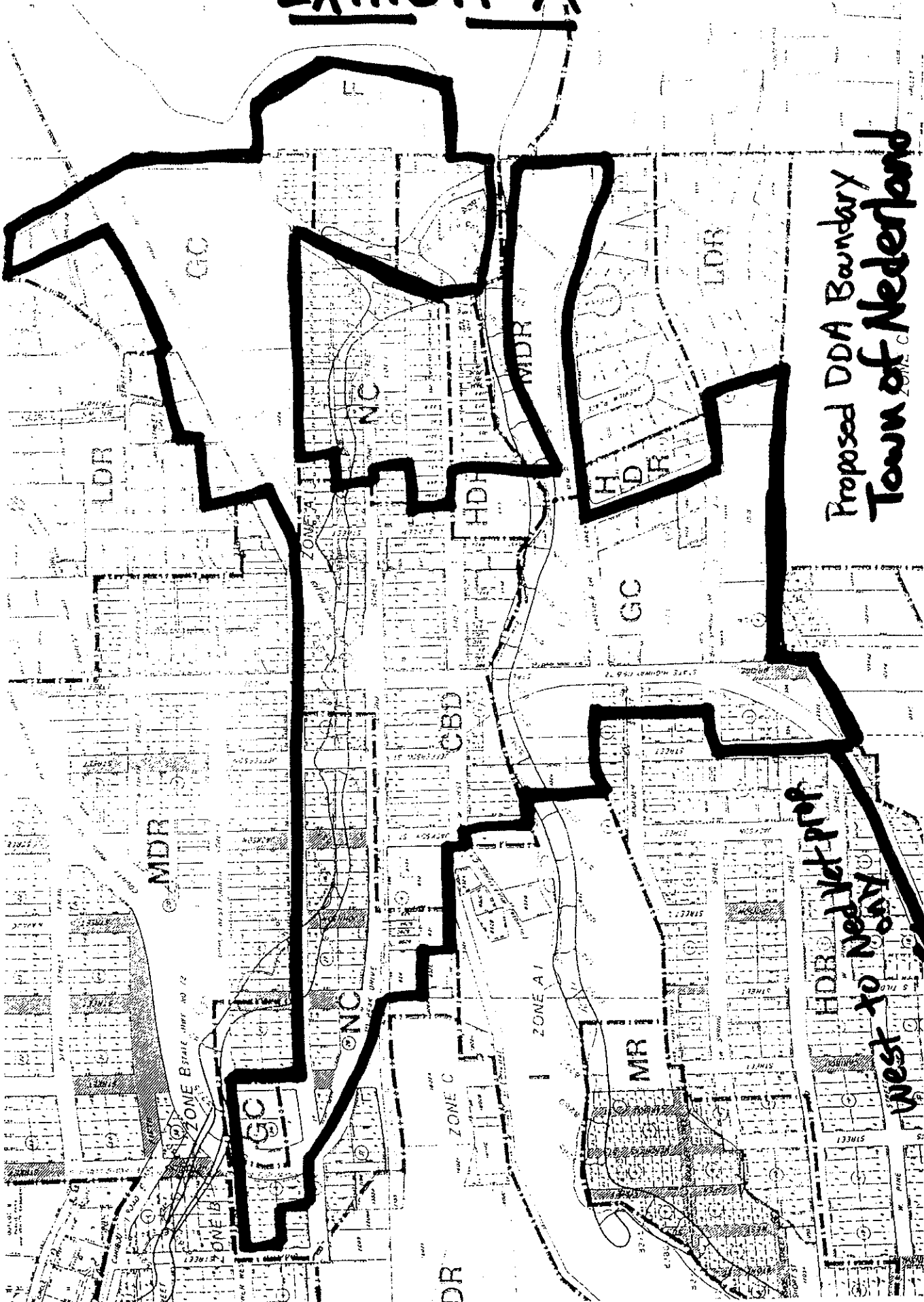


EXHIBIT A

Ordinance 599



Proposed DDA Boundary
Town of Nederland

Not yet prop
west to DAY

RECEIVED

EXHIBIT A

AUG 15 2005

Shall a Downtown Development Authority be formed in the following area which is ^{TOWN OF NEDERLAND} bounded as follows? _{TOWN CLERK}

A tract of land within the Town of Nederland, all located in Section 13, Township 1 South, Range 73 West of the sixth (6th) Principal Meridian, in the Town of Nederland, County of Boulder, State of Colorado, said tract being more particularly described as follows:

Beginning at the south sixteenth (S 1/16th) corner of Section 13, thence the following courses around said tract:

1. South 88°54' West, along the south line of Lots 15B and 15A, REPLAT OF LOT 15, BLOCK 4, BIG SPRINGS PARK MEADOWS SUBDIVISION, a distance of 301.47 feet to the southwest corner of Lot 15A, Block 4, said point being on the east line of Bridge Street;
2. South, along the east line of Bridge Street and the west line of Assessor's Tracts 976 and 986 as described by deed recorded on Film 2012 as Reception Number 1468965, Boulder County Records, a distance of 95 feet, more or less, to the southwest corner of said Tract 986;
3. Westerly, crossing platted Bridge Street, a distance of 60 1/2 feet, more or less, to the northeast corner of Lot 2, REPLAT OLD TOWN, BLOCK 38, LOTS 1 & 2, recorded as Plan File P-61 F-4 #28, Boulder County Records;
4. South 62°35'05" West, along the south line of Lot 2, REPLAT OLD TOWN, BLOCK 38, LOTS 1 & 2, a distance of 225.39 feet to the southwest corner thereof;
5. North 00°02'28" East, along the west line of Lot 2, REPLAT OLD TOWN, BLOCK 38, LOTS 1 & 2, a distance of 12.34 feet, more or less, to the southerly right-of-way line of the State Highway 119/72;
6. Southwesterly, along the southerly right-of-way line of State Highway 119/72, a distance of approximately 1570 feet, more or less, to the northwest corner of Lot 5, Block 22, PINE GROVE SECOND ADDITION to the Town of Nederland;
7. South, along the west line of said Lot 5, a distance of 100 feet, more or less, to the southwest corner thereof;
8. East, along the south line of said Lot 5, a distance of 34 feet, more or less, to the southeast corner thereof;
9. South, along the east line of Lot 6, Block 22, PINE GROVE SECOND ADDITION, a distance of 100 feet to the southeast corner thereof;
10. South, along the east line of said Lot 6 extended southerly, a distance of 10 feet to the Southeast corner of the "Evans" Parcel as described on Film 1062 as Reception No. 337520, Boulder County Records;
11. West, along the south line of the "Evans" Parcel, a distance of 64 feet, more or less, to the southwest corner thereof;
12. North, along the west line of the "Evans" Parcel, a distance of 183 feet, more or less, to the Northwest corner thereof;
13. North, and crossing State Highway 119/72, a distance of 90 feet, more or less, to a point on the northerly right-of-way line of State Highway 119/72;
14. Northeasterly, along the northerly right-of-way line of State Highway 119/72, a distance of approximately 1550 feet, more or less, to the centerline of Jefferson Street;

15. North, along the center of Jefferson Street, a distance of 340 feet, more or less, to the centerline of Spring Street;
16. East, along the centerline of Spring Street, a distance of 150 feet, more or less, to a point on the west line of Lot 2, Block 2, TOWN OF NEDERLAND, extended southerly;
17. North, along the west line of Lots 2 & 9, Block 2, TOWN OF NEDERLAND and said line extended southerly, a distance of 230 feet, more or less, to the northwest corner of Lot 9, Block 2, TOWN OF NEDERLAND;
18. continuing North along the west line of Lot 2, Block 3, TOWN OF NEDERLAND said west line extended southerly, a distance of 160 feet, more or less, to the northwest corner thereof;
19. South $89^{\circ}55'32''$ West, along the north line of Block 3 and the south line of Parcel B, ADLER TRACTS, recorded as Plan File P-31 F-1 #48, Boulder County records, a distance of 180 feet, more or less, to an angle point on the south line of Parcel B;
20. South $68^{\circ}58'30''$ West, along the southerly line of Parcel B, ADLER TRACTS, a distance of 101.71 feet to the southwest corner thereof;
21. North $00^{\circ}03'17''$ West, along the west line of Parcel B, ADLER TRACTS, a distance of 277.98 feet to the northwest corner thereof, said point being on the south line of Block 3, BEACH'S ADDITION to Nederland;
22. South $72^{\circ}54'$ West, along the south line of Block 3, BEACH'S ADDITION, a distance of 172.63 feet, more or less, to the Southwest corner of Block 3, BEACH'S ADDITION;
23. North, along the west line Block 3, BEACH'S ADDITION, a distance of 225 feet, more or less, to the northwest corner of Block 3, BEACH'S ADDITION;
24. continuing North, crossing First Street, a distance of 60 feet, more or less, to the Southeast corner of Lot 1, Block 1, REPLAT -- PORTION OF BLOCK 4, BEACHES ADDITION BOUNDARY LINE ADJUSTMENT - - TRACTS 828, 829, 829A, 829B, 829C, 830 AND 830A (the "RTD Site");
25. South $89^{\circ}57'50''$ West, along a south line of the "RTD Site", a distance of 337.0 feet;
26. North $00^{\circ}20'38''$ East, along a west line of Lot 1, a distance of 101.62 feet to the northeast corner of Assessor's Tract 832E and a corner of Lot 1, "RTD Site";
27. South $89^{\circ}57'50''$ West, along a south line of Lot 1, "RTD Site", a distance of 150.00 feet to a corner of Lot 1, "RTD Site";
28. North $00^{\circ}20'38''$ East, along the west line of Lot 1, "RTD Site", a distance of 100.00 feet to the northwest corner of Lot 1, "RTD Site" and the south right-of-way line of State Highway 72;
29. Northwesterly, along the southerly right-of-way of State Highway 72 on a curve to the right an approximate arc distance of 640 feet, more or less, to a point on the south line of Block 2, DYER'S ADDITION to Nederland, recorded in Plat Book 4 at Page 23, Boulder County Records;
30. West, along the south line of Block 2, DYER'S ADDITION, a distance of 120 feet, more or less, to the southwest corner of Lot 10, Block 2, DYER'S ADDITION;
31. North, along the west line of Lot 10, Block 2, DYER'S ADDITION, a distance of 100 feet, more or less, to the northwest corner thereof;
32. West, along the south line of Lots 4, 5 and 6, Block 2, DYER'S ADDITION, a distance of 120 feet, more or less, to the southwest corner of Lot 6, Block 2, DYER'S ADDITION;

33. North, along the west line of Lot 6, Block 2, DYER'S ADDITION, and the west line extended northerly, a distance of 130 feet, more or less, to the centerline of Fourth Street;
34. East, along the centerline of Fourth Street, a distance of 530 feet, more or less, to the intersection with the centerline of Tilden Street;
35. South, along the centerline of Tilden Street, a distance of 260, more or less, to the intersection with the centerline of Third Street;
36. East, along the centerline of Third Street, a distance of approximately 1600 feet, more or less, to a point on the northerly right-of-way line of the State Highway 119;
37. North $64^{\circ}33'$ East, along the northerly edge of the State Highway 119 right-of-way, a distance of 350 feet, more or less, to the intersection with the east right-of-way line of North Snyder Street, as shown on the plat of LAKE VIEW HEIGHTS REPLAT A, recorded as Plan File P-52 F-1 #27, Boulder County Records;
38. North $18^{\circ}57'$ West, along the easterly edge of the North Snyder Street right-of-way, a distance of 81.78 feet to the northeast corner thereof;
39. Northerly, along the west line of the "Emerling" Parcel as described in Deed recorded on Film 823 as Reception No. 071614, Boulder County Records, a distance of 75 feet, more or less, to the northwest corner thereof;
40. East, along the north line of the "Emerling" Parcel a distance of 68 feet, more or less, to the northwest corner of Lot 13, LAKE VIEW HEIGHTS, as recorded in Plat Book 5 at Page 74, Boulder County Records;
41. North $84^{\circ}31'$ East, along the north line of Lot 13, LAKE VIEW HEIGHTS, a distance of 146.67 feet to the northeast corner thereof;
42. North, along the west line of Lot 7, LAKE VIEW HEIGHTS, a distance of 59.98 feet to the northwest corner thereof;
43. North 76° East, along the north line of Lots 7 and 6, LAKE VIEW HEIGHTS, 300.94 feet, more or less, to the northeast corner of Lot 6, LAKE VIEW HEIGHTS;
44. South, along the west line of Lot 15, NEDERLAND HEIGHTS, recorded in Plat Book 5 at Page 82, Boulder County Records, a distance of 48 feet, more or less, to the northerly right-of-way line of the State Highway 119 and the southwest corner of Lot 15 thereof;
45. North $64^{\circ}33'$ East, along the southerly line of Lots 15, 14, 13 and 12, a distance of 439.54 feet, more or less, to the Southeast corner of Lot 12, NEDERLAND HEIGHTS;
46. North 22° West, along the westerly line of Outlot 1, NEDERLAND HEIGHTS, a distance of 323.28 feet to an angle point in Outlot 1;
47. South $89^{\circ}38'12''$ West, along the north line of Lot 11, NEDERLAND HEIGHTS, a distance of 10.99 feet;
48. Northerly, along the arc of a curve to the right and along the west line of Outlot 1, NEDERLAND HEIGHTS, to the Northwest corner of Outlot 1, said curve having a radius of 175.69 and being subtended by a chord that bears North $10^{\circ}56'38''$ West, 67.84 feet, more or less;
49. South $87^{\circ}57'$ East, along the north line of Outlot 1, a distance of 107.30 feet to the northeast corner of the "Sille" parcel as described in Deed recorded as Reception No. 1873445, Boulder County Records;
50. South $28^{\circ}26'$ East, along the northeasterly side of the "Sille" parcel, a distance of 127.94 feet to an angle point;
51. South $31^{\circ}02'$ East, along the northeasterly side of the "Sille" parcel, a distance of 72.51 feet to the southeast corner thereof;
52. continuing South $31^{\circ}02'$ East, along the northeasterly side of the "Horn" parcel as described in Deed recorded on Film 1384 as Reception No. 728998,

- Boulder County Records, a distance of 35.43 feet to an angle point;
53. South $33^{\circ}56'$ East, along the northeasterly side of the "Horn" parcel, a distance of 77.10 feet to an angle point;
54. South $45^{\circ}28'$ East, along the northeasterly side of the "Horn" parcel, a distance of 34.24 feet to the southeasterly corner thereof, said point being on the south line of Outlot 1 and the north right-of-way line of State Highway 119;
55. Southeasterly, crossing State Highway 119, a distance of 200 feet, more or less, to the northeast corner of East Street as shown on THE MEADOW, a subdivision plat recorded as Plan File P-41 F-4 #7, Boulder County Records;
56. South $00^{\circ}51'26''$ West, along the west line of the Southeast 1/4 of the Northeast 1/4 of Section 13, a distance of 384.66 feet to the northwest corner of that tract of land conveyed to the Town of Nederland on Film 704 as Reception No. 949149, as shown on THE BARKER MEADOW RESERVOIR PROPERTY survey filed with Boulder County Land Use as Survey Plat "LS-03-0157";
57. South $89^{\circ}26'10''$ East, along the north line of the said Nederland Parcel, a distance of 167.40 feet to the northeast corner thereof;
58. South $29^{\circ}29'58''$ East, along the northeast line of the Nederland Parcel, a distance of 279.77 feet to an angle point;
59. South $11^{\circ}55'06''$ West, along the southeast line of the Nederland Parcel, a distance of 380.01 feet to the southeast corner of the Nederland parcel described on Film 704 as Reception No. 949149;
60. North $89^{\circ}30'34''$ West, along the south line of the Nederland parcel, a distance of 235.03 feet to a point on the West line of the Southeast 1/4 of the Northeast 1/4 as shown on the BARKER MEADOW RESERVOIR PROPERTY Survey and the east line of Assessor's Tract 855;
61. South $00^{\circ}31'44''$ West, along the east line of Tract 855, a distance of 45.00 feet to the southeast corner thereof;
62. South $89^{\circ}53'21''$ West, along the south line of Tract 855, a distance of 96.54 feet to the southwest corner thereof;
63. South $81^{\circ}26'16''$ West, along the south line of Assessor's Tract 855AAA, a distance of 126.18 feet;
64. North $86^{\circ}50'29''$ West, continuing along the south line of Tract 855AAA, a distance of 227.21 feet to the southwest corner thereof;
65. North $11^{\circ}49'48''$ East, along the west line of Tract 855AAA and said line extended northerly, a distance of 120 feet, more or less, to a point in the approximate centerline of the public road known as First/East Street;
66. Northerly, along the approximate centerline of First/East Street, an approximate distance of 470 feet, more or less, to the intersection with the north line of Third Street;
67. South $89^{\circ}59'01''$ West, along the north line of Third Street and the south line of Lots 2 and 1, THE MEADOWS, a distance of 420 feet, more or less, to the southwest corner of Lot 1, THE MEADOWS;
68. continuing West, along the north line of Third Street, a distance of 345 feet, more or less, to the intersection with the east line of Lot 38, Block 2, ROOSES ADDITION to Nederland, extended Northerly;
69. South, along the east line of said Lot 38 and said line extended northerly and southerly, a distance of 140 feet, more or less, to the centerline of the 16 foot wide alley running through Block 2, ROOSES ADDITION;
70. West, along the centerline of the platted alley, a distance of 80 feet, more or less, to the intersection with the west line of Lot 5, Block 2, ROOSES ADDITION extended northerly;

71. South, along the west line of Lot 5, Block 2, ROOSES ADDITION and said line extended northerly and southerly, a 120 feet, more or less, to the centerline of Second Street;
72. East, along the centerline of Second Street, a distance of 40 feet, to a point on the east line of Lot 5, Block 1, ROOSES ADDITION extended northerly;
73. South, along the east line of Lot 5, Block 1, ROOSES ADDITION and said line extended northerly and southerly, a distance of 128 feet, more or less, to the centerline of the 16 foot wide platted alley in Block 1, ROOSES ADDITION;
74. West, along the centerline of the 16 foot wide platted alley, a distance of 124 feet, more or less, to the east line of Assessor's Tract 848 (Snyder's garage tract) as described in Deed recorded on Film 1419 as Reception No. 773881, Boulder County Records, extended northerly;
75. South, along the east line of Tract 848 (Snyder's garage tract) and the east line extended northerly and southerly, a distance of 168 feet, more or less, to a point on the north line of Assessor's Tract 845;
76. East, along the north line of Tract 845, a distance of 96 feet, more or less, to the northeast corner thereof, as described in Deed recorded on said Film 1419 as Reception Number 773881;
77. South, along the east line of Tract 845, a distance of 230 feet, more or less, to the southeast corner thereof, said point being in the approximate center of Middle Boulder Creek, and said point being on the north line of Lot 5, Block 1, BIG SPRINGS PARK MEADOWS SUBDIVISION, recorded in Plan File P-4 F-1 No. 43, Boulder County Records;
78. North $51^{\circ}50'$ East, along the north line of Lot 5, Block 1, BIG SPRINGS PARK MEADOWS SUBDIVISION, a distance of 150 feet, more or less, to an angle point on the north line of Lot 5;
79. North $69^{\circ}30'$ East, along the north line of said Lot 5, a distance of 78.00 feet to an angle point on the north line of said Lot 5;
80. North $87^{\circ}10'$ East, along the north line of said Lot 5, a distance of 152.26 feet to an angle point on the north line of said Lot 5;
81. North $79^{\circ}05'$ East, along the north line of said Lot 5, a distance of 201.00 feet to an angle point on the north line of said Lot 5;
82. North $86^{\circ}45'$ East, along the north line of said Lot 5, a distance of 70.00 feet to an angle point on the north line of said Lot 5;
83. South 20° East, along the north line of said Lot 5, a distance of 92.60 feet to an angle point on the north line of Lot 5;
84. South $87^{\circ}54'$ East, along the north line of said Lot 5, a distance of 211.17 feet to the northeast corner of said Lot 5;
85. South $43^{\circ}10'15''$ West, along the southeasterly line of said Lot 5, a distance of 278.14 feet to a point on Lakeview Drive;
86. North $59^{\circ}26'40''$ West, along the northerly line of Lakeview Drive, a distance of 10.94 feet to a point of curvature to the left;
87. Westerly, along the northerly line of Lakeview Drive and along the arc of a curve to the left, said curve having a radius of 253.86 feet, and being subtended by a chord that bears North $75^{\circ}58'30''$ West, 144.46 feet to the beginning of a tangent line;
88. South $87^{\circ}29'40''$ West, along the northerly line of Lakeview Drive, a distance of 391.64 feet to the beginning of a tangent curve to the left;
89. Westerly, along the northerly line of Lakeview Drive and along the arc of a curve to the left, said curve having a radius of 1482 feet, and being subtended by a chord that bears North $85^{\circ}28'50''$ West, 104.16 feet to a tangent line;

90. South $83^{\circ}28'$ West, along the northerly line of Lakeview Drive, a distance of 148.64 feet to a point on the westerly line of Block 3, BIG SPRINGS PARK MEADOWS SUBDIVISION extended northerly;
91. South $20^{\circ}34'$ East, along the west line of said Block 3 and the west line extended northerly and southerly, a distance of 534.27 feet to a point on the south line of the Big Springs Drive road right-of-way;
92. Easterly, 192.37 feet along the arc of a curve to the left and along the south line of the Big Springs Drive road right-of-way, said curve having a radius of 703.49 feet, and being subtended by a chord that bears North $78^{\circ}40'38''$ East, 191.77 feet to a tangent line;
93. North $70^{\circ}50'36''$ East, along the south line of the Big Springs Drive road right-of-way, a distance of 6.65 feet to the northeast corner of Lot 1, Block 4, BIG SPRINGS PARK MEADOWS SUBDIVISION;
94. South $19^{\circ}09'24''$ East, along the east line of Lot 1, Block 4, BIG SPRINGS PARK MEADOWS SUBDIVISION and said line extended southerly, a distance of 254.66 feet to the southeast corner thereof;
95. North $85^{\circ}55'54''$ West, along the south line of Lot 1, Block 4, BIG SPRINGS PARK MEADOWS SUBDIVISION and the south line of Lot 15B, Block 4, REPLAT OF LOT 15, BLOCK 4, BIG SPRINGS PARK MEADOWS SUBDIVISION, a distance of 686.54 feet to the south sixteenth (S 1/16th) corner, said point being the **Point of Beginning**.

word file - downtown.doc

prepared by Lee W. Stadele
Registered Professional Land Surveyor
Colorado License Number 26300

31-25-801. Legislative declaration

(1) The general assembly declares that the organization of downtown development authorities having the purposes and powers provided in this part 8 will serve a public use; will promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof and of the people of this state; will halt or prevent deterioration of property values or structures within central business districts, will halt or prevent the growth of blighted areas within such districts, and will assist municipalities in the development and redevelopment of such districts and in the overall planning to restore or provide for the continuance of the health thereof; and will be of especial benefit to the property within the boundaries of any authority created pursuant to the provisions of this part 8.

(2) The general assembly determines, finds, and declares that because of a number of atypical factors and special conditions concerning downtown development unique to each locality, the rule of strict construction shall have no application to this part 8, but it shall be liberally construed to effect the purposes and objects for which it is intended.

31-25-802. Definitions

As used in this part 8, unless the context otherwise requires:

(1) "Authority" means a downtown development authority created pursuant to the provisions of this part 8 in any municipality of this state and any successor to its functions, authority, rights, and obligations.

(1.5) "Blighted area" means an area within the central business district which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, unusual topography, defective or unusual conditions of title rendering the title nonmarketable, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the central business district, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.

(2) "Board" means the board of the authority.

(3) "Central business district" means the area in a municipality which is and traditionally has been the location of the principal business, commercial, financial, service, and governmental center, zoned and used accordingly.

(3.5) "Development project" or "project" means undertakings and activities of an authority or municipality as authorized in this part 8 in a plan of development area for the development or redevelopment of said area in accordance with a plan of development.

(4) "Director" means the chief executive officer of the authority.

(4.5) "District" means the authority or the area within which the authority may exercise its powers.

(5) "Downtown" means a specifically defined area of the municipality in the central business district, established by the governing body of the municipality pursuant to this part 8.

(5.5) "Governing body" means the city council, town council, board of trustees, or other governing board of any municipality of this state.

(6) "Landowner" means the owner in fee of any undivided interest in real property or any improvement permanently affixed thereto within the district. As used in this part 8, "owner in

fee" includes a contract purchaser obligated to pay general taxes, an heir, and a devisee under a will admitted to probate and does not include a contract seller of property with respect to which the contract purchaser is deemed to be the owner in fee for purposes of this subsection (6).

(6.2) "Lessee" means the holder of a leasehold interest in real property within the district. As used in this part 8, "leasehold interest" does not include a license or mere contract right to use real property within the district.

(6.4) "Planning board" means the agency designated by the governing body of the municipality which is chiefly responsible for planning in the municipality; and, if no separate agency exists, "planning board" means the governing body of the municipality.

(6.6) "Plan of development" means a plan, as it exists from time to time, for the development or redevelopment of a downtown development area, including all properly approved amendments thereto.

(6.8) "Plan of development area" means an area in the central business district which the board and the governing body designate as appropriate for a development project.

(7) "Public body" means the state of Colorado or any municipality, quasi-municipal corporation, board, commission, authority, or other political subdivision or public corporate body of the state.

(8) "Public facility" includes but is not limited to any streets, parks, plazas, parking facilities, playgrounds, pedestrian malls, rights-of-way, structures, waterways, bridges, lakes, ponds, canals, utility lines or pipes, and buildings, including access routes to any of the foregoing, designed for use by the public generally or used by any public agency with or without charge, whether or not the same is revenue-producing.

(9) "Qualified elector" means a resident, a landowner, or a lessee as said terms are defined in this section. Any landowner or lessee which is not a natural person may vote only if it designates by some official action a representative thereof to cast its ballot. This subsection (9) shall not be construed so as to permit any qualified elector to cast more than one vote, even though any person qualified or lawfully designated may be entitled to cast the vote of more than one qualified elector.

(10) "Resident" means one who is a citizen of the United States and a resident of the state of Colorado, eighteen years of age or older, who makes his primary dwelling place within the district.

31-25-803. Powers of governing body

The governing body of every municipality in this state may create and establish a downtown development authority, pursuant to the provisions of this part 8, which authority shall have all the powers provided in this part 8 that are authorized by the ordinance, or any amendment thereto, authorizing such authority and which, when established, shall be a body corporate and capable of being a party to suits, proceedings, and contracts, the same as municipalities in this state. Any such authority may be dissolved by ordinance of the governing body, if there is no outstanding indebtedness of the authority or if adequate provision for the payment of such indebtedness has been provided.

31-25-804. Organizational procedure - election

(1) When the governing body of a municipality determines it is necessary to establish a downtown development authority for the public health, safety, prosperity, security, and welfare and to carry out the purposes of an authority as stated in section 31-25-801, it shall by ordinance submit, at the next regular election or at a special election called for that purpose, the question of

the establishment of a downtown development authority. In the ordinance submitting said question, the governing body shall state the boundaries of the downtown development district within which the authority shall exercise its powers and may provide for submission to the voters of any local government matters arising under section 20 of article X of the state constitution, as defined in section 1-41-103 (4), C.R.S. If any such matters are to be submitted to the voters, the election shall be conducted at the time and in the manner required by section 20 of article X of the state constitution. If a majority of the qualified electors voting at the election vote for the establishment of a downtown development authority, the authority shall be established pursuant to the provisions of this part 8.

(2) Any ordinance creating a downtown development authority shall provide that any ordinance or resolution by which bonds are issued pursuant to this part 8 shall specify the maximum net effective interest rate of such bonds.

31-25-805. Board - membership - term of office

(1) The affairs of the authority shall be under the direct supervision and control of a board consisting of not less than five nor more than eleven members appointed by the governing body. A majority of the members appointed shall reside or own property in the downtown development district.

(2) The board shall be constituted as follows:

(a) At least one member shall be a member of the governing body, appointed to serve at the pleasure of the governing body.

(b) Two members shall be appointed for terms expiring June 30 of the year following the date of the ordinance adopted by the governing body establishing the authority.

(c) Two members shall be appointed for terms expiring June 30 of the second year following the date of the ordinance adopted by the governing body establishing the authority.

(d) Two members, if the board consists of seven or more members, shall be appointed for terms expiring June 30 of the third year following the date of the ordinance adopted by the governing body establishing the authority.

(e) All other members shall be appointed for terms expiring June 30 of the fourth year following the date of the ordinance adopted by the governing body establishing the authority.

(3) A member shall hold office until his successor has been appointed and qualified. After the terms of the initial members of the board have expired, the terms of all members (except any member who is a member of the governing body) shall expire four years from the expiration date of the terms of their predecessors. Appointments to fill vacancies shall be for the unexpired term. In any municipality in which the charter provides that the appointive authority is the mayor, the mayor shall make appointments to the board.

31-25-806. Board membership - qualifications - nominations - rules - removal

(1) Each appointed member of the board, except any member from the governing body, shall reside, be a business lessee, or own real property in the downtown development district within the municipality in which the authority is located. A manager, as that term is defined in section 7-90-102, C.R.S., an agent, or an employee of an entity, as that term is defined in section 7-90-102, C.R.S., having its place of business in the downtown development district shall be eligible for appointment to the board. No officer or employee of the municipality where the authority is located, other than any appointee from the governing body, shall be eligible for appointment to

the board. Within thirty days after the occurrence of a vacancy, the governing body, except as provided in section 31-25-805 (3), shall appoint a successor.

(2) Before assuming the duties of the office, each appointed member shall qualify by taking and subscribing to the oath of office required of officials of the municipality.

(3) The board shall adopt and promulgate rules governing its procedure, including election of officers, and said rules shall be filed in the office of the clerk. The board shall hold regular meetings in the manner provided in the rules of the board. Special meetings may be held when called in the manner provided in the rules of the board. All meetings of the board shall be open to the public except those dealing with land acquisition or sales, personnel matters, or legal matters. Members of the board shall serve without compensation, but they may be reimbursed for actual and necessary expenses.

(4) After notice and an opportunity to be heard, an appointed member of the board may be removed for cause by the governing body.

31-25-807. Powers - duties

(1) The board, subject to the provisions of this part 8 and subject to other applicable provisions of law, shall have all powers customarily vested in the board of directors of a corporation. It shall exercise supervisory control over the activities of the director and the staff of the authority in carrying out the functions authorized by this part 8.

(2) In addition to the powers granted by subsection (1) of this section, the board may:

(a) Appoint and remove a director and other staff members, who shall be employed upon recommendation of the director, and prescribe their duties and fix their compensation which shall be paid from funds available to the authority;

(b) At the request of the governing body, prepare an analysis of economic changes taking place in the central business district of the municipality;

(c) Study and analyze the impact of metropolitan growth upon the central business district;

(d) Plan and propose, within the downtown development area, plans of development for public facilities and other improvements to public or private property of all kinds, including removal, site preparation, renovation, repair, remodeling, reconstruction, or other changes in existing buildings which may be necessary or appropriate to the execution of any such plan which in the opinion of the board will aid and improve the downtown development area;

(e) To implement, as provided in this part 8, any plan of development, whether economic or physical, in the downtown development area as is necessary to carry out its functions;

(f) In cooperation with the planning board and the planning department of the municipality, develop long-range plans designed to carry out the purposes of the authority as stated in section 31-25-801 and to promote the economic growth of the district and may take such steps as may be necessary to persuade property owners and business proprietors to implement such plans to the fullest extent possible;

(g) Retain and fix the compensation of legal counsel to advise the board in the proper performance of its duties;

(h) Make and enter into all contracts necessary or incidental to the exercise of its powers and the performance of its duties.

(3) (a) Notwithstanding any law to the contrary and subject to the provisions of subparagraph (IV) of this paragraph (a), any such plan of development as originally adopted by the board or as later modified pursuant to this part 8 may, after approval by the governing body of the municipality, contain a provision that taxes, if any, levied after the effective date of the approval

of such plan of development by said governing body upon taxable property within the boundaries of the plan of development area each year or that municipal sales taxes collected within said area, or both such taxes, by or for the benefit of any public body shall be divided for a period not to exceed thirty years or such longer period as provided for in subparagraph (IV) of this paragraph (a) after the effective date of approval by said governing body of such a provision, as follows:

(I) That portion of the taxes which are produced by the levy at the rate fixed each year by or for each such public body upon the valuation for assessment of taxable property within the boundaries of the plan of development area last certified prior to the effective date of approval by said governing body of the plan, or, as to an area later added to the boundaries of the plan of development area, the effective date of the modification of the plan, or that portion of municipal sales taxes collected within the boundaries of said development area in the twelve-month period ending on the last day of the month prior to the effective date of approval of said plan, or both such portions, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

(II) That portion of said property taxes or all or any portion of said sales taxes, or both, in excess of such amount shall be allocated to and, when collected, paid into a special fund of the municipality for the payment of the principal of, the interest on, and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the municipality for financing or refinancing, in whole or in part, a development project within the boundaries of the plan of development area. Any excess municipal sales tax collection not allocated pursuant to this subparagraph (II) shall be paid into the funds of the municipality. Unless and until the total valuation for assessment of the taxable property within the boundaries of the plan of development area exceeds the base valuation for assessment of the taxable property within such boundaries, as provided in subparagraph (I) of this paragraph (a), all of the taxes levied upon the taxable property in such boundary area shall be paid into the funds of the respective public bodies. Unless and until the total municipal sales tax collections in the plan of development area exceed the base year municipal sales tax collections in such area, as provided in subparagraph (I) of this paragraph (a), all such sales tax collections shall be paid into the funds of the municipality. When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, and including any refunding securities therefor, have been paid, all taxes upon the taxable property or the total municipal sales tax collections, or both, in such boundary area shall be paid into the funds of the respective public bodies.

(III) In calculating and making payments as described in subparagraph (II) of this paragraph (a), the county treasurer may offset the authority's pro rata portion of any property taxes that are paid to the authority under the terms of subparagraph (II) of this paragraph (a) and that are subsequently refunded to the taxpayer against any subsequent payments due to the authority for the plan of development area. The authority shall make adequate provision for the return of overpayments in the event that there are not sufficient property taxes due to the authority to offset the authority's pro rata portion of the refunds. The authority may establish a reserve fund for this purpose or enter into an intergovernmental agreement with the governing body of the municipality that established the authority in which the municipality assumes responsibility for the return of the overpayments. The provisions of this subparagraph (III) shall not apply to a city and county.

(IV) (A) During the final ten years of the thirty-year period during which a portion of the property taxes or sales taxes, or both, may be allocated to and, when collected, paid into the special fund of the municipality in accordance with the requirements of subparagraph (II) of this paragraph (a), the governing body may by ordinance extend the period during which property taxes shall be allocated for one additional extension of twenty years, which extension shall commence upon the expiration of the original thirty-year period, if on the first day of the twenty-year extension period the established base year for the allocation of property taxes pursuant to subparagraph (II) of this paragraph (a) is advanced forward by ten years and, subsequent to the completion of the first ten years of the twenty-year extension, the base year is advanced forward by one year for each additional year through the completion of the twenty-year extension. The governing body may also by ordinance extend the period during which sales taxes shall be allocated for one additional extension of twenty years with no change to the established sales tax base year. Notwithstanding any other provision of this subparagraph (IV), any extension authorized pursuant to this subparagraph (IV) may only be considered by the governing body during the final ten years of the original thirty-year period.

(B) In connection with an extension implemented pursuant to sub-subparagraph (A) of this subparagraph (IV), on an annual basis fifty percent of the property taxes levied, or such greater amount as may be set forth in an agreement negotiated by the municipality and the respective public bodies, and allocated in accordance with the requirements of subparagraph (II) of this paragraph (a) shall be paid into the special fund of the municipality and the balance of such taxes shall be paid into the funds of the other public bodies by or for which such taxes are collected. Not later than August 1 of each calendar year, the governing body shall certify to the county assessor an itemized list of the property tax distribution percentages attributable to the special fund of the municipality pursuant to this sub-subparagraph (B) from the mill levies to be certified by each public body. When certifying values to taxing entities pursuant to sections 39-1-111 (5), 39-5-121 (2), and 39-5-128, C.R.S., the assessor shall certify only the percentage of increment value attributable to the special fund pursuant to this sub-subparagraph (B) as certified by the governing body.

(b) The special fund described in subparagraph (II) of paragraph (a) of this subsection (3) and the tax moneys paid into such fund may be irrevocably pledged by the municipality for the payment of the principal of, the interest on, and any premiums due in connection with such bonds, loans, advances, or indebtedness if the question of issuing such bonds or otherwise providing for such loans, advances, or indebtedness and the question of any such intended pledge are first submitted for approval to the qualified electors of the district at a special election to be held for that purpose. Any such election required by this paragraph (b) shall be called by resolution of the board adopted at a regular or special meeting thereof and approved by the governing body by a vote of a majority of the members thereof at least thirty days prior to such election. Except with respect to the qualifications of electors, such election together with all attendant preparations therefor and proceedings thereafter shall be held and conducted in the manner prescribed by law for the holding and conducting of other regular or special elections in the municipality. This irrevocable pledge shall not extend to any taxes that are placed in a reserve fund to be returned to the county for refunds of overpayments by taxpayers; except that this limitation on the extension of the irrevocable pledge shall not apply to a city and county.

(c) As used in this subsection (3), "taxes" shall include, but not be limited to, all levies authorized to be made on an ad valorem basis upon real and personal property or municipal sales

taxes; but nothing in this subsection (3) shall be construed to require any public body to levy taxes.

(d) In the case of such plan of development areas, school districts which include all or any part of such plan of development area shall be permitted to participate in an advisory capacity with respect to the inclusion in a plan of development of the provision provided for by this subsection (3).

(e) In the event there is a general reassessment of taxable property valuations in any county including all or part of the plan of development area subject to division of valuation for assessment under paragraph (a) of this subsection (3) or a change in the sales tax percentage levied in any municipality including all or part of the downtown development area subject to division of sales taxes under paragraph (a) of this subsection (3), the portions of valuations for assessment or sales taxes under both subparagraphs (I) and (II) of paragraph (a) of this subsection (3) shall be proportionately adjusted in accordance with such reassessment or change.

(f) The manner and method by which the requirements of subparagraph (IV) of paragraph (a) of this subsection (3) are to be implemented by the county assessors shall be contained in such manuals, appraisal procedures, and instructions, as applicable, that the property tax administrator is authorized to prepare and publish pursuant to section 39-2-109 (1) (e), C.R.S.

(4) (a) An authority shall not actually undertake a development project for a plan of development area unless the governing body, by resolution, has first approved the plan of development which applies to such development project.

(b) Prior to its approval of a plan of development, the governing body shall submit such plan to the planning board of the municipality, if any, for review and recommendations. The planning board shall submit its written recommendations with respect to the proposed plan of development to the governing body within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning board or, if no recommendations are received within said thirty days, without such recommendations, the governing body may proceed with the hearing on the proposed plan of development prescribed by paragraph (c) of this subsection (4).

(c) The governing body shall hold a public hearing on a plan of development or substantial modification of an approved plan of development after public notice thereof by publication once by one publication during the week immediately preceding the hearing in a newspaper having a general circulation in the municipality. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the plan of development area covered by the plan, and shall outline the general scope of the development project under consideration.

(d) Following such hearing, the governing body may approve a plan of development if it finds that there is a need to take corrective measures in order to halt or prevent deterioration of property values or structures within the plan of development area or to halt or prevent the growth of blighted areas therein, or any combination thereof, and if it further finds that the plan will afford maximum opportunity, consistent with the sound needs and plans of the municipality as a whole, for the development or redevelopment of the plan of development area by the authority and by private enterprise.

31-25-808. Additional and supplemental powers

(1) In addition and supplemental to the other powers granted by this part 8, the authority shall have all powers, except as limited in the ordinance or any amendments thereto, establishing such

authority, necessary or convenient to carry out and effectuate the purposes and provisions of this part 8, including but not limited to the following powers:

(a) To acquire by purchase, lease, license, option, gift, grant, devise, or otherwise any property or any interest therein;

(b) In connection with public facilities, to improve land and to construct, reconstruct, equip, improve, maintain, repair, and operate buildings and other improvements, whether on land of the authority or otherwise;

(c) To lease or sublease as lessor any property owned or leased by it or under its control on such terms and conditions as may be established by the board for residential, recreational, commercial, industrial, or other uses or for public use in accordance with the plan of development;

(d) To sell or otherwise dispose of property of the authority or any interest therein, subject to such covenants, conditions, and restrictions as it may deem necessary or desirable to carry out the purposes and objectives of the authority for residential, recreational, commercial, industrial, or other uses or for public use in accordance with the plan of development;

(e) To fix, charge, and collect fees, rates, tolls, rents, and charges for the use of any property of the authority or any property under its control and to pledge any such revenues in support of any bonds or other obligations of the authority;

(f) To cooperate with the municipality in which the authority is located and any other governmental agency or other public body and to enter into contracts with any such agency or body;

(g) To make to or receive from the municipality or the county in which the authority is located conveyances, leasehold interests, grants, contributions, loans, and any other rights and privileges;

(h) (I) To invest any funds of the authority not required for immediate disbursement in property or in securities in which public bodies may invest funds subject to their control pursuant to part 6 of article 75 of title 24, C.R.S., and to redeem any bonds it has issued at the redemption price established therein or to purchase such bonds at less than the redemption price, all such bonds so redeemed or purchased to be cancelled;

(II) To deposit any funds not required for immediate disbursement in any depository authorized in section 24-75-603, C.R.S. For the purpose of making such deposits, the board may appoint, by written resolution, one or more persons to act as custodians of the funds of the authority. Such persons shall give surety bonds in such amounts and form and for such purposes as the board requires.

(i) To borrow money on such terms and conditions as the board may approve and to issue bills, notes, bonds, or other evidence of indebtedness therefor and to pledge and hypothecate any property or revenue in support of any such debt;

(j) To demolish and remove buildings and improvements located on, and to install, construct, or reconstruct improvements and facilities, including public facilities, on or about, any land owned by an authority or a municipality, in preparation for conveyance to purchasers or lessees, or otherwise.

(2) Any sale or letting of property by the authority shall be at not less than its fair value (as determined by the authority and the governing body) for uses in accordance with the plan of development. In determining the fair value of real property for such uses, an authority shall take into account and give consideration to the uses provided in such plan; the restrictions upon and the covenants, conditions, and obligations assumed by the purchaser or lessee; and the objectives of such plan.

31-25-809. Authorization of bonds

(1) By ordinance adopted by the governing body at a regular or special meeting, by a vote of a majority of the members of the governing body, the municipality may issue bonds, payable solely from revenues or from taxes pledged pursuant to section 31-25-807 (3) (b) or from both such revenues and taxes, to pay all or any part of the cost of any project or for furthering any purpose of this part 8.

(2) The governing body, in determining such costs, may include all costs and estimated costs of the issuance of said bonds; all engineering, inspection, fiscal, and legal expenses; any discount on the sale of the bonds; the cost of any financial, professional, or other expert advice; contingencies; any administrative, operating, or other expenses of the municipality incurred pursuant to the issuance of such bonds, as may be determined by the governing body; all such other expenses as may be necessary or incident to the financing, acquisition, improvement, equipment, and completion of any development project or for furthering any purpose of this part 8; sufficient provision of reserves for working capital, operation, or maintenance or replacement expense or for payment or security of principal of or interest on any bonds during or after an acquisition or improvement and equipment as the governing body may determine; and reimbursements to any governmental agency or instrumentality for any moneys expended pursuant to agreement on any project or for furthering any purpose of this part 8.

(3) In each such project financed by the proceeds of bonds issued under this part 8, the governing body shall determine the costs of, and may budget a percentage therefrom for, operation and administration of the total cost of the actual project.

(4) The proceeds of the bonds may be expended by the municipality or, with the consent of the municipality, by the authority as agent for, and on behalf of, the municipality. If the proceeds of the bonds are applied for the acquisition of real or personal properties, the governing body may:

(a) Retain title to such properties in its own name and lease or grant licenses or privileges in such properties to the authority in order that the authority may, as principal or agent, exercise its powers with respect to such properties; or

(b) Convey title to such properties to the authority for such consideration and subject to such terms and conditions as the governing body may prescribe without regard to any restriction, limitation, or condition otherwise imposed by statute on the sale or disposition of such properties by a municipality.

31-25-810. Bond provisions

(1) Bonds issued pursuant to this part 8 shall bear interest at a rate such that the net effective interest rate of the issue of bonds does not exceed the maximum net effective interest rate authorized, payable semiannually or annually, and evidenced by one or two sets of coupons, if any, executed with the facsimile or manually executed signature of any official of the municipality; except that the first coupon appertaining to any bond may evidence interest not in excess of one year. The ordinance authorizing the issuance of such bonds shall specify the maximum net effective interest rate. Such bonds may be issued as term or serial bonds, in one or more series, may bear such date, may mature at such time not exceeding twenty years' duration, may be in such denomination or denominations, may be payable in such medium of payment at such place or places within or without the state (including but not limited to the office of any county treasurer in which the municipality is located wholly or in part), may carry such registration privileges, may be subject to such terms of prior redemption in advance of maturity

in such order or by lot or otherwise at such time with or without a premium, may be executed in such manner, may bear such privileges for reissuance in the same or other denomination, may be so reissued, without modification of maturities and interest rates, and may be in such form, either bearer coupon or registered, with such recitals, terms, covenants, conditions, and other details as may be provided by the governing body, subject to the provisions of this part 8.

(2) (a) The governing body may provide for preferential security for any bonds, both principal and interest, to be issued pursuant to this part 8 to the extent deemed feasible and desirable by such governing body over any bonds that may be issued thereafter.

(b) Said bonds may be sold at, above, or below the principal amounts thereof, but they may not be sold at a price such that the net effective interest rate of the issue of bonds exceeds the maximum net effective interest rate authorized.

(c) Said bonds may be sold at public or private sale as determined by the governing body to be in the best interest of the issuer.

(3) Bonds may be issued with privileges for conversion or registration, or both, for payment as to principal or interest, or both; and, where interest accruing on the bonds is not represented by interest coupons, the bonds may provide for the endorsing of payments of interest thereon.

(4) Subject to the payment provisions of this part 8, said bonds, any interest coupons attached thereto, and any temporary bonds shall be fully negotiable within the meaning of and for all the purposes of article 8 of title 4, C.R.S., except as the governing body may otherwise provide; and each holder of each such security, by accepting such security, shall be conclusively deemed to have agreed that such security, except as otherwise provided, is and shall be fully negotiable within the meaning and for all purposes of article 8 of title 4, C.R.S.

(5) Notwithstanding any other provision of law, the governing body in any proceedings authorizing bonds pursuant to this part 8:

(a) May provide for the initial issuance of one or more bonds, referred to in this subsection (5) as "bond", aggregating the amount of the entire issue;

(b) May make such provision for installment payments of the principal amount of any such bond as it may consider desirable;

(c) May provide for the making of any such bond, payable to bearer or otherwise, registrable as to principal or as to both principal and interest and, where interest accruing thereon is not represented by interest coupons, for the endorsing of payments of interest on such bonds;

(d) May further make provision in any such proceedings for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal, or principal and interest, or both.

(6) If lost or completely destroyed, any security authorized by this part 8 may be reissued in the form and tenor of the lost or destroyed security upon the owner furnishing, to the satisfaction of the governing body, proof of ownership; proof of loss or destruction; a surety bond in twice the face amount of the security, including any unmatured coupons appertaining thereto; and payment of the cost of preparing and issuing the new security.

(7) Any officer authorized to execute any bond, after filing with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed, with a facsimile signature in lieu of his manual signature, any bond authorized in this part 8, if such a filing is not a condition of execution with a facsimile signature of any interest coupon, and if at least one signature required or permitted to be placed on each such bond, excluding any interest coupon, is

manually subscribed. An officer's facsimile signature shall have the same legal effect as his manual signature.

31-25-811. Refunding bonds

(1) By ordinance adopted by the governing body at a regular or special meeting, by vote of a majority of the members of the governing body, any bonds issued under this part 8 may be refunded by the municipality without an election, subject to the provisions concerning their payment and to any other contractual limitations in the proceedings authorizing their issuance or otherwise relating thereto.

(2) Any bonds issued for refunding purposes may either be delivered in exchange for the outstanding bonds authorized to be refunded or may be sold as provided in this part 8 for the sale of other bonds.

(3) No bonds may be refunded under this part 8 unless the holders thereof voluntarily surrender them for exchange or payment or unless they either mature or are callable for prior redemption under their terms within ten years from the date of issuance of the refunding bonds. Provision shall be made for paying the bonds within said period of time. No maturity of any bonds refunded may be extended over fifteen years. The rate of interest on such refunding bonds shall be determined by the authority. The principal amount of the refunding bonds may exceed the principal amount of the refunded bonds if the aggregate principal and interest costs of the refunding bonds do not exceed such unaccrued costs of the bonds refunded, except to the extent any interest on the bonds refunded in arrears or about to become due is capitalized with the proceeds of the refunding bonds. The principal amount of the refunding bonds may also be less than or the same as the principal amount of the bonds refunded so long as provision is duly and sufficiently made for their payment.

(4) The proceeds of refunding bonds shall either be immediately applied to the retirement of the bonds to be refunded or be placed in escrow or in trust to be applied to the payment of the bonds refunded upon their presentation therefor. Any proceeds held in escrow or in trust, pending such use, may be invested or reinvested in securities meeting the investment requirements established in part 6 of article 75 of title 24, C.R.S. Such proceeds and investments in escrow or in trust, together with any interest or other gain to be derived from any such investment, shall be in an amount at all times sufficient as to principal, interest, any prior redemption premium due, and any charges of the escrow agent or trustee payable therefrom to pay the bonds refunded as they become due at their respective maturities or due at designated prior redemption dates upon which the authority shall be obligated to call the refunded bonds for prior redemption.

(5) The relevant provisions pertaining to bonds generally shall be equally applicable in the authorization and issuance of refunding bonds, including their terms and security, the bond resolution, trust indenture, taxes, and revenues, and other aspects of the bonds.

31-25-812. Tax exemption

The bonds and the income therefrom shall be exempt from taxation, except inheritance, estate, and transfer taxes.

31-25-813. No municipal liability on bonds

Bonds issued pursuant to this part 8 shall not constitute an indebtedness of the municipality within the meaning of any constitutional or statutory limitations. Each bond issued pursuant to this part 8 shall recite in substance that said bond, including interest thereon, is payable solely

from the revenues or special funds pledged to the payment thereof and that said bond does not constitute a debt of the municipality within the meaning of any constitutional or statutory limitations.

31-25-813.5. Limitation of actions

After the expiration of thirty days from the effective date of any ordinance or resolution authorizing the issuance of bonds pursuant to this part 8, all actions or suits attacking its findings, determinations, or contents or challenging the validity of the bonds shall be perpetually barred.

31-25-814. Remedies of bondholders

(1) Subject to any contractual limitations binding upon the holders of any issue of bonds or trustee therefor, including but not limited to the restriction of the exercise of any remedy to a specified proportion or percentage of such holders, any holder of bonds or trustee therefor has the right and power, for the equal benefit and protection of all holders of bonds similarly situated:

(a) By an action in the nature of mandamus or other suit, action, or proceeding at law or in equity to enforce his rights against the municipality and to require and compel the governing body to perform its duties and obligations under this part 8 and its covenants and agreements with the bondholders;

(b) By action or suit in equity to require the governing body to account as if they were the trustees of an express trust;

(c) By action or suit in equity to enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

(d) To bring suit upon the bonds.

(2) No right or remedy conferred by this part 8 upon any holder of bonds or any trustee therefor is intended to be exclusive of any other right or remedy, but each such right or remedy is cumulative and in addition to every other right or remedy and may be exercised without exhausting and without regard to any other remedy conferred by this part 8 or by any other law.

31-25-815. Employees - duties - compensation

(1) The board shall employ and fix the compensation, subject to the approval of the governing body, of the following, who shall serve at the pleasure of the board:

(a) A director, who shall be a person of good moral character and possessed of a reputation for integrity, responsibility, and business ability. No member of the board shall be eligible to hold the position of director. Before entering upon the duties of his office, the director shall take and subscribe to the oath of office and furnish a bond as required by the board. He shall be the chief executive officer of the authority. Subject to the approval of the board and directed by it when necessary, he shall have general supervision over and be responsible for the preparation of plans and the performance of the functions of the authority in the manner authorized by this part 8. He shall attend all meetings of the board and shall render to the board and to the governing body a regular report covering the activities and financial condition of the authority. In the absence or disability of the director, the board may designate a qualified person to perform the duties of the office as acting director. The director shall furnish the board with such information or reports governing the operation of the authority as the board may from time to time require.

(b) A treasurer, who shall keep the financial records of the authority and who, together with the director, shall approve all vouchers for the expenditure of funds of the authority. He shall perform such other duties as may be delegated to him by the board.

(c) A secretary, who shall maintain custody of the official seal and of all records, books, documents, or other papers not required to be maintained by the treasurer. He shall attend all meetings of the board and keep a record of all its proceedings. He shall perform such other duties as may be delegated to him by the board.

(d) Upon recommendation of the director, such clerical, technical, and professional assistants, including but not limited to persons in the fields of engineering, planning, and economic research, as shall, in the opinion of the board, be necessary to provide for the efficient performance of the functions of the board.

(2) Any provision of this section and section 31-25-807 to the contrary notwithstanding and subject to any limitations in the ordinance creating the authority or in any amendments thereto, the board may by resolution establish alternate administrative provisions relating to the administrative organization and structure of the authority and responsibilities of board members, officers, and employees.

31-25-816. Funding - budget

(1) The authority shall adopt a budget for each fiscal year, shall maintain accounts, and shall cause an annual audit to be made pertaining to the fiscal affairs of the authority. Administrative review of the proposed budget shall be in accordance with the policies of each municipality, prior to submission of the proposed budget to the governing body for approval.

(2) The operations of the authority shall be principally financed from the following sources and such other sources as may be approved by the governing body:

(a) Donations to the authority for the performance of its functions;

(b) Proceeds of an ad valorem tax, not exceeding five mills on the valuation for assessment of property in the downtown development area designated by the governing body;

(c) Moneys borrowed and to be repaid from other funds received under the authority of this part 8.

31-25-817. Ad valorem tax

The governing body may impose and levy an ad valorem tax on all real and personal property in the downtown development district not exceeding five mills on the valuation for assessment of such property for the purposes set forth in section 31-25-807, nondebt funded expenditures allowed under section 31-25-808 (1) (a) and (1) (b), and budgeted operations of the authority. This levy shall be in addition to the regular ad valorem taxes and special assessments for improvements imposed by the governing body. The tax collector shall transmit funds so collected to the appropriate officer of the municipality responsible for the handling of the public money who shall deposit same in the municipal treasury to the credit of the authority. Such funds shall be used for no purpose other than those purposes authorized by this part 8 and upon approval of the board, pursuant to vouchers signed by the designated officer of the authority. The funds of the authority shall be secured as other public funds are secured. Other moneys received by the authority shall forthwith be deposited in the municipal treasury to the credit of the authority, subject to disbursement as authorized by this part 8.

31-25-818. Assessments

The governing body shall have the power to assess against the funds of the authority for the use and benefit of the general fund of the municipality a reasonable pro rata share of such funds for the cost of handling and auditing, which assessment when made shall be paid annually by the board pursuant to an appropriate item in its budget.

31-25-819. Conflict of interest

No board member nor any employee of the board shall vote or otherwise participate in any matter in which he has a specific financial interest, defined as a matter in which the member or employee would receive a benefit or incur a cost substantially greater than other property owners within the district. When such interest appears, it is the duty of the board member or employee to make such interest known, and he shall thenceforth refrain from voting on or otherwise participating in the particular transaction involving such interest. Willful violation of the provisions of this section constitutes malfeasance on the part of a member of the board and is grounds for instant dismissal of any employee. The governing body may by ordinance provide for automatic forfeiture of office by a board member for violation of this section.

31-25-820. Construction

All powers conferred upon municipalities by this part 8 are and shall be cumulative and in addition to those conferred by any other general or special law or municipal charter or ordinance and shall be liberally construed to effectuate the purposes of this part 8. This part 8 is an alternative method of accomplishing its purposes independent of and in addition to any other powers conferred upon municipalities electing to exercise the authority granted by this part 8.

31-25-821. Property subject to debt

Subject to section 31-25-807, all real and personal property located within the district shall continue to be subject to ad valorem taxes levied by the municipality to pay the principal and interest on all existing general obligation debts of the municipality and any future debts which may be authorized by law.

31-25-822. Inclusion of additional property

Subsequent to the organization of an authority, additional property may be included in the district. Proceedings for inclusion shall be initiated by petition to the board of the authority signed by the owner or owners in fee of each parcel of land adjacent to the existing district sought to be included. Any such petition shall include evidence satisfactory to the board concerning title to the property and an accurate legal description thereof. If the board approves said application, it shall then submit the same to the governing body of the municipality. If the governing body also approves said application, it shall then, at a regular or special meeting by amendment to the ordinance treating the authority, redescribe the district so as to include the additional property as described in the petition. From the effective date of said amendment such additional property shall be included within the district and shall be subject to any taxes thereafter imposed by the municipality for the use and benefit of the authority.

What is a Blight Study?

1. An inventory of existing conditions within a defined area through two means:
 - A visual observation of physical conditions in the field
 - The collection of non-observable data from reliable sources (public records, government staff opinions, other professional / expert opinions)
2. An assessment of the applicability of those conditions to the blight factors identified in the Colorado Urban Renewal statutes (in other words, a conditions survey is a “qualification test” to determine if urban renewal may be used within the area)
3. The documented evidence used to support a “finding of blight” by City Council

Factor = One of the 11 broad categories of blight defined in the state statutes

Condition = An existing situation or circumstance identified in the study area that may qualify as evidence under one or more of the 11 blight factors

What is a Blighted Area?

- An area that “in its present condition and use and, by reason of the **presence of at least four of the following factors**, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare ...”
- The Blight Study evaluates the “**presence of at least four of the following factors**” part
- City Council determines the “**substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare...**” part

How Much Blight is Enough?

- If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, ‘blighted area’ also means an area that, in its present condition and use and, by reason of the presence of any **one** of the factors...
- If private property is to be acquired by eminent domain, then “blighted area” means an area that, in its present condition and use and, by reason of the presence of at least **five** of the factors...
- Otherwise, by reason of the presence of any **four** of the factors...
- Normally, a determination of blight is based upon an area “taken as a whole,” and not on a building-by-building, parcel-by-parcel, or block-by-block basis.
- The urban renewal statutes do not require a certain “quantity” of conditions to be found under any one of the blight factors in order for that blight factor to be considered present in the area.

Colorado urban renewal statutes identify 11 factors that may contribute to a finding of blight:

1. Deteriorated or deteriorating structures
2. Defective or inadequate street layout
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
4. Unsanitary or unsafe conditions
5. Deterioration of site or other improvements
6. Unusual topography or inadequate public improvements or utilities
7. Defective or unusual conditions of title rendering the title non-marketable
8. Conditions that endanger life or property by fire or other causes
9. Buildings that are unsafe or unhealthy for people to live or work in
10. Environmental contamination of buildings or property
11. Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial underutilization or vacancy of buildings, sites, or improvements

What are some conditions that qualify under these factors?

1. Deteriorated or deteriorating structures

- **Deteriorated External Walls**
- **Deteriorated Visible Foundation**
- **Deteriorated Roof**
- **Deteriorated Fascia/Soffits**
- **Deteriorated Gutters/Downspouts**
- **Deteriorated Exterior Finishes**
- **Deteriorated Windows and Doors**
- **Deteriorated Stairways/Fire Escapes**
- **Deteriorated Loading Dock Areas**
- **Deteriorated Ancillary Structures**





What are some conditions that qualify under these factors?

2. Defective or inadequate street layout

- **Inadequate Street / Alley Width**
- **Poor Provisions or Unsafe Conditions for the Flow of Vehicular Traffic**
- **Poor Provisions or Unsafe Conditions for the Flow of Pedestrians**
- **Insufficient Roadway Capacity Leading to Unusual Congestion of Traffic**
- **Inadequate Emergency Vehicle Access**
- **Poor Vehicular or Pedestrian Access to Buildings or Sites**
- **Excessive Curb Cuts / Driveways along Commercial Blocks**
- **Poor Internal Vehicular or Pedestrian Circulation**

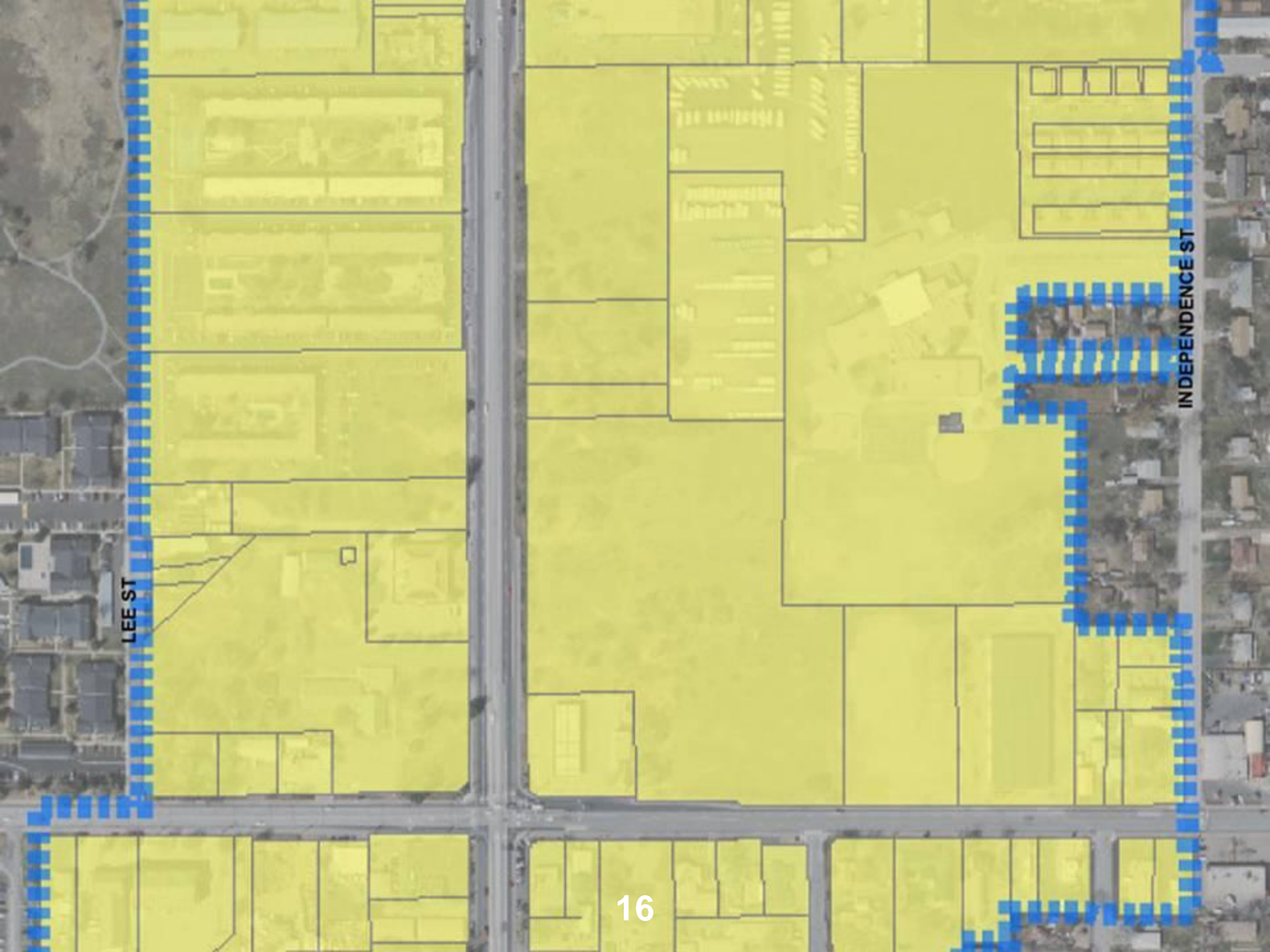




What are some conditions that qualify under these factors?

3. Faulty lot layout in relation to size, adequacy, accessibility, usefulness

- **Lots that are Long, Narrow, or Irregularly Shaped**
- **Lots that are Inadequate in Size**
- **Lots with Configurations that are Impractical or Result in Stagnant, Misused, or Unused Land**



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What are some conditions that qualify under these factors?

4. Unsanitary or unsafe conditions

- **Floodplains or Flood Prone Areas**
- **Inadequate Storm Drainage Systems / Evidence of Standing Water**
- **Poor Fire Protection Facilities**
- **Above Average Incidences of Public Safety Responses**
- **Inadequate Sanitation or Water Systems**
- **Existence of Contaminants or Hazardous Conditions or Materials**
- **High or Unusual Crime Statistics**
- **Open / Unenclosed Trash Dumpsters**
- **Cracked or Uneven Surfaces for Pedestrians**
- **Illegal Dumping / Excessive Litter**
- **Vagrants / Vandalism / Graffiti / Gang Activity**
- **Open Ditches, Holes, or Trenches**





What are some conditions that qualify under these factors?

5. Deterioration of site or other improvements

- **Neglected Properties / Evidence of General Site Maintenance Deficiencies**
- **Deteriorated Signage or Lighting**
- **Deteriorated Fences, Walls, or Gates**
- **Deteriorated of On-Site Parking Surfaces, Curb & Gutter, or Sidewalks**
- **Poorly Maintained Landscaping / Overgrown Vegetation**
- **Unpaved Parking Lot (Commercial Properties)**
- **Poor Parking Lot Layout**
- **Substandard / Undefined Driveway Definition**





What are some conditions that qualify under these factors?

6. Unusual topography or inadequate public improvements or utilities

- **Steep Slopes/Poor Load-Bearing Soils**
- **Deterioration of or Lack of Public Infrastructure:
(e.g. Street/Alley Pavement/Curb/Gutter, Sidewalks, Street Lighting,
Storm Drainage Systems)**
- **Presence of Overhead Utilities**
- **Inadequate Fire Protection Facilities/Hydrants**
- **Inadequate Sanitation or Water Systems**



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Sentry

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What are some conditions that qualify under these factors?

- 7. Defective/unusual conditions of title rendering the title non-marketable**
 - **Properties with Disputed or Defective Title**
 - **Multiplicity of Ownership Making Assemblages of Land Difficult or Impossible**

What are some conditions that qualify under these factors?

8. Conditions that endanger life or property by fire or other causes

- **Buildings or Sites Inaccessible to Fire and Emergency Vehicles**
- **Blocked or Poorly Maintained Fire and Emergency Access Routes or Frontages**
- **Insufficient Fire and Emergency Vehicle Turning Radii**
- **Buildings or Properties not in Compliance with Fire Codes, Building Codes, or Environmental Regulations**

What are some conditions that qualify under these factors?

- 9. Buildings that are unsafe or unhealthy for people to live or work in**
- **Buildings or Properties not in Compliance with Fire Codes, Building Codes, or Environmental Regulations**
 - **Buildings with Deteriorated Elements that Create Unsafe or Unhealthy Conditions**
 - **Buildings with Inadequate or Improperly Installed Electrical, Natural Gas, or Other Utility Components**

What are some conditions that qualify under these factors?

10. Environmental contamination of buildings or property

- **Presence of hazardous substances, liquids, or gasses found at a site**

What are some conditions that qualify under these factors?

- 11. Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial underutilization or vacancy of buildings, sites, or improvements**
 - **Sites with a High Incidence of Fire, Police, or Emergency Responses**
 - **Sites Adjacent to Streets/Alleys with a High Incidence of Traffic Accidents**
 - **Sites with a High Incidence of Code Enforcement Responses**
 - **An Undeveloped Parcel in a Generally Urbanized Area**
 - **A Parcel with a Disproportionably Small Percentage of its Total Land Area Developed**
 - **Vacant Structures**
 - **Vacant Units in Multi-Unit Structures**





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AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: 10/15/2014

INITIATED BY: Katrina Harms

INFORMATION: ACTION: OR DISCUSSION: X

=====

AGENDA ITEM: Discussion on DDA's involvement on policy issues such as Parking and Vending

SUMMARY:

These two items have come before the DDA to be reviewed, and there has been a request for further action. Code review and recommendations to other boards has been requested.

Vending – In light of the concerns last summer, do we want to review the vending and food truck code and make recommendations/changes to the Planning Commission?

Parking – A recent effort to discuss parking issues and solutions was undertaken by town intern Alexexander Armani-Munn. Do we want to take up this issue as part of our Master Plan Update.

On both of these subjects the DDA could solicit feedback from business owners and the public as part of the MPU or as separate issues and make recommendations to the Planning Commission and BOT to consider.

RECOMMENDATIONS:

If the DDA decides to take up these issues, the Chairperson can work with the secretary and intern to schedule, gather research and put on the schedule.

FINANCIAL CONSIDERATIONS:

None

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: 10/15/2014

INITIATED BY: Katrina Harms

INFORMATION: ACTION: OR DISCUSSION: X

=====

AGENDA ITEM: Review, update and approve the NDDA Rules of Procedure and Code of Conduct

SUMMARY:

Rules of Procedure can be adopted by boards to set processes and procedures that help them function effectively and efficiently and set reasonable expectations for the board and the public.

As a quasi-governmental entity there are also laws the board must adhere to and the Rules of Procedure help keep the board and their actions in meetings and in the public legal.

Code of Conduct is a document that establishes how we treat each other, the public and the staffs we interact with.

By adopting and posting these 2 documents the DDA holds itself to a high standard and sets the ground rules for conducting business with each other, the public and staff.

The attached Rules of Procedure and Code of Conduct are based on ones approved by the Town of Nederland's Board of Trustees and the basics modified by the DDA secretary (replace BOT with DDA, meeting times etc) for review at this meeting to be discussed, modified further.

RECOMMENDATIONS:

FINANCIAL CONSIDERATIONS:

None



NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY RULES OF PROCEDURE

RULE I PURPOSE

These Rules of Procedure are to govern the actions of Town of Nederland Downtown Development Authority in the conduct of its business and serve as a reference in resolving procedural issues. Upon taking office, all Trustees shall review and become familiar with the Rules of Procedure.

RULE II CONDUCT OF DOWNTOWN DEVELOPMENT AUTHORITY MEETINGS

A. Regular Meetings/Business Meetings/Work Sessions – Scheduling

1. Regular meetings of the Downtown Development Authority shall consist of “business meetings” and “study sessions” also known as "work sessions". As a general proposition, business meetings will be held at 5:30 p.m. on the third Wednesday of each month and work sessions will be held as determined necessary and set by the Chair. Generally, all such meetings shall be held in the Multi-purpose Room at the Nederland Community Center.

2. **Business meetings** present the appropriate forum for formal Downtown Development Authority action. Business meetings shall also provide an opportunity for general public input and comment as well as scheduled public hearings. Proclamations, public recognitions and awards are appropriate to business meetings as are committee reports from Downtown Development Authority members.

3. **Work sessions** will provide Downtown Development Authority with an opportunity to explore and discuss in detail matters that have been placed on the work session agenda. Members of the public, speakers, or persons (not including Town staff or consultants) presenting information to the Downtown Development Authority at work sessions shall be allowed to address the Downtown Development Authority only with the approval of the majority of the Downtown Development Authority present at the work session or as previously approved by the Chair or a majority of Downtown Development Authority present when setting the agenda for such sessions. Work sessions shall also be utilized to review and establish upcoming agendas for both work sessions and business meetings. No final action shall be taken at work sessions.

4. **Special meetings** may be either business meetings or work sessions. The Chair may call a special meeting on the request of the Chair or any two (2) members of the

Downtown Development Authority with at least 48 hours written notice to each Member and the Town Administrator, served personally or left at such person's usual place of residence. Any member may waive notice of the meeting, and a Member's presence shall constitute a waiver of notice of the meeting. No business may be conducted at a special meeting except that specifically provided for in the notice.

5. **Emergency meetings** may be called by the Chair or any two (2) Downtown Development Authority members in the event of an emergency that requires the immediate action of the Downtown Development Authority in order to protect the public health, safety and welfare of the residents of the Town. Notice of such emergency meeting may be given to the Downtown Development Authority by telephone or whatever other means are reasonable to meet the circumstances of the emergency. At such emergency meeting, any action within the police power of the Downtown Development Authority that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided, however, that any action taken at an emergency meeting shall be effective only until the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Downtown Development Authority at which the emergency issue is on the public notice of the meeting. At such subsequent meeting, Downtown Development Authority may ratify any emergency action taken. If any emergency action taken is not ratified, then it shall be deemed rescinded.

B. Attendance at Downtown Development Authority Meetings

1. It shall be the responsibility of each Board member to contact the Chair as soon as it is known that such member will not be in attendance at a meeting of the Downtown Development Authority. In the event a Board member is not in attendance at a meeting, such absence shall be considered excused, unless any Board member objects to the excusal of such absence. In the event of objection, the Downtown Development Authority shall determine by majority vote whether the absence is excused or unexcused. In the event a Board member is absent for three (3) regular meetings in a two-year term, any absence thereafter shall be considered unexcused unless the Downtown Development Authority has previously approved the extended absences.

2. When a member's absence from a meeting is declared unexcused by the Downtown Development Authority, at the next succeeding regular meeting attended by the unexcused member, the member may explain the reason for the subject absence and request that the Downtown Development Authority reconsider its determination. Such reconsideration may occur upon the concurrence of a majority of the Downtown Development Authority present.

3. More than three (3) unexcused absences within a two-year term may subject a Member to disciplinary action by a majority vote of the rest of the Board.

C. Attendance at Other Entity Meetings and Social Gatherings.

1. The Town may be represented by its elected officials at meetings of other entities, including, without limitation, intergovernmental organizations, neighborhood

organizations, business and service organizations, and other organizations or groups with whom the Town has a relationship.

2. Trustees may attend social gatherings or meetings of other groups without the public notice required by the Open Meetings Law, C.R.S. § 24-6-401, et seq., however public notice must occur when three or more Trustees attend and the meeting is convened to discuss public business.

D. Downtown Development Authority Packets/Agenda Items

1. Downtown Development Authority' agendas shall be posted to the Town of Nederland website, at Town Hall, and at the Nederland Post Office at least two (2) days preceding the Downtown Development Authority business meeting or special meeting. Packets, containing the agenda and applicable documents, will be posted to website at least 24 hours in advance and usually on the Friday prior to the Tuesday regular meeting.

2. Trustees will be notified of the packet's posting via email. Each Member is responsible for thoroughly reviewing all material within the packet prior to the applicable meeting. If a Member has a question or issue for the Town staff, the Member should attempt to contact the administrator, appropriate staff member or attorney within a reasonable time prior to the meeting, when possible, so he/she may prepare a response or be prepared to respond.

3. Direction for preparation of an agenda item shall require at least a majority of Trustees present to direct staff to expend substantial time on any matter. The preparation of agenda items that require significant staff time, as determined by the Town Administrator, must be approved by a majority of the Trustees present. The Chair may set the order of the agenda. As standard procedure, agenda items should not be added or deleted after the agenda has been finalized by the Town Clerk's office, but such may occur with the consent of the Chair and in accordance with applicable laws such as open meetings notice requirements.

4. The Chair may delegate to the Town Administrator the preparation of the Downtown Development Authority agenda. The agenda may be modified by the Chair or Town Administrator within twenty-four (24) hours of a meeting or work session, subject to compliance with legal notice requirements and notice to Trustees (such as personal, written, telephonic and electronic communications). A Member may request the Chair or Town Administrator to modify the agenda, subject to the discretion of the Chair or Administrator to comply with such request.

5. Items for inclusion on the agenda shall be submitted to the Town Clerk no later than six (6) days prior to a business meeting or work session.

6. Members of the public may petition the Chair and Town Administrator to have an issue placed on the agenda by submitting a form available from the Town Clerk. Acceptance of such potential agenda item is at the discretion of the Chair and Town Administrator.

E. Chair's Duties

1. The Chair shall, at the designated date and time, call the Downtown Development Authority to order and upon ascertainment of a quorum proceed with business.

2. As the Downtown Development Authority chair, the Chair is responsible for conducting the meeting in an orderly and democratic fashion, and

- a) Shall decide all questions of order, subject to a member's right to appeal to the Downtown Development Authority as a whole;
- b) May speak to points of order in preference to other Trustees;
- c) May respond to from the podium;
- d) Shall appoint, where applicable, all advisory groups, such as committees and task forces, whether standing, joint or special, unless Nederland Municipal Code provides otherwise;
- e) May call a recess at any time during a meeting to determine a rule of order or at the request of a majority of the Downtown Development Authority or for the convenience of Trustees or staff.
- f) Ensure that all discussions are related to the topic at issue.
- g) Shall announce the result promptly upon completion of every vote.
- h) Shall sign all ordinances and resolutions passed by the Board of Trustees.

3. Cancellation of Meetings

The Chair may cancel or reschedule any regular meeting with at least 48 hours notice to Trustees, except that at least one (1) regular meeting shall be held per month.

4. Removal for Disorderly Conduct.

In the event any person(s) interrupts the business of the Town Downtown Development Authority or causes a disorder, the Chair may require such person to cease such behavior and/or leave the Downtown Development Authority meeting room. Should such person fail to comply, the Chair may request a police officer be summoned and have such person removed.

5. In the absence or inability of the Chair to serve, the Chair Pro Tem shall preside and have all powers and duties of the Chair.

F. Members' Duties

1. In order for the Downtown Development Authority to conduct official business, either the Chair or the Chair Pro Tem must be present to chair the meeting.
2. Trustees should be on time for all meetings and promptly return from any recess or break.

RULE III ORDER OF BUSINESS

A. Business Meetings

1. After the Chair's Call To Order, the Downtown Development Authority will generally consider business in the following order:

- a) Roll Call
Following Roll Call, the Chair will announce whether a quorum is present.
- b) Consent Agenda (Warrants, Minutes, and Previously discussed business)
Includes items that can be approved without discussion or debate and are usually approved by unanimous vote. Prior to the motion to approve, a Board member may request removal of an item on the Consent Agenda. Items removed will be considered in the order they appeared on the agenda.
- c) Staff Reports (second meeting of the month)
- d) Chair and Member Reports (second meeting of the month)
- e) Public Comment
- f) Information Items (Reports, Proclamations, Recognitions and Awards)
- g) Action Items (Approval of Ordinances, Resolutions, Town projects, Town policies, Contracts, etc.)
- h) Discussion Items (Discussion of future Action Item topics, without formal action taken)
- i) Other Business (New business, Updates to previous reports, etc.)
- j) Adjournment

2. At 10:00 p.m., if the regular meeting of the Downtown Development Authority has not adjourned, the Downtown Development Authority shall follow these procedures:

- a) All agenda items not previously considered shall be continued to an hour and day set by the Downtown Development Authority; or

- b) The Downtown Development Authority may vote for a thirty-minute extension of the proceedings, but may not continue for more than two (2) thirty-minute extensions.

3. Trustees should limit discussion of Other Business to a brief review of the matter. If a majority of Trustees request that formal action be taken, the matter shall be placed on the agenda for a future work session or business meeting. At such work session or business meeting, Trustees may discuss the specific details of the matter.

B. Work Sessions

After the call to order, Downtown Development Authority will generally consider business in the following order:

1. Roll Call
2. Work Session Agenda Items
3. General Comments of Downtown Development Authority/Staff
4. Adjournment

C. Executive Sessions

1. Executive sessions are held in accordance with state statute and permit an affirmative vote of two-thirds of a quorum present to call an executive session at either a regular or special meeting. No formal action can occur at an executive session. The motion for executive session shall describe as specifically as possible the subject of the executive session so long as such description does not disclose any information that would potentially harm the public interest.

2. Only the following matters may be discussed at an executive session:

- a) The purchase, acquisition, lease, transfer or sale of any real, personal or other property interest;
- b) Conference with the Board's attorney for the purpose of receiving legal advice on specific legal questions;
- c) Matters required to be kept confidential by federal or state law;
- d) Details of security arrangements or investigations;
- e) Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiation and instructing negotiators;
- f) Personnel matters, unless the employee requests an open meeting;

- g) Consideration of documents protected by the Open Records Act; and
- h) Other matters allowed by state law.

D. Modification of Order of Business

Unless an objection is raised by a Trustee, the Chair may proceed out of order or return to a matter previously considered. In case of objection, the agenda's order or reconsideration of a matter will not be changed unless approved by a majority of Downtown Development Authority present. A Member may move to consider an item out of order, with the approval of the Chair.

E. Quorum

A quorum shall be a majority of the members of the Downtown Development Authority in office at the time for the transaction of business at all Board meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the Town Clerk may adjourn any meeting for not longer than one (1) week. For meetings at which less than a quorum is in attendance, a majority of the members present are authorized to send the Town Marshal or other person for the absent members, as such majority of members may agree.

F. Public Participation

Regular Board meetings and study/work sessions are open to the public. At regular Board meetings, provision is made for public comment so interested individuals or spokespersons for various organizations may present their views directly to the Downtown Development Authority. The time limits for procedures in this Section may be suspended for any agenda item by majority vote of the quorum present.

1. Members of the public shall have the opportunity to comment on certain matters before the Board. Each person shall first sign a public comment sheet listing his name, address, and identifying the issue on which he would like to comment. Public comment sign-up sheets shall be prepared by the Town Clerk and placed at the entrance to the Board chambers.

2. Public comment to the Downtown Development Authority on other than agenda items is scheduled at the beginning of each formal Board meeting and shall be scheduled for a total period not to exceed thirty (30) minutes without approval of a majority of the Board members present.

3. The presiding officer will call each individual listed, who will have three (3) minutes to address the Downtown Development Authority. Individuals who have

registered to comment on a subject may cede a portion or all of their time to another individual; however no individual may speak for more than six (6) minutes. All individuals or spokespersons desiring to address the Downtown Development Authority on any agenda item or other business must state name and general address before offering their comments.

4. Individuals who are not registered or have additional comments will be allowed one (1) minute to address the Downtown Development Authority on any item following the registered listing call.

5. All individuals shall observe proper decorum and avoid the use of abusive or profane language in the meeting room and when addressing the Downtown Development Authority. In the event that abusive or profane language is used or an individual otherwise disrupts the meeting, such individual may be removed from the meeting room by the Town Marshal.

6. Persons other than members of the Downtown Development Authority and Town officers shall not be permitted to address the Downtown Development Authority except upon recognition by the presiding officer. If anyone other than a Town official desires to speak to a member of the Downtown Development Authority while the Board is in session, the member, if agreeable to the request and upon approval of the presiding officer, shall rise and retire to the rear of the Board chambers or elsewhere until the conversation is finished.

7. Unsigned communications shall not be introduced to the Downtown Development Authority.

RULE IV RULES OF SPEAKING/DECORUM

A. Recognition

1. No Members shall speak until such member has addressed and/or been recognized by the Chair.

2. When recognized by the Chair, a member's comments shall be confined to the question under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote. All discussion shall occur only upon recognition of the presiding officer.

3. When a Member is speaking, no other Member shall interrupt or conduct a private conversation.

B. Decorum

1. All Trustees shall be familiar with and at all times abide by the *Nederland Downtown Development Authority' Code of Conduct*.

2. No Member may leave the meeting while a meeting is in progress without the request and permission of the Chair. In such event, the Chair may delay Downtown Development Authority action or proceed without the absent member(s) unless the matter before Downtown Development Authority is quasi-judicial. Failure to obtain permission shall result in the Members accrual of an unexcused absence.

3. No Member shall engage in conversation or commit any other act tending to distract the attention of Downtown Development Authority from the business before it.

4. When speaking or debating, Trustees shall confine their remarks to the question under discussion or debate and shall not engage in discussion directed to personal matters or issues. Trustees shall respect the divergent opinions and comments of others and shall not engage in personal, verbal attacks or comments or behavior disrespectful of each other, staff, or other persons. All discussion shall occur only upon recognition of the presiding officer.

C. Right of Appeal

Any member may appeal to the Downtown Development Authority from a ruling of the presiding officer. If the appeal is seconded, said member making the appeal may briefly state a reason for the same, and the presiding officer may briefly explain the basis for said officer's ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "Yes," the ruling of the Chair is sustained; otherwise it is overruled.

D. Limitation of Debate

No member of the Downtown Development Authority shall be allowed to speak more than once upon any one (1) subject until every other member choosing to speak shall have spoken, and no member shall speak more than twice upon any one (1) subject, nor for a longer time than ten (10) minutes, without consensus of the Downtown Development Authority.

E. Conflict of Interest

In the event that the Chair or a Board member has a conflict of interest that requires disclosure pursuant to state law, such person shall disclose such interest, in writing or during a meeting, as soon as the conflict of interest is known. If the Chair or a Board member has a conflict of interest which such person has not disclosed, such a conflict may be addressed by any other Board member, and the Downtown Development Authority may determine by a majority of those present that a conflict of the Chair or a Board member exists. If the Chair or a Board member has a conflict of interest, whether self-disclosed or determined by the Downtown Development Authority, such person shall abstain from voting on the issue. If the vote of a member is necessary to obtain a quorum or otherwise enable the Downtown Development Authority to act, the member may vote only after disclosure in the office of the Secretary of State as provided by state law.

F. Recesses

1. In the Chair's sole discretion, the Chair may call a recess at any time during a formal Board meeting.
2. During a recess:
 - a) Board members may discuss procedures for considering a particular substantive issue before them;
 - b) Three or more Board members shall not convene and discuss substantive issues before them, including through electronic means;
 - c) Board members shall not take formal votes, make final policy decisions or take any other formal action; and
 - c) No one shall be excluded from Downtown Development Authority discussions involving a sufficient number of members to constitute a quorum.

RULE V VOTING

A. Voting Generally

1. Every Trustee, including the Chair, must vote unless: a) the matter concerns Members own conduct; b) Memberhas a conflict of interest, which, by applicable law, requires Memberto abstain from voting. In those instances, the Membershall not participate in the discussion of the issue. The failure to vote when required to do so shall be considered an affirmative vote.
2. Votes may be taken either by voice vote or by roll call vote. A voice vote is achieved by asking those in favor of an item to indicate such as a group and then by asking those in opposition to an item to likewise indicate as a group. A roll call vote is achieved by having each board member individually indicate his vote either in favor of or in opposition to the item. All votes are announced by the Chair with the assistance of the Town Clerk, if necessary.
3. Roll call votes are recorded in the minutes and indicate the names of the Board members who voted in opposition. Any Downtown Development Authority member may call for a roll call vote at any time.
4. The order of a roll call vote shall rotate with each vote taken.
5. All ordinances, resolutions and order for the appropriation of funds require an affirmative vote of a majority of the Town Board through a roll call vote. All other actions may be approved by a majority of those present. No votes may be taken unless a quorum is present.

6. In case of a tie vote on any motion, the motion shall be considered defeated. In the event an applicant/proponent is present for the matter in question, the Chair may, prior to calling for a vote, ask such individual whether, because an even number of Town Trustees are present, the applicant/proponent wishes to continue the matter until all members of Downtown Development Authority are present. The decision of the applicant/proponent shall be determinative. In the event the applicant/proponent is not present, Trustees present shall decide whether to proceed on the item despite the presence of an even number of Trustees.

B. Voting Requirements

Matters coming before the Downtown Development Authority shall be subject to the following voting requirements:

<u>Situation</u>	<u>Votes Required for Passage</u>
To pass any ordinance	Majority of the quorum present. A roll call vote is required.
To pass an ordinance as emergency ordinance or to call a special election	Vote of three-fourths of all members of the Board. A roll call vote is required.
To pass a resolution	Majority of quorum present.
To appoint officers	Vote of a majority of all members of the Board in office at the time. A roll call vote is required.
Motions/resolutions involving Town funds	Majority of quorum present. A roll call vote is required.

C. Making Motions

Any Downtown Development Authority action, which requires a vote, must be preceded by a motion by a Trustee. All motions presented by any Member require a second. The Chair shall be entitled to participate in the discussion of motions, and may make or second a motion. Motions are generally introduced by voice. However, if the motion is long or involved, motions may be put into writing. Any Member may demand that a motion be put into writing.

D. Presentation and Disposition of Motions

The following steps shall be taken for the presentation and disposition of motions:

1. The presiding officer recognizes a Board member.
2. The Board member proposes a motion.
3. Another Board member seconds the motion.
4. The presiding officer may cause the motion to be restated.
5. The Board debates/discusses the motion (amendments to the motion or other substitute motions may be made during the debate/discussion).
6. At the conclusion of the debate/discussion, the presiding officer may cause the motion to be restated.
7. Vote is taken and the presiding officer announces the result of the vote.

E. Types of Motions

The following motions are the most commonly used:

1. Motion to amend: A motion to amend may take the form of inserting, striking out or striking out and inserting words, sentences, or paragraphs. A motion to amend must be pertinent to the main motion. It is proper to make a motion to amend an amendment. Motions shall be discussed in the reverse order from which they were proposed.

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be heard unless otherwise agreed by the member making the first amendment. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

2. Motion to continue: A motion to continue has the effect of moving an item to a future agenda. The motion shall include the date to which the item is being continued.

3. Motion to lay on the table: This motion is used to set aside an item currently under discussion for a more pressing matter. It is not used to “kill” an item. Once the more pressing matter has been disposed with, a motion to take from the table is in order. This motion shall be made at the same Board meeting or at the next Regular Board meeting.

4. Motion to postpone to a definite time or indefinitely: Approval of this motion effectively “kills” the item. If the motion fails, discussion on the motion and a vote can be had. All motions to postpone, excepting a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal questions shall be declared lost. Reconsideration of a Motion postponed indefinitely shall require the affirmative vote of a majority of the Board.

5. Motion to move the previous question: This motion is used to cut off debate and to bring an immediate vote on the pending motion. This motion cannot be made while a Board member has the floor. The motion requires a second, cannot be debated, and requires a two-thirds vote to approve. A vote is first taken on the motion; if successful, debate is halted and a vote on the main motion is made. If the vote on the motion to move the previous question fails, debate on the main motion may continue.

6. Motion to reconsider: Any action taken by the Board may be reconsidered. A motion to reconsider must be made at the same meeting at which the action occurred or at the next following regular meeting. The motion must be made by a Board member who voted on the prevailing side and he shall so state that in his motion. A vote is then taken on the motion to reconsider. The passage of a motion to reconsider suspends all action on the original motion. The original question is then placed before the Board in the exact form it was in when previously adopted. Once the vote is taken and the results determined, no further reconsideration can be granted without unanimous consent of the Board.

In the event a contract has been signed by the Chair or other legal obligations made or entered into with Downtown Development Authority approval, a motion to reconsider may be made at any time before the final adoption.

In the event a quasi-judicial matter is to be reconsidered, the applicable notice requirements shall be followed and the reconsideration of the original question shall be postponed to a future business or special meeting. The notice shall inform the public when the original question is to be reconsidered. In the event the reason supporting the reconsideration motion is based upon new information or evidence, the Downtown Development Authority shall reopen the public hearing to take evidence on the narrow issue of the new information or evidence. In such circumstance, staff shall be directed to make a good faith effort to notify, in writing, all persons who testified at the original public hearing of the date and time for the continued public hearing.

In the absence of new or additional evidence or information, the Downtown Development Authority shall not reopen the public hearing for purposes of additional public testimony. The matter shall be scheduled for a future business or special meeting.

7. Motion to refer: If a Board member believes more information is needed before a decision can be made, such member may move to refer the item to a board or commission for further study. The motion should identify the board or commission as well as instructions regarding actions to be taken by that body and when a report should be made to the Board. This motion should not be used to receive further information from staff. In that case, a motion to continue should be made.

8. **Motion to adjourn:** A motion to adjourn shall be in order at any time, except as follows:

- a) When repeated without intervening business or discussion;
- b) When made as an interruption of a member while speaking;
- c) When the previous question has been ordered; and
- d) While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

F. Precedence of Motions

When a main motion is before Downtown Development Authority, no subsidiary motion shall be entertained except: (a) to fix the hour of adjournment, (b) to adjourn, (c) to lay on the table, (d) for the previous question (which is essentially a demand that the vote be taken on the motion at hand), (e) to postpone to a certain day, (f) to refer, (g) to amend, and (h) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend and a motion to postpone indefinitely, shall be put to vote without debate.

G. Withdrawal of Motion

Any motion may be withdrawn by the mover with the consent of the Downtown Development Authority.

H. Division of Question

If the question contains two or more divisible propositions, the Chair may divide the motion.

I. Motions Out of Order

The Chair may at any time, unless overridden by a majority vote of the member's present, permit a Member to introduce an ordinance, resolution, or motion out of the regular order of the agenda.

J. Procedure in Absence of Rule

In the absence of a rule to govern a point of procedure, reference shall be to *Robert's Rules of Order*. The principles and provisions of *Robert's Rules of Order* shall apply only to the extent that they are appropriate to a governing assembly such as Downtown Development Authority, with consideration being given to the size of Downtown Development Authority, as well as its political and legal status.

RULE VI MISCELLANEOUS

A. Confidentiality

It shall be a conflict of interest and a violation of this policy for any member of the Downtown Development Authority to disclose any confidences of the Town, any matter discussed in executive session, or any matter which is subject to the attorney-client privilege between the Town and the Town Attorney, unless a majority of the Downtown Development Authority determines that such disclosure should be made.

A decision to breach confidentiality, or to waive a privilege, such as the attorney-client privilege, shall only be made by Downtown Development Authority acting as a whole, whenever the confidentiality requirement or the privilege applies to the Town as a whole or to Downtown Development Authority as a whole. Any Member who individually breaches such confidentiality, or who purports to waive such a privilege will be considered to be acting outside the performance of Members authority, and will be subject to any consequential liability for such act.

B. Protest

Any Downtown Development Authority member shall have the right to express dissent from or protest against any ordinance or resolution of the Downtown Development Authority, and have the reason therefor entered upon the record. Such dissent or protest must be filed in writing, couched in respectful language, and presented to the Downtown Development Authority not later than the next regular meeting following the date of passage of the objectionable ordinance or resolution.

RULE VII ORDINANCES AND RESOLUTIONS

A. Introduction

All ordinances and resolutions, except emergency ordinances, shall be introduced to the Downtown Development Authority in printed or written form at least forty-eight (48) hours prior to the meeting. Emergency ordinances shall be introduced to the Downtown Development Authority and in the meeting in printed or written form.

B. Review

All proposed ordinances shall be reviewed by the Town Attorney and bear the Attorney's certification that they are in correct form. The Town Administrator shall attach to each proposed ordinance a brief digest of the provision thereof, and where it is proposed to amend an existing ordinance. The digest shall show the name of the department or party at whose request the proposed ordinance was prepared.

C. Reading of Ordinances and Resolutions

Ordinances shall be read in full or by title only where copies are available to the Downtown Development Authority and those in attendance and may be amended prior to adoption. After proper publication, the ordinances will be in effect thirty (30) days

following adoption with the exception of ordinances that are repealed prior to the thirty-day limit. All ordinances adopted containing an emergency clause are effective immediately.

D. Amendment of Ordinances

If an ordinance is proposed as an amendment to a previously adopted ordinance, it shall be reported as an amending ordinance. An amending ordinance shall be accompanied by an exhibit showing the part of the original ordinance to be amended, properly identified by page, section or paragraph referenced to the original ordinance, and having a line drawn through the part stricken out and that part added shown in italics or in a different colored ink or underscored.

E. Report by Committee

All matters referred to committee or advisory board must be reported by the committee or board within the time frames specified by the Downtown Development Authority upon referral. If not reported as above provided, any member of the Downtown Development Authority may call the document out of committee by notifying the Town Clerk and Chair in open session of said member's intention. It shall then be the duty of the Clerk to place the document before the Downtown Development Authority for consideration at the next succeeding meeting without any further reference.

RULE VIII PUBLIC HEARINGS

A. General

1. This Rule shall apply to all Town Boards conducting public hearings, including the Downtown Development Authority, the Planning Commission, and the Board of Zoning Adjustment.

2. All persons desiring to speak before a Town Board conducting a public hearing shall sign up to be heard prior to the hearing's commencement. All persons speaking before a Town Board at a public hearing shall provide their names and addresses.

B. Public Hearing Procedures on Land Use Matters

1. The meeting shall be chaired by the Chair or board chairperson. The hearing shall be conducted in accordance with the procedures set forth in Chapters 16, 17, and 18 of the Nederland Municipal Code. The purpose of such Code provisions is to provide a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence presented is reasonably related to the purpose of the public hearing. The Chair/Chairperson has the authority to limit debate to a reasonable length of time to maintain reasonable equality of time for all positions on an issue.

2. The Chair/Chairperson shall cause all such persons to promise and agree that all statements and evidence they present shall be the truth.

3. Any person speaking may be questioned by a member of the board or, where appropriate, by members of Town staff, or an attorney or representative of one in opposition to such person.

4. When the number of persons wishing to speak may unduly prolong the hearing, the Chair/Chairperson may impose a time limit upon each speaker.

5. Town staff's duties are to enter, as part of the record, a copy of the matter's public notice; all application documents for the proposed project and copies of any other information and documents that are an appropriate part of the public hearing record; to provide a synopsis or summary of the issues before the board including issues considered in prior public meetings/hearings of boards and/or commissions; make recommendations as to the matters to be determined by the board; and answer specific questions as requested by the board or the parties to the hearing.

6. The property owner, applicant or proponent or representative(s) of the project/issue before the board, shall present evidence and describe the nature of the request. The burden of presenting the case for the proponent of the project/issue is upon such proponent or its representative, not the Town staff.

7. All testimony in support, or opposition, or questions shall be directed through the Chair/Chairperson, who will direct the appropriate person to respond.

8. The property owner, applicant or proponent or representative(s) of the project/issue will be afforded an opportunity for brief rebuttal statements/evidence following public input.

9. If final action is not to be taken at the same time as the public hearing, the Chair/Chairperson will advise the audience/public when the matter will be considered.

10. If a board member is absent during a public hearing, he/she shall not be eligible to vote on the matter unless he/she has listened to and reviewed the entire record of the hearing. It is not the purpose or intent of this provision to postpone or unduly delay a decision by the board because of the absence of a member to enable him/her substantial time to review the record.

11. The essence of the following shall be presented by the Chair/Chairperson at the outset of the public hearing:

“We welcome your comments and input. Because we will strive to proceed through the public hearing in a timely manner, we require that all persons observe the following procedures with respect to comments and testimony:

When you are recognized to speak, please approach the podium and state your name and address. All comments and testimony shall be made from the podium, no comments or testimony shall be presented from the audience.

Comments and testimony are to be directed to the board. Dialogue and inquiries from the person at the podium to members of staff or the seated audience is not permitted. Inquiries that require staff response will be referred to staff by the Chair/Chairperson.

It is our desire to give everyone an opportunity to speak and be heard in a timely manner and within an atmosphere of respect and diplomacy. These procedures are to foster that atmosphere. Thank you for your cooperation, and we look forward to hearing your comments.”

C. Non-Land Use Public Hearing Procedures

Persons wishing to speak may do so whether in favor, opposed or neutral. No specific order of those in favor or in opposition will be used.

With the advice of the Town attorney, the Chair/Chairperson shall conduct the hearing in such manner as to provide for free speech and expression of opinion of all persons speaking, subject only to the limits of courtesy and respect to other persons and their opinions as long as the subject is related to the issue or the public hearing. Notwithstanding these purposes, the Chair/Chairperson has the authority to limit comments to a reasonable length of time.

Any person speaking may be questioned by members of the board or by the Town staff.

The Chair/Chairperson shall rule upon all disputed matters or procedures.

D. Liquor License Hearing Procedures

The Nederland Downtown Development Authority sits as the Nederland Liquor Licensing Authority and hears licensing, suspension, and revocation cases.

The meeting shall be chaired by the Chair. The hearing shall be conducted in accordance with the procedures set forth in statute and regulations. The purpose of such laws and regulations is to provide a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence presented is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to maintain reasonable equality of time for all positions on an issue.

The Chair shall cause all such persons to promise and agree that all statements and evidence they present shall be the truth.

Any person speaking may be questioned by a member of the Board or, where appropriate, by members of Town staff, or an attorney or representative of one in opposition to such person.

When the number of persons wishing to speak may unduly prolong the hearing, the Chair may establish a time limit upon each speaker.

Town staff's duties are to enter, as part of the record, a copy of the matter's public notice; all application documents for the proposed project and copies of any other information and documents that are an appropriate part of the public hearing record; to provide a synopsis or summary of the issues before the Board including issues considered in prior public meetings/hearings of boards and/or commissions; make recommendations as to the matters to be determined by the board; and answer specific questions as requested by the board or the parties to the hearing.

The liquor license applicant shall present evidence and describe the nature of the request. The burden of presenting the case for the applicant is upon such applicant or its representative, not the Town staff.

All testimony in support, or opposition, or questions shall be directed through the Chair, who will direct the appropriate person to respond.

The liquor license applicant will be afforded an opportunity for brief rebuttal statements/evidence following public input.

If a member of the Board is absent during a public hearing, he/she shall not be eligible to vote on the matter unless he/she has listened to and reviewed the entire record of the hearing. It is not the purpose or intent of this provision to postpone or unduly delay a decision by the board because of the absence of a member to enable him/her substantial time to review the record.

The essence of the following shall be presented by the Chair/Chairperson at the outset of the public hearing:

"This is a public hearing before the Nederland Downtown Development Authority, sitting as the Nederland Liquor Licensing Authority, on an application for a new (type of license) liquor license, submitted by (name of applicant) for the premises with a street address of (physical address of establishment) within the Town of Nederland.

Before the hearing begins, I will outline the manner in which the hearing will be conducted and the order in which we would receive testimony. Does the Board have any questions about the process for this hearing before I begin?

Although the Authority is acting as a judge of this case, I note for the applicant and members of the public that strict rules of evidence do not apply. Any evidence that is relevant to the matter at hand may be considered by this Authority. It is then up to each member of the Authority to determine the credibility and weight of all such evidence as it relates to their decision. As Chair, I may limit testimony or evidence determined to be irrelevant, repetitive or cumulative.

The order of this public hearing will be as follows:

1. This Authority will accept the preliminary investigation reports and findings of Town staff. The Town Clerk will provide this information.
2. The applicant may present an opening statement (if any).
3. The applicant will present its request to the Authority. Prior to excusing the applicant's witnesses, cross-examination shall be permitted in the following order:
 - a. Authority members
 - b. Any other party in interest.
4. The Town may present evidence and witnesses (if any). Prior to excusing the Town's witnesses, cross-examination shall be permitted in the following order:
 - a. The applicant or its representative
 - b. Authority members
 - c. Any other party in interest.
5. Any "party in interest" may present evidence and testimony. Before excusing witnesses, cross-examination of interested parties and their witnesses shall be permitted in the following order:
 - a. The applicant or its representative
 - b. Authority members

*Under the Colorado Liquor Code, a "party in interest" includes:

- An adult resident of the relevant neighborhood;
- An owner or business manager of a business located in the relevant neighborhood;
- A representative of a school located within 500 feet of the premises for which the license is under consideration.

*Under Nederland Municipal Code Section 6-32, the relevant neighborhood is the entirety of the Town.

6. The applicant may then present any rebuttal evidence it wishes to; the Town may then also provide rebuttal evidence, if any.
7. The applicant is then permitted to give a closing statement, if s/he chooses.

Throughout this process, the Authority may ask questions.

After all evidence and testimony has been received, I will close the public hearing. The Authority will then begin its deliberations on this application. The Authority will make a decision by motion and roll call vote.

[OPENING THE HEARING]

“I now open the public hearing on an application for a new (type of license) Liquor License, submitted by (name of applicant) for the premises with a street address of (physical address of the premises), Nederland, Colorado. I invite the Town Clerk to provide the Authority with the Town’s preliminary investigation reports and findings.”

[After the Town Clerk is done, invite the applicant to make an opening statement (# 2 above); then follow the order of testimony in # 3 through 7 above]

“Not hearing any more evidence to be brought before the Authority on this matter, I now close the public hearing. Liquor Authority, you may begin your deliberations.”

[When the Authority appears to be done with deliberations, the Chair may call for a motion if no one makes one without prompting.]

**RULE IX
AMENDMENT/SUSPENSION OF RULES**

A. Amendment of the Rules

These rules may be amended or new rules adopted by a majority vote of all Trustees. Any such amendments shall be submitted in writing at a business meeting or work session preceding formal action to amend. The amendments shall be placed on the discussion agenda of a subsequent business meeting with a resolution. This requirement may be waived by unanimous consent with a recorded vote of all Trustees present.

B. Suspension of the Rules

Any provision of these rules not governed by the Municipal Code may be temporarily suspended at any meeting of Downtown Development Authority by a majority vote of all Trustees. The vote on any such suspension shall be entered upon the record. When making a motion to suspend the rules, the Members shall specify which rule or part of such rule being temporarily suspended and the purpose for which the rule is to be suspended.

NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY

CODE OF CONDUCT

This Code of Conduct is adopted by the Downtown Development Authority of the Town of Nederland as a supplement to its Rules of Procedure.

A. CONDUCT WITH ONE ANOTHER

The Downtown Development Authority is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Members may "agree to disagree" on contentious issues.

B. IN PUBLIC MEETINGS

1. Practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not, however, allow Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Members should conduct themselves in a professional manner at all times.

2. Honor the role of the Chair in maintaining order. It is the responsibility of the Chair to keep the comments of Members on track during public meetings. Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

3. Avoid personal comments that could offend other Members. If a Member is personally offended by the remarks of another Member, the offended Member should make notes of the actual words used and call for a "point of personal

privilege" that challenges the other Member to justify or apologize for the language used. The Chair will maintain control of this discussion.

4. Demonstrate effective problem-solving approaches. Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

5. Be punctual and keep comments relative to topics discussed. Members have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Members be punctual and that meetings start on time. Be respectful of other people's time.

6. Prepare in advance of meetings and be familiar with issues on the agenda. Stay focused and act efficiently during public meetings. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discuss scheduled issues.

7. Avoid expressing opinions during Public Hearings. Members will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Members are not appropriate until after the close of the public hearing. 8. 8. Members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

C. IN PRIVATE ENCOUNTERS

1. Continue respectful behavior in private. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

2. Be aware of the insecurity of written notes, voicemail messages, and e-mail. Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note e-mailed to others? How would you feel if this voicemail message was played on a speakerphone in a full office? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

3. Even private conversations can have a public presence. Elected officials are always on display. People around them that they may not know monitor their actions, mannerisms, and language. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

D. MEMBER CONDUCT WITH TOWN STAFF

1. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
2. Limit contact to specific Town staff. Questions of Town staff and/or requests for additional background information should be directed to the Town Administrator. The Town Administrator should be copied on or informed of any request. Requests for follow-up or directions to staff should be made only through the Town Administrator
3. Do not disrupt Town staff from their jobs. Members should not disrupt Town staff while they are in meetings, on the phone, or engrossed in performing their job functions, in order to have their individual needs met.
4. Never publicly criticize an individual employee. Members should never express concerns about the performance of a Town employee in public or to the employee directly. Comments about staff performance are best handled by correspondence or communication with the Town Administrator.
5. Do not get involved in administrative functions. Members must not attempt to influence Town staff on the making of appointments, the awarding of contracts, selecting of consultants, processing of development applications, or granting of Town licenses and permits.
6. Check with Town staff on correspondence before taking action. Before sending correspondence, Members should check with Town staff to see if an official Town response has already been sent or is in progress.
7. Do not solicit political support from staff. Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Town staff. Town staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

E. MEMBERS CONDUCT WITH THE PUBLIC

1. IN PUBLIC MEETINGS.

- a. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the

part of individual Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

b. Be welcoming to speakers and treat them with care and gentleness. Speaking in front of the Board can be a difficult experience for some people. Some issues the Board undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that the Members treat people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

c. Be fair and equitable in allocating public hearing time to individual speakers. The Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three (3) minutes, with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Board requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

d. Give the appearance of active listening. It is disconcerting to speakers to have Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

e. Ask for clarification, but avoid debate and argument with the public. Only the Chair – not individual Members-- can interrupt a speaker during a presentation. However, a Member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Member finds disturbing.

f. If speakers become flustered or defensive by Members questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to challenge or belittle the speaker. Members' personal opinions or

inclinations about upcoming votes should not be revealed until after the public hearing is closed.

g. No personal attacks of any kind, under any circumstance. Members should be aware that their body language and tone of voice, as well as the words they use, could appear to be intimidating or aggressive.

h. Follow parliamentary procedure in conducting public meetings. The Town Attorney serves as advisory parliamentarian for the Town and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Chair, subject to the appeal of the full Board.

i. Main motions may be followed by amendments. Any Member can call for a point of order. Only Members who voted on the prevailing side may make motions to reconsider.

2. IN UNOFFICIAL SETTINGS

a. Make no promises on behalf of the Board. Members will frequently be asked to explain a Board action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise Board action, or to promise that Town staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

b. Make no personal comments about other Members. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Members, their opinions and actions.

c. Remember that despite its recent growth, Nederland is a small community at heart. The community is constantly observing Members every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town of Nederland. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

F. BOARD CONDUCT WITH OTHER PUBLIC AGENCIES

1. Be clear about representing the Town or personal interests. If a Member appears before another governmental agency or organization to give a

statement on an issue, the Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the Town; 2) whether this is the majority or minority opinion of the Board. Even if the Member is representing his or her own personal opinions, remember that this still may reflect upon the Town as an organization.

2. If the Member is representing the Town, the Member must support and advocate the official Town position on an issue, not a personal viewpoint.

If the Member is representing another organization whose position is different from the Town, the Member should withdraw from voting on the issue if it significantly impacts or is detrimental to the Town's interest. Board members should be clear about which organizations they represent and inform the Chair and Board of their involvement.

G. DDA BOARD CONDUCT WITH OTHER BOARDS AND COMMISSIONS

1. The Town has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the Town Board. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

2. If attending a Board or Commission meeting, be careful to only express personal opinions. Members may attend any Board or Commission meeting, which are always open to any member of the public. However, if the Board/Commission is conducting a public hearing, the Member shall remove himself from the proceedings. Members should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Member at a Board/Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Board. Also, a Member's presence may affect the conduct of the Board/Commission and limit their role and function.

3. Limit contact with Board and Commission members. It is inappropriate for a Member to contact a Board/Commission member to lobby on behalf of an individual, business, or developer. Members should contact staff in order to clarify a position taken by the Board/Commission.

4. Be respectful of diverse opinions. A primary role of the Board is to provide advice and make decisions based on a full spectrum of concerns and perspectives. Members must be fair and respectful of all citizens serving on Boards and Commissions.

5. Inappropriate behavior can lead to removal. Inappropriate behavior by a Member should be noted to the Chair, and the Chair should counsel the offending member. If inappropriate behavior continues, the Chair should bring the situation to the attention of the Downtown Development Authority, and the individual may be subject to removal from the Board/Commission.

H. CONDUCT WITH THE MEDIA

1. Members may be contacted by the media for background information and quotes.

2. The best advice for dealing with the media is to never go "off the record." Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

3. The Chair is the official spokesperson for the Downtown Development Authority. The Chair is the designated representative of the Downtown Development Authority to present and speak on the official Town position. If the media contacts an individual Member, the Member should be clear about whether their comments represent the official Town position or a personal viewpoint.

4. Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

I. SANCTIONS

1. Public Disruption. Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the DDA meeting room.

2. Members Behavior and Conduct. Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the

D. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by the Town Board.

3. Members should point out the offending Member's infractions of the Code of Conduct. If the offenses continue, then the matter should be referred to the Chair in private. If the Chair is the individual whose actions are being challenged, then the matter should be referred to the Chair Pro Tem.

4. It is the responsibility of the Chair to initiate action if a Member's behavior warrants sanction. If the Chair takes no action, the alleged violation(s) can be brought up with the full Board in a public meeting.

5. If violation of the Code of Conduct is outside of the observed behaviors by the Chair or Board, the alleged violation should be referred to the Chair. The Chair should ask the Town Administrator to investigate the allegation and report the findings to the Chair. It is the Chair's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; the investigation and its findings, as well as to recommend sanction options for Board consideration.

6. Staff members who are present during Board meetings shall abide by appropriate standards of conduct and may be disciplined if they act inappropriately. Arguing with or challenging Town Members is strictly prohibited.

J. APPLICATION OF THIS CODE TO ADVISORY BOARDS, COMMISSIONS, AND TASK FORCES

1. It is the intent of the Nederland Downtown Development Authority that this Code of Conduct be adhered to in spirit and action by all members of Nederland advisory boards, commissions, and task forces.

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: 10/15/2014

INITIATED BY: Katrina Harms

INFORMATION: ACTION: OR DISCUSSION: X

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AGENDA ITEM: Approve involvement and budget for Holiday Lights and lighting events.

SUMMARY:

Last year the NDDA purchased lights that were used in public spaces, bridges, trees and also made them available to downtown businesses for outside lighting. The NDDA also helped fund a December First Friday event that coincided with the tree lighting ceremony called Magic of the Mountains. Some signage exists for the event and Town Public Works is storing the lights.

Does the NDDA want to replace and/or purchase new lights for the same purpose. Does the NDDA want to participate and support in some organizational and financial way to a December First Friday event along with the Tree Lighting ceremony.

RECOMMENDATIONS:

FINANCIAL CONSIDERATIONS:

There is a line item and money budgeted and available for this purpose. Assistance for the event might be needed by the secretary outside of regular budgeted hours.