



# NOTICE OF COUNCIL MEETING

## STUDY SESSION

TELECONFERENCE (Open to the Public)

May 2, 2022

6:30 p.m.

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### TELECONFERENCE/ELECTRONIC PARTICIPATION PROCEDURES

***Members of the Aurora City Council will participate in the May 2, 2022 Study Session by teleconference due to concerns surrounding the COVID-19 (coronavirus) outbreak. To keep the members of our community, employees and leaders safe, there will be no public presence at the meeting. Members of the public and media will be able to participate remotely through the options listed below:***

#### **View or listen live to the Study Session**

Live streamed at [www.auroraTV.org](http://www.auroraTV.org)  
Cable Channels 8 and 880 in Aurora  
Call: 855.695.3475

#### **Translation/Accessibility**

The City will provide closed captioning services on Cable Channels 8 and 880. If you need any other accommodation, please contact the Office of the City Clerk at (303) 739-7094. If you are in need of an interpreter, please contact the Office of International and Immigrant Affairs at 303-739-7521 by Monday, May 2, 2022 at 9:00 a.m. (Si necesita un intérprete, comuníquese con la oficina de asuntos internacionales e inmigrantes en 303-739-7521 por el viernes anterior a la reunión del lunes.)

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For other information regarding public meetings, please contact the Office of the City Clerk at (303) 739-7094 or by email at [CityClerk@auroragov.org](mailto:CityClerk@auroragov.org) or visit [www.auroragov.org](http://www.auroragov.org)





## AGENDA

### Study Session of the Aurora City Council

Monday, May 2, 2022

6:30 p.m.

VIRTUAL MEETING

City of Aurora, Colorado  
15151 E Alameda Parkway

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Pages

**1. ITEMS FROM THE MAYOR**

**1.a. Mayor's Update**

**1.b. Issue Update**

**2. CONSENT CALENDAR**

**2.a. Consideration to Appoint One (1) Member to the Human Relations Commission** 4

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

**2.b. Consideration to Appoint Two (2) Members and Reappoint One (1) Member to the Veterans Affairs Commission** 10

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

**2.c. Consideration to Reappoint Three (3) Members to the Historic Preservation Commission** 22

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

**2.d. Arapahoe County Open Space Sales and Use Tax Shareback Intergovernmental Agreement (Resolution)** 34

Jeff Edwards, Interim Manager of Tax / Hanosky Hernandez Perez, Senior Assistant City Attorney

Estimated Time: 10 mins



**2.e. Aurora Crossroads Metropolitan District No.3 Amended and Restated Service Plan** 72

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney II

Estimated time: 10 mins

**2.f. Buckley Metropolitan District Nos. 1-4 Amended Service Plan** 124

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney II

Estimated time: 10 mins

**2.g. Tallyn's Reach Metropolitan District Nos. 2 and 3 Consolidation** 133

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney II

Estimated time: 10 mins

**3. ITEMS FROM THE POLICY COMMITTEES**

**3.a. Implementation of Camping Ordinance Update** 140

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistant City Attorney

Outside speaker: Bob Dorshimer, Mile High Behavioral Health Care, HDR Architects

Estimated time: 30 mins

**3.b. Long-Term Shelter Options for Individuals and Families** 168

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistant City Attorney

Estimated time: 10 mins

**3.c. Colfax Bus Rapid Transit Project Update – Station Enhancements and Cost Estimate for Aurora Stations** 236

Huiliang Liu, Principal Transportation Planner / Carlie Campuzano, Traffic Manager / Michelle Gardner, Senior Assistant City Attorney

Estimated time: 30 mins



- 3.d. An Ordinance to Amend City Code Relating to GERP And ERP Retirement Plans** 261
- Nancy Wishmeyer, Controller / Hanosky Hernandez, Senior Assistant City Attorney
- Estimated time: 10 mins
- 3.e. 2022 State and Federal Priorities Follow-up** 268
- Sponsor: Angela Lawson, Council Member
- Roberto Venegas, Deputy City Manager
- Estimated time: 15 mins
- 4. ITEMS FROM THE CITY MANAGER**
- 5. ITEMS FROM THE CITY COUNCIL**
- 5.a. Proposal to Amend Section 2-672 of the City Code Pertaining to Authority to Award Contracts** 274
- Sponsor: Danielle Jurinsky, Council Member
- Dave Lathers, Assistant City Attorney
- Estimated time: 15 mins
- 6. CALL-UPS OF COUNCIL POLICY COMMITTEE ITEMS**
- 7. MISCELLANEOUS ITEMS**
- 8. ITEMS REMOVED FROM THE AGENDA, IF ANY**





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Consideration to Appoint One (1) Member to the Human Relations Commission
<b>Item Initiator:</b> Angel Mckinley-Paige, Diversity, Equity & Inclusion Officer
<b>Staff Source/Legal Source:</b> Kadee Rodriguez, City Clerk/Dave Lathers, Senior Assistant City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 5.3--Aggressively pursue primary job attraction, retention and expansion

### COUNCIL MEETING DATES:

**Study Session:** 5/2/2022

**Regular Meeting:** 5/9/2022

### ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

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### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting  | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

**Action Taken/Follow-up:** *(Check all that apply)*



☐ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The purpose of the Human Relations Commission is to promote a mutual understanding and respect among all people, to disseminate information and educational materials to eliminate prejudice, promote human relations and investigate complaints of this nature.

The Human Relations Commission consists of twelve (12) members appointed by the Aurora City Council. The term length is three (3) years and members may serve up to three (3) terms.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

The Human Relations Commission currently has 5 vacancies. The Commission received 1 application and interviews were conducted in April.

Among the applicants were:  
Erica Ponder

Upon conducting interviews, the Human Relations Commission respectfully recommends the appointment of the following candidate:

Erica Ponder – 1st term beginning 1/1/2022 and ending on 12/31/2025

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**QUESTIONS FOR COUNCIL**

Does City Council wish to appoint Erica Ponder to the Human Relations Commission?

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**LEGAL COMMENTS**

The Human Relations Commission consists of 12 voting members, including a youth member, one nonvoting member (appointed by the City manager), one alternate member who shall not be entitled to vote, and one youth alternate who shall not be entitled to vote. The 12 voting members and the alternate members shall be of voting age and be registered electors. The member shall be broadly representative of all citizens, and shall reflect, as far as possible, the religious, ethnic, and age groups of the community. (City Code Section 82-27). The functions and duties of the human relations commission shall include but not be limited to providing the city council with information concerning changing social conditions, reviewing for accountability to those external human service agencies that receive funds from the city, working toward solving social problems and improving social conditions, hearing programs, and submitting reports of the various activities undertaken by the commission. (City Code Section 82-28) (Lathers)

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**PUBLIC FINANCIAL IMPACT**

☐ YES ☒ NO

**If yes, explain:** N/A

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**PRIVATE FISCAL IMPACT**

☒ Not Applicable ☐ Significant ☐ Nominal

**If Significant or Nominal, explain:** N/A









## MEMORANDUM

TO: Mayor Coffman and Members of City Council

FROM: Angel McKinley-Paige, Interim Diversity, Equity & Inclusion Officer

THROUGH: Tristen Sheptock, City Clerk Analyst

DATE: May 4, 2022

SUBJECT: New Appointment to the HRC

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The Human Relations Commission (HRC) consists of eleven (11) voting members appointed by the Aurora City Council. Five vacancies currently exist; one candidate is proposed for appointment.

### Summary

#### **Erica Ponder (New Appointment)**

Erica Ponder submitted an application to the HRC on April 4, 2022. Ms. Ponder has been a resident of Aurora for 29 years. She has 10 years of experience in the real estate profession and possesses considerable experience and expertise in providing services to all in the community. Ms. Ponder earned an Associate's Degree in Early Childhood Education. Ms. Ponder is very enthusiastic about getting involved in the community. Ms. Ponder feels very passionately about the importance of representing the underserved in our community and is very eager to join the Human Relations Commission, believing her background and passion for equitable housing will aid the Commission in their mission.

**At the May 4, 2021 meeting, the Human Relations Commission voted unanimously to support of the appointment of Erica Ponder.**



Date: 04/01/2022

Ward No:

Board/Commission Applying For: Citizens Advisory Committee on Housing and Community Development & Human Relations

Name: Erica Ponder

Home Address: [REDACTED]

City: Aurora

Zip: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Home Phone: [REDACTED]

Work Phone:

How Long in Aurora: 29

Register to Vote: Yes

#### EDUCATION:

Years Completed: 18

Degree(s): AA in ECE

Colleges: Community College of Denver

#### EMPLOYMENT:

Employer Name: Employer Address:

Position:

How Long?:

Work Experience:

Certifications:

#### COMMUNITY INVOLVEMENT:

Involvement: Community gatherings, zoom meetings, cleanup community gatherings Do you Presently Serve in Any Other Appointed Position on a Board, Commission or Committee?: No If Yes, what position:

#### CONFLICT OF INTEREST:

Do you have any conflicts of interest that should be disclosed?: No If yes, please explain:

#### INTERESTS/ACTIVITIES:

Interests/Activities:

#### APPOINTMENT:

Why do you desire this appointment? I would like to become more involved in the city I live in to make it a better place for all involved. The city has changed over the years and I have tons of ideas to share.



How much time do you anticipate being able to spend on this appointment each month?: About ten hours.

PLEASE GIVE THREE REFERENCES:

Name: Jordan Saffold

Address: [REDACTED]

Phone: [REDACTED]

Name: Skylar Griffin

Address: [REDACTED]

Phone: [REDACTED]

Name: Pamela Mathews

Address: [REDACTED]

Phone: [REDACTED]

Applicant Initials Given? Yes - EP

Date Received: 04/04/2022

Access Entry Date: \_\_\_\_\_

Initials: Tristen Sheptock

Registered Voter: ☒ Yes ☐ No ☐ N/A County: Arapahoe

As of: 07/22/2004

STATISTICAL INFORMATION:

How did you hear about us? Other: Nextdoor App





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Consideration to Appoint Two (2) Members and Reappoint One (1) Member to the Veterans Affairs Commission
<b>Item Initiator:</b> John Lee, Training Coordinator / Ralph Charlip, Veterans Affairs Chair
<b>Staff Source/Legal Source:</b> Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 4.0--Create a superior quality of life for residents making the city a desirable place to live and work

### COUNCIL MEETING DATES:

**Study Session:** 5/2/2022

**Regular Meeting:** 5/9/2022

### ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

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### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting  | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

**Action Taken/Follow-up:** *(Check all that apply)*



☐ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The Veterans Affairs Commission advises city council as to the concerns of veterans relating to transportation, housing, employment and other areas affecting veterans in the city, and make recommendations to city council of solutions to these issues and concerns. The commission serves as a source of information regarding resources and services available to veterans and exercise other powers and duties as may be assigned by city council.

The Veterans Affairs Commission consists of twelve (12) members appointed by the Aurora City Council. The term length is three (3) years and members may serve up to three (3) consecutive terms.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

The Veterans Affairs Commission has 3 vacancies. The Commission received 3 applications and interviews were conducted in March 2022.

Among the applicants were:  
Dwayne Davis, Julie Huygen, Ralph Charlip

Upon conducting interviews, the Veterans Affairs Commission respectfully recommends the appointment and reappointment of the following candidates:

Dwayne Davis – 1st term beginning 07/01/2022 and ending on 06/30/2025  
Julie Huygen – 1st term beginning on 07/01/2022 and ending on 06/30/2025  
Ralph Charlip – 2nd term beginning on 07/01/2022 and ending on 06/30/2025

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**QUESTIONS FOR COUNCIL**

Does Council support the appointments of Dwayne Davis and Julie Huygen, and the reappointment of Ralph Charlip to the Veterans Affairs Commission?

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**LEGAL COMMENTS**

The Veterans Affairs Commission shall consist of eleven voting members and one non-voting alternate member, who shall be registered electors and shall either be on active duty in a uniformed service of the United States or serving as a traditional Guardsman/Reservist or Individual Mobilization Augmentee or be honorably discharged from the United States Army, Navy, Marine Corps, Air Force, Coast Guard, Space Force, the United States Public Health Service Commissioned Corp, or the National Oceanic and Atmospheric Administration Commissioned Officer Corps. (Code Section 2-851). This commission shall advise the council as to the concerns of veterans relating to transportation, housing employment and other areas affecting veterans in the city. They shall make recommendations to the Council of solutions to these issues and concerns, and they may serve as a source of information regarding sources and services available to veterans. (City Code Section 2-855) (Lathers)

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**PUBLIC FINANCIAL IMPACT**

☐ YES ☒ NO

**If yes, explain:** N/A

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**PRIVATE FISCAL IMPACT**



☒ Not Applicable      ☐ Significant      ☐ Nominal

**If Significant or Nominal, explain:** N/A



## MEMORANDUM

April 15th, 2022

**TO:** City Council Members

**THROUGH:** Alicia Romero and John Lee, HR Training Coordinators

**FROM:** Ralph Charlip, 2022 Chairperson, Veterans Affairs Commission



**SUBJECT:** Appointments to the Veterans Affairs Commission

The Veterans Affairs Commission unanimously supports Julie Huygen, and Dwayne Davis for appointment, and Ralph Charlip for reappointment to the Commission. To assess their qualifications, all social media accounts were reviewed (Facebook and LinkedIn) Three references were checked, and three commissioners interviewed them for approximately 70 minutes. They were asked questions about their experiences, values and desire to serve as a commissioner. They all demonstrated strong values regarding honesty, integrity and accountability and are clearly committed to veterans' issues. All members demonstrated the ability to deal with conflict, public speaking and have the time to be engaged with the Commission. The reference checks were all positive and supported the information the candidates shared during their interview.

**The Veterans Affairs Commission respectfully requests the appointment of Julie Huygen and Dwayne Davis, and the reappointment of Ralph Charlip.**



The Honorable Mayor Coffman  
Aurora City Council  
15151 E. Alameda Parkway  
Aurora, CO 80012-1553

RE: Application for reappointment to Veterans Affairs Commission

Dear Mayor and Members of the Aurora City Council:

My term of office on the above-named board has recently expired or will expire soon. I am interested in serving an additional term.

I hope you will sincerely consider my application and reappointment.

Sincerely,



Signature

Ralph Charlip

Printed name

Veterans Affairs Commission  
Name of Board/Commission

March 15, 2022  
Date



Date: 03/15/2022

Ward No: 6

Board/Commission Applying For: Veterans Affairs

Name: Ralph Charlip

Home Address: [REDACTED]

City: Aurora

Zip: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Home Phone: [REDACTED]

Work Phone:

How Long in Aurora: 5 yrs

Register to Vote: Yes

#### EDUCATION:

Years Completed: 16

Degree(s): Masters in Public Administration BA in Political Science Enrolled as a student in Doctor of Public Administration Program

Colleges: University of Arizona Walden University

#### EMPLOYMENT:

Employer Name: Retired Employer Address:

Position:

How Long?:

Work Experience: 38 years in public service. Retired from Federal Civil Service in 2016 as a Dep Assistant Secretary with the US Department of Labor

Certifications: Life Fellow, American College of Healthcare Executives

#### COMMUNITY INVOLVEMENT:

Involvement: Yes - Board member of non profit Do you Presently Serve in Any Other Appointed Position on a Board, Commission or Committee?: Yes If Yes, what position: Chairperson, Veterans Affairs Commission

#### CONFLICT OF INTEREST:

Do you have any conflicts of interest that should be disclosed?: No If yes, please explain:

#### INTERESTS/ACTIVITIES:

Interests/Activities: Involved in my local community governance. Model railroading

#### APPOINTMENT:

Why do you desire this appointment? Continue to serve veterans in the community.



How much time do you anticipate being able to spend on this appointment each month?: 20-30 hrs

PLEASE GIVE THREE REFERENCES:

Name:  
Address:  
Phone:

Name:  
Address:  
Phone:

Name:  
Address:  
Phone:

Applicant Initials Given? Yes - rc

Date Received: 03/15/2022

Access Entry Date: \_\_\_\_\_

Initials: Tristan Sheptock

Registered Voter: ☒ Yes ☐ No ☐ N/A County: Douglas

As of: 07/26/2017

STATISTICAL INFORMATION:

How did you hear about us? Other: Member of the Cmsn



## Zapata, Cecilia

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**From:** OnLineServices@auroragov.org  
**Sent:** Saturday, February 5, 2022 9:57 AM  
**To:** Boards and Commissions; Watson, Ed  
**Subject:** Application for Appointment

Date: 02/05/2022  
Ward No: VI  
Board/Commission Applying For: Veterans Affairs Commission

Name: Julie Huygen  
Home Address: [REDACTED]  
City: Aurora  
Zip: [REDACTED]  
Email: [REDACTED]  
Date of Birth: [REDACTED]  
Home Phone: [REDACTED]  
Work Phone:  
How Long in Aurora: 6 mos  
Register to Vote: Yes

### EDUCATION:

Years Completed: 19  
Degree(s): Bachelor of Arts in Government Juris Doctor  
Colleges: Harvard University, Harvard-Radcliffe College, Cambridge, Massachusetts University of Maryland, Carey School of Law, Baltimore, Maryland

### EMPLOYMENT:

Employer Name: US Air Force Retired Employer Address:  
Position: Colonel / Judge Advocate  
How Long?: 21 years  
Work Experience: My previous positions during my 21 years on active duty as an Air Force JAG include Staff Judge Advocate (senior lawyer), Buckley Air Force Base, 2013-2015. My last position was Senior Appellate Military Judge, Air Force Court of Criminal Appeals. I deployed to Afghanistan for OPERATION ENDURING FREEDOM in 2012-2013 and to Southwest Asia for OPERATION IRAQI FREEDOM in 2006. After my retirement in 2019 and with the assistance of the VFW, I qualified as a disabled veteran (over 50%).  
Certifications: Although I am not currently practicing law, I remain an active member of the Maryland bar. My DD Form 214 is available on request.

### COMMUNITY INVOLVEMENT:

Involvement: American Bar Association, Rocky Mountain Harvard University Club Do you Presently Serve in Any Other Appointed Position on a Board, Commission or Committee?: No If Yes, what position:



CONFLICT OF INTEREST:

Do you have any conflicts of interest that should be disclosed?: No If yes, please explain:

INTERESTS/ACTIVITIES:

Interests/Activities: I serve on the ABA Standing Committee on Law and National Security. My current project is Editor of the Anthology on National Security Law. In addition, I interview college applicants for the Harvard Club Schools Committee. I enjoy using the Aurora Public Library, walking in local parks, and gardening.

APPOINTMENT:

Why do you desire this appointment? I want to combine service to my new home of Aurora with service to my fellow veterans. I am particularly interested in supporting veterans' access to healthcare, housing, education, and employment opportunities.

How much time do you anticipate being able to spend on this appointment each month?: One week and more as needed

PLEASE GIVE THREE REFERENCES:

Name: Chuck Killion, Col, Ret., USAF

Address: [REDACTED]

Phone: [REDACTED]

Name: Ratna Gupta, Col, USAFR

Address: [REDACTED]

Phone: [REDACTED]

Name: Joanie Koprivnikar

Address: [REDACTED]

Phone: [REDACTED]

Applicant Initials Given? Yes - JJRH

Date Received: 2/5/2022

Access Entry Date: \_\_\_\_\_

Initials: 

Registered Voter: X Yes        No        N/A County: Arapahoe

As of: 8/27/2021

STATISTICAL INFORMATION:

How did you hear about us? Other: Aurora website



Date:

**City of Aurora**  
**APPLICATION FOR APPOINTMENT**  
 PLEASE TYPE OR PRINT CLEARLY

Ward No.

Application kept for One Year. May Attach Resume.

Board/Commission Applying For:

Veterans' Affairs Commission

DD214 #

## PERSONAL INFORMATION:

Name: <u>Dwayne L. Davis</u>		How long in Aurora: <u>1 year Oct 2021</u>
Home Address: [REDACTED]		Registered to Vote: <u>Yes</u>
e-mail address: [REDACTED]	**Date of Birth: [REDACTED]	Work Phone: [REDACTED]

Required to verify voter registration

Yrs. Completed:

18

Degree(s):

MS, BS

Colleges:

Florida Inst of Tech, UmuC

## EMPLOYMENT:

Employer Name/Address: <u>Veterans &amp; Friends Empowered, Inc</u>	Position: <u>Founder/CEO</u>	How long? <u>1 year</u>
Work Experience: <u>Retired US Army &amp; Federal Govt</u>	Certifications: <u>Business, Life Coach, Mediator</u>	

## COMMUNITY INVOLVEMENT:

DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE? ☐ Yes ☒ No

If yes, what position:

## INTERESTS/ACTIVITIES:

Veterans activities, walking, hiking

## WHY DO YOU DESIRE THIS APPOINTMENT:

Serving my country all my adult life, now want to serve here

How much time do you anticipate being able to spend on this appointment each month?

## PLEASE GIVE THREE REFERENCES:

Name: <u>Frank Benjamin</u>	Address: [REDACTED]	Phone: [REDACTED]
Name: <u>Mareese Comer</u>	Address: [REDACTED]	Phone: [REDACTED]
Name: <u>Nancy Rivera</u>	Address: [REDACTED]	Phone: [REDACTED]

I certify that the foregoing information is true and correct.

Dwayne L. Davis  
 (Volunteer's name printed)

Dwayne L. Davis  
 (Volunteer's signature)

8 Dec 2021  
 (Date)

## SEND COMPLETED FORM TO:

CITY CLERK'S OFFICE, 15151 E. Alameda Parkway, Suite 1400, Aurora, CO 80012  
 PHONE: 303.739.7094 FAX: 303.739.7520.

(-OVER-)



How did you hear about us:

- ☐ Newspaper: \_\_\_\_\_  
☐ News Aurora (water bill newsletter)  
☐ Channel 8  
☐ Word of Mouth  
☒ Other: Web Search

**FOR OFFICE USE ONLY:**

Date Received: 04/14/2022

Excel Entry Date: \_\_\_\_\_

Initials: Tristen Sheptock

Registered Voter:

As of: 09/08/2020

Incumbent? \_\_\_\_\_

☒ Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

County: Arapahoe

Volunteer Agreement Signed?: \_\_\_\_\_ Yes \_\_\_\_\_ No

Renewal Letter Attached? \_\_\_\_\_ New Volunteer Agreement? \_\_\_\_\_

Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Postcard Sent:	Response:	
Date Postcard Sent:	Response:	



## CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle) DAVIS, DWAYNE LEE		2. DEPARTMENT, COMPONENT AND BRANCH ARMY/RA		3. SOCIAL SECURITY NO. [REDACTED]	
4. GRADE, RATE, OR RANK MSG	4. PAY GRADE E8	5. DATE OF BIRTH (YYYYMMDD) [REDACTED]		6. RESERVE OBLIG. TERM. DATE Year 0000 Month 00 Day 00	
7. PLACE OF ENTRY INTO ACTIVE DUTY KANSAS CITY, KS		7. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) JUNCTION CITY, KS 66441			
8. LAST DUTY ASSIGNMENT AND MAJOR COMMAND CTR USA CECOM RDE X8		8. STATION WHERE SEPARATED FORT MONMOUTH, NJ 07703-5000			
9. COMMAND TO WHICH TRANSFERRED USAR CON GP (RET) AR-PERSCOM, 9700 PAGE BLVD, ST LOUIS, MO 63132				10. SGLI COVERAGE <input type="checkbox"/> None Amount: \$ 250,000.00	
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) 31W5H 00 MSE COMM CH--5 YRS-6 MOS//36M00 SWITCHING SYS OP--4 YRS-5 MOS//71L20 ADMINISTRATIVE SP--1 YRS-0 MOS//NOTHING FOLLOWS		12. RECORD OF SERVICE			
		a. Date entered AD This Period 1987 06 10			
		b. Separation Date This Period 2004 10 31			
		c. Net Active Service This Period 0017 04 21			
		d. Total Prior Active Service 0003 00 00			
		e. Total Prior Inactive Service 0001 07 15			
		f. Foreign Service 0000 04 00			
		g. Sea Service 0000 00 00			
		h. Effective Date of Pay Grade 2002 11 01			
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) MERITORIOUS SERVICE MEDAL (2ND AWARD)//ARMY COMMENDATION MEDAL (4TH AWARD)//ARMY ACHIEVEMENT MEDAL (4TH AWARD)//NONCOMMISSIONED OFFICER PROFESSIONAL DEVELOPMENT RIBBON WITH NUMERAL 3 //ARMY SUPERIOR UNIT AWARD//ARMY GOOD CONDUCT MEDAL (6TH AWARD)//NATIONAL DEFENSE SERVICE MEDAL (2ND AWARD)//ARMED FORCES EXPEDITIONARY MEDAL//HUMANITARIAN SERVICE//CONT IN BLOCK 18.					
14. MILITARY EDUCATION (Course title, number of weeks and month and year completed) BUS DRIVER TRAINING, 2 WEEKS, 1988//LIGHT FGT COURSE, 1 WEEK, 1988//PRIMARY LEADERSHIP DEVELOPMENT COURSE, 4 WEEKS, 1988//HEADSTART, 1 WEEK, 1989//PUBLICATION CLERK COURSE, 1 WEEK, 1990//TAMMS, 1 WEEK, 1990//BASIC NON-COMMISSIONED OFFICER COURSE, 8 WEEKS, 1991//COMBAT LIFESAVER COURSE, 2 WEEKS, 1991//PLL, 1 WEEK, 1990//NODE V4, 3 WEEKS, 1993//CONT IN BLOCK 18.					
15. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERAN'S EDUCATIONAL ASSISTANCE PROGRAM		Yes	No	15. HIGH SCHOOL GRADUATE OR EQUIVALENT	
			X	Yes No X	
17. MEMBER WAS PROVIDED A COMPLETE DENTAL EXAM AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION				16. DAYS ACCRUED LEAVE PAID NONE	
				Yes X No	
18. REMARKS DATA HEREIN SUBJECT TO COMPUTER MATCHING WITHIN DOD OR WITH OTHER AGENCIES FOR VERIFICATION PURPOSES AND DETERMINING ELIGIBILITY OR COMPLIANCE FOR FEDERAL BENEFITS//CONTINUOUS HONORABLE ACTIVE SERVICE: 19870610-20041031//IMMEDIATE REENLISTMENTS THIS PERIOD-- 19870610-19920604, 19920605-19951113, 19951114-19980707, 19980708-20041031//SUBJECT TO ACTIVE DUTY RECALL BY THE SECRETARY OF THE ARMY//BLOCK 6, PERIOD OF DELAYED ENTRY PROGRAM: 19870512-19870609//MEMBER HAS COMPLETED FIRST FULL TERM OF SERVICE//U.S. FLAG ISSUED//CAMPAIGNS: OPERATION UPHOLD DEMOCRACY: HAITI//CONT FROM BLOCK 13: MEDAL//ARMY SERVICE RIBBON//OVERSEAS SERVICE RIBBON (3RD AWARD)//EXPERT BADGE M16 RIFLE//CONT FROM BLOCK 14: //NETWORK UNIVERS. 1 WEEK, 1994 //COMSEC COURSE, 2 WEEKS, 1995//PRINCIPLES OF COUNSELING, 1 WEEK, 1997//INSTRUCTOR TRAINING COURSE, 2 WEEKS, 1997//ADVANCED NONCOMMISSIONED OFFICER COURSE, 17 WEEKS, 1998//WIRESYOP, 6 WEEKS, 1987//SWED MAINTENANCE COURSE, 1 WEEK, 1987//EQUAL OPPORTUNITY ADVISOR, 13 WEEKS, 1999//FIRST SERGEANT COURSE, 3 WEEKS, 2002//NOTHING FOLLOWS					
19. MAILING ADDRESS AFTER SEPARATION (Include Zip Code) [REDACTED]		19. NEAREST RELATIVE (Name and address - include Zip Code) NADINE M DAVIS [REDACTED]			
20. MEMBER REQUESTS COPY 5 BE SENT TO <input checked="" type="checkbox"/> NO <input type="checkbox"/> DIR OF VET. AFFAIRS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		22. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title and signature) HENRY MELONLÓPEZ, GS12, DAC CHIEF, MPD			
21. SIGNATURE OF MEMBER BEING SEPARATED Dwayne L. Davis					

## SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)

23. TYPE OF SEPARATION RETIREMENT	24. CHARACTER OF SERVICE (Include upgrades) HONORABLE
25. SEPARATION AUTHORITY AR 635-200, CHAP 12	26. SEPARATION CODE RBD
28. NARRATIVE REASON FOR SEPARATION SUFFICIENT SERVICE FOR RETIREMENT	27. REENTRY CODE 4R
29. DATES OF TIME LOST DURING THIS PERIOD NONE	30. MEMBER REQUESTS COPY 4 [REDACTED] Initials





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Consideration to Reappoint Three (3) Members to the Historic Preservation Commission
<b>Item Initiator:</b> Drake Brownfield, Historic Preservation Specialist / Midori Clark, Director of Library Cultural Services
<b>Staff Source/Legal Source:</b> Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 6.4--Provide appropriate stewardship of natural resources to ensure long-term sustainability for the city

### COUNCIL MEETING DATES:

**Study Session:** 5/2/2022

**Regular Meeting:** 5/9/2022

### ITEM DETAILS:

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

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### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting  | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- |   |   |
|---|---|
| <input type="checkbox"/> Recommends Approval              | <input type="checkbox"/> Does Not Recommend Approval    |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached                 | <input type="checkbox"/> Minutes Not Available          |



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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The purpose of the Historic Preservation Commission is to review and make recommendations to City Council regarding potential landmark status for historical sites, districts and other properties for the educational, cultural and economic benefit of Aurora citizens.

The Historic Preservation Commission consists of eleven (11) members appointed by the Aurora City Council. The term length is three (3) years and members may serve up to three (3) terms.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

The Historic Preservation Commission currently has 5 vacancies. The Commission received 3 applications for reappointment.

Among the applicants were:

Elizabeth Hamilton  
Gordon Tucker  
Lynne Evans

The Historic Preservation Commission respectfully recommends the reappointment of the following candidates to fill professional positions:

Elizabeth Hamilton – Term beginning 8/1/2022 and ending on 07/31/2025  
Gordon Tucker – Term beginning on 8/1/2022 and ending on 07/31/2025  
Lynne Evans – Term beginning on 8/1/2022 and ending on 07/31/2025

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**QUESTIONS FOR COUNCIL**

Does Council wish to support the reappointment of Elizabeth Hamilton, Gordon Tucker and Lynne Evans to the Historic Preservation Commission?

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**LEGAL COMMENTS**

The Historical Preservation Commission (HPC) shall consist of 11 voting members: Five “professional” members and six qualified citizens. All 11 members shall be registered electors of the city and shall be appointed by city council. The five professional members shall exhibit (1) an interest, competence, or knowledge of historic preservation; (2) professional experience in the disciplines of history, architecture, historic architecture, architectural history and archaeology. (City Code Section 78-26). Some of the listed powers and duties of the HPC are to make recommendations to the planning and zoning commission and to city council for public places **which are pertinent to the city’s history, and to preserve, protect, enhance, regulate and promote** the use of buildings, structures, sites and districts that are important in local, state or national history (City Code Section 78-31) (Lathers).

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**PUBLIC FINANCIAL IMPACT**

☐ YES ☒ NO

**If yes, explain:** N/A

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**PRIVATE FISCAL IMPACT**

☒ Not Applicable ☐ Significant ☐ Nominal

**If Significant or Nominal, explain:** N/A





## MEMORANDUM

TO: Mayor Coffman and Members of City Council

FROM: Drake Brownfield, Historic Preservation Specialist

THROUGH: Tristen Sheptock, City Clerk Analyst  
Scott Williams, Aurora History Museum, Director  
Midori Clark, Library and Cultural Services Department, Director

DATE: April 19, 2022

SUBJECT: Three (3) Reappointments to the HPC

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The Aurora Historic Preservation Commission (HPC) consists of eleven (11) voting members appointed by the Aurora City Council. Two (2) vacancies currently exist; three (3) current members are pursuing reappointment.

### Summary

#### **Elizabeth Hamilton (HPC Chair) (Re-Appointment)**

Elizabeth Hamilton has served as HPC Chair for over one year after over ten years of serving as HPC Vice Chair. She happily assumed the leadership role and drives many fruitful discussions in addition to chairing each HPC meeting. Elizabeth Hamilton has represented the HPC during meetings with Council Members, City Council Subcommittees, and partnerships with the public at large. She has proven to be very valuable and interested in the success of historic preservation in Aurora.

#### **Lynne Evans (HPC Secretary) (Re-Appointment)**

Lynne Evans is a fantastic asset to the HPC. She has continued to demonstrate her value as HPC Secretary, dutifully completing the written HPC record (Agendas and Minutes) as well as coordinate rotating site inspection duties. Her familiarity with Aurora is extensive as is her passion for the city. Lynne Evans routinely takes on extra advocacy duties, as well.

#### **Gordy Tucker (Re-Appointment)**

Dr. Gordy Tucker has served on the HPC for over ten years and provided archaeological and preservation guidance in HPC matters with aplomb. He also served for a number of years as the HPC Chair, guiding the Commission very well and mentoring Elizabeth Hamilton during her transition to the leadership role. Gordy Tucker currently volunteers in numerous capacities, in addition to the HPC, including weekly shifts with the Aurora History Museum. He continues to impart the value of historic preservation in everything he does.

**The Historic Preservation Commission strongly supports the reappointment of Elizabeth Hamilton (HPC Chair), Lynne Evans (HPC Secretary), and Gordy Tucker as Commissioners to the HPC.**



Date:

City of Aurora  
APPLICATION FOR APPOINTMENT  
PLEASE TYPE OR PRINT CLEARLY

Ward No.

Application kept for One Year. May Attach Resume.

Board/Commission Applying For:

HISTORIC PRESERVATION COMMISSION

PERSONAL INFORMATION:

Name:	ELIZABETH HAMILTON	How long in Aurora:	15
Home Address:	[REDACTED]	Zip:	[REDACTED]
		Registered to Vote:	YES
		Work Phone:	[REDACTED]

EDUCATION:

\*\*Required to verify voter registration

Yrs. Completed:	19	Degree(s):	MASTERS OF ARCHITECTURE
Colleges:	UNIVERSITY OF COLORADO - MASTERS BOWLING GREEN - UNIV		

EMPLOYMENT:

Employer Name/Address:	RETIRED	Position:		How long?	
Work Experience:	CITY & COUNTY OF DENVER		Certifications:	30 YEARS	

COMMUNITY INVOLVEMENT:

PRESIDENT VISTA @ MEADOW HILLS HOA	
DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, what position: GOLF COMMISSION	

INTERESTS/ACTIVITIES:

GOLF GARDENING RENOVATION
---------------------------

WHY DO YOU DESIRE THIS APPOINTMENT:

PASSION FOR HISTORIC PROPERTIES
How much time do you anticipate being able to spend on this appointment each month?

PLEASE GIVE THREE REFERENCES:

Name:	PAUL MITCHELL	Address:	[REDACTED]	Phone:	[REDACTED]
Name:	GORDON TICKER	Address:	[REDACTED]	Phone:	[REDACTED]
Name:	TRAKE BROWNE	Address:	[REDACTED]	Phone:	[REDACTED]

I certify that the foregoing information is true and correct.

ELIZABETH HAMILTON  
(Volunteer's name printed)

*Elizabeth Hamilton*  
(Volunteer's signature)

4/12/22  
(Date)

SEND COMPLETED FORM TO:

CITY CLERK'S OFFICE, 15151 E. Alameda Parkway, Suite 100, Aurora, CO 80012  
PHONE: 303.531.3300

(OVER)



<b>How did you hear about us:</b> <input type="checkbox"/> Newspaper: _____ <input type="checkbox"/> News Aurora (water bill newsletter) <input type="checkbox"/> Channel 8 <input checked="" type="checkbox"/> Word of Mouth <input type="checkbox"/> Other: _____	
--	--

**FOR OFFICE USE ONLY:**

Date Received: <u>04/13/2022</u> Excel Entry Date: _____ Initials: <u>Tristen Sheptock</u>	Registered Voter: <input checked="" type="checkbox"/> Yes ___ No ___ N/A      County: <b>Arapahoe</b> As of: <u>10/15/2007</u> Volunteer Agreement Signed?: ___ Yes ___ No Incumbent? ___ Renewal Letter Attached? ___ New Volunteer Agreement? ___
--	---

Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Postcard Sent:	Response:	
Date Postcard Sent:	Response:	



The Honorable Mayor Coffman  
Aurora City Council  
15151 E. Alameda Parkway  
Aurora, CO 80012-1553

RE: Application for reappointment to

AURORA HISTORIC PRESERVATION COMMISSION

Dear Mayor and Members of the Aurora City Council:

My term of office on the above-named board has recently expired or will expire soon. I am interested in serving an additional term.

I hope you will sincerely consider my application and reappointment.

Sincerely,

  
Signature

ELIZABETH J. HAMILTON  
Printed name

HISTORIC PRESERVATION COMMISSION  
Name of Board/Commission

3-24-22  
Date



Date:

**4/12/22**

**City of Aurora**  
**APPLICATION FOR APPOINTMENT**  
 PLEASE TYPE OR PRINT CLEARLY

Ward No.

**5**

**Application kept for One Year. May Attach Resume.**

Board/Commission Applying For:

**Historic Preservation Commission****PERSONAL INFORMATION:**

Name: <b>LYNNE M EVANS</b>		How long in Aurora: <b>47 years</b>
Home Address: [REDACTED]	Zip: [REDACTED]	Registered to Vote: <b>yes</b>
e-mail address: [REDACTED]	**Date of Birth: [REDACTED]	Home Phone: [REDACTED]
		Work Phone: <b>retired</b>

**EDUCATION:****\*\*Required to verify voter registration**

Yrs. Completed: <b>20+</b>	Degree(s): <b>BA English minor in Social Studies + hours equiv to masters</b>
Colleges: <b>Western State/University of Northern CO</b>	

**EMPLOYMENT:**

Employer Name/Address: <b>Aurora Public Schools/ Rangeview High School</b>	Position: <b>Teacher/ English Dept. Chair</b>	How long? <b>36 years</b>
Work Experience: <b>teacher/ currently retired</b>	Certifications: <b>K-12 Teaching Certificate</b>	

**COMMUNITY INVOLVEMENT:**

<b>Aurora Museum Foundation Board/ President of Aurora Historical Society/ State Archivist Daughters of Amer. Rev.</b>	
DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, what position: <b>Secretary Historic Preservation Commission</b>	

**INTERESTS/ACTIVITIES:**

<b>volunteer at Freedom Service Dogs and National Mill Dog Rescue</b>
---

**WHY DO YOU DESIRE THIS APPOINTMENT:**

<b>I have been serving on the commission and would like to continue serving</b>
---

How much time do you anticipate being able to spend on this appointment each month?

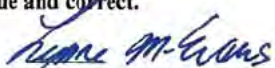
**as much as needed****PLEASE GIVE THREE REFERENCES:**

Name: <b>Drake Brownfield</b>	Address: <b>Aurora History Museum</b>	Phone: [REDACTED]
Name: <b>Scott Williams</b>	Address: <b>Aurora History Museum</b>	Phone: [REDACTED]
Name: <b>Gregg Chase</b>	Address: [REDACTED]	Phone: [REDACTED]

I certify that the foregoing information is true and correct.

Lynne M Evans

(Volunteer's name printed)

  
(Volunteer's signature)

April 12, 2022

(Date)

**SEND COMPLETED FORM TO:**

CITY CLERK'S OFFICE, 15151 E. Alameda Parkway, Suite 1400, Aurora, CO 80012  
 PHONE: 303.739.7094 FAX: 303.739.7520.

**(-OVER-)**



<b>How did you hear about us:</b> <input type="checkbox"/> Newspaper: _____ <input type="checkbox"/> News Aurora (water bill newsletter) <input type="checkbox"/> Channel 8 <input type="checkbox"/> Word of Mouth <input checked="" type="checkbox"/> Other: <u>currently serving on HPC</u>	
--	--

**FOR OFFICE USE ONLY:**

Date Received: <u>04/19/2022</u> Excel Entry Date: _____ Initials: <u>Tristen Sheptock</u>	Registered Voter: ___ Yes <input checked="" type="checkbox"/> No ___ N/A     County: <u>Ouray</u> As of: <u>11/13/2006</u> Volunteer Agreement Signed?: ___ Yes ___ No Incumbent? ___ Renewal Letter Attached? ___ New Volunteer Agreement? ___
--	---

Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Postcard Sent:	Response:	
Date Postcard Sent:	Response:	



The Honorable Mayor Coffman  
Aurora City Council  
15151 E. Alameda Parkway  
Aurora, CO 80012-1553

RE: Application for reappointment to


**Historic Preservation Commission**

Dear Mayor and Members of the Aurora City Council:

My term of office on the above-named board has recently expired or will expire soon. I am interested in serving an additional term.

I hope you will sincerely consider my application and reappointment.

Sincerely,

  
Signature

**Lynne M Evans**

Printed name

Historic Preservation Commission

Name of Board/Commission

**April 12, 2022**

Date



The Honorable Mayor Coffman  
Aurora City Council  
15151 E. Alameda Parkway  
Aurora, CO 80012-1553

RE: Application for reappointment to

Historic Preservation Commission (HPC)

Dear Mayor and Members of the Aurora City Council:

My term of office on the above-named board has recently expired or will expire soon. I am interested in serving an additional term.

I hope you will sincerely consider my application and reappointment.

Sincerely,

  
Signature

Gordon C. Tucker Jr.  
Printed name

HPC  
Name of Board/Commission

3/28/2022  
Date



Date:

**03/28/2022**

City of Aurora

**APPLICATION FOR APPOINTMENT**

PLEASE TYPE OR PRINT CLEARLY

Ward No.

**2****Application kept for One Year. May Attach Resume.**

Board/Commission Applying For:

**Historic Preservation Commission****PERSONAL INFORMATION:**

Name: Gordon C. Tucker Jr.

How long in Aurora:

**32 Years**

Home Address:

Zip:

Registered to Vote:

**Yes**

e-mail address:

**\*\*Date of Birth:**

Home Phone:

Work Phone:

**EDUCATION:****\*\*Required to verify voter registration**

Yrs. Completed:

**22**

Degree(s):

**BA, MA, PhD**

Colleges:

**Western Washington State College, Idaho State University, University of Colorado****EMPLOYMENT:**

Employer Name/Address:

**Metro State University of Denver, 890 Auraria Parkway, Denver 80204**

Position:

**Affiliate Faculty**

How long?

**3 months**

Work Experience:

Certifications:

**COMMUNITY INVOLVEMENT:****Volunteer, Aurora History Museum; Director of Christian Formation, St. Luke's Episcopal Church, Denver**

DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE?

☒ Yes ☐ No

If yes, what position:

**Member, Historic Preservation Commission****INTERESTS/ACTIVITIES:****archaeology, anthropology, history, reading, kayaking****WHY DO YOU DESIRE THIS APPOINTMENT:****Continue my involvement with historic preservation in the City of Aurora**

How much time do you anticipate being able to spend on this appointment each month?

**8 hours****PLEASE GIVE THREE REFERENCES:**

Name:

**Rev. Dr. Douglas Dunn**

Address:

Phone:

Name:

**Ms. Marcia Tate**

Address:

Phone:

Name:

**Dr. Jonathan Kent**

Address:

Phone:

I certify that the foregoing information is true and correct.

**Gordon C. Tucker Jr.****(Volunteer's name printed)****(Volunteer's signature)****03/28/2022****(Date)****SEND COMPLETED FORM TO:****CITY CLERK'S OFFICE, 15151 E. Alameda Parkway, Suite 1400, Aurora, CO 80012****PHONE: 303.739.7094 FAX: 303.739.7520.****(-OVER-)**



<b>How did you hear about us:</b> <input type="checkbox"/> Newspaper: _____ <input type="checkbox"/> News Aurora (water bill newsletter) <input type="checkbox"/> Channel 8 <input type="checkbox"/> Word of Mouth <input checked="" type="checkbox"/> Other: <u>Aurora Historic Sites and Preservation Office</u>	
---	--

**FOR OFFICE USE ONLY:**

Date Received: <u>03/28/2022</u> Excel Entry Date: _____ Initials: <u>Tristen Sheptock</u>	Registered Voter: <input checked="" type="checkbox"/> Yes ___ No ___ N/A County: <u>Arapahoe</u> As of: <u>09/24/1990</u> Volunteer Agreement Signed?: ___ Yes ___ No Incumbent? ___ Renewal Letter Attached? ___ New Volunteer Agreement? ___
--	--

Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Interviewed:	Comments:	Appointed?
Date Postcard Sent:	Response:	
Date Postcard Sent:	Response:	





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Intergovernmental Agreement Arapahoe County Open Space Sales and Use Tax Shareback
<b>Item Initiator:</b> Jeff Edwards - Interim Manager of Tax, Finance
<b>Staff Source/Legal Source:</b> Jeff Edwards – Interim Manager of Tax/Hanosky Hernandez, Sr. Assistant City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City

### COUNCIL MEETING DATES:

**Study Session:** 5/2/2022

**Regular Meeting:** 5/9/2022

### ITEM DETAILS:

Jeff Edwards, Interim Manager of Tax/Hanosky Hernandez Perez, Senior Assistant City Attorney  
Estimated Time: 10 mins

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting  | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- |   |   |
|---|---|
| <input type="checkbox"/> Recommends Approval              | <input type="checkbox"/> Does Not Recommend Approval    |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |



☐ Minutes Attached

☐ Minutes Not Available

---

**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The Arapahoe County Open Space sales and use tax ("Tax") was permanently reauthorized by voters in 2021. The Tax provides a shareback of revenues to municipalities located in Arapahoe County. The City has received shareback funds from prior authorizations of the Tax starting in 2004. The Tax is one-quarter of a percent (0.25%) and was originally approved by voters of the County in 2003 with an expiration in 2013. The Tax was reauthorized in 2011 with an expiration in 2023.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

The most recent reauthorization of the Arapahoe County Open Space sales and use tax in 2021, as set forth in County resolution 21-263, requires municipalities to enter into an intergovernmental agreement prior to receiving shareback funds. The Tax provides that 50% of the annual revenues be distributed to all incorporated municipalities located in the County. Shareback funds for each municipality are based on the population of the municipality in the county versus the total incorporated population of the county. The shareback funds may be used for a variety of uses to effectuate the purposes of the Open Space Program including; acquiring land, acquiring water rights, improve/restore/protect open space land, manage/patrol/maintain open space land, related acquisition/construction/equipment/improvements costs, fund environmental education programs, and development of connecting trails from isolated neighborhoods or activity centers to open space lands, parks or trails. Up to 20% of the shareback funds may be used to maintain existing or new opens space, trails, parks, and sports fields. As part of the agreement the City agrees to erect signs recognizing the shareback funds at each project site and the City will collect the Tax on building and construction materials on behalf of the county.

---

**QUESTIONS FOR COUNCIL**

Does council wish to support the Open Space Sales and Use Tax Shareback Intergovernmental Agreement with Arapahoe County?

---

**LEGAL COMMENTS**

Governments may cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units only if such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the proper power to so approve. **See**, Sec. 29-1-203(1) C.R.S. The City Council may, by resolution enter into intergovernmental agreements and also authorize amendments thereto with other governmental units or special districts for the joint use of buildings, equipment or facilities, and for furnishing or receiving commodities or services. **See also**, City Charter Art. 10-12. (Hernandez)

---

**PUBLIC FINANCIAL IMPACT**

☒ YES ☐ NO

**If yes, explain:** There are no significant differences between the proposed IGA and the previous IGA and any public financial impact would be nominal.

---

**PRIVATE FISCAL IMPACT**

☒ Not Applicable ☐ Significant ☐ Nominal

**If Significant or Nominal, explain:**



**2022 INTERGOVERNMENTAL AGREEMENT  
FOR OPEN SPACE SALES AND USE TAX SHAREBACK FUNDS**

This Intergovernmental Agreement ("Agreement") is made and entered into by and between **THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO** ("County"), and the **CITY OF AURORA**, a municipality and political subdivision of the State of Colorado ("City"), collectively referred to as the "Parties."

**RECITALS**

- A. In 2003, the voters of the County approved a countywide sales and use tax of one-quarter of one percent (0.25% or 25 cents for every 100 dollars), which would expire December 31, 2013, to be used for specified open space objectives as set forth in County Resolution No. 030381;
- B. In 2011, the voters of the County reauthorized the open space sales and use tax until December 31, 2023, as set forth in County Resolution No. 110637;
- C. In 2021, the voters of the County permanently reauthorized the open space sales and use tax, until repealed, as set forth in County Resolution No. 21-263 ("Resolution"), which is attached and incorporated as Exhibit A and which superseded County Resolution Nos. 030381 and 110637;
- D. The Resolution provides that 50 percent of the annual revenue from the open space sales and use tax shall be distributed to all incorporated municipalities wholly or partially within the County ("Shareback Funds");
- E. The Resolution requires that each incorporated municipality enter into an intergovernmental agreement with the County before receiving Shareback Funds, as authorized by Article XIV, Section 18 of the Colorado Constitution and C.R.S. § 29-1-203; and
- F. The Resolution provides that each municipality shall collect the County's open space use tax on building and construction materials, as authorized by C.R.S. § 29-2-106(3)(a).

**AGREEMENT**

NOW, THEREFORE, the County and the City agree as follows:

- 1. The Parties' 2004 Intergovernmental Agreement and 2013 First Amendment to Intergovernmental Agreement for Open Space Sales and Use Tax Shareback Funds are terminated and replaced in full by this Agreement.
- 2. On or before June 1 of each year, the County shall distribute to the City its proportionate share of Shareback Funds. The amount of Shareback Funds will be based on the population of the City in the County and the total incorporated population of the County. The population figures will be updated annually based on the official figures provided by the Demography Section of the Colorado Department of Local Affairs or any state agency that takes over the duties and responsibilities of the Demography Section.



3. If during each successive five-year period beginning with the effective date of this Agreement, the City has not received or been allocated, through a combination of Shareback Funds, grant funds, joint project funds, or other County open space sales and use tax funds, a return of a total of 50 percent of the County open space sales and use tax revenues collected from within the City boundaries, then the County shall use its best efforts to contribute or expend a portion of its share of County open space sales and use tax funds on a joint project or projects within the boundaries of the City. The County's contribution or expenditure shall be in a total amount that equals or exceeds the difference between 50 percent of the County open space sales and use tax revenues collected within the boundaries of the City during the five-year period and the amount returned to the City through Shareback Funds, grant funds, joint project funds, and other County open space sales and use tax funds within the five-year period. Any such contribution or expenditure by the County shall be subject to the availability of County open space sales and use tax funds, annual appropriation by the County, and the availability and approval of the joint project or projects by the Board of County Commissioners after review and recommendation by the Open Space and Trails Advisory Board. The County shall be responsible for determining the amounts collected and returned for each five-year period based upon its records and information provided by the Colorado Department of Revenue, and the County's determination on this issue shall be final.
4. The City specifically agrees that it shall only use its Shareback Funds for the uses set forth in Sections 12(c) and 12(e) of the Resolution.
5. The City may use up to 20 percent of its annual distribution of Shareback Funds to maintain existing or new open space properties, trails, neighborhood and regional parks, and sports fields.
6. The Resolution allows Shareback Funds to be used for the development of trails, which may include on-street trails and sidepaths for the purposes of (a) connecting an isolated neighborhood or activity center to a park, trail, open space, or school, and (b) connecting to a trail system included in a regional, County, or special district planning document.
7. The City agrees to erect and permanently maintain at least one sign in recognition of the Shareback Funds in a publicly visible area at each project site where Shareback Funds are invested for the purposes of acquiring land for open space, parks, or trails; improving sites for parks, trails, and open spaces; or other significant outdoor recreational purposes. The location, form, design, and wording of the sign(s) must be approved by the County's Open Spaces Director or delegate prior to installation. The sign(s) shall be erected prior to the site's public opening. Temporary construction signs shall also be erected in a publicly visible area to indicate where Shareback Funds are invested.
8. After receipt of its Shareback Funds, the City will use any interest earned on these funds, and any income generated from the use or lease of lands acquired with these funds, only for the purposes set forth in the Resolution and in compliance with this Agreement.
9. The City understands and agrees that no land or interests acquired with Shareback Funds may be sold, leased, traded, or otherwise conveyed, nor may an exclusive license or permit on the land or interests be given, without prior approval of the City's governing body after



conducting a public hearing and without the prior written approval of the Board of County Commissioners or designee. The City further agrees, if such sale, lease, trade, or conveyance is made or an exclusive license or interest has been given, the proceeds shall be deposited in a City open space fund to be used for purposes consistent with the Resolution and this Agreement. In addition, any revenue earned by the City through appreciation of land or interests acquired with Shareback Funds also shall be deposited in a City open space fund to be used for purposes consistent with the Resolution and this Agreement.

10. In January of each year, the City will submit to the County's Open Spaces Director or delegate an Annual Municipal Expenditure Report to certify that the Shareback Funds distributed in the previous year were used in conformance with the Resolution and to detail the City's expenditures of its Shareback Funds.
11. The City may bank its Shareback Funds from year to year as long as the funds are deposited into a reserve account for open space funds and expended in accordance with the Resolution and this Agreement. Further, when Shareback Funds are banked, it must be noted in the City's Annual Municipal Expenditure Report.
12. Upon written notice from the County's Open Spaces Director or delegate informing the City that it has failed to submit its Annual Municipal Expenditure Report, the City shall submit its report to the County's Open Spaces Director or delegate within 30 days; if it fails to do so, the City shall be deemed to be in violation of the Resolution and this Agreement. As such, the City will be ineligible to receive future Shareback Funds, unless and until the Annual Municipal Expenditure Report and/or a compliance plan is submitted to the County's Open Spaces Director or delegate and is accepted and/or approved by the County.
13. The City understands and agrees that if the Shareback Funds are not used in accordance with the Resolution and this Agreement, the City will be ineligible to receive future Shareback Funds unless and until it submits a compliance plan to the County's Open Spaces Director or delegate and the County approves the compliance plan. Upon written notice by the County's Open Spaces Director or delegate that the City must submit a compliance plan, the City shall have 30 days to submit it.
14. The City further understands and agrees that if it fails to (a) submit a compliance plan that is approved by the County, (b) meet the requirements of the County's approved compliance plan within 30 days of written notice of noncompliance by the County, or (c) submit its Annual Municipal Expenditure Report, then the City's share of the Shareback Funds will be distributed, based on annual population figures, among the other participating incorporated municipalities.
15. Pursuant to the Resolution and C.R.S. § 29-1-203(1), the County specifically delegates authority to the City to collect the County's open space use tax. The City understands and agrees that it will use its best efforts and reasonable methods to collect the use tax on building and construction materials and will forward, on a monthly basis, by the end of the next month after the monies are collected (to facilitate such collection), such tax minus up to five percent (of the .25 percent tax collected), minus any refund given on previously collected building use tax, to the County's Sales Tax Analyst, 5334 South Prince Street, Littleton, CO 80120-1136. The County acknowledges and represents that the City's retention of up to five



percent of the use tax collected, as set forth above, is not a violation of Section 9(c) of the Resolution.

16. The City shall determine and use its own policies and procedures, including any exemption amounts, when it collects the County's open space use tax. A copy of the City's policies and procedures relating to the County's open space use tax is attached and incorporated as Exhibit B. The City understands and agrees that the County may conduct, at the County's expense, a review and/or an audit of the City's records to verify collection by the City of the County's open space use tax.
17. The County understands and the City agrees and represents that the City's policies and procedures (to the extent such policies and procedures exist for the collection of use taxes) provide for the collection of the County's open space use tax in accordance with the provisions above. However, if, following a County review and/or audit as set forth above performed in a manner consistent with the provisions of the Colorado Open Records Act, C.R.S. § 24-72-201 et seq., the County determines that the City failed to collect the County's open space use tax in accordance with the City's policies and procedures (if such policies and procedures exist for the collection of use taxes) and this Agreement, the City shall be deemed to be in default of the Agreement. In the event of such a determination of default, the City will be provided 60 days to modify its policies and procedures (if they exist) or to modify the manner of collection if policies and procedures do not exist, to rectify the default of the Agreement and to notify in writing the County's Open Spaces Director or delegate of the actions taken by the City to bring it into compliance with the Agreement. The City's failure to modify its policies and procedures, or its manner of collection if policies and procedures do not exist, in order to avoid any future failure to properly collect the County's open space use tax will be a deemed a breach of the Agreement, and Shareback Funds accruing to the City during the period of such breach will not be distributed for the period of the breach. If the City's policies and procedures contain a procedure to remedy the failure by the City to collect use taxes and to collect unpaid use taxes from the taxpayer, the City shall follow such procedure and notify the County's Open Spaces Director or delegate whether such tax has been collected and will promptly forward any collected use tax to the County as provided above. The County and the City acknowledge and agree that the County will not seek payment from the City for the County's open space use tax that was not collected, provided the City has used reasonable efforts to comply with the City's collection procedures and the provisions of this paragraph.
18. In the event of a conflict between the Resolution and this Agreement, the Resolution shall control.
19. If any one or more provisions of this Agreement is determined to be illegal or unenforceable, all other provisions shall remain effective; however, the Parties shall enter into good faith negotiations and proceed with due diligence to draft a replacement provision that will achieve the original intent of the Parties.
20. This Agreement may be amended, modified, or changed, in whole or in part, only by written agreement duly authorized and executed by the County and the City.



21. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

22. Venue for any dispute under this Agreement shall be in Arapahoe County District Court, pursuant to the appropriate rules of civil procedure.

23. Notices under this Agreement shall be sent to:

COUNTY: Board of County Commissioners of Arapahoe County  
5334 South Prince Street  
Littleton, CO 80120-1136

and

Arapahoe County Attorney  
5334 South Prince Street  
Littleton, CO 80120-1136

and

Arapahoe County Open Spaces Director  
6934 S. Lima Street, Suite A  
Centennial, CO 80112

and

Arapahoe County Open Space and Trails Advisory Board  
6934 S. Lima Street, Suite A  
Centennial, CO 80112

CITY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

24. The Parties agree that there have been no representations made regarding the subject matter of this Agreement other than those, if any, contained in this Agreement, that this Agreement constitutes the entire agreement of the Parties with respect to the subject matter of this Agreement, and that the various promises and covenants contained in this Agreement are mutually agreed upon and are in consideration of one another.

25. This Agreement shall inure to the benefit of and be binding upon the Parties.

26. In the event of any claim by either party concerning this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the other party.



27. This Agreement shall continue in full force and effect until the repeal of the Resolution.

28. This Agreement may be terminated by either party upon 30 days' written notice to the other party. If this Agreement is terminated, the City's participation in the Shareback Funds program is also terminated.

IN WITNESS WHEREOF, the County and the City have executed this Agreement as of the date of the City's signature below.

THE CITY OF AURORA

By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:  
Clerk to the Board

\_\_\_\_\_

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF ARAPAHOE

By: \_\_\_\_\_  
Shannon Carter on behalf of  
the Board of County Commissioners  
pursuant to Resolution No. 22-049



EXHIBIT A

**BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO**

**TUESDAY, AUGUST 10, 2021**

At the regular meeting of the Board of County Commissioners for Arapahoe County, Colorado held at the Administration Building, 5334 South Prince Street, Littleton, Colorado on Tuesday, the 10th day of August, 2021, there were present:

Nancy Jackson, Chair	Commissioner District 2	Present
Carrie Warren-Gully, Chair Pro Tem	Commissioner District 5	Present
Bill Holen	Commissioner District 1	Present
Jeff Baker	Commissioner District 3	Present
Nancy Sharpe	Commissioner District 4	Present
Ron Carl	County Attorney	Present
Joan Lopez	Clerk to the Board	Absent and Excused
Joleen Sanchez	Clerk to the Board	Present
	Administrator	

**RESOLUTION NO. 21-263** It was moved by Commissioner Sharpe and duly seconded by Commissioner Jackson to adopt the following Resolution:

WHEREAS, the Board of County Commissioners, on June 17, 2003, adopted Resolution Number 030381, which authorized the submission of a ballot issue to the eligible electors of Arapahoe County, proposing the imposition of a one quarter of one percent (0.25%) sales and use tax for open space and trails purposes; and

WHEREAS, on November 4, 2003, a majority of the eligible Arapahoe County electors approved the ballot issue authorizing the sales and use tax as specified in Resolution Number 030381; and

WHEREAS, the Board of County Commissioners, adopted Resolution Number 110637 on August 30, 2011, which authorized the submission of a ballot issue to the eligible electors of Arapahoe County, to extend the existing one quarter of one percent (0.25%) sales and use tax for open space and trails purposes; and

WHEREAS, on November 1, 2011, a majority of the eligible Arapahoe County electors approved the ballot issue extending the sales and use tax and making amendments as described in further detail in Resolution Number 110637; and

WHEREAS, pursuant to Resolution Number 110637, the sales and use tax is set to expire on December 31, 2023; and

WHEREAS, since establishing the open spaces program, Arapahoe County has built or improved 70 miles of trails, supported 168 park, trailhead, and heritage-area projects, conserved 31,000 acres of open space, and invested nearly \$360 million in open spaces, parks, trails and



heritage areas, with nearly 71% of funding provided directly to the County's cities and special districts for local needs; and

WHEREAS, Arapahoe County recently updated its open spaces master plan, which serves as a blueprint for the program's future, identifying opportunities for: conserving and enhancing natural lands, wildlife habitats and water resources, closing the gaps in the County's outdoor recreation network, and setting County priorities for educational programming and the stewardship of existing resources; and

WHEREAS, Arapahoe County sought and received substantial input from residents, businesses, municipalities, nonprofits, and special districts about the future of open spaces, parks, and trails within Arapahoe County as well as whether it is in the best interests of County residents to extend the sales and use tax past December 31, 2023; and

WHEREAS, the Board of County Commissioners established a reauthorization committee to evaluate options regarding a potential sales tax extension, engaging the public and the Open Spaces Citizen Advisory Board to make recommendations to the Board for consideration; and

WHEREAS, public feedback received demonstrated overwhelming support for extending the sales and use tax; and

WHEREAS, based upon input received, the Board of County Commissioners has determined that it is in the best interests of the residents of the County that the county-wide sales and use tax at the rate of one quarter of one percent (0.25%) be extended, the receipts from which will continue to be used for open space and trails purposes in the manner set forth in this resolution, which incorporates the provisions of both Resolution Numbers 030381 and 110637, as well as modifications to such provisions that extend the tax beyond its current expiration date of December 31, 2023, until repealed, increase the amount of funds available to municipalities and the County for maintenance, reduce funds available for acquisition, allow the County to allocate funds to active open space and park uses, allow for the re-distribution of unspent funds to other open space, park and trail uses, and makes some other revisions and clarifications to the County's open space tax program, as set forth in further detail below; and

WHEREAS, pursuant to Colorado Constitution Article X, Section 20, an extension of an expiring tax requires voter approval; and

WHEREAS, pursuant to Section IX. A. of Resolution Number 030381, some of the proposed amendments are permitted only if approved by a vote of the registered electors of Arapahoe County; and

WHEREAS, the Board of County Commissioners has determined that a ballot issue regarding the extension of the sales and use tax and modifications to the program, should be submitted by the Board of County Commissioners to the eligible electors of the County at the November 2, 2021, election; and



WHEREAS, pursuant to Section 1-5-203(3) C.R.S., the Board of County Commissioners through the adoption of this resolution certifies the ballot issue to the Arapahoe County Clerk and Recorder for said November 2, 2021, election.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Arapahoe, State of Colorado, as follows:

1. The ballot issue title and issue contained in Exhibit A, attached and incorporated herein, shall be presented in substantially such form to the registered electors of Arapahoe County at the coordinated election to be held on Tuesday, November 2, 2021, in accordance with all applicable laws. The Board of County Commissioners hereby directs that a copy of this Resolution be certified and filed in the Office of the Clerk and Recorder immediately and authorizes and directs the Clerk and Recorder to certify the ballot issue and ballot content as provided by law.
2. The name of the designated election official who will be responsible for conducting the election pursuant to the Uniform Election Code is Joan Lopez, Arapahoe County Clerk and Recorder.
3. Pursuant to C.R.S. § 1-11-203.5, any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.
4. The officials and employees of Arapahoe County are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this resolution.
5. The Arapahoe County Clerk and Recorder shall publish the text of the ballot title and question four separate times, a week apart, in the official newspaper of Arapahoe county and each incorporated municipality within Arapahoe County.
6. Subject to approval of the above-referenced ballot issue by a majority of the registered Arapahoe County electors voting at the November 2, 2021, election, the open space sales and use tax, as originally specified in Arapahoe County Resolution Number 030381, and as subsequently extended and amended as specified in Arapahoe County Resolution Number 10637, shall be further extended, amended and restated as specified below.
7. General Provisions.
  - (a) Purpose. The purpose of this Resolution is, upon the approval of a majority of registered electors voting on such proposal, to extend continuously beyond its current expiration date of December 31, 2023, until repealed, an existing sales tax of one quarter of one percent (0.25%) upon the sale at retail of tangible personal property and the furnishing of certain services in the County, and to extend continuously beyond its current expiration date of December 31, 2023, until repealed, an existing use tax of one quarter of one percent (0.25%) for the privilege



of use or consuming in the County any construction and building materials purchased at retail, and for the privilege of storing, using or consuming in the County any motor and other vehicles, purchased at retail on which registration is required, all in accordance with the provisions of Article 2 of Title 29, C.R.S., which provisions are incorporated herein by this reference, and to modify the provisions of the sales and use tax program as set forth herein.

- (b) Statutory Definitions Incorporated. For purposes of this Resolution, the definitions of the words contained herein shall be as defined in Sections 39-26-102 and 39-26-201, C.R.S., which definitions are incorporated herein by this reference.
  - (c) Effective Date: The provisions of this Resolution shall become effective immediately upon approval by a majority of registered electors voting upon such proposal, and once effective, shall supersede Arapahoe County Resolution Numbers 030381 and 10637.
- 8. Sales Tax. The imposition and collection of a one-quarter of one percent (0.25%) sales tax on all sales of tangible personal property at retail or the furnishing of services in Arapahoe County, as provided in Section 29-2-105(1)(d), C.R.S., effective throughout the incorporated and unincorporated portions of Arapahoe County, such tax having been originally imposed by Arapahoe County Resolution Number 030381, shall hereby continue to and beyond its current expiration date of December 31, 2023, until repealed, subject to the following terms and conditions:
  - (a) Transactions Subject to the Sales Tax.
    - i. The tangible personal property and services taxable hereunder shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104, C.R.S., subject to the same exemptions as those specified in part 7 of article 26 of title 39, C.R.S. and Section 29-2-105, C.R.S. expressly including the exemption allowed by section 39-26-709 (1), C.R.S., for purchases of machinery or machine tools; the exemption for sales of electricity, coal, wood, gas, fuel oil, or coke specified in section 39-26-715 (1)(a)(II), C.R.S.; the exemption for sales of food specified in section 39-26-707 (1)(e), C.R.S.; the exemption for vending machine sales of food set forth in section 39-26-714 (2), C.R.S.; the exemption for occasional sales by a charitable organization set forth in section 39-26-718 (1)(b), C.R.S.; the exemption for sales and purchases of farm equipment and farm equipment under lease or contract specified in section 39-26-716 (2)(b) and (2)(c), C.R.S., excepting from the definition of “farm equipment” the sales and purchases of parts used in the repair or maintenance of farm equipment, all shipping pallets or aids paid for by a farm operation, any visual, electronic identification, or matched pair ear tags and electronic identification readers used to scan ear tags that are used by farm operators to identify or track food animals including animals used for food or in the production of food as specified in section 39-26-716 (1)(d), all sales and purchases of dairy equipment, and aircraft designed or adapted to undertake



agricultural applications; and the exemption for sales of low-emitting motor vehicles, power sources, or parts used for converting such power sources as specified in section 39-26-719 (1), C.R.S.; the exemption for sales of machinery or machine tools specified in section 39-26-709 (1), C.R.S., used in the processing of recovered materials by a business listed in the inventory prepared by the department of public health and environment pursuant to section 30-20-122 (1)(a)(V), C.R.S.; the exemption for sales of wood from salvaged trees killed or infested in Colorado by mountain pine beetles or spruce beetles as specified in section 39-26-723, C.R.S.; the exemption for sales that benefit a Colorado school specified in section 39-26-725, C.R.S.; the exemption for sales by an association or organization of parents and teachers of public school students that is a charitable organization as specified in section 39-26-718 (1)(c), C.R.S.; the exemption for sales of property for use in space flight specified in section 39-26-728, C.R.S.; and the exemption for manufactured homes set forth in section 39-26-721 (3).

- ii. All sales of personal property on which a specific ownership tax has been paid or is payable shall be - exempt from the sales tax imposed by Arapahoe County when such sales meet both of the following conditions: (1) the purchaser is a non-resident of or has his principal place of business outside of Arapahoe County, and (2) such personal property is registered or required to be registered outside the limits of Arapahoe County under the laws of the State of Colorado.
  - iii. Such sales tax will not be imposed upon the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule county equal to or in excess of that sought to be imposed hereunder by Arapahoe County. A credit shall be granted against the sales tax imposed hereunder by Arapahoe County with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule county. The amount of the credit shall not exceed the sales tax imposed hereunder by Arapahoe County.
- (b) Determination of Place at Which Sales are Consummated. For the purposes of this Resolution, all retail sales are sourced as specified in section 39-26-104 (3), C.R.S. The amount subject to the sales tax imposed hereunder shall not include any Colorado state sales or use tax imposed by Article 26 of Title 39, C.R.S.
- (c) Collection, Administration, and Enforcement. The sales tax imposed hereunder shall be collected, administered and enforced by the Executive Director of the Colorado Department of Revenue ("Executive Director") in the same manner as the collection, administration and enforcement of the Colorado state sales tax. The provisions of Article 26 of Title 39, C.R.S., and all rules and regulations promulgated thereunder by the Executive Director shall govern the collection, administration, and enforcement of the sales tax imposed hereunder. Distribution



of all sales tax collected by the Executive Director, pursuant to this Resolution, shall be to Arapahoe County.

- (d) Vendor's Fee. The vendor shall be entitled as collection agent for the County to withhold an amount equal to one-half of one percent (.50%) of the total amount to be remitted by the vendor to the Executive Director each month to cover the vendor's expense in the collection and remittance of the Sales Tax. If any vendor is delinquent in remitting the Sales Tax, other than in unusual circumstances shown to the satisfaction of the Executive Director, the vendor shall not be allowed to retain any amounts to cover his or her expense in collecting and remitting said Sales Tax, and an amount equivalent to the full amount of the Sales Tax imposed by this Resolution shall be remitted to the Executive Director by any such delinquent vendor.
9. Use Tax. The imposition and collection of a one-quarter of one percent (0.25%) use tax in accordance with the provisions of Article 2, Title 29, C.R.S., for the privilege of using or consuming in Arapahoe County any construction and building materials purchased at retail and for the privilege of storing, using, or consuming in Arapahoe County any motor and other vehicles, purchased at retail on which registration is required, effective throughout the incorporated and unincorporated portions of Arapahoe County, such tax having been originally imposed by Arapahoe County Resolution Number 030381, shall hereby continue to and beyond its current expiration date of December 31, 2023, until repealed, subject to the following terms and conditions:
- (a) Exemptions from the Use Tax.
    - i. Storage, use, or consumption of any tangible personal property the sale of which is subject to a retail sales tax imposed by Arapahoe County.
    - ii. Storage, use or consumption of any tangible personal property purchased for resale in Arapahoe County either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business.
    - iii. Storage, use or consumption of tangible personal property brought into Arapahoe County by a nonresident thereof for his own storage, use, or consumption while temporarily within the County; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this State by a nonresident to be used in the conduct of a business in this State.
    - iv. Storage, use, or consumption of tangible personal property by the United States government, or the State of Colorado, or its institutions, or its political subdivisions in their governmental capacities only or by religious or charitable corporations in the conduct of their regular religious or charitable functions.
    - v. Storage, use, or consumption of tangible personal property by a person



engaged in the business of manufacturing or compounding for profit, or the use of any article, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof.

- vi. Storage, use, or consumption of any article of tangible personal property, the sale or use of which has already been subjected to a legally imposed sale or use tax of another statutory or home rule county equal to or in excess of that imposed by Arapahoe County. A credit shall be granted against the use tax imposed by Arapahoe County with respect to a person's storage, use, or consumption in Arapahoe County of tangible personal property purchased in another statutory or home rule county. The amount of the credit shall be equal to the tax paid by the person by reason of the imposition of a sales or use tax of the other statutory or home rule county on the purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this proposal.
  - vii. Storage, use, or consumption of tangible personal property and household effects acquired outside of Arapahoe County and brought into it by a non-resident acquiring residency.
  - viii. Storage or use of a motor vehicle if the owner is or was, at the time of purchase, a non-resident of Arapahoe County and he purchased the vehicle outside of Arapahoe County for use outside of Arapahoe County and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed said motor vehicle outside of Arapahoe County.
  - ix. Storage, use, or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of this use tax resolution.
  - x. Storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into any time prior to the effective date of the use tax imposed hereunder
- (b) The use tax imposed hereunder shall be applicable to every motor vehicle for which registration is required by the laws of the State of Colorado, and no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage, or consumption thereof pursuant to this Resolution has been paid.



- (c) Collection, Administration, and Enforcement Except as provided by Section 39-26-209, C.R.S., the use tax imposed hereunder shall be collected, enforced and administered by Arapahoe County, consistent with Arapahoe County's guidelines, policies and procedures, which exist or may hereafter be promulgated not inconsistent with this Resolution. The use tax on construction and building materials shall be collected by the County's Public Works and Development Department, by each municipality or, as may be otherwise provided by intergovernmental agreement, based upon an estimate of building and construction materials costs submitted by the owner or contractor at the time a building permit application is made. All use tax collected on construction and building materials pursuant to this Resolution shall be distributed to Arapahoe County. All use tax collected on motor or other vehicles pursuant to this Resolution shall be distributed to Arapahoe County.
- 10. Arapahoe County Open Space Fund. A separate fund, known as the "Arapahoe County Open Space Fund" (the "Fund"), shall continue to be maintained, and 100% of the revenue derived from the sales and use tax imposed on the incorporated and unincorporated areas of Arapahoe County shall continue to be deposited thereto to be used solely for the purposes stated herein and as further described more fully below.
  - (a) For purposes of Colo. Const., Art. X, Section 20, the receipt and expenditure of revenues of the sales tax and use tax shall be accounted for, budgeted and appropriated separately from other revenues and expenditures of Arapahoe County and outside of the fiscal year spending of the County as calculated under Art. X, Section 20, and nothing in Art. X, Section 20, shall limit the receipt and expenditure in each fiscal year of the full amount of such revenues of the sales tax and use tax, nor shall receipt and expenditure of such revenues affect or limit the receipt or expenditure of any and all other revenues of Arapahoe County for any fiscal year.
  - (b) Interest from Revenues and Income Generated from Acquired Lands. Interest generated from the revenues of the sales and use taxes imposed herein shall be used for the purposes stated herein. Income generated from the use or lease of preserved lands, natural areas, wildlife habitats, and parks acquired with the sales and use taxes imposed herein shall be used for the purposes stated herein.
- 11. Open Space and Trails Advisory Board. The Open Space and Trails Advisory Board ("OSTAB") shall continue to operate and advise the Board of County Commissioners on Open Space fund uses.
  - (a) OSTAB shall consist of seven members.
  - (b) Each County Commissioner shall appoint one resident of his/her commissioner district to serve as an OSTAB member.
  - (c) The Board of County Commissioners shall appoint two Arapahoe County residents as at-large members.



- (d) OSTAB members shall serve three-year terms of office. Members may be re-appointed to no more than two successive terms.
  - (e) OSTAB members shall serve at the pleasure of the Board of County Commissioners.
  - (f) Members shall not be compensated for their services.
  - (g) Members shall act in accordance with law, including Colorado conflict of interest laws applicable to public bodies. No member shall vote or participate in the application process regarding an acquisition or expenditure in which he or she has a financial or ownership interest, or where he or she has an ownership interest in an adjacent property.
  - (h) OSTAB shall continue to meet as provided in its bylaws to review proposed projects and perform other duties in accordance with this Resolution.
  - (i) OSTAB shall make recommendations to the Board of County Commissioners regarding the distribution of revenue collected from the Open Space Sales and Use Tax, in accordance with the guidelines set forth in this Resolution.
12. Distribution of Sales and Use Tax Revenue. The revenue collected from the Open Space Sales and Use Tax shall be distributed and administered in the following manner and subject to the definitions and conditions as set forth in this Resolution:
- (a) The annual revenue from the Open Space Sales and Use Tax shall be distributed according to the percentages as set forth below. Expenditure of said revenue is governed by the provisions set forth in Section 12.

Shareback to all incorporated municipalities or portions thereof based on the population of the incorporated municipality or portions thereof in Arapahoe County versus total population of incorporated areas in Arapahoe County 50%

County Open Space Program funds to be used as follows:

County Administrative Costs	4%
Available as grants to incorporated municipalities and special districts within Arapahoe County	12%
Designated Arapahoe County Heritage Areas	4.1%



Maintenance of County Open Space	9.9%
Acquisition of open space and/or interests in open space to include for the development of multi-use trails	20%
	<u>50%</u>
Total distribution by percentages of Open Space Fund created by Open Space Sales and Use Tax	100%

- (b) County Administrative Costs are those costs necessary for the County to administer the distribution of funds, to include distribution of Shareback Funds; development, creation, oversight and monitoring of and compliance with Intergovernmental Agreements ("IGAs"); grant review and distribution of grant funds; site reviews for grants and review of certified Annual Municipal Reports, as well as to administer the County's own Open Space Program, excluding maintenance, as set forth more fully below.
- (c) Shareback Funds are those monies distributed to the incorporated municipalities wholly and/or partially in Arapahoe County for open space uses as more fully set forth below.
  - i. These funds will be distributed to each incorporated municipality within or partially within Arapahoe County based on the population within said jurisdiction in Arapahoe County and the total incorporated population of Arapahoe County.
  - ii. The population figures will be updated annually based on the official figures provided by the Demography Section of the Colorado Department of Local Affairs or any state agency which takes over the duties and responsibilities of said Demography Section.
  - iii. The Shareback Funds will be distributed on an annual basis to each incorporated municipality, wholly or partially within Arapahoe County, provided that:
    - a. The incorporated municipality has entered into an Intergovernmental Agreement (IGA) with the Board of County Commissioners.
    - b. Such required IGA reflects the terms, conditions, intent and purpose of this Resolution consistent with the guidelines as set forth in Section 12(c) and (e) below.
    - c. Shareback Funds may be used for the open space uses as set forth in Section 12(e) below.



- d. Further, an incorporated municipality may use up to the percentage of its Shareback Funds designated in the IGA with the Board of County Commissioners, which designated percentage shall be at least 20% of the annual allocation, to maintain existing or new open space properties, trails, neighborhood and regional parks, and sports fields.
- e. Incorporated municipalities may bank Shareback Funds from year to year, as long as such funds are expended in accordance with the purposes set forth in this Resolution, and such is noted in the Annual Municipal Expenditure Report as set forth in Section 12 (iii) (g).
- f. Every December 31st, each incorporated municipality which received Shareback Funds, must certify and submit in writing, to the Board of County Commissioners, that the funds were used in conformance with this Resolution and must detail the expenditures of its Shareback Funds. Such submission shall be called the Annual Municipal Expenditure Report.
- g. If Shareback Funds are not used in accordance with the provisions and guidelines set forth in this Resolution and/or are used in violation of the terms and conditions of the IGA, the offending incorporated municipality will be ineligible for future Shareback Funds, unless and until a compliance plan is submitted by the offending municipality to and approved by the Board of County Commissioners.
- h. If the offending municipality fails to submit a compliance plan approved by the Board of County Commissioners or fails to meet the requirements of the Board of County Commissioners' approved compliance plan, then the Share of the non-complying entity will be distributed, based on annual population figures, among the other participating incorporated municipalities.

(d) The County Open Space Program shall have the following components:

- i. Grant Program. The County shall have funds, as specified above in Section 12 (a), available for distribution in the form of grants to incorporated municipalities; special districts, which provide recreational services or amenities; and recreation districts.

Said grants shall be used for the purposes specified in Section 12 (c) (iii) (d) or 12 (e) (i), and in accordance with the guidelines set forth in this Resolution.

- a. Those entities having proposals consistent with the guidelines as set forth in this Resolution may submit their grant applications to OSTAB.



- b. OSTAB and County staff shall review the grant applications and make recommendations to the Board of County Commissioners regarding the approval, conditional approval or denial of each application.
  - c. The Board of County Commissioners then shall approve, conditionally approve, or deny the grant application.
  - d. If the County distributes less than 12% of the Open Space Sales and Use Tax as designated for grants, the remaining portion shall be retained by the County to be used for purposes set forth in Section 12 (d) (v) below.
- ii. Designated Heritage Areas. The Board of County Commissioners shall authorize expenditure of funds for Designated Arapahoe County Heritage Areas ("Designated Heritage Areas") located in unincorporated Arapahoe County.
  - a. A Designated Heritage Area is defined as lands or structures which have a cultural or historical significance to Arapahoe County, such as a historic property or the fairgrounds.
  - b. The Board of County Commissioners shall consider designating land or a structure as a Designated Heritage Area after OSTAB and County staff have reviewed and made recommendations on a proposal for such an area.
  - c. Before it designates a Designated Heritage Area, the Board of County Commissioners shall conduct a public hearing on the proposal.
  - d. Funds allocated to Designated Heritage Areas may be used for maintenance of structures and grounds, as well as for future improvements and operations. Funds may not be used for construction of new buildings.
  - e. If the County uses less than the allocated funds for Designated Heritage Areas, the remaining portion shall be retained by the County as set forth in Section 12 (d) (5) below.
- iii. Open Space Maintenance. The County may use funds, as specified in Section 12 (a), for maintenance of County Open Space, to include trails.
  - a. Open Space maintenance funds may not be used for maintenance of Designated Heritage Areas if said area's maintenance is funded under the Designated Heritage Areas portion of the County's program.
  - b. If the County uses less than the allocated amount in the Fund for



maintenance, the remaining portion shall be retained by the County as set forth in Section 12 (d) (v) below.

- iv. Acquisition of Open Space and Trail Development. The County shall use the percentage of the Fund, as specified in Section 12(a) above, to acquire open space or interests in open space, to restore, improve and protect open space, to acquire and develop trails, and for such other uses set forth in Section 12 (e) (i) and subject to any other applicable restrictions on the use of the funds set forth herein.
  - v. If the allocated funds for the County administrative costs, grants, Designated Heritage Areas, County open space maintenance and/or acquisition of open space or interests in open space or trail development are not expended by December 31st of each year, the County shall bank such funds, and such funds may be expended in a future year for such uses. Alternatively, the Board of County Commissioners may reallocate unspent funds to other uses allowed by this Resolution based on recommendations from OSTAB.
  - vi. On an annual basis, the County will hire an independent auditor to audit the County's expenditures of the Fund.
- (e) Additional Guidelines for Use of Funds:
- i. Revenues collected from the Open Space Sales and Use Tax may be used in the following manner:
    - a. To acquire fee title interest in real property for the purposes provided herein;
    - b. To acquire less than fee interests in real property for the purposes provided herein; such as easements (including conservation and agricultural), future interests, covenants, development rights, subsurface rights and contractual rights, either on an exclusive or nonexclusive basis;
    - c. To acquire water rights for use in connection with the purposes provided herein;
    - d. To acquire lands that preserve urban and rural open space; natural areas; agricultural and ranch lands; water quality; lakes; rivers; streams; corridors of rivers and streams; views; vistas; ridgelines; wildlife habitat and movement corridors; trail corridors; flood plains and wetlands;
    - e. To acquire lands that are buffers maintaining community identity;



- f. To acquire and/or improve lands for neighborhood and regional parks, sports fields, dog parks, and other active and passive outdoor recreation purposes;
  - g. To acquire lands with other important values such as historic sites that contribute to the County's and County municipalities' natural and cultural heritage;
  - h. To acquire rights-of-way and easements for trails and access to public lands, and to build and improve such trails and access ways;
  - i. To allow expenditure of funds, consistent with the guidelines set forth in this Resolution, for joint projects between counties and municipalities, special districts which have a recreational component, recreation districts, or other governmental entities in the County;
  - j. To improve, restore and/or protect open space lands as provided herein;
  - k. To manage, patrol and maintain those lands as provided herein;
  - l. To pay for related acquisition, construction, equipment, and/or improvements;
  - m. To allow for the funding of environmental education programs in a manner consistent with the purposes of this Resolution;
  - n. To implement and effectuate the purposes of the Open Space Program.
- ii. No land or interests acquired with the revenues of the Open Space Sales and Use Tax may be sold, leased, traded, or otherwise conveyed, nor may an exclusive license or permit on such land or interests be given, without such approval by the governing body of the entity having received any portion of the Fund, after conducting a public hearing.
  - iii. If the Board of County Commissioners sells land or interests as specified in paragraph 2 above, the proceeds shall be deposited with the Open Space Fund.
  - iv. If any incorporated municipality; special district, which provides recreational services or amenities; or recreation district, sells land or transfers interests as specified in Paragraph 2 above, the proceeds shall be deposited in a fund to be used for purposes consistent with this Resolution.

### 13. Repeal and Amendment

- (a) If this Resolution is approved by a majority of the registered electors of Arapahoe



County at the election to be held on November 2, 2021, its provisions relating to the amount of tax imposed, specifically the one-quarter of one percent (0.25%) sales tax specified in Section 8 and one-quarter of one percent (0.25%) use tax specified in Section 9, the provisions relating to the deposit and expenditure of revenue as set forth in Section 10, and the provisions of Sections 11 and 12, shall not be repealed or amended except by a vote of the registered electors of the County.

- (b) Except as provided in subsection A hereof, or as otherwise provided in Article 2 of Title 29, C.R.S., the provisions of this Resolution may be repealed or amended, subsequent to its adoption of the sales and use tax by a majority of the voters of Arapahoe County, by a majority vote of the Board of County Commissioners, and such repeal or amendment need not be submitted to the registered electors of the County for their approval.

- 14. If any section, paragraph, clause or provision of this Resolution is held to be invalid or unenforceable, such invalidity or lack of enforceability shall not affect any of the remaining sections, paragraphs, clauses or provisions of this resolution.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.



## EXHIBIT A

### **CONTINUE EXISTING FUNDING FOR ARAPAHOE COUNTY'S OPEN SPACES, TRAILS, AND PARKS**

WITHOUT INCREASING THE TAX RATE, SHALL ARAPAHOE COUNTY BE AUTHORIZED TO EXTEND ITS EXISTING ONE-QUARTER OF ONE PERCENT SALES AND USE TAX, OR 25 CENTS FOR EVERY 100 DOLLARS, WHICH WILL NOT BE COLLECTED ON SALES OF FOOD OR PRESCRIPTION DRUGS, WITH THE PROCEEDS TO BE USED FOR THE SAME PURPOSES, INCLUDING BUT NOT LIMITED TO:

CONSERVING LANDS THAT PROTECT WATER QUALITY IN RIVERS, LAKES AND STREAMS;

PROTECTING AND MAINTAINING NATURAL AREAS, WILDLIFE HABITAT, AND OPEN SPACE;

PROVIDING, MAINTAINING, AND IMPROVING REGIONAL AND NEIGHBORHOOD PARKS AND TRAILS;

PROVIDING MORE ACTIVE RECREATION OPPORTUNITIES FOR CHILDREN, YOUTH, ADULTS AND OLDER ADULTS;

PRESERVING WORKING FARMS AND RANCHES TO ENSURE LOCAL FOOD PRODUCTION; AND

MAINTAINING AND PRESERVING HISTORIC SITES;

WITH THE CONTINUED REQUIREMENT THAT THE COUNTY'S PROGRAM EXPENDITURES FOR PROJECTS AND GRANTS BE FIRST SUBMITTED TO A CITIZEN ADVISORY BOARD FOR A RECOMMENDATION TO THE COUNTY COMMISSIONERS; AND THAT THE PROGRAM BE SUBJECT TO AN ANNUAL INDEPENDENT AUDIT PUBLISHED ON THE COUNTY'S WEBSITE, AND SUBJECT TO SUCH OTHER RESTATED, UPDATED AND AMENDED REQUIREMENTS AS ARE SET FORTH IN ARAPAHOE COUNTY RESOLUTION NUMBER 21-263, AND EXTENDING THE TAX CONTINUOUSLY BEYOND ITS CURRENT EXPIRATION DATE, UNTIL REPEALED, AS A VOTER APPROVED REVENUE CHANGE AND EXCEPTION TO LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW, THE ABOVE CONSTITUTING NO SIGNIFICANT CHANGES TO THE PROGRAM REQUIREMENTS, EXCEPT TO: INCREASE THE AMOUNT OF FUNDING AVAILABLE TO MUNICIPALITIES AND THE COUNTY FOR MAINTENANCE OF OPEN SPACE, PARKS AND TRAILS, REDUCE THE ALLOCATION AVAILABLE FOR ACQUISITION AND DEVELOPMENT OF OPEN SPACE AND TRAILS, ALLOW COUNTY EXPENDITURES TO BE ALLOCATED TO ACTIVE OPEN SPACE AND PARK USES BASED ON RECOMMENDATIONS OF THE CITIZEN ADVISORY BOARD, AND TO ALLOW UNSPENT COUNTY OPEN SPACE FUNDS TO BE RE-ALLOCATED FOR OTHER OPEN SPACE, PARK AND TRAIL PURPOSES?



I, Joan Lopez, Arapahoe County Clerk and ex-officio Clerk to the Board of County Commissioners, in and for the County and State aforesaid, do hereby certify that the annexed and foregoing order is truly copied from the records of the proceedings of the Board of County Commissioners for said Arapahoe County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Littleton, Colorado this 20<sup>th</sup> day of August, 2021.



A handwritten signature in cursive script, reading "Joan Lopez", is written over a horizontal line.

Joan Lopez, Clerk to the Board



## EXHIBIT B

### POLICIES AND PROCEDURES FOR COLLECTION OF OPEN SPACE USE TAX



**FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT  
FOR OPEN SPACE SALES AND USE TAX SHAREBACK FUNDS**  
(Between Arapahoe County and the City of Aurora)

This First Amendment to the Intergovernmental Agreement between Arapahoe County and the City of Aurora is made this 26 day of may, 2013 by and between the Board of County Commissioners of the County of Arapahoe, Colorado (the "County"), and the City of Aurora, a municipality and political subdivision of the State of Colorado (the "City").

WHEREAS, the County and the City entered into an Intergovernmental Agreement dated December 14, 2004, to address the distribution and use of Shareback Funds derived from the Open Space Sales and Use Tax originally approved by voters in 2003 (hereinafter "Agreement").

WHEREAS, the original Open Space Sales and Use Tax as authorized by Resolution No. 030381 was set to expire in 2013; and

WHEREAS, the Open Space Sales and Use Tax was recently extended through December 31, 2023 pursuant to Resolution 110637; and

WHEREAS, the Parties desire to amend the Agreement to extend the term of the Agreement for an additional 10 years, and to modify certain provisions of the Agreement.

NOW, THEREFORE, the Parties mutually agree to amend the Agreement as follows:

1. The term of the Agreement shall be extended an additional 10 years, to and including December 31, 2023.
2. Within the body of the Agreement, all references to Resolution No. 030381 shall be modified to read "Resolution No. 030381 as amended by Resolution No. 110637."
3. Section 3 shall be amended by the addition of a new Subsection A which shall read as follows:

"If during each successive five year period beginning with the five year period from January 1, 2013 to December 31, 2017, the City has not received or been allocated, through a combination of Shareback funds, grant funds, joint project funds or other Arapahoe County Open Space Sales and Use Tax Funds, a return of a total of fifty percent of the sales and use tax revenues collected from within City boundaries within such five year period, then the County shall use its best efforts to contribute or expend a portion of its share of Arapahoe County Open Space Sales and Use Tax Funds on a joint project or projects within the boundaries of the City. The contribution or expenditure shall be in a total amount which equals or exceeds the difference between fifty percent of the tax revenues collected within the boundaries of the City during the five year period and the amount returned through Shareback, grant, joint project and other Open Space Sales and Use Tax Funds within such five year period. Any such contribution or



expenditure by the County shall be subject to the availability of Open Space Sales and Use Tax Funds and annual appropriation by the County, and subject to the availability and approval of the joint project or projects by the Board of County Commissioners after review and recommendation by the Open Space and Trails Advisory Board. The County shall be responsible for determining the amounts collected and returned for each five year period based upon its records and those provided by the Colorado Department of Revenue, and the County's determination on this issue shall be final."

4. Section 6 shall be amended by the addition of a new Subsection A which shall read as follows:

"Required Sign at Each Project Site. The City agrees to erect and permanently maintain at least one sign in a publicly visible area at each project site where Open Space Shareback funds are invested for the purposes of: a) acquiring land for open space, parks or trails; b) improving sites for parks, trails and open spaces; or c) other significant outdoor recreational purposes, in recognition of the Shareback funds from the Arapahoe County Open Sales and Use Tax. The location, form, design, and wording of such sign(s) shall be approved by the County prior to installation. Such sign(s) shall be erected prior to the site's public opening. Temporary construction signs shall also be erected in a publicly visible area to indicate where Open Space Shareback funds are invested."

5. Section 7 of the Agreement shall be modified to state as follows:

"Further, the parties agree that the City may use up to twenty percent (20%) of its Shareback Funds distributed by the County annually to maintain existing or new open space properties, trails, neighborhood and regional parks, and sports fields."

6. Except to the extent modified herein, all provisions of the Agreement shall remain in full force and effect.

7. Signatures. The signatories to this Agreement represent that they are fully authorized to execute this Agreement and bind their respective entities.

The City of Aurora

By: \_\_\_\_\_ Date: \_\_\_\_\_

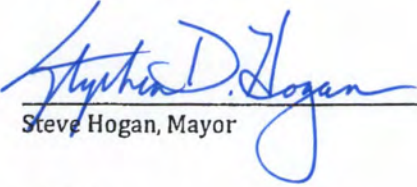
Title: \_\_\_\_\_

Attest: \_\_\_\_\_

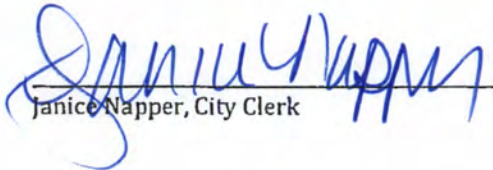
Title: \_\_\_\_\_



CITY OF AURORA

  
Steve Hogan, Mayor

ATTEST:

  
Janice Napper, City Clerk

APPROVED AS TO FORM:

  
Chuck Piekarski, Assistant City Attorney

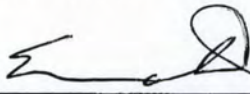


ATTEST:  
Clerk to the Board

*Baile A. Blaine*  
*Deputy*

The seal is circular with the words "BOARD OF COUNTY COMMISSIONERS" around the top and "SEAL" at the bottom. In the center is a stylized figure of a person holding a torch.

BOARD OF COUNTY COMMISSIONERS

By:   
Shannon Carter on behalf of  
Board of County Commissioners  
pursuant to Resolution No. 120113



## INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement ("Agreement"), is made and entered into by and between **THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO**, (the "County") and the **CITY OF AURORA**, a municipality and political subdivision of the State of Colorado (the "City").

WHEREAS, on November 4, 2003, the voters of Arapahoe County approved a county-wide sales and use tax of one-quarter of one percent (0.25% or 25 cents for every \$100 dollars), which will not be collected on sales of food or prescription drugs, and which will expire in 10 years, to be used for specified Open Space objectives as set forth in County Resolution No. 030381; and

WHEREAS, on June 17, 2003, the County adopted Resolution No. 030381, authorizing the question of the aforementioned sales and use tax be put before the voters on November 4, 2003; and

WHEREAS, Resolution No. 030381 provides for a shareback provision of the Open Space Sales and Use Tax ("Shareback Funds") to be distributed to municipalities wholly or partially within Arapahoe County; and

WHEREAS, Resolution No. 030381 requires that these municipalities enter into Intergovernmental Agreements with the County before they receive Shareback Funds; and

WHEREAS, the County desires to enter into intergovernmental agreements with these municipalities wholly or partially within Arapahoe County, including the City of Aurora, pursuant to Section VIII(C) of Resolution No. 030381;

WHEREAS, these intergovernmental agreements are authorized by Article XIV, Section 18 of the Colorado Constitution and COLO. REV. STAT. § 29-1-203 (2003);

WHEREAS, Resolution No. 030381, in part, provided that each municipality shall collect the County's Open Space Use Tax on building and construction materials; and

WHEREAS, COLO. REV. STAT. § 29-2-106(3)(a)(2003) authorizes municipalities to collect the County's Open Space Use Tax.

NOW, THEREFORE, the County and the City agree as follows:

1. The County shall distribute to the City its proportionate share of Shareback Funds, as more fully described in Resolution No. 030381, of the annual revenue collected from the Open Space Sale and Use Tax.
2. Resolution No. 030381 is attached hereto as Exhibit A and incorporated herein by reference.



3. The amount of Shareback Funds distributed to each incorporated municipality, wholly or partially within Arapahoe County, will be based on the population of the incorporated municipality or portions thereof in Arapahoe County versus total population of all incorporated areas in Arapahoe County.

4. The population figures will be updated annually based on the latest available final population estimates provided by the Demography Section of the Colorado Department of Local Affairs or any state agency which takes over the duties and responsibilities of said Demography Section.

5. The Shareback Funds will be distributed annually. In 2004, Shareback Funds shall be distributed on or about December 31, 2004. In years 2005 through 2013, the Shareback Funds will be distributed annually on or before June 1 of each year. Additionally, and unless voters approve either a ballot measure to extend the Open Space Sales and/or Use Tax beyond 2013 and/or approve a new Open Space Sales and/or Use Tax beyond 2013, then the final distribution of Shareback Funds will be on or about March 31, 2014.

6. The City specifically agrees that it shall only use its Shareback Funds for the Open Space uses as set forth in Section VIII (E) of Resolution No. 030381 as well as to purchase and/or develop and/or improve existing neighborhood parks and/or sports fields.

7. Further, the parties agree that the City may use up to ten percent (10%) of its Shareback Funds distributed by the County annually to maintain existing or new open space properties, neighborhood parks and sports fields.

8. The City further understands and agrees that, after receipt of its Shareback Funds, the City will use any interest earned on these funds only for open space purposes as set forth in Resolution No. 030381 and in compliance with the terms and conditions of this Agreement.

9. Once Shareback Funds have been distributed, on or before every December 31<sup>st</sup>, the City agrees that it will certify and submit in writing to the County that the Shareback Funds were used in conformance with Resolution No. 030381, and/or designated to be used in a manner consistent with Resolution No. 030381. The expenditures and/or designated expenditures of its Shareback Funds will be detailed by the City, and such submission will be called the Annual Municipal Expenditure Report. Beginning in 2005, said report must be submitted within thirty (30) days of each December 31<sup>st</sup> to the County through the Open Space and Trails Advisory Board ("OSTAB") and the County's Open Space Manager.

10. The City may reserve (bank) its Shareback Funds from year to year as long as said funds are deposited into a reserve account for Open Space Funds, and when these funds are expended, the expenditures are done so in accordance with the uses set forth in Resolution No. 030381. Further, when any and/or all of the Shareback Funds are reserved (banked), the purpose(s) for which the funds will be used must be stated in the City's Annual Municipal Expenditure Report.



11. Upon written notice from the County's Open Space Manager, informing the City that it has failed to submit its Annual Municipal Expenditure Report to the County, the City shall submit its said report to the County through OSTAB and the County's Open Space Manager within thirty (30) days, and, if it fails to do so, the City shall be deemed to be in violation of Resolution No. 030381 and this Agreement. As such, the City will be ineligible for future Shareback Funds, unless and until the Annual Municipal Expenditure Report and/or a Compliance Plan is submitted to OSTAB and the County's Open Space Manager and accepted and/or approved by the County.

12. The City understands and agrees that if the Shareback Funds are not used in accordance with the provisions, conditions and guidelines of Resolution No. 030381 and/or this Agreement, the City will not receive additional Shareback Funds unless and until it submits a Compliance Plan to the County through OSTAB and the County's Open Space Manager, and the County approves the Compliance Plan. Upon written notice by the County's Open Space Manager that the City must submit a compliance plan, the City shall have 30 days to submit said compliance plan as set forth herein.

13. The City further understands and agrees that if it fails to submit a Compliance Plan or fails to submit a Compliance Plan which meets the approval of the County, or fails to meet the requirements of the County's approved Compliance Plan within thirty (30) days of written notice of noncompliance by the County through the County's Open Space Manager, or fails to submit its Annual Municipal Expenditure Report as required by paragraphs 9, 10 and 11 of this Agreement and Resolution No. 030381, then the City's share of the Shareback Funds will be distributed, based on the latest available final population estimates provided by the Demography Section of the Colorado Department of Local Affairs or any state agency which takes over the duties and responsibilities of said Demography Section, among the other participating, incorporated municipalities.

14. The City understands and agrees that no land or interests acquired with the revenues from the Open Space Sales and Use Tax may be sold, leased, traded, or otherwise conveyed, nor may an exclusive license or permit on said land or interests be given, without prior approval of the City's governing body after conducting a public hearing. The City further agrees if such sale, lease, trade or conveyance is made or an exclusive license or interest has been given, the proceeds shall be deposited in a City Open Space Fund to be used for purposes consistent with Resolution No. 030381.

15. The County hereby specifically delegates, pursuant to County Resolution No. 030381 and COLO. REV. STAT. § 29-1-203(1)(2003), authority to the City to collect the County's Open Space Use Tax.

16. The City understands and agrees that it will use its best efforts and reasonable methods to collect the .25 percent Arapahoe County Use Tax on building and construction materials and will forward, on a monthly basis, by the end of the next month after the monies are collected, (to facilitate such collection), such tax minus up to five percent (of the .25 percent tax collected), minus any refund given on previously collected building use tax, to the Arapahoe County's Sales Tax Analyst, 5334 South Prince Street, Littleton, Colorado 80166. The City shall



determine and use its own policies and procedures, including any exemption amounts, when it collects the Arapahoe County Use Tax. A copy of the City's policies and procedures relating to the use tax is attached hereto as Exhibit B and incorporated herein by reference.

17. The County acknowledges and represents by entering into this IGA, the retention of up to five percent of the .25 percent use tax collected, as set forth in Paragraph 16 of said IGA, is not a violation of Section III (C) of Arapahoe County Resolution No. 030381.

18. The City understands and agrees that the County may conduct, at the County's expense, a review and/or an audit of the City's records to verify collection by the City of the County's Open Space Use Tax.

19. The County understands and the City agrees and represents that the City's policies and procedures (to the extent such policies and procedures exist for collection of use taxes) provide for collection of the County's Use Tax in accordance with the provisions of Paragraph 16 above. However, if, following a County review and/or audit as set forth in Paragraph 18 above performed in a manner consistent with the provisions of the Colorado Open Records Act, Section 24-72-201 et seq., the County determines that the City failed to collect the County's Use Tax in accordance with the City's policies and procedures (if such policies and procedures exist for collection of use taxes) and this IGA, the City shall be deemed to be in default of the IGA. In the event of such a determination of default, the City will be provided 60 days to modify its policies and procedures (if they exist) or to modify the manner of collection if policies and procedures do not exist, to rectify the default of the IGA and to notify in writing the County's Open Space Manager of the actions taken by the City to bring it into compliance with the IGA. The City's failure to modify its policies and procedures, or its manner of collection if policies and procedures do not exist, in order to avoid any future failure to properly collect the County's Use Tax will be deemed a breach of the IGA and Shareback Funds accruing to the City during the period of such breach will not be distributed for the period of said breach. If the City's policies and procedures contain a procedure to remedy the failure by the City to collect use taxes and to collect unpaid use taxes from the taxpayer, the City shall follow such procedure and notify the County's Open Space Manager whether such tax has been collected and will promptly forward any collected use tax to the County as provided in Paragraph 16 above. The County and the City acknowledge and agree that the County will not seek payment from the City for the County Use Tax which was not collected provided the City has used reasonable efforts to comply with the City's collection procedures and the provisions of this Paragraph.

20. Should any one or more provisions of this Agreement be determined to be illegal or unenforceable, all other provisions nevertheless shall remain effective; provided, however, the parties shall forthwith enter into good faith negotiations and proceed with due diligence to draft a provision that will achieve the original intent of the parties hereunder.

21. This Agreement may be amended, modified, or changed, in whole or in part, only by written agreement duly authorized and executed by the County and the authorized signatories for the City.



22. Venue for the trial of any action arising out of any dispute hereunder shall be in Arapahoe County District Court, pursuant to the appropriate rules of civil procedure.

23. Notices, as referred to in this Agreement, shall be sent to:

COUNTY: Board of County Commissioners of Arapahoe County  
5334 South Prince Street  
Littleton, Colorado 80166-0001

and

Arapahoe County Attorney  
5334 South Prince Street  
Littleton, Colorado 80166-0001

and

Arapahoe County Open Space Manager  
Arapahoe County Public Works and Development Department  
10730 East Briarwood Avenue, Suite 100  
Centennial, Colorado 80112-3853

and

Open Space and Trails Advisory Board  
c/o Arapahoe County Public Works and Development Department  
10730 East Briarwood Avenue, Suite 100  
Centennial, Colorado 80112-3853

CITY: City of Aurora  
15151 E. Alameda Parkway, 5<sup>th</sup> Floor  
Aurora, Colorado 80012

and

Suzanne Staiert, Assistant City Attorney  
Mike Hyman, Assistant City Attorney  
City Attorney's Office  
15151 E. Alameda Parkway, 5<sup>th</sup> Floor  
Aurora, Colorado 80012

24. This Agreement shall be governed by, and shall be construed in accordance with, the laws of the State of Colorado.



25. This Agreement constitutes the entire agreement of the parties hereto. The parties agree that there have been no representations made regarding the subject matter hereof other than those, if any, contained herein, that this Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof, and further agree that the various promises and covenants contained herein are mutually agreed upon and are in consideration of one another.

26. This Agreement shall inure to the benefit of, and be binding upon, the Parties to this Agreement.

27. If litigation is commenced by either party concerning this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs from the other party.

28. This Agreement may be terminated by either party upon thirty (30) days written notice to the other party.

IN WITNESS WHEREOF, the County and the City have executed this Agreement as of the date set forth below.

DATED this 14<sup>th</sup> day of December, 2004.

ATTEST:

CITY OF AURORA:

By: Debra Johnson By: Edward J. Tauer  
Debra Johnson, City Clerk Edward J. Tauer, Mayor

APPROVED AS TO FORM:

By: [Signature]  
Assistant City Attorney

ATTEST: Nancy A. Doty  
Clerk to the Board

COUNTY OF ARAPAHOE  
STATE OF COLORADO

By: Nancy A. Doty By: Susan Beckman  
Chair, Board of County  
Commissioners

APPROVED AS TO FORM:

By: [Signature]  
Assistant County Attorney





RESOLUTION NO. R2022-\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO, AND ARAPAHOE COUNTY, COLORADO, FOR THE COLLECTION OF THE OPEN SPACE SALES AND USE TAX SHAREBACK FUNDS

WHEREAS, Article XIV, Section 18 of the Colorado Constitution and Section 29-1-203, C.R.S., allow the state and its political subdivisions to contract with one another to provide any function, service, or facility lawfully authorized to each of the contracting units; and

WHEREAS, in 2003, the voters of the County approved a countywide sales and use tax (the “Tax”) of one-quarter of one percent (0.25% or 25 cents for every 100 dollars), which would expire December 31, 2013, to be used for specified open space objectives as set forth in County Resolution No. 030381, said tax has been reauthorized in 2011 and 2021; and

WHEREAS, in 2021 the voters of the County reauthorized the Tax, making it permanent until repealed as set forth in County Resolution No 21-263 (the “Resolution”); and

WHEREAS, the Resolution provides that fifty (50) percent of the annual revenue from the Tax shall be distributed to all incorporated municipalities wholly or partially within the County (the “Shareback Funds”); and

WHEREAS, the Resolution requires that each incorporated municipality enter into an intergovernmental agreement (the “Agreement”) with the County before receiving Shareback Funds, as authorized by Article XIV, Section 18 of the Colorado Constitution and C.R.S. § 29-1-203; and

WHEREAS, the Resolution provides that each municipality shall collect the County’s open space use tax on building and construction materials, as authorized by Sec. 29-2-106(3)(a) C.R.S.; and

WHEREAS, the City and the County had an intergovernmental agreement in the past to collect the income from the Tax and wish to sign the proposed Agreement and to set forth the respective responsibilities of the City and the County regarding the collection of the Tax; and

WHEREAS, the City Council of the City finds and determines that such agreement is in the best interests of the City and its citizens; and

WHEREAS, section 10-12 of the City Charter requires that the City Council adopt a resolution in order to authorize the execution and delivery of an intergovernmental agreement.



NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA:

Section 1. The Intergovernmental Agreement attached to this resolution between the City of Aurora, Colorado, and Arapahoe County, Colorado, for the collection of the open space sales and use tax shareback funds is hereby approved.

Section 2. The Mayor and City Clerk are hereby authorized to execute and deliver said Intergovernmental Agreement in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

Section 3. All resolutions or parts of resolutions of the City of Aurora, Colorado, in conflict herewith are hereby rescinded.

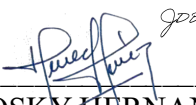
RESOLVED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ,  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
HANOSKY HERNANDEZ,  
Sr. Assistant City Attorney





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Aurora Crossroads Metropolitan District No.3 Amended and Restated Service Plan
<b>Item Initiator:</b> Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance
<b>Staff Source/Legal Source:</b> Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance/ Brian Rulla, Assistant City Attorney II
<b>Outside Speaker:</b>
<b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City

### COUNCIL MEETING DATES:

**Study Session:** 5/2/2022

**Regular Meeting:** 5/9/2022

### ITEM DETAILS:

A Resolution of the City Council of the City of Aurora, Colorado, Approving the First Amended and Restated Service Plan for Aurora Crossroads Metropolitan District No. 3 and Authorizing the Execution of an Intergovernmental Agreement Between the City of Aurora, Colorado and the District  
Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance/ Brian Rulla, Assistant City Attorney II  
Estimated time: 10 mins  
No Sponsor  
No Outside Speaker

---

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting  | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Management & Finance



**Action Taken/Follow-up: (Check all that apply)**

- |   |   |
|---|---|
| <input type="checkbox"/> Recommends Approval              | <input type="checkbox"/> Does Not Recommend Approval    |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached                 | <input type="checkbox"/> Minutes Not Available          |

---

**HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)**

The Amended and Restated Service Plan for the Aurora Crossroads Metropolitan District Nos. 1-3 was approved by City Council in April 2020. District No. 3 is generally located at the southeast corner of Colfax Avenue and Picadilly Road. The districts were originally intended to be developed all by the same developer with the need for coordinated and cohesive services among the Districts. However, a different builder is in the process of purchasing the property located in District No. 3 and no longer has the desire or need for coordinated services among the Districts.

---

**ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)**

The Aurora Crossroads Metropolitan District No. 3 is seeking to bifurcate the original service plan in order to better serve the development needs of the property located within its boundaries. There are no residents residing within or owning property within the District as the project is being developed for commercial purposes. District No. 3 has received no proceeds from the debt that was issued for District No. 2 in 2020 and needs to issue debt for its own project under a separate debt limit.

In addition, District No. 3 is also in the process of formally changing its name to Crossroads East Metropolitan District in order to further distinguish itself from District 1 and 2.

---

**QUESTIONS FOR COUNCIL**

Does Council wish to move this item forward to the next regular meeting?

---

**LEGAL COMMENTS**

Title 32, Article 1, C.R.S., as amended, and Section 122-36(b) of the City Code each provide that material modifications to an approved metropolitan district service plan may be made by the board of directors of a district only by petition to and approval by the City Council in substantially the same manner as provided for in the approval for an original service plan.

As the proposed Amended and Restated Intergovernmental Agreement is with another governmental entity, a resolution is required to authorize its execution. (City Charter Section 10-12.) (Rulla)

---

**PUBLIC FINANCIAL IMPACT**

☒ YES      ☐ NO

**If yes, explain:** Approval of the district will allow the cost of providing district infrastructure and certain operating costs to be passed on to the district property owners via metropolitan district taxes and fees.

---

**PRIVATE FISCAL IMPACT**



☐ Not Applicable      ☒ Significant      ☐ Nominal

**If Significant or Nominal, explain:** Metropolitan Districts provide a mechanism for developers to finance infrastructure for new development and redevelopment by recovering the associated cost through metropolitan district taxes and fees.



RESOLUTION NO. R2022 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, APPROVING THE FIRST AMENDED AND RESTATED  
SERVICE PLAN FOR AURORA CROSSROADS METROPOLITAN  
DISTRICT NO. 3 AND AUTHORIZING THE EXECUTION OF AN  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF  
AURORA, COLORADO AND THE DISTRICT

WHEREAS, the City Council (the “Council”) of the City of Aurora, Colorado (the “City”), has adopted Chapter 122 of the City’s Municipal Code (the “Code”), which Chapter establishes procedures for the review and approval of proposals to modify service plans for Title 32 special districts located within the City’s boundaries; and

WHEREAS, the City Council approved the Service Plan for Aurora Crossroads Metropolitan District Nos. 1-3 (the “Districts”) on April 3, 2020 (the “Original Service Plan”); and

WHEREAS, the Aurora Crossroads Metropolitan District No. 3 (the “District”) is seeking to bifurcate the Original Service Plan in order to better serve the development needs of the property located within its boundaries; and

WHEREAS, the property within the Districts was originally anticipated to be developed by the same developer with the need for cohesive and coordinated services among the Districts; and

WHEREAS, a different developer is in the process of purchasing the property with the District and no longer has the desire or need for coordinated services among the Districts; and

WHEREAS, there are no residents residing within or owning property within the District and the project is being developed for commercial purposes; and

WHEREAS, in 2020, Aurora Crossroads Metropolitan District No. 2 (“District No. 2”) issued debt in the amount of \$45 Million (the debt limit set forth in the Original Service Plan) to finance, in part, public infrastructure necessary for a medical facility (the “2020 Bonds”); and

WHEREAS, the 2020 Bonds only impact the properties located within District No. 2 and the District has no obligations with regard to the 2020 Bonds; and

WHEREAS, the District received no proceeds from the 2020 Bonds for infrastructure benefitting the District; and

WHEREAS, in order to finance the public infrastructure necessary to serve the property within its boundaries, the District needs to issue debt for its project under a separate debt limit; and



WHEREAS, to further distinguish itself from Aurora Crossroads Metropolitan No. 1 (“District No. 1”) and District No. 2, the District has started the process to formally change its name to Crossroads East Metropolitan District; and

WHEREAS, pursuant to Section 32-1-207, C.R.S., as amended, and Section 122-36 of the City Code, the First Amended and Restated Service Plan (the “First Amended and Restated Service Plan”) for the District has been submitted to the City Council; and

WHEREAS, nothing in the Amended Service Plan shall change the terms of the Original Service Plan, as may be amended, as it relates to the District No. 1 or District No. 2; and

WHEREAS, Title 32, Article 1, C.R.S., as amended, and Section 122-36(b) of the Code each provide that material modifications to an approved service plan may be made by the District’s board of directors only by petition to and approval by the Council in substantially the same manner as provided for in the approval for the original service plan; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, and Chapter 122 of the City Code, the City Council held a public hearing on the First Amended and Restated Service Plan for the District; and

WHEREAS, notice of the hearing before the City Council was duly published in a newspaper of general circulation within the City and the District, as required by law, and mailed to owners of record of all property within the District, to the Division of Local Government, and to the governing body of each municipality and title 32 district that has levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of three miles of the District; and

WHEREAS, the City Council has considered the First Amended and Restated Service Plan, and all other testimony and evidence presented at the hearing; and

WHEREAS, City Council finds that such amendments are in the best interests of both the City and the District’s taxpayers; and

WHEREAS, the City Council finds that the First Amended and Restated Service Plan should be approved unconditionally, as permitted by Section 32-1-207, C.R.S., as amended, and Section 122-36 of the City Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The City Council hereby finds and determines that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, and Chapter 122-36 of the City Code relating to the filing of the First Amended and Restated Service Plan for the District have been fulfilled and that notice of the hearing was given in the time and manner required by law;



Section 2. All pertinent facts, matters, and issues were submitted at the public hearing, all interested parties were heard or had the opportunity to be heard, and evidence satisfactory to the Council of each of the following was presented:

- a. There is still sufficient existing and projected need for organized service in the area served by the District;
- b. The existing service in the area served by the District remains inadequate for present and projected needs;
- c. The District is capable of providing economical and sufficient services to the area within its boundaries;
- d. The area included within the District has, or will have, the financial ability to discharge the indebtedness proposed by the First Amended and Restated Service Plan on a reasonable basis;
- e. Adequate service is not, or will not be, available to the area through the City, county, or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis;
- f. The facility and service standards of the District are compatible with the facility and service standards of the City;
- g. The First Amended and Restated Service Plan is in substantial compliance with the comprehensive plan adopted by the City;
- h. The First Amended and Restated Service Plan is in compliance with any duly-adopted City, regional, or state long-range water quality management plan for the area; and
- i. The First Amended and Restated Service Plan is in the best interests of the area served by the District.

Section 3. The First Amended and Restated Service Plan is hereby approved as submitted.

Section 4. The Mayor and the City Clerk are hereby authorized to execute, on behalf of the City, the IGA in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

Section 5. The District shall not be authorized to incur any bonded indebtedness until such time as the Districts have approved and executed the IGA.



Section 6. This Resolution shall be filed in the records of the City Clerk and a certified copy thereof submitted to the District.

Section 7. All prior resolutions or any parts thereof, to the extent that they are inconsistent with this Resolution, are hereby rescinded.

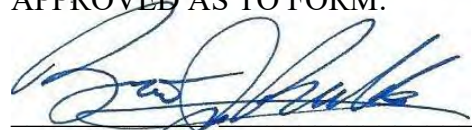
RESOLVED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

 RLA

\_\_\_\_\_  
BRIAN J. RULLA, Assistant City Attorney



WILLIAM P. ANKELE, JR.  
JENNIFER GRUBER TANAKA  
CLINT C. WALDRON  
KRISTIN BOWERS TOMPKINS  
ROBERT G. ROGERS  
BLAIR M. DICKHONER  
GEORGE M. ROWLEY



OF COUNSEL:  
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AUDREY G. JOHNSON  
CAREY S. SMITH V  
ERIN K. STUTZ  
JON L. WAGNER  
NELSON G. DUNFORD  
RUTH O. BORNE

April 12, 2022

City of Aurora  
Office of Development Assistance  
Attn: Cesarina Dancy  
15151 E. Alameda Parkway, Suite 5200  
Aurora, CO 80012

RE: Aurora Crossroads Metropolitan District No. 3

Dear Ms. Dancy:

Enclosed for review by the City of Aurora (the “**Aurora**”), please find the Amended and Restated Service Plan (the “**Amended Service Plan**”) for the Aurora Crossroads Metropolitan District No. 3 (the “**District**”).

The Amended Service Plan is being submitted as a single service plan for the District, which is currently governed by the Amended and Restated Service Plan for the Aurora Crossroads Metropolitan District Nos. 1-3 (collectively, the “**Districts**”), as approved by the City Council on April 3, 2020, by Ordinance No. 2020-19 (the “**Original Service Plan**”). This Amended Service Plan replaces and supersedes the Original Service Plan as it relates to the District only. Nothing in the Amended Service Plan shall change the terms of the Original Service Plan, as may be amended, as it relates to the Aurora Crossroads Metropolitan District No. 1 (“**District No. 1**”) or the Aurora Crossroads Metropolitan District No. 2 (“**District No. 2**”).

The District is seeking to bifurcate the Original Service Plan in order to better serve the development needs of the property located within its boundaries. There are no residents residing within or owning property within the District and the project is being developed for commercial purposes. The property was originally anticipated to be developed by the same developer with the need for cohesive and coordinated services among the Districts. However, a different builder is in the process of purchasing the property and no longer has the desire or need for coordinated services among the Districts.



In 2020, District No. 2 issued debt in the amount of \$45 Million (the debt limit set forth in the Original Service Plan) to finance, in part, public infrastructure necessary for a medical facility (the “**2020 Bonds**”). The 2020 Bonds only impact the properties located within District No. 2 and the District has no obligations with regard to the 2020 Bonds. Further, the District received no proceeds from the 2020 Bonds for infrastructure benefitting the District. As such, in order to finance the public infrastructure necessary to serve the property within its boundaries, the District needs to issue debt for its project under a separate debt limit.

To further distinguish itself from District No. 1 and District No. 2, the District has started the process to formally change its name to Crossroads East Metropolitan District. It is anticipated that this process will be complete by the end of May 2022.

In compliance with Aurora City Code Sec. 122-26 – 122-36, the Amended Service Plan complies with the form and content of Aurora’s current model service plan and any and all changes from the model are clearly identified in tracked changes. A few citations were updated for consistency purposes only and are also reflected in tracked changes.

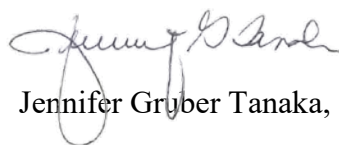
The debt limits reported in Section V.A.10 (Total Debt Issuance Limitation) and VII.A (Financial Plan – General) do include any debt associated with regional improvements as described in the last sentence of VI.C.

Name of Metro District	Aggregate Public Improvements	Aggregate Debt Limit	Debt Limit Includes ARI?	Aggregate ARI Debt Limit	Total Aggregate Debt Capacity	Organizing and Operating Reimbursement	1 <sup>st</sup> Year Operating and Maintenance
(Location in Service Plan)	V.B	V.A.10	Transmittal Letter	VI.C	Calculate	VII.I	VII.I
Aurora Crossroads Metropolitan District No. 3	\$6,500,000	\$6,500,000	No	\$6,500,000	\$6,500,000	N/A	\$50,000
Totals	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Should you have any questions or concerns regarding this letter or the Amended Service Plan, please do not hesitate to contact me at your earliest convenience.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON



Jennifer Gryber Tanaka, Esq.

cc: Board of Directors, Aurora Crossroads Metropolitan District No. 3

Enclosure



**AMENDED AND RESTATED SERVICE PLAN  
FOR  
AURORA CROSSROADS METROPOLITAN DISTRICT NO. 3  
CITY OF AURORA, COLORADO**

Prepared

by

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law  
2154 East Commons Avenue, Suite 2000  
Centennial, CO 80122  
(303) 858-1800

, 2022



## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
A.	Purpose and Intent.....	1
B.	Need for the District.....	1
C.	Objective of the City Regarding District’s Service Plan. ....	1
II.	DEFINITIONS.....	2
III.	BOUNDARIES.....	6
IV.	PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION.	6
V.	DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES.....	6
A.	Powers of the District and Service Plan Amendment.....	6
1.	Operations and Maintenance Limitation.... <b>Error! Bookmark not defined.</b>	
2.	Fire Protection Limitation.....	6
3.	Television Relay and Translation Limitation .....	7
4.	Golf Course Construction Limitation .....	7
5.	Construction Standards Limitation .....	7
6.	Privately Placed Debt Limitation.....	7
7.	Inclusion Limitation.....	8
8.	Overlap Limitation.....	8
9.	Initial Debt Limitation .....	8
10.	Total Debt Issuance Limitation.....	8
11.	Fee Limitation .....	8
12.	Monies from Other Governmental Sources .....	8
13.	Consolidation Limitation .....	9
14.	Bankruptcy Limitation.....	9
15.	Service Plan Amendment Requirement.....	9
B.	Preliminary Engineering Survey.....	10
VI.	REGIONAL IMPROVEMENTS.....	10
VII.	FINANCIAL PLAN.....	11
A.	General.....	11
B.	Maximum Voted Interest Rate and Maximum Underwriting Discount. ....	12
C.	Maximum Debt Mill Levy. ....	12
D.	Maximum Debt Mill Levy Imposition Term. ....	13
E.	Debt Repayment Sources.....	13
F.	Debt Instrument Disclosure Requirement.....	13
G.	Security for Debt.....	14
H.	TABOR Compliance.....	14
I.	District’s Operating Costs.....	14
VIII.	ANNUAL REPORT .....	14
A.	General.....	14
B.	Reporting of Significant Events.....	14



IX.	DISSOLUTION .....	15
X.	DISCLOSURE TO PURCHASERS.....	15
XI.	INTERGOVERNMENTAL AGREEMENT .....	15
XII.	CONCLUSION.....	17



## **LIST OF EXHIBITS**

<b>EXHIBIT A</b>	Legal Description
<b>EXHIBIT B</b>	Aurora Vicinity Map
<b>EXHIBIT C</b>	Initial District Boundary Map
<b>EXHIBIT D</b>	Notice of Special District Disclosure
<b>EXHIBIT E</b>	Amended and Restated Intergovernmental Agreement between the District and Aurora



## **I. INTRODUCTION**

### **A. Purpose and Intent.**

The District is an independent unit of local government, separate and distinct from the City, and, except as may otherwise be provided for by State or local law or this Service Plan, its activities are subject to review by the City only insofar as they may deviate in a material matter from the requirements of the Service Plan. It is intended that the District will provide a part or all of the Public Improvements for the use and benefit of all anticipated inhabitants and taxpayers of the District. The primary purpose of the District will be to finance the construction of these Public Improvements.

The District is not being created to provide ongoing operations and maintenance services other than as specifically set forth in this Service Plan.

This Service Plan replaces and supersedes the Original Service Plan as it relates to the District only. Nothing in this Service Plan shall change the terms of the Original Service Plan, as may be amended, as it relates to the Aurora Crossroads Metropolitan District No. 1 or the Aurora Crossroads Metropolitan District No. 2.

### **B. Need for the District.**

There are currently no other governmental entities, including the City, located in the immediate vicinity of the District that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction installation, relocation, redevelopment, and financing of the Public Improvements needed for the Project. Formation of the District is therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

### **C. Objective of the City Regarding District's Service Plan.**

The City's objective in approving the Service Plan for the District is to authorize the District to provide for the planning, design, acquisition, construction, installation, relocation and redevelopment of the Public Improvements from the proceeds of Debt to be issued by the District. All Debt is expected to be repaid by taxes imposed and collected for no longer than the Maximum Debt Mill Levy Imposition Term for residential properties and at a tax mill levy no higher than the Maximum Debt Mill Levy for commercial and residential properties, and/or repaid by Fees, as long as such Fees are not imposed upon or collected from Taxable Property owned or occupied by an End User for the purpose of creating a capital cost payment obligation as further described in Section V.A.11. Debt which is issued within these parameters and, as further described in the Financial Plan, will insulate property owners from excessive tax and Fee burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt.

This Service Plan is intended to establish a limited purpose for the District and explicit financial constraints that are not to be violated under any circumstances. The primary purpose is to provide for the Public Improvements associated with development and regional



needs. Operational activities are allowed, but only through an intergovernmental agreement with the City.

It is the intent of the District to dissolve upon payment or defeasance of all Debt incurred or upon a court determination that adequate provision has been made for the payment of all Debt, and if the District has authorized operating functions under an intergovernmental agreement with the City, to retain only the power necessary to impose and collect taxes or Fees to pay for these costs.

The District shall be authorized to finance the Public Improvements that can be funded from Debt to be repaid from Fees or from tax revenues collected from a mill levy which shall not exceed the Maximum Debt Mill Levy on commercial and residential properties and which shall not exceed the Maximum Debt Mill Levy Imposition Term on residential properties. It is the intent of this Service Plan to assure to the extent possible that no commercial or residential property bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy in amount and that no property developed for a residential use bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy Imposition Term in duration even under bankruptcy or other unusual situations. Generally, the cost of Public Improvements that cannot be funded within these parameters are not costs to be paid by the District. With regard to Regional Improvements, this Service Plan also provides for the District to pay a portion of the cost of regional infrastructure as part of ensuring that development and those that benefit from development pay for the associated costs.

## **II. DEFINITIONS**

In this Service Plan, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Agreed Upon Procedures Engagement: means an attestation engagement in which a certified public accountant performs specific procedures on subject matter and reports the findings without providing an opinion or conclusion. The subject matter may be financial or nonfinancial information. Because the needs of an engaging party vary, the nature, timing, and extent of the procedures may vary, as well.

Approved Development Plan: means a Framework Development Plan or other process established by the City for identifying, among other things, Public Improvements necessary for facilitating development for property within the Service Area as approved by the City pursuant to the City Code and as amended pursuant to the City Code from time to time.

ARI or Regional Improvements: means Aurora Regional Improvements.

ARI Authority: means one or more Authorities established by an ARI Authority Establishment Agreement.

ARI Establishment Agreement: means an intergovernmental agreement establishing an ARI Authority which has, at minimum, Title 32 special districts from three (3) or more Approved Development Plan areas as parties to the Agreement.



ARI Master Plan: means one or more master plans adopted by an ARI Authority establishing Regional Improvements which will benefit the taxpayers and service users of the District which constitute such ARI Authority, which master plan will change from time to time.

ARI Mill Levy: means the following:

A. For a district with property within its boundaries developed with any residential uses means the mill levy imposed for payment of the costs of the planning, design, permitting, construction, acquisition and financing of the improvements described in the ARI Master Plan, which: (i) shall be one (1) mill for collection beginning for each district in the first year of collection of a debt service mill levy by such district and continuing in each year thereafter through the twentieth (20<sup>th</sup>) year; and (ii) shall be five (5) mills from the twenty-first (21<sup>st</sup>) year through the fortieth (40<sup>th</sup>) year or the date of repayment of the debt incurred for Public Improvements, other than Regional Improvements, which ever first occurs; and (iii) for an additional ten (10) years, the mill levy shall be equal to the average debt service mill levy imposed by such district in the ten (10) years prior to the date of repayment of the debt incurred for Public Improvements other than Regional Improvements; and

B. For a district with property within its boundaries developed solely for commercial uses means the mill levy imposed for payment of the costs of the planning, design, permitting, construction, acquisition and financing of the improvements described in the ARI Master Plan, which: (i) shall be one (1) mill for collection beginning for each district in the first year of collection of a debt service mill levy by such district and continuing in each year thereafter through the twentieth (20<sup>th</sup>) year; (ii) shall be one and one-half (1.5) mills from the twenty-first (21<sup>st</sup>) year through the date of repayment of debt incurred for Public Improvements, other than Regional Improvements; and (iii) for five (5) years thereafter, the mill levy shall be the lesser of twenty (20) mills or a mill levy equal to the average debt service mill levy imposed by such district in the ten (10) years prior to the date of repayment of debt issued for Public Improvements, other than Regional Improvements; and

C. Any district may, pursuant to any intergovernmental agreement with the City, extend the term for application of the ARI Mill Levy beyond the years set forth in A and B above. The Maximum Mill Levy Imposition Term shall include the terms set forth in A and B above and any extension of the term as approved in an intergovernmental agreement as described herein.

D. All mills described in this ARI Mill Levy definition shall be subject to adjustment as follows: On or after January 1, 2004, if there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the one (1) mill levy described above may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2004, are neither diminished nor enhanced as a result of such changes, for purposes of the foregoing, a



change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

Board: means the board of directors of the District.

Bond, Bonds or Debt: means bonds or other obligations for the payment of which the District has promised to impose an *ad valorem* property tax mill levy, and/or collect Fee revenue.

City: means the City of Aurora, Colorado.

City Code: means the City Code of the City of Aurora, Colorado.

City Council: means the City Council of the City of Aurora, Colorado.

C.R.S.: means the Colorado Revised Statutes, as the same may be amended from time to time.

District: means the Aurora Crossroads Metropolitan District No. 3

End User: means any owner, or tenant of any owner, of any taxable improvement within the District, who is intended to become burdened by the imposition of ad valorem property taxes subject to the Maximum Debt Mill Levy. By way of illustration, a resident homeowner, renter, commercial property owner, or commercial tenant is an End User. The business entity that constructs homes or commercial structures is not an End User.

External Financial Advisor: means a consultant that: (i) advises Colorado governmental entities on matters relating to the issuance of securities by Colorado governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (ii) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer's Municipal Market Place; and (iii) is not an officer or employee of the District and has not been otherwise engaged to provide services in connection with the transaction related to the applicable Debt.

Fees: means any fee imposed by the District for services, programs or facilities provided by the District, as described in Section V.A.11. below.

Financial Plan: means the Financial Plan described in Section VII which describes (i) how the Public Improvements are to be financed; (ii) how the Debt is expected to be incurred; and (iii) the estimated operating revenue derived from property taxes for the first budget year.

Initial District Boundaries: means the boundaries of the area described in the Initial District Boundary Map.



Initial District Boundary Map: means the map attached hereto as **Exhibit C**, describing the District's initial boundaries.

Maximum Debt Mill Levy: means the maximum mill levy the District is permitted to impose for payment of Debt as set forth in Section VII.C below.

Maximum Debt Mill Levy Imposition Term: means the maximum term for imposition of a mill levy on a particular property developed for residential uses as set forth in Section VII.D below.

Operations and Maintenance Mill Levy: means the mill levy the District projects to impose for payment of administration, operations, and maintenance costs as set forth in the Financial Plan in Section VII below.

Original Service Plan: means the Amended and Restated Service Plan for the Aurora Crossroads Metropolitan District No. 1, the Aurora Crossroads Metropolitan District No. 2, and the Aurora Crossroads Metropolitan District No. 3, as approved by the City Council on April 3, 2020, by Ordinance No. 2020-19.

Project: means the development or property commonly referred to as JAMASO.

Public Improvements: means a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally described in the Special District Act, except as specifically limited in Section V below to serve the future taxpayers and inhabitants of the Service Area as determined by the Board of the District.

Regional Improvements: means Public Improvements and facilities that benefit the Service Area and which are to be financed pursuant to Section VI below.

Service Area: means the property within the Initial District Boundary Map.

Service Plan: means this service plan for the District approved by City Council.

Service Plan Amendment: means an amendment to the Service Plan approved by City Council in accordance with the City's ordinance and the applicable state law.

Special District Act: means Section 32-1-101, et seq., of the Colorado Revised Statutes, as amended from time to time.

State: means the State of Colorado.

Taxable Property: means real or personal property within the Service Area subject to ad valorem taxes imposed by the District.



### **III. BOUNDARIES**

The area of the Initial District Boundaries includes approximately fifty-seven (57) acres. A legal description of the Initial District Boundaries is attached hereto as **Exhibit A**. A vicinity map is attached hereto as **Exhibit B**. A map of the Initial District Boundaries is attached hereto as **Exhibit C**. It is anticipated that the District's boundaries may change from time to time as it undergoes inclusions and exclusions pursuant to Section 32-1-401, et seq., C.R.S., and Section 32-1-501, et seq., C.R.S., subject to the limitations set forth in Article V below.

### **IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION**

The Service Area consists of approximately fifty-seven (57) acres of vacant and commercial land. The current assessed valuation of the Service Area is \$0.00 for purposes of this Service Plan and, at build out, is expected to be sufficient to reasonably discharge the Debt under the Financial Plan. The population of the District at build-out is estimated to be approximately zero (0) people.

Approval of this Service Plan by the City does not imply approval of the development of a specific area within the District, nor does it imply approval of the number of residential units or the total site/floor area of commercial or industrial buildings identified in this Service Plan or any of the exhibits attached thereto, unless the same is contained within an Approved Development Plan.

### **V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES**

#### **A. Powers of the District and Service Plan Amendment.**

The District shall have the power and authority to provide the Public Improvements and related operation and maintenance services within and without the boundaries of the District as such power and authority is described in the Special District Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth herein.

In connection with the performance of all acts or activities hereunder, the District shall not violate any protection clauses of the United States or Colorado State Constitutions. The District shall not discriminate against any person because of race, color, religion, national origin, gender, age, military status, sexual orientation, gender identity or gender expression, marital status, or physical or mental disability, and further shall insert the foregoing provision in contracts or subcontracts let by the District to accomplish the purposes of this Service Plan.

1. Operations and Maintenance Limitation. The purpose of the District is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. The District shall dedicate the Public Improvements to the City or other appropriate jurisdiction or owners association in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. The District shall be authorized, but not obligated, to own, operate and maintain Public Improvements not otherwise required to be dedicated to the City or other public entity, including, but not limited to street improvements (including roads, curbs, gutters, culverts,



sidewalks, bridges, parking facilities, paving, lighting, grading, landscaping, and other street improvements), traffic and safety controls, retaining walls, park and recreation improvements and facilities, trails, open space, landscaping, drainage improvements (including detention and retention ponds, trickle channels, and other drainage facilities), irrigation system improvements (including wells, pumps, storage facilities, and distribution facilities), and all necessary equipment and appurtenances incident thereto. Any Fee imposed by the District for access to such park and recreation improvements shall not result in Non-District Aurora residents paying a user fee that is greater than, or otherwise disproportionate to, similar fees and taxes paid by residents of the District. However, the District shall be entitled to impose an administrative Fee as necessary to cover additional expenses associated with Non-District Aurora residents to ensure that such costs are not the responsibility of District residents. All such Fees shall be based upon the District's determination that such Fees do not exceed reasonable annual market fees for users of such facilities. Notwithstanding the foregoing, all parks and trails owned by the District shall be open to the general public and Non-District Aurora residents, subject to the rules and regulations of the District as adopted from time to time. Trails which are interconnected with a city or regional trail system shall be open to the public free of charge and on the same basis as residents and owners of taxable property within the District.

2. Fire Protection Limitation. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain fire protection facilities or services, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City. The authority to plan for, design, acquire, construct, install, relocate, redevelop or finance fire hydrants and related improvements installed as part of the water system shall not be limited by this provision.

3. Television Relay and Translation Limitation. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain television relay and translation facilities and services, other than for the installation of conduit as a part of a street construction project, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City.

4. Golf Course Construction Limitation. Acknowledging that the City has financed public golf courses and desires to coordinate the construction of public golf courses in the City's boundaries, the District shall not be authorized to plan, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain a golf course unless such activity is pursuant to an intergovernmental agreement with the City.

5. Construction Standards Limitation. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction. The District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

6. Privately Placed Debt Limitation. Prior to the issuance of any privately placed Debt, the District shall obtain the certification of an External Financial Advisor substantially as follows:



We are [I am] an External Financial Advisor within the meaning of the District's Service Plan.

We [I] certify that (1) the net effective interest rate (calculated as defined in Section 32-1-103(12), C.R.S.) to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

7. Inclusion Limitation. The District shall not include within its boundaries any property outside the Service Area without the prior written consent of the City.

8. Overlap Limitation. The District shall not consent to the organization of any other district organized under the Special District Act within the Service Area which will overlap the boundaries of the District unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the District.

9. Initial Debt Limitation. On or before the effective date of approval by the City of an Approved Development Plan, the District shall not: (a) issue any Debt; nor (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (c) impose and collect any Fees used for the purpose of repayment of Debt.

10. Total Debt Issuance Limitation. The District shall not issue Debt in excess of Six Million Five Hundred Thousand Dollars (\$6,500,000) in the aggregate; provided however, that any Debt issued by the District for Regional Improvements shall not be included within this limitation and shall be subject to the limitations set forth in Section VI.

11. Fee Limitation. The District may impose and collect Fees as a source of revenue for repayment of debt, capital costs, and/or for operations and maintenance. No Fee related to the funding of costs of a capital nature shall be authorized to be imposed upon or collected from Taxable Property owned or occupied by an End User which has the effect, intentional or otherwise, of creating a capital cost payment obligation in any year on any Taxable Property owned or occupied by an End User. Notwithstanding any of the foregoing, the restrictions in this definition shall not apply to any Fee imposed upon or collected from Taxable Property for the purpose of funding operation and maintenance costs of the District.

12. Monies from Other Governmental Sources. The District shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, or other funds available from or through governmental or non-profit entities that the City is eligible to apply for, except pursuant to an intergovernmental agreement with the City. This Section shall not apply to specific ownership taxes which shall be distributed to and be a revenue source for the District without any limitation.



13. Consolidation Limitation. The District shall not file a request with any Court to consolidate with another Title 32 district without the prior written consent of the City.

14. Bankruptcy Limitation. All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy, Maximum Debt Mill Levy Imposition Term and the Fees have been established under the authority of the City to approve a Service Plan with conditions pursuant to Section 32-1-204.5, C.R.S. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

(b) Are, together with all other requirements of Colorado law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable nonbankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Service Plan pursuant to Section 32-1-207, C.R.S. and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Service Plan Amendment.

15. Website. When a district is required to have a website in accordance with the requirements of Section 32-1- 104.5, C.R.S., the District shall establish, maintain and annually update a public website or provide information on a shared community website, on which the District will timely post all information and documents required by Section 32-1-104.5, C.R.S.

16. Service Plan Amendment Requirement. This Service Plan has been designed with sufficient flexibility to enable the District to provide required services and facilities under evolving circumstances without the need for numerous amendments. Actions of the District which violate the limitations set forth in V.A.1-14 above or in VII.B-G. shall be deemed to be material modifications to this Service Plan and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the District.



B. Preliminary Engineering Survey.

The District shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of the District, to be more specifically defined in an Approved Development Plan. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed was prepared based upon a preliminary engineering survey and estimates derived from the zoning on the property in the Service Area and is approximately Eighteen Million Three Hundred Twenty-Five Thousand Dollars (\$18,325,000).

All of the Public Improvements will be designed in such a way as to assure that the Public Improvements standards will be compatible with those of the City and shall be in accordance with the requirements of the Approved Development Plan. All construction cost estimates are based on the assumption that construction conforms to applicable local, State or Federal requirements.

**VI. REGIONAL IMPROVEMENTS**

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements incurred as a result of participation in the alternatives set forth in Section VI.A, B or C below.

The District shall impose the ARI Mill Levy and shall convey it as follows:

A. If the District has executed an ARI Authority Establishment Agreement and the City has been offered the opportunity to execute an ARI Authority Establishment Agreement, the terms of which provide for the City to appoint no less than thirty percent (30%) and no more than forty-nine percent (49%) of the Board members who will serve as the board of directors of the ARI Authority to be established by such ARI Authority Establishment Agreement, regardless as to whether the City approves the execution of such ARI Authority Establishment Agreement, the revenue from the ARI Mill Levy shall be conveyed to the ARI Authority for the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements in the ARI Master Plan and for the operations of such ARI Authority; or

B. If the City and the District have executed an intergovernmental agreement then the revenue from the ARI Mill Levy shall be conveyed to the City for use in planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users and taxpayers of the District in accordance with such agreement; or

C. If neither Section VI.A nor VI.B above is applicable then the revenue shall be conveyed to the City and (i) the City shall place in a special account all revenues received from the ARI Mill Levy imposed in the Service Area under this Section VI and shall not expend such revenue until an intergovernmental agreement is executed between the District establishing the



terms and conditions for the provision of the Regional Improvements; and (ii) if the intergovernmental agreement is not executed within two (2) years from the date of the approval of the Service Plan by the City and neither Section VI.A nor VI.B above have occurred within two (2) years from the date of the approval of the Service Plan by the City, then the revenue from the ARI Mill Levy shall be conveyed to the City for use by the City in the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users or taxpayers of the District as prioritized and determined by the City.

As set forth in the definition of the ARI Mill Levy, the District may, pursuant to any intergovernmental agreement with the City, extend the terms for application of the ARI Mill Levy beyond the years set forth in Sections VI.A and VI. B above. The Maximum Mill Levy Imposition Term shall include the terms and any extension of such terms, as set forth in Sections A, B and C of the definition of the ARI Mill Levy.

The Regional Improvements shall be limited to the provision of the planning, design, acquisition, construction, installation, relocation and/or redevelopment of street and transportation related improvements as defined in the Special District Act and the administration and overhead costs incurred as a result of participation in the alternative set forth in Section VI.A, B or C set forth above, unless the City has agreed otherwise in writing; provided, however in no event shall the Regional Improvements include water or sanitary sewer improvements unless such improvements are necessary as a part of completing street and transportation related improvements. The District shall cease to be obligated to impose, collect and convey to the City the revenue from the ARI Mill Levy described in this Section VI at such time as the area within the District's boundaries is included within a different district organized under the Special District Act, or a General Improvement District organized under Section 31-25-601, et seq., C.R.S., or Business Improvement District organized under Section 31-25-1201, et seq., C.R.S., which other district has been organized to fund a part or all of the Regional Improvements.

The District shall have the authority to issue Debt for the Regional Improvements, in an amount not to exceed Six Million Five Hundred Thousand Dollars (\$6,500,000) pursuant to agreements as described in VI.A, B or C above. Such limit is not subject to the Total Debt Issuance Limitation described in section VII below.

## **VII. FINANCIAL PLAN**

### **A. General.**

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from its revenues and by and through the proceeds of Debt to be issued by the District. The Financial Plan for the District shall be to issue such Debt as the District can reasonably pay within the Maximum Debt Mill Levy Imposition Term from revenues derived from the Maximum Debt Mill Levy, Fees and other legally available revenues. The total Debt that the District shall be permitted to issue shall not exceed Six Million Five Hundred Thousand Dollars (\$6,500,000) (exclusive of Debt issued for Regional Improvements described in Section VI above) and shall be permitted to be issued on a schedule and in such year or years as the District determine shall



meet the needs of the Financial Plan referenced above and phased to serve development as it occurs. All Bonds and other Debt issued by the District may be payable from any and all legally available revenues of the District, including general ad valorem taxes and Fees to be imposed upon all Taxable Property within the District. The District will also rely upon various other revenue sources authorized by law. These will include the power to assess Fees, rates, tolls, penalties, or charges as provided in Section 32-1-1001(1), C.R.S., as amended from time to time.

B. Maximum Voted Interest Rate and Maximum Underwriting Discount.

The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. In the event of a default, the proposed maximum interest rate on any Debt is not expected to exceed eighteen percent (18%). The proposed maximum underwriting discount will be five percent (5%). Debt, when issued, will comply with all relevant requirements of this Service Plan, State law and Federal law as then applicable to the issuance of public securities.

C. Maximum Debt Mill Levy.

The “Maximum Debt Mill Levy” shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District for payment of Debt, and shall be determined as follows:

1. For the portion of any aggregate District’s Debt which exceeds fifty percent (50%) of the District’s assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall be fifty (50) mills less the number of mills necessary to pay unlimited mill levy Debt described in Section VII.C.2 below; provided that if, on or after January 1, 2004, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2004, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

2. For the portion of any aggregate District’s Debt which is equal to or less than fifty percent (50%) of the District’s assessed valuation, either on the date of issuance or at any time thereafter, the mill levy to be imposed to repay such portion of Debt shall not be subject to the Maximum Debt Mill Levy and, as a result, the mill levy may be such amount as is necessary to pay the Debt service on such Debt, without limitation of rate.

3. For purposes of the foregoing, once Debt has been determined to be within Section VII.C.2 above, so that the District is entitled to pledge to its payment an unlimited ad valorem mill levy, the District may provide that such Debt shall remain secured by such unlimited mill levy, notwithstanding any subsequent change in the District’s Debt to assessed ratio. All Debt issued by the District must be issued in compliance with the requirements of Section 32-1-1101, C.R.S. and all other requirements of State law.



To the extent that the District is composed of or subsequently organized into one or more subdistricts as permitted under Section 32-1-1101, C.R.S., the term “District” as used herein shall be deemed to refer to the District and to each such subdistrict separately, so that each of the subdistricts shall be treated as a separate, independent district for purposes of the application of this definition.

The Maximum Debt Mill Levy shall not apply to the District’s Operations and Maintenance Mill Levy for the provision of operation and maintenance services to the District’s taxpayers and service users as set for in Section VII.K below.

D. Maximum Debt Mill Levy Imposition Term.

The District shall have the authority to impose the ARI Mill Levy for the terms as set forth in Section VI. Other than the ARI Mill Levy, the District shall not impose a levy for repayment of any and all Debt (or use the proceeds of any mill levy for repayment of Debt) on any single property developed for residential uses which exceeds forty (40) years after the year of the initial imposition of such mill levy unless a majority of the Board of Directors of the District are residents of the District and have voted in favor of a refunding of a part or all of the Debt and such refunding will result in a net present value savings as set forth in Section 11-56-101, C.R.S., et seq.

E. Debt Repayment Sources.

The District may impose a mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt service and for operations and maintenance. The District may also rely upon various other revenue sources authorized by law. At the District’s discretion, these may include the power to assess Fees, rates, tolls, penalties, or charges as provided in Section 32-1-1001(l), C.R.S., as amended from time to time. In no event shall the debt service mill levy in the District exceed the Maximum Debt Mill Levy or, for residential property within the District, the Maximum Debt Mill Levy Imposition Term, except pursuant to an intergovernmental agreement between the District and the City for Regional Improvements.

F. Debt Instrument Disclosure Requirement.

In the text of each Bond and any other instrument representing and constituting Debt, the District shall set forth a statement in substantially the following form:

By acceptance of this instrument, the owner of this Bond agrees and consents to all of the limitations in respect of the payment of the principal of and interest on this Bond contained herein, in the resolution of the District authorizing the issuance of this Bond and in the Service Plan for creation of the District.

Similar language describing the limitations in respect of the payment of the principal of and interest on Debt set forth in this Service Plan shall be included in any document used for the offering of the Debt for sale to persons, including, but not limited to, a developer of property within the boundaries of the District.



G. Security for Debt.

The District shall not pledge any revenue or property of the City as security for the indebtedness set forth in this Service Plan. Approval of this Service Plan shall not be construed as a guarantee by the City of payment of any of the District's obligations; nor shall anything in the Service Plan be construed so as to create any responsibility or liability on the part of the City in the event of default by the District in the payment of any such obligation.

H. TABOR Compliance.

The District will comply with the provisions of TABOR. In the discretion of the Board, the District may set up other qualifying entities to manage, fund, construct and operate facilities, services, and programs. To the extent allowed by law, any entity created by the District will remain under the control of the District's Board.

I. District's Operating Costs.

In addition to the capital costs of the Public Improvements, the District will require operating funds for administration and to plan and cause the Public Improvements to be constructed and maintained. The first year's operating budget is estimated to be Fifty Thousand Dollars (\$50,000) which is anticipated to be derived from property taxes and other revenues.

The Maximum Debt Mill Levy for the repayment of Debt shall not apply to the District's ability to increase its their Operations and Maintenance Mill Levy as necessary for provision of operation and maintenance services to its taxpayers and service users.

J. Agreed Upon Procedures Examination.

If property within the boundaries of the District is developed with any residential uses, at such time that a majority of Board of Directors of the District are residents of the District, the District is encouraged to engage the services of a certified public accountant for an Agreed Upon Procedures Engagement. The Board of Directors, in its discretion, will set the scope and the procedures for the engagement.

**VIII. ANNUAL REPORT**

A. General.

The District shall be responsible for submitting an annual report to the Manager of the Office of Development Assistance of the City Manager's Office no later than August 1<sup>st</sup> of each year following the year in which the Order and Decree creating the District has been issued. The annual report shall include all information required pursuant to the Special District Act.

B. Reporting of Significant Events.

The annual report shall include information as to any of the following:



1. Boundary changes made or proposed to the District's boundary as of December 31 of the prior year.
2. Intergovernmental Agreements with other governmental entities, either entered into or proposed as of December 31 of the prior year.
3. Copies of the District's rules and regulations, if any as of December 31 of the prior year.
4. A summary of any litigation which involves the District Public Improvements as of December 31 of the prior year.
5. Status of the District's construction of the Public Improvements as of December 31 of the prior year.
6. A list of all facilities and improvements constructed by the District that have been dedicated to and accepted by the City as of December 31 of the prior year.
7. The final assessed valuation of the District as of December 31 of the reporting year.
8. Current year budget including a description of the Public Improvements to be constructed in such year.
9. Audit of the District's financial statements, for the year ending December 31 of the previous year, prepared in accordance with generally accepted accounting principles or audit exemption, if applicable.
10. Notice of any uncured events of default by the District, which continue beyond a ninety (90) day period, under any Debt instrument.
11. Any inability of the District to pay its obligations as they come due, in accordance with the terms of such obligations, which continue beyond a ninety (90) day period.

## **IX. DISSOLUTION**

Upon an independent determination of the City Council that the purposes for which the District was created have been accomplished, the District agrees to file petitions in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes.

## **X. DISCLOSURE NOTICES AND MEETINGS**

1. The District will use reasonable efforts and due diligence to cause each developer and home builder to provide written notice of disclosure to all initial purchasers of property in the District that describes the general purpose of the District and financial impact on



each residential property at the time of entering into the purchase contract. The form of notice shall be filed with the City prior to the initial issuance of the Debt of the District imposing the mill levy which is the subject of the Maximum Debt Mill Levy. The form of notice shall be substantially in the form of **Exhibit E** attached hereto; provided that such notice may be modified by the District so long as a new notice is submitted to and approved by the City prior to using such modified notice. Any modified notice will be expected to provide the following information:

- a. General description and purpose(s) of the District.
- b. Contact information for the District.
- c. Website address for the District (once established per Section V.A.15).
- d. District boundary map showing all lots within the District.
- e. The Maximum Debt Mill Levy that may be imposed on the residential property for each year the District is in existence and a calculation of the associated taxes that the homeowner will pay.
- f. List of all other taxing entities within the District boundaries and their current mill levies and associated taxes.
- g. The District's Total Debt Issuance Limitation and a description of the Public Improvements that the District Debt is being issued to pay for.
- h. The Maximum Debt Mill Levy Imposition Term, providing an understanding of the duration for which the property will be taxed to pay off Debt.
- i. A description of what the Operations and Maintenance Mill Levy is, pays for, and the duration that the property will be taxed to pay for the eligible Operations and Maintenance Mill Levy expenses.
- j. Any and all Fees currently imposed on each residential property for each year the District is in existence.
- k. Any additional information required by the Colorado Revised Statutes, including without limitation Section 38-35.7-110, C.R.S., as amended from time to time.

The District will use reasonable efforts and due diligence to cause each developer and home builder to require that each home buyer is asked to acknowledge receipt of such notice of disclosure at the time of entering into the purchase contract.

2. To ensure that potential residential buyers are educated about the District, the District will provide the information identified in Section X.2 above to the developer or home builders for prominent display at all sales offices, and by inspecting the sales offices within the District Boundaries on a quarterly basis to assure the information provided is accurate and prominently displayed.

3. The District shall provide annual notice to all eligible electors of the District, in accordance with Section 32-1-809, C.R.S. In addition, the District shall record a District public disclosure document, if applicable, and a map of the District boundaries with the Clerk and Recorder of each County in which District property is located, in accordance with Section 32-1-104.8, C.R.S. The District shall use reasonable efforts to ensure that copies of the annual notice, public disclosure document and map of the District boundaries are provided to



potential purchasers of residential real property within the District as part of the seller's required property disclosures.

4. All special and regular District meetings shall be open to the public and shall be held at a location within the District boundaries, or virtually with participation via teleconference, webcast, video conference or other technological means. If a Board meeting is held virtually, the District shall provide information on the District website accessible to all residents on how to access and participate in the virtual meeting. If the District utilizes email to communicate with residents, the District shall also send notification of the virtual meeting by email. The District shall provide notification via the District website and, if applicable, email, at least ten (10) days prior to the virtual Board meeting. If the Board schedules a virtual special meeting that will be convened in fewer than ten (10) days, the District shall provide notification via the District website and, if applicable, email, as soon as possible after scheduling the special meeting.

## **XI. INTERGOVERNMENTAL AGREEMENT**

The form of the intergovernmental agreement required by the City Code, relating to the limitations imposed on the District's activities, is attached hereto as **Exhibit E**. The District shall approve the intergovernmental agreement in the form attached as **Exhibit E** at its first Board meeting after approval of this Service Plan. Failure of the District to execute the intergovernmental agreement as required herein shall constitute a material modification and shall require a Service Plan Amendment. The City Council shall approve the intergovernmental agreement in the form attached as **Exhibit E** at the public hearing approving the Service Plan.

## **XII. CONCLUSION**

It is submitted that this Service Plan for the District, as required by Section 32-1-203(2), C.R.S., and Section 122-35 of the City Code, establishes that:

1. There is sufficient existing and projected need for organized service in the area to be serviced by the District;
2. The existing service in the area to be served by the District is inadequate for present and projected needs;
3. The District is capable of providing economical and sufficient service to the area within its proposed boundaries; and
4. The area to be included in the District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
5. Adequate service is not, and will not be, available to the area through the City or county or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.



6. The facility and service standards of the District are compatible with the facility and service standards of the City within which the special district is to be located and each municipality which is an interested party under Section 32-1-204(1), C.R.S.

7. The proposal is in substantial compliance with a comprehensive plan adopted pursuant to the City Code.

8. The proposal is in compliance with any duly adopted City, regional or state long-range water quality management plan for the area.

9. The creation of the District is in the best interests of the area proposed to be served.



## **EXHIBIT A**

### Legal Description



AURORA CROSSROADS METROPOLITAN DISTRICT THREE  
DISTRICT PARCEL

LAND DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 4, SAID POINT BEING THE POINT OF BEGINNING, THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER, S89°26'03"W A DISTANCE OF 2573.26 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF POWHATON ROAD RECORDED AT RECEPTION NO. B8022077;  
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N00°21'00"W A DISTANCE OF 1304.37 FEET TO A POINT ON THE NORTHERLY LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 4;  
THENCE ALONG SAID NORTHERLY LINE, N89°33'20"E A DISTANCE OF 636.28 FEET TO THE NORTHWEST CORNER OF AURORA PUMPING STATION NO. 3 SUBDIVISION FILING NO. 1 RECORDED AT RECEPTION NO. B8027702;  
THENCE ALONG THE WESTERLY, SOUTHERLY AND EASTERLY LINE OF SAID AURORA PUMPING STATION NO. 3 SUBDIVISION FILING NO. 1 THE FOLLOWING THREE (3) CONSECUTIVE COURSES:  
1) S00°27'00"E A DISTANCE OF 500.14 FEET;  
2) THENCE N89°33'00"E A DISTANCE OF 1495.34 FEET;  
3) THENCE N44°38'55"E A DISTANCE OF 623.26 FEET TO A POINT ON THE EASTERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 4;  
THENCE ALONG SAID EASTERLY LINE, S00°21'09"E A DISTANCE OF 1238.92 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 56.888 ACRES OR 2,478,029 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARING

BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN ASSUMED TO BEAR S89°26'03"W AND BEING MONUMENTED BY A FOUND 2" BRASS CAP SET IN CONCRETE PLS #4043 AT THE CENTER QUARTER CORNER AND A FOUND 3-1/4" ALUMINUM CAP IN RANGE BOX ILLEGIBLE AT THE WEST QUARTER CORNER.

PREPARED BY STEPHEN HUDGENS  
REVIEWED BY SCOTT A. AREHART, PLS  
FOR AND ON BEHALF OF  
MARTIN/MARTIN, INC.  
12499 WEST COLFAX AVENUE  
LAKEWOOD, COLORADO 80215  
OCTOBER 30, 2020  
303-431-6100



## **EXHIBIT B**

### **Aurora Vicinity Map**



METROPOLITAN DISTRICT MAP

AURORA CROSSROADS METROPOLITAN DISTRICT 3

AURORA CROSSROADS  
METROPOLITAN DISTRICT 3  
OVERALL DISTRICT MAP

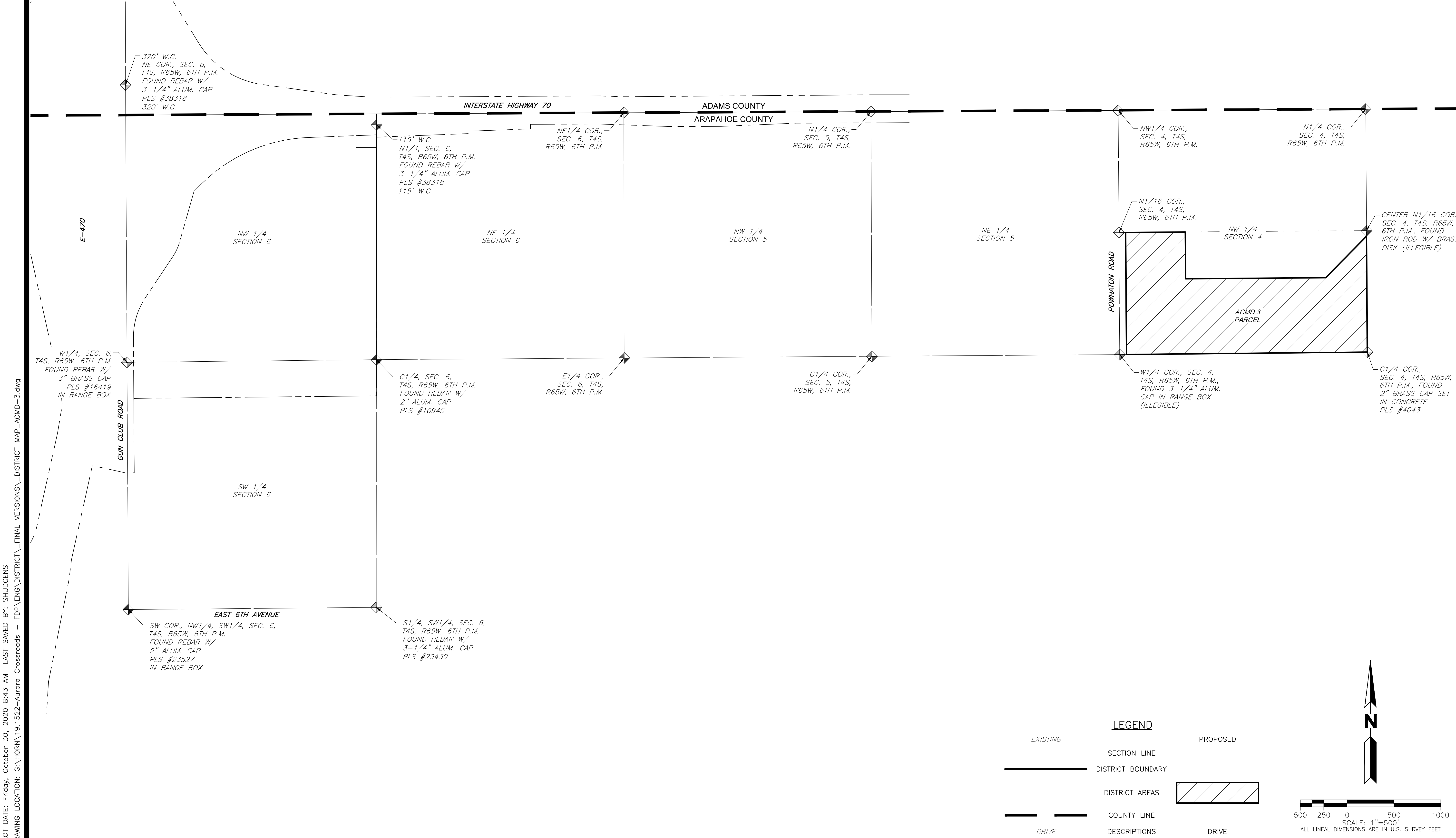
No.	Description of Revisions	Date	Name
1	DATE OF ISSUE	10-30-20	M/M

Job Number 19-1522	Project Manager J. WHITE
Design By	Drawn By S. HUDGENS
Principal in Charge P. HORN	

Sheet Number:

1

1 OF 1



PLOT DATE: Friday, October 30, 2020 8:43 AM LAST SAVED BY: SHUDGENS  
DRAWING LOCATION: G:\HORN\19-1522-Aurora Crossroads - FDP\ENG\DISTRICT\FINAL VERSIONS\DISTRICT MAP\_ACMD-3.dwg



## **EXHIBIT C**

### **Initial District Boundary Map**

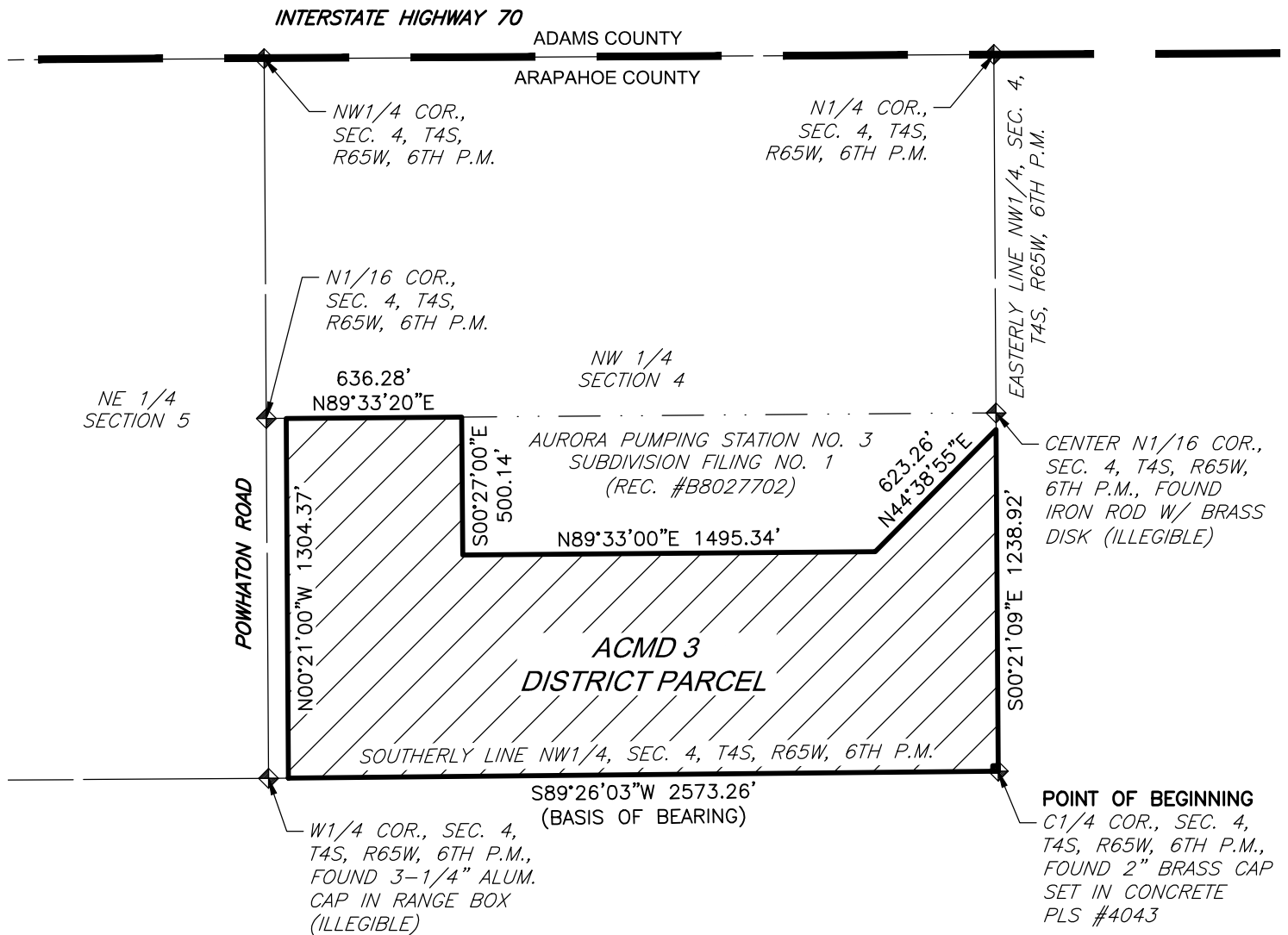


# METROPOLITAN DISTRICT MAP

## AURORA CROSSROADS METROPOLITAN DISTRICT 3

### DISTRICT PARCEL

#### SHEET 1 OF 1



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

0 300 600  
SCALE: 1"=600'  
ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET



OCTOBER 30, 2020

**MARTIN/MARTIN**  
CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215  
303.431.6100 MARTINMARTIN.COM



## EXHIBIT D

### Notice of Special District Disclosure

**ATTENTION HOMEBUYER:** You are purchasing a home that is located within Aurora Crossroads Metropolitan District No. 3. This District has the authority to issue bonds or other debt to pay for development improvements and levy taxes and fees on all properties within the District for debt repayment and ongoing operations and maintenance.

Name of District:	Aurora Crossroads Metropolitan District No. 3
Contact Information for District:	Jennifer Gruber Tanaka, Esq. White Bear Ankele Tanaka & Waldron 2154 East Commons Avenue, Suite 2000 Centennial, Colorado 80122
District Website:	
District Boundaries:	See attached map.
Purpose of the District:	Metropolitan district organized pursuant to C.R.S. § 32-1-101, et seq. The District was created to assist with the planning, design, acquisition, construction, installation, operation, maintenance, relocation, and financing of certain public improvements serving the Aurora Crossroads located in the City of Aurora, Colorado and described further in the District's Service Plan.  A copy of the District's Service Plan can be found on the District's website or by contacting the District at the District contact information above.
Authorized Types of District Taxes:	<b>Debt Mill Levy and Operations and Maintenance Mill Levy</b>  These mill levies result in taxes you will owe to the District and are described further below.
District's Total Debt Issuance Authorized per District's Service Plan:	\$6,500,000
District Improvements Financed by Debt:	The District intends to, or has already issued debt to pay for <i>[list major Public Improvement categories, and where appropriate identify specific improvements by name (i.e. specific roads, parks, etc.)]</i>
<b>Maximum Debt Mill Levy</b> that may be levied annually on properties within the District to pay back debt:	Maximum Debt Mill Levy: 50.000 Mills  The Maximum Debt Mill Levy may adjust based on changes in the residential assessment ratio occurring after January 1, 2004.  <i>[depending on service plan amendments, add info about the Board potentially being able to change the Debt Mill Levy]</i>
Ongoing Operations and Maintenance Services of the District:	The District intends to impose an Operations and Maintenance Mill Levy to pay for <i>[list eligible ongoing administration, operating and maintenance</i>



	<i>obligations]</i>
<b>District Fees:</b>	<i>[For transparency, District should indicate that the Board may choose to impose operations and maintenance fees in the future]</i>
<b>Other Taxing Entities to which you will pay taxes to:</b>	<i>[List all taxing entities and current mill levies within the District Boundaries as identified by the County Assessor]</i>

**Sample Calculation of Taxes Owed for a Residential Property within the District:**

**Assumptions:**

Average market value of home in

District is \$ \_\_\_\_\_ Debt Mill Levy is 50 mills

Operations and Maintenance Mill Levy is \_\_\_\_\_ mills

**Total Metropolitan District mill levies = 60 mills**

**Calculation of Metropolitan District Taxes:**

\$ \_\_\_\_\_ x .0715 = \$ \_\_\_\_\_ (Assessed Valuation)

\$ \_\_\_\_\_ x .060 mills = \$ \_\_\_\_\_ per year in taxes owed solely to the Metro District

**Total Additional Mill Levies from Other Taxing Entities:** \_\_\_\_\_ mills = \$ \_\_\_\_\_ annual taxes

**TOTAL [YEAR] PROPERTY TAXES FOR A HOME COSTING \$ \_\_\_\_\_ = \$ \_**

-----  
**THIS ESTIMATE ONLY PROVIDES AN ILLUSTRATION OF THE AMOUNT OF THE NEW PROPERTY TAXES THAT MAY BE DUE AND OWING AFTER THE PROPERTY HAS BEEN REASSESSED AND, IN SOME INSTANCES, RECLASSIFIED AS RESIDENTIAL PROPERTY. THIS ESTIMATE IS NOT A STATEMENT OF THE ACTUAL AND FUTURE TAXES THAT MAY BE DUE. FIRST YEAR PROPERTY TAXES MAY BE BASED ON A PREVIOUS YEAR'S TAX CLASSIFICATION, WHICH MAY NOT INCLUDE THE FULL VALUE OF THE PROPERTY AND, CONSEQUENTLY, TAXES MAY BE HIGHER IN SUBSEQUENT YEARS. A SELLER HAS COMPLIED WITH THIS DISCLOSURE STATEMENT AS LONG AS THE DISCLOSURE IS BASED UPON A GOOD-FAITH EFFORT TO PROVIDE ACCURATE ESTIMATES AND INFORMATION.**

ACKNOWLEDGED AND AGREED TO BY BUYER:

Name: \_\_\_\_\_

Date: \_\_\_\_\_



## **EXHIBIT E**

Amended and Restated Intergovernmental Agreement between the District and Aurora



**INTERGOVERNMENTAL AGREEMENT BETWEEN**  
**THE CITY OF AURORA, COLORADO**  
**AND**  
**AURORA CROSSROADS METROPOLITAN DISTRICT NO. 3**

THIS AGREEMENT is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the CITY OF AURORA, a home-rule municipal corporation of the State of Colorado (“City”), and AURORA CROSSROADS METROPOLITAN DISTRICT NO. 3, a quasi-municipal corporation and political subdivision of the State of Colorado (the “District”). The City and the District are collectively referred to as the Parties.

**RECITALS**

WHEREAS, the District was organized to provide those services and to exercise powers as are more specifically set forth in the District’s Amended and Restated Service Plan approved by the City on April 3, 2020 (“Original Service Plan”); and

WHEREAS the Original Service Plan was amended, restated, and replaced in its entirety with the Amended and Restated Service Plan approved by the City on \_\_\_\_\_, 2022 (the “Service Plan”); and

WHEREAS, the Service Plan makes reference to the execution of an intergovernmental agreement between the City and the District, as required by the Aurora City Code; and

WHEREAS, the City and the District have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Intergovernmental Agreement (“Agreement”); and

WHEREAS, this Agreement replaces the Intergovernmental Agreement entered into by, between, and among the District, the City, and the Aurora Crossroads Metropolitan District Nos. 1 and 2, dated as of July 20, 2020 (the “2020 IGA”), only as it relates to the District (formerly known as the Aurora Crossroads Metropolitan District No. 3); and

WHEREAS, the 2020 IGA shall remain in full force and effect, as may be amended by the parties thereto, with respect to the Aurora Crossroads Metropolitan District Nos. 1 and 2, and nothing contained in this Agreement shall change the terms of the 2020 IGA except as they relate to the District.

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

**COVENANTS AND AGREEMENTS**

1. **Operations and Maintenance.** The District shall dedicate the Public Improvements (as defined in the Service Plan) to the City or other appropriate jurisdiction or owners association in a manner consistent with the Approved Development Plan and other rules



and regulations of the City and applicable provisions of the City Code. The District shall be authorized, but not obligated, to own, operate and maintain Public Improvements not otherwise required to be dedicated to the City or other public entity, including, but not limited to street improvements (including roads, curbs, gutters, culverts, sidewalks, bridges, parking facilities, paving, lighting, grading, landscaping, and other street improvements), traffic and safety controls, retaining walls, park and recreation improvements and facilities, trails, open space, landscaping, drainage improvements (including detention and retention ponds, trickle channels, and other drainage facilities), irrigation system improvements (including wells, pumps, storage facilities, and distribution facilities), and all necessary equipment and appurtenances incident thereto.

Any Fee imposed by the District for access to such park and recreation improvements shall not result in Non-District City residents paying a user fee that is greater than, or otherwise disproportionate to, similar fees and taxes paid by residents of the District. However, the District shall be entitled to impose an administrative fee as necessary to cover additional expenses associated with Non-District City residents to ensure that such costs are not the responsibility of District residents. All such Fees shall be based upon the District's determination that such Fees do not exceed reasonable annual market fee for users of such facilities. Notwithstanding the foregoing, all parks and trails owned by the District shall be open to the general public and Non-District City residents, subject to the rules and regulations of the District as adopted from time to time. Trails which are interconnected with a city or regional trail system shall be open to the public free of charge and on the same basis as residents and owners of taxable property within the District.

2. Fire Protection. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain fire protection facilities or services, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City. The authority to plan for, design, acquire, construct, install, relocate, redevelop or finance fire hydrants and related improvements installed as part of the water system shall not be limited by this provision.

3. Television Relay and Translation. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain television relay and translation facilities and services, other than for the installation of conduit as a part of a street construction project, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City.

4. Golf Course Construction. The District shall not be authorized to plan, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain a golf course unless such activity is pursuant to an intergovernmental agreement with the City.

5. Construction Standards. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction and of those special districts that qualify as "interested parties" under Section 32-1-204(1), C.R.S., as applicable. The District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.



6. Issuance of Privately Placed Debt. Prior to the issuance of any privately placed Debt, the District shall obtain the certification of an External Financial Advisor substantially as follows:

We are [I am] an External Financial Advisor within the meaning of the District's Service Plan.

We [I] certify that (1) the net effective interest rate (calculated as defined in Section 32-1-103(12), C.R.S.) to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

7. Inclusion Limitation. The District shall not include within its boundaries any property outside the Service Area without the prior written consent of the City.

8. Overlap Limitation. The District shall not consent to the organization of any other district organized under the Special District Act within the Service Area which will overlap the boundaries of the District unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the District.

9. Initial Debt. On or before the effective date of approval by the City of an Approved Development Plan (as defined in the Service Plan), the District shall not: (a) issue any Debt; nor (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (c) impose and collect any fees used for the purpose of repayment of Debt.

10. Total Debt Issuance. The District shall not issue Debt in excess of Six Million Five Hundred Thousand Dollars (\$6,500,000) in the aggregate; provided, however, that any Debt issued by the District for ARI Regional Improvements shall not be included within this limitation and shall be subject to the limitations set forth in Section VI of the Service Plan.

11. Fee Limitation. The District may impose and collect Fees as a source of revenue for repayment of debt, capital costs, and/or for operations and maintenance. No Fee related to the funding of costs of a capital nature shall be authorized to be imposed upon or collected from Taxable Property owned or occupied by an End User which has the effect, intentional or otherwise, of creating a capital cost payment obligation in any year on any Taxable Property owned or occupied by an End User. Notwithstanding any of the foregoing, the restrictions in this definition shall not apply to any Fee imposed upon or collected from Taxable Property for the purpose of funding operation and maintenance costs of the District.

12. Debt Issuance Limitation. The District shall not be authorized to incur any indebtedness until such time as the District has approved and executed the IGA and approved the imposition of the Aurora Regional Improvement Mill Levy (as defined in the Service Plan) upon all taxable property located within the boundaries of the District.



13. Monies from Other Governmental Sources. The District shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, or other funds available from or through governmental or non-profit entities that the City is eligible to apply for, except pursuant to an intergovernmental agreement with the City. This Section shall not apply to specific ownership taxes which shall be distributed to and a revenue source for the District without any limitation.

14. Consolidation. The District shall not file a request with any Court to consolidate with another Title 32 district without the prior written consent of the City.

15. Bankruptcy. All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term have been established under the authority of the City to approve a Service Plan with conditions pursuant to Section 32-1-204.5, C.R.S. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

(b) Are, together with all other requirements of Colorado law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable nonbankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Service Plan pursuant to Section 32-1-207, C.R.S. and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Service Plan Amendment.

16. Website. When the District is required to have a website in accordance with the requirements of Section 32-1- 104.5, C.R.S., the District shall establish, maintain and annually update a public website or provide information on a shared community website, on which the District will timely post all information and documents required by Section 32-1- 104.5, C.R.S.

17. Dissolution. Upon an independent determination of the City Council that the purposes for which the District was created have been accomplished, the District agrees to file petitions in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes.

18. Disclosure to Purchasers. The District will use reasonable efforts to assure that all developers of residential property located within the District provide written notice to all purchasers of residential property in the District regarding the Maximum Debt Mill Levy, as well as a general description of the District’s authority to impose and collect rates, Fees, tolls and charges. The notice shall conform with the City’s standard model disclosure attached as Exhibit



D to the Service Plan as may be amended from time to time. The City shall be provided a copy of the notice prior to the initial issuance of the Debt of the District imposing the mill levy which is the subject of the Maximum Debt Mill Levy.

19. Service Plan Amendment Requirement. Actions of the District which violate the limitations set forth in V.A.1-14 or VII.B-G of the Service Plan shall be deemed to be material modifications to the Service Plan and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

20. Annual Report. The District shall be responsible for submitting an annual report to the Manager of the Office of Development Assistance of the City Manager's Office no later than August 1st of each year following the year in which the Order and Decree creating the District has been issued, pursuant to the City Code and containing the information set forth in Section VIII of the Service Plan.

21. Regional Improvements. The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements incurred as a result of participation in the alternatives set forth in Section VI.A, B or C of the Service Plan.

The District shall impose the ARI Mill Levy and shall convey it as follows:

(a) If the District has executed an ARI Authority Establishment Agreement and the City has been offered the opportunity to execute an ARI Authority Establishment Agreement, the terms of which provide for the City to appoint no less than thirty percent (30%) and no more than forty-nine percent (49%) of the Board members who will serve as the board of directors of the ARI Authority to be established by such ARI Authority Establishment Agreement, regardless as to whether the City approves the execution of such ARI Authority Establishment Agreement, the revenue from the ARI Mill Levy shall be conveyed to the ARI Authority for the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements in the ARI Master Plan and for the operations of such ARI Authority; or

(b) If the City and the District have executed an intergovernmental agreement then the revenue from the ARI Mill Levy shall be conveyed to the City for use in planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users and taxpayers of the District in accordance with such agreement; or

(c) If neither Section VI.A nor VI.B of the Service Plan is applicable then the revenue shall be conveyed to the City and (i) the City shall place in a special account all revenues received from the ARI Mill Levy imposed in the Service Area under Section VI of the Service Plan and shall not expend such revenue until an intergovernmental agreement is executed between the District establishing the terms and conditions for the provision of the Regional Improvements; and (ii) if the intergovernmental agreement is not executed within two (2) years from the date of the approval of the Service Plan by the City and neither Section VI.A



nor VI.B of the Service Plan above have occurred within two (2) years from the date of the approval of the Service Plan by the City, then the revenue from the ARI Mill Levy shall be conveyed to the City for use by the City in the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users or taxpayers of the District as prioritized and determined by the City.

As set forth in the definition of the ARI Mill Levy, the District may, pursuant to any intergovernmental agreement with the City, extend the terms for application of the ARI Mill Levy beyond the years set forth in Sections VI.A and VI. B of the Service Plan. The Maximum Mill Levy Imposition Term shall include the terms and any extension of such terms, as set forth in Sections A, B and C of the definition of the ARI Mill Levy.

The Regional Improvements shall be limited to the provision of the planning, design, acquisition, construction, installation, relocation and/or redevelopment of street and transportation related improvements as defined in the Special District Act and the administration and overhead costs incurred as a result of participation in the alternative set forth in Section VI.A, B or C of the Service Plan, unless the City has agreed otherwise in writing; provided, however in no event shall the Regional Improvements include water or sanitary sewer improvements unless such improvements are necessary as a part of completing street and transportation related improvements. The District shall cease to be obligated to impose, collect and convey to the City the revenue from the ARI Mill Levy described in Section VI of the Service Plan at such time as the area within the District's boundaries is included within a different district organized under the Special District Act, or a General Improvement District organized under Section 31-25-601, et seq., C.R.S., or Business Improvement District organized under Section 31-25-1201, et seq., C.R.S., which other district has been organized to fund a part or all of the Regional Improvements.

22. Maximum Debt Mill Levy. The "Maximum Debt Mill Levy" shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District for payment of Debt, and shall be determined as follows:

(a) For the portion of any aggregate District's Debt which exceeds fifty percent (50%) of the District's assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall be fifty (50) mills less the number of mills necessary to pay unlimited mill levy Debt described in Section VII.C.2 of the Service Plan; provided that if, on or after January 1, 2004, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2004, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

(b) For the portion of any aggregate District's Debt which is equal to or less than fifty percent (50%) of the District's assessed valuation, either on the date of issuance or at any time thereafter, the mill levy to be imposed to repay such portion of Debt shall not be subject



to the Maximum Debt Mill Levy and, as a result, the mill levy may be such amount as is necessary to pay the Debt service on such Debt, without limitation of rate.

(c) For purposes of the foregoing, once Debt has been determined to be within Section VII.C.2 of the Service Plan, so that the District is entitled to pledge to its payment an unlimited ad valorem mill levy, the District may provide that such Debt shall remain secured by such unlimited mill levy, notwithstanding any subsequent change in the District's Debt to assessed ratio. All Debt issued by the District must be issued in compliance with the requirements of Section 32-1-1101, C.R.S. and all other requirements of State law.

To the extent that the District is composed of or subsequently organized into one or more subdistricts as permitted under Section 32-1-1101, C.R.S., the term "District" as used herein shall be deemed to refer to the District and to each such subdistrict separately, so that each of the subdistricts shall be treated as a separate, independent district for purposes of the application of this definition.

The Maximum Debt Mill Levy shall not apply to the District's Operations and Maintenance Mill Levy for the provision of operation and maintenance services to the District's taxpayers and service users.

23. Maximum Debt Mill Levy Imposition Term. The District shall have the authority to impose the ARI Mill Levy for the terms as set forth in Section VI of the Service Plan. Other than the ARI Mill Levy, the District shall not impose a levy for repayment of any and all Debt (or use the proceeds of any mill levy for repayment of Debt) on any single property developed for residential uses which exceeds forty (40) years after the year of the initial imposition of such mill levy unless a majority of the Board of Directors of the District are residents of the District and have voted in favor of a refunding of a part or all of the Debt and such refunding will result in a net present value savings as set forth in Section 11-56-101, C.R.S., et seq.

24. Notices. All notices, demands, requests or other communications to be sent by one party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the address or by courier delivery, via United Parcel Service or other nationally recognized overnight air courier service, or by depositing same in the United States mail, postage prepaid, addressed as follows:

To the District:	Aurora Crossroads Metropolitan District No. 3 No. 3 c/o White Bear Ankele Tanaka & Waldron 2154 E. Commons Ave., Suite 2000 Centennial, CO 80122  Attn: Jennifer Gruber Tanaka, Esq. Phone: (303) 858-1800
To the City:	City of Aurora 15151 E. Alameda Pkwy., 5th Floor Aurora, CO 80012



Attn: Daniel L. Brotzman, City Attorney  
Phone: (303) 739-7030  
Fax: (303) 739-7042

All notices, demands, requests or other communications shall be effective upon such personal delivery or one (1) business day after being deposited with United Parcel Service or other nationally recognized overnight air courier service or three (3) business days after deposit in the United States mail. By giving the other party hereto at least ten (10) days written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address.

25. Amendment. This Agreement may be amended, modified, changed, or terminated in whole or in part only by a written agreement duly authorized and executed by the Parties hereto and without amendment to the Service Plan.

26. Assignment. Neither Party hereto shall assign any of its rights nor delegate any of its duties hereunder to any person or entity without having first obtained the prior written consent of the other Party, which consent will not be unreasonably withheld. Any purported assignment or delegation in violation of the provisions hereof shall be void and ineffectual.

27. Default/Remedies. In the event of a breach or default of this Agreement by any Party, the non-defaulting Party shall be entitled to exercise all remedies available at law or in equity, specifically including suits for specific performance and/or monetary damages. In the event of any proceeding to enforce the terms, covenants or conditions hereof, the prevailing Party in such proceeding shall be entitled to obtain as part of its judgment or award its reasonable attorneys' fees.

28. Governing Law and Venue. This Agreement shall be governed and construed under the laws of the State of Colorado.

29. Inurement. Each of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

30. Integration. This Agreement constitutes the entire agreement between the Parties with respect to the matters addressed herein. All prior discussions and negotiations regarding the subject matter hereof are merged herein.

31. Parties Interested Herein. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to, any person other than the District and the City any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the District and the City shall be for the sole and exclusive benefit of the District and the City.

32. Severability. If any covenant, term, condition, or provision under this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of



such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

33. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

34. Paragraph Headings. Paragraph headings are inserted for convenience of reference only.

35. Defined Terms. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Service Plan.



**SIGNATURE PAGE TO AMENDED AND RESTATED INTERGOVERNMENTAL  
AGREEMENT**

AURORA CROSSROADS  
METROPOLITAN DISTRICT NO. 3

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary



CITY OF AURORA, COLORADO

By: \_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

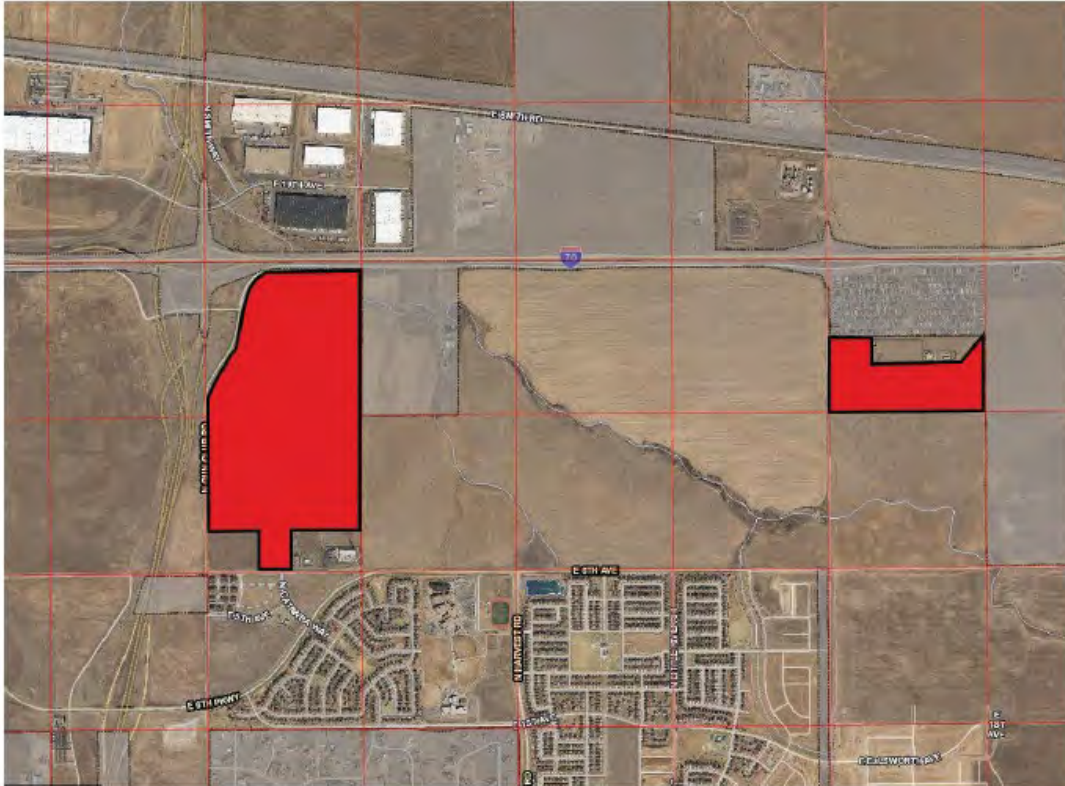
\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
BRIAN J. RULLA, Assistant City Attorney



## Vicinity Map - Aurora Crossroads Metro District







# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Buckley Metropolitan District Nos. 1-4 Amended Service Plan
<b>Item Initiator:</b> Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance
<b>Staff Source/Legal Source:</b> Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance/ Brian Rulla, Assistant City Attorney II
<b>Outside Speaker:</b>
<b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City

### COUNCIL MEETING DATES:

**Study Session:** 5/2/2022

**Regular Meeting:** 5/23/2022

### ITEM DETAILS:

A Resolution of the City Council of the City of Aurora, Colorado, Approving the First Amendment to the Service Plan for Buckley Metropolitan District Nos. 1-4

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney II

Estimated time: 10 mins

No Sponsor

No Outside Speaker

---

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting  | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Management & Finance

**Policy Committee Date:** 4/26/2022

**Action Taken/Follow-up:** *(Check all that apply)*



☐ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

---

**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The service plan for Buckley Metropolitan District Nos. 1-4 was approved by City Council in November 2019. The District is located at the southeast corner of 6<sup>th</sup> Avenue and Picadilly Road.

---

**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

Buckley Metropolitan District Nos. 1-4 is requesting that City Council adopt a resolution amending the current service plan in order to increase the total area of the inclusion area boundaries. This is in order to incorporate property that is planned to be acquired by the developer of the property currently within the District. The area to be added to the inclusion area is located to the east of Valdai Street in exhibit C-2 of the attachment.

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**QUESTIONS FOR COUNCIL**

Does Council wish to forward this item to the May 23, 2022 Regular Meeting?

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**LEGAL COMMENTS**

Title 32, Article 1, C.R.S., as amended, and Section 122-36(b) of the City Code each provide that material modifications to an approved metropolitan district service plan may be made by the board of directors of a district only by petition to and approval by the City Council in substantially the same manner as provided for in the approval for an original service plan. (Rulla)

---

**PUBLIC FINANCIAL IMPACT**

☒ YES ☐ NO

**If yes, explain:** Approval of the district will allow the cost of providing district infrastructure and certain operating costs to be passed on to the district property owners via metropolitan district taxes and fees.

---

**PRIVATE FISCAL IMPACT**

☐ Not Applicable ☒ Significant ☐ Nominal

**If Significant or Nominal, explain:** The approval of this district will provide a mechanism for developers to finance infrastructure for new development by recovering the associated costs through metropolitan district taxes.



RESOLUTION NO. R2022 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, APPROVING THE FIRST AMENDMENT TO THE SERVICE  
PLAN FOR BUCKLEY METROPOLITAN DISTRICT NOS. 1-4

WHEREAS, the City Council (the “Council”) of the City of Aurora, Colorado (the “City”), has adopted Chapter 122 of the City’s Municipal Code (the “Code”), which Chapter establishes procedures for the review and approval of proposals to modify service plans for Title 32 special districts located within the City’s boundaries; and

WHEREAS, the City Council approved the Service Plan for Buckley Metropolitan District Nos. 1-4 (the “Districts”) on November 18, 2019 (the “Service Plan”); and

WHEREAS, the Districts desire to increase the total area of the Inclusion Area Boundaries, as defined in the Service Plan, to incorporate property that is planned to be acquired by the developer of the property within the District; and

WHEREAS, all other terms of the Service Plan remain unchanged and conform the to the City’s Model Service Plan; and

WHEREAS, pursuant to Section 32-1-207, C.R.S., as amended, and Section 122-36 of the City Code, the First Amendment to the Service Plan (the “First Amendment to the Service Plan”) for the District has been submitted to the City Council; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, and Chapter 122 of the City Code, the City Council held a public hearing on the First Amendment to the Service Plan for the District; and

WHEREAS, notice of the hearing before the City Council was duly published in *The Aurora Sentinel*, a newspaper of general circulation within the City and the District, as required by law, and mailed to owners of record of all property within the District, to the Division of Local Government, and to the governing body of each municipality and title 32 district that has levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of three miles of the District; and

WHEREAS, the City Council has considered the First Amendment to the Service Plan, and all other testimony and evidence presented at the hearing; and

WHEREAS, City Council finds that the amendments are in the best interests of both the City and the District’s taxpayers; and

WHEREAS, the City Council finds that the First Amendment to the Service Plan should be approved unconditionally, as permitted by Section 32-1-207, C.R.S., as amended, and Section 122-36 of the City Code.



NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The City Council hereby finds and determines that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, and Chapter 122-36 of the City Code relating to the filing of the First Amendment to the Service Plan for the District have been fulfilled and that notice of the hearing was given in the time and manner required by law;

Section 2. All pertinent facts, matters, and issues were submitted at the public hearing, all interested parties were heard or had the opportunity to be heard, and evidence satisfactory to the Council of each of the following was presented:

- a. There is still sufficient existing and projected need for organized service in the area served by the District;
- b. The existing service in the area served by the District remains inadequate for present and projected needs;
- c. The District is capable of providing economical and sufficient services to the area within its boundaries;
- d. The area included within the District has, or will have, the financial ability to discharge the indebtedness proposed by the First Amendment to the Service Plan on a reasonable basis;
- e. Adequate service is not, or will not be, available to the area through the City, county, or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis;
- f. The facility and service standards of the District are compatible with the facility and service standards of the City;
- g. The First Amendment to the Service Plan is in substantial compliance with the comprehensive plan adopted by the City;
- h. The First Amendment to the Service Plan is in compliance with any duly-adopted City, regional, or state long-range water quality management plan for the area; and
- i. The First Amendment to the Service Plan is in the best interests of the area served by the District.

Section 3. The First Amendment to the Service Plan is hereby approved as submitted.

Section 4. This Resolution shall be filed in the records of the City Clerk and a certified copy thereof submitted to the Districts.



Section 5. All prior resolutions or any parts thereof, to the extent that they are inconsistent with this Resolution, are hereby rescinded.

RESOLVED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

 RLA

\_\_\_\_\_  
BRIAN J. RULLA, Assistant City Attorney



WILLIAM P. ANKELE, JR.  
JENNIFER GRUBER TANAKA  
CLINT C. WALDRON  
KRISTIN BOWERS TOMPKINS  
ROBERT G. ROGERS  
BLAIR M. DICKHONER  
GEORGE M. ROWLEY



OF COUNSEL:  
KRISTEN D. BEAR  
K. SEAN ALLEN  
TRISHA K. HARRIS  
ZACHARY P. WHITE  
HEATHER L. HARTUNG  
MEGAN J. MURPHY

EVE M. G. VELASCO  
AUDREY G. JOHNSON  
CAREY S. SMITH V  
ERIN K. STUTZ  
JON L. WAGNER  
NELSON G. DUNFORD  
RUTH O. BORNE

April 5, 2022

**VIA ELECTRONIC MAIL**

Jacob Cox, ODA Manager  
Office of Development Assistance  
City of Aurora  
15151 E. Alameda Parkway, Suite 5200  
Aurora, Colorado 80012  
jcox@auroragov.org

**RE: Proposed Amendment to the Service Plan for Buckley Metropolitan District  
Nos. 1-4**

Dear Mr. Cox,

Our office serves as general counsel to the Buckley Metropolitan District Nos. 1-4 (the “**Districts**”) in the City of Aurora (the “**City**”), Colorado. The service plan for the Districts was approved by the City Council of the City of Aurora on November 18, 2019, as set forth in Resolution No. R2019-116 (the “**Service Plan**”). We are writing on behalf of the Districts’ Boards of Directors (the “**Boards**”) to formally request that the City Council adopt a resolution amending the Districts’ Service Plan. The Districts desire to increase the total area of the Inclusion Area Boundaries, as defined in the Service Plan, to incorporate property that is planned to be acquired by the developer of the property within the District. The area to be added to the Inclusion Area is located to the east of Valdai Street on Exhibit C-2 of the First Amendment to Service Plan for Buckley Metropolitan District Nos. 1-4.

A draft of the proposed First Amendment to the Service Plan is enclosed with this letter. We appreciate your assistance with this matter. Please let us know if you need any additional information to process this proposed service plan amendment.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON

Zachary P. White  
Of Counsel



**FIRST AMENDMENT TO**

**SERVICE PLAN FOR**

**BUCKLEY METROPOLITAN DISTRICT NOS. 1-4**

**CITY OF AURORA, COLORADO**

Prepared by:

WHITE BEAR ANKELE TANAKA & WALDRON  
2154 E. Commons Avenue, Suite 2000  
Centennial, CO 80122

Approval Date: \_\_\_\_\_, 2022



## **I. INTRODUCTION**

The Service Plan for Buckley Metropolitan District Nos. 1-4 (each the “**District**”, and collectively, the “**Districts**”) was approved by the City Council of the City of Aurora (the “**City**”) on November 18, 2019, as set forth in Resolution No. R2019-116 (the “**Service Plan**”). The purpose of the Districts is to provide certain public improvements, as further described in the Service Plan, for the benefit of the residents and taxpayers of the Districts.

The purpose of this First Amendment to the Service Plan (the “**First Amendment**”) is to increase the total area of the Inclusion Area Boundaries to include property planned to be acquired and developed by the developer of the property within the District.

## **II. AMENDMENT**

Exhibit C-2 of the Service Plan is hereby amended and replaced in its entirety by **Exhibit C-2**, attached hereto and incorporated herein by this reference.

## **III. EFFECT OF FIRST AMENDMENT; EFFECTIVE DATE**

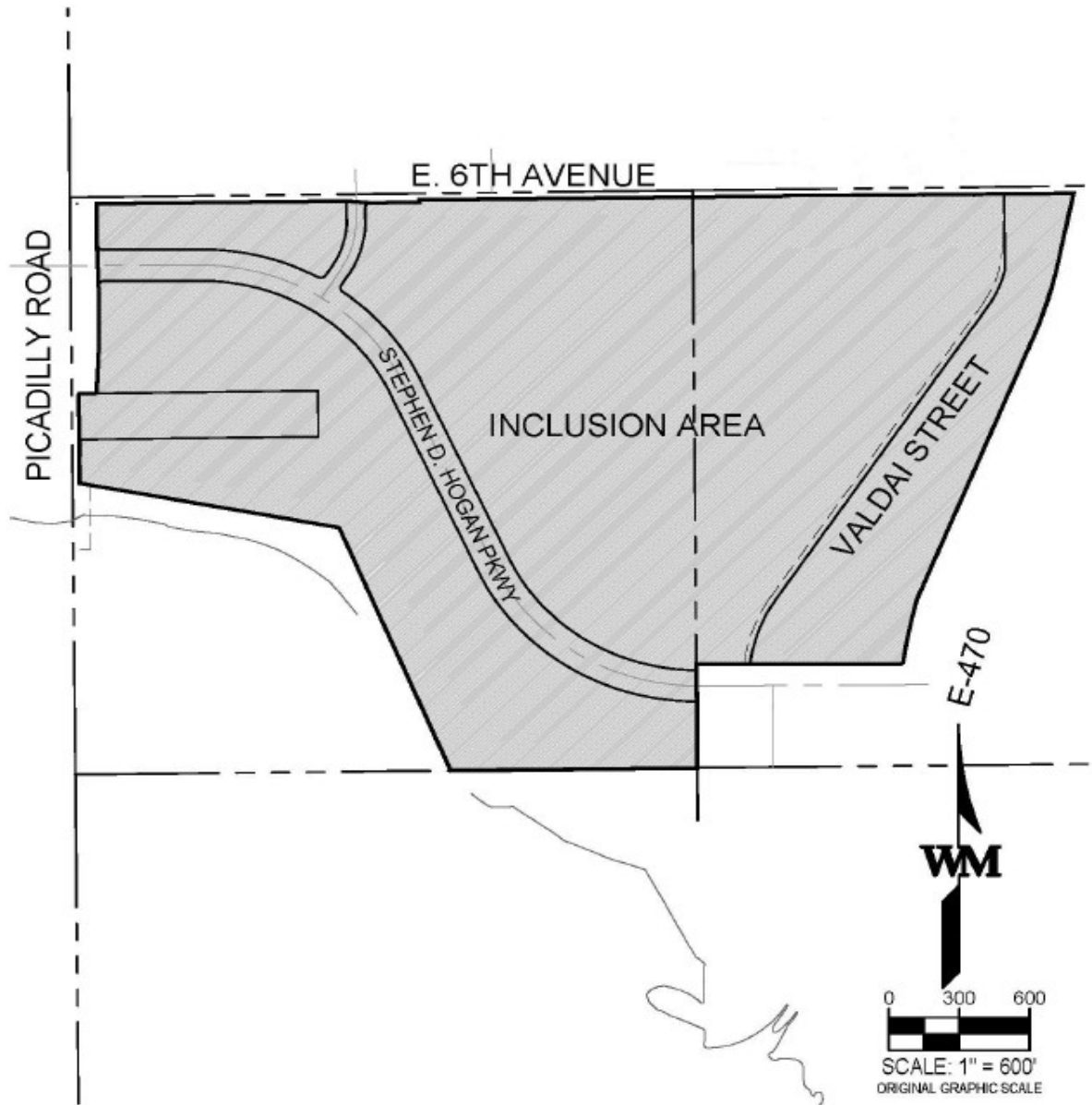
Except as specifically amended as set forth above, all other provisions of the Service Plan shall remain in full force and effect. Unless otherwise defined herein, capitalized terms shall have the meanings set forth in the Service Plan. To the extent there are any inconsistencies between this First Amendment and the Service Plan, this First Amendment shall control. This First Amendment shall be effective on the date of the effective date of the City Council Resolution approving this First Amendment.



## EXHIBIT C-2

(Inclusion Area Boundary Map)

# INCLUSION AREA



<div>990 south broadway suite 230 denver, co 80209 p 303.561.3333 waremalcomb.com</div> <div><b>WM</b> <b>WARE MALCOMB</b> CIVIL ENGINEERING &amp; SURVEYING</div>	PROJECT NAME: BUCKLEY METRO DIST. - INCLUSION			SHEET
	JOB NO.: DCS19-4081		DATE : 5/4/21	INCL
	DRAWN:	PA/PM: TCJ	SCALE: 1" = 600'	





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Tallyn's Reach Metropolitan District Nos. 2 and 3 Consolidation
<b>Item Initiator:</b> Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance
<b>Staff Source/Legal Source:</b> Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance/ Brian Rulla, Assistant Attorney II
<b>Outside Speaker:</b>
<b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City

### COUNCIL MEETING DATES:

**Study Session:** 5/2/2022

**Regular Meeting:** 5/9/2022

### ITEM DETAILS:

A Resolution of the City Council of the City of Aurora Colorado, Consenting to the Consolidation of Tallyn's Reach Metropolitan District Nos. 2 and 3

Cesarina Dancy, Senior Development Project Manager/ Brian Rulla, Assistant City Attorney II

Estimated time: 10 mins

No Sponsor

No Outside Speaker

---

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting  | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Management & Finance

**Policy Committee Date:** 4/26/2022

### Action Taken/Follow-up: *(Check all that apply)*

- |  |  |
|--|--|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
|--|--|



☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

---

**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Tallyn's Reach Metropolitan Districts Nos. 1-3 were originally approved by City Council in 1998. The Service Plan was amended in 2003. In 2018, the board member representatives of the developer dissolved Tallyn's Reach Metropolitan District No. 1 as part of the transition of the Districts to full resident board member control. In order for the Districts to continue providing consistent operations and maintenance services within the community, the Tallyn's Reach Authority was created by the Districts. Since its inception, the Authority was always intended to fill a temporary role as the Districts worked towards consolidation.

---

**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

Tallyn's Reach Metropolitan Districts Nos. 2 and 3 are requesting written approval from the City to enable the Districts to move forward with a November 8, 2022 election for consolidation. Per the original Service Plan, districts shall not file a request with the district court to consolidate with another district without the prior written approval of the City of Aurora. The consolidation process is governed by Title 32 and requires various court filings prior to the election. The City does not approve the consolidation, only provides the approval to further the process.

---

**QUESTIONS FOR COUNCIL**

Does Council wish to move this item forward to the next Regular Meeting?

---

**LEGAL COMMENTS**

Section VIII of the Consolidated Service Plan for Tallyn's Reach Metropolitan Districts Nos. 2 and 3 provides that the Districts shall not file a request with the district court to consolidate with another district without the prior written approval of Aurora. (Rulla)

---

**PUBLIC FINANCIAL IMPACT**

☐ YES ☒ NO

**If yes, explain:**

---

**PRIVATE FISCAL IMPACT**

☐ Not Applicable ☒ Significant ☐ Nominal

**If Significant or Nominal, explain:** The consolidation will result in a tax structure that is simplified and generates a cost savings to the community.



RESOLUTION NO. R2022-\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA,  
COLORADO, CONSENTING TO THE CONSOLIDATION OF TALLYN'S REACH  
METROPOLITAN DISTRICT NOS. 2 AND 3

WHEREAS, Tallyn's Reach Metropolitan District Nos. 2 and 3 (the "Districts") were organized under an original Consolidated Service Plan, dated September 2, 1998 (the "Original Service Plan"), which was amended by a First Modification to the Consolidated Service plan for Tallyn's Reach Metropolitan District Nos. 1-3, approved by the City of Aurora (the "City") on August 11, 2003 (the "First Modification") (collectively, the Original Service Plan and the First Modification shall be referred to herein as the "Service Plan") to serve the Tallyn's Reach Community (the "Community").

WHEREAS, the Districts created the Tallyn's Reach Authority (the "Authority") in order for the Districts to provide uniform and consistent operations and maintenance services within the Community; and

WHEREAS, the Districts' primary purpose is to service the outstanding debt that was issued to pay for the public infrastructure within the Community; and

WHEREAS, the Authority is a governmental entity that possess the same powers as the Districts and has a board of directors that is comprised of residents who have been appointed by the Districts; and

WHEREAS, the Authority operates as an umbrella entity providing administration, operations and maintenance services for the entire Community and receives a portion of its revenue in the form of a pledge from the Districts; and

WHEREAS, currently there are multiple layers of "governance" in the Community with a homeowners association, the Districts, and the Authority which has, at times, created confusion among the residents in the Community; and

WHEREAS, due to the existing governance structure resident tax and fee revenue is being utilized to administer three separate entities as each of the entities has their own administrative and annual compliance requirements that are in many ways redundant; and

WHEREAS, consolidation of the districts into a single district will eliminate the need to administer three separate entities and result in a more efficient use of the Community's tax and fee revenue; and

WHEREAS, the consolidated metropolitan district will be solely responsible for both the debt service and administration, operations and maintenance obligations of the Community; and



WHEREAS, the Boards of Directors of the Districts and the Authority are fully supportive of this consolidation effort and on their behalf, and have requested that the City provide the written approval to proceed with a consolidation; and

WHEREAS, pursuant to Section VIII of the Original Service Plan, “[t]he Districts shall not file a request with the district court to consolidate with another district without the prior written approval of Aurora”; and

WHEREAS, the consolidation process is governed by Title 32 of the Colorado Revised Statutes and requires voter approval by the residents of the Districts; and

WHEREAS, upon approval by the City, the Districts intend to proceed with a November 8, 2022 election (the “Election”); and

WHEREAS, the Districts are in the process of engaging a public relations consultant that will assist with public education and outreach efforts over the next several months leading up to the Election

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA:

Section 1. Pursuant to Section VIII of the Original Service Plan., the City hereby finds it is in the best interests of the Districts to consolidate and the City hereby consents to the consolidation of the Districts.

Section 2. All prior resolutions or any parts thereof, to the extent that they are inconsistent with this Resolution, are hereby rescinded.

RESOLVED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

 RLA  
\_\_\_\_\_  
BRIAN J. RULLA, Assistant City Attorney



WILLIAM P. ANKELE, JR.  
JENNIFER GRUBER TANAKA  
CLINT C. WALDRON  
KRISTIN BOWERS TOMPKINS  
ROBERT G. ROGERS  
BLAIR M. DICKHONER  
GEORGE M. ROWLEY



OF COUNSEL:  
KRISTEN D. BEAR  
K. SEAN ALLEN  
TRISHA K. HARRIS  
ZACHARY P. WHITE  
HEATHER L. HARTUNG  
MEGAN J. MURPHY

EVE M. G. VELASCO  
AUDREY G. JOHNSON  
CAREY S. SMITH V  
ERIN K. STUTZ  
JON L. WAGNER  
NELSON G. DUNFORD  
RUTH O. BORNE

March 22, 2022

Brian J. Rulla  
Aurora City Attorney's Office  
15151 East Alameda Parkway, 5<sup>th</sup> Floor  
Aurora, Colorado, 80012

RE: Consolidation of Tallyn's Reach Metropolitan District Nos. 2 and 3

Dear Mr. Rulla:

Tallyn's Reach Metropolitan District Nos. 2 and 3 (the "**Districts**") are quasi-municipal corporations and political subdivisions of the State of Colorado that serve the Tallyn's Reach Community (the "**Community**"). They are operated under an original Consolidated Service Plan, dated September 2, 1998 (the "**Original Service Plan**"), which was amended by a First Modification to the Consolidated Service plan for Tallyn's Reach Metropolitan District Nos. 1-3, approved by the City of Aurora (the "**City**") through Resolution No. R2003-51, dated August 11, 2003 (the "**First Modification**") (collectively, the Original Service Plan and the First Modification shall be referred to herein as the "**Service Plan**").

The board member representatives of the developer (Brookfield Residential) dissolved Tallyn's Reach Metropolitan District No. 1 in 2018 as part of the transition of the Districts to full resident board member control. In order for the Districts to continue providing uniform and consistent operations and maintenance services within the Community, the Tallyn's Reach Authority (the "**Authority**") was created by the Districts. The Authority is a governmental entity that possess the same powers as the Districts and has a board of directors that is comprised of residents who have been appointed by the Districts. Since its inception, the Authority was always intended to fill a temporary role as the Districts worked towards consolidation.

Pursuant to Section VIII of the Original Service Plan, "[t]he Districts shall not file a request with the district court to consolidate with another district without the prior written approval of Aurora." Assuming written approval is given by the City, the Districts intend to proceed with a November 8, 2022 election (the "**Election**"). The Districts are in the process of engaging a public relations consultant that will assist with public education and outreach efforts over the next several



March 22, 2022

Page 2

RE: Consolidation of Tallyn's Reach Metropolitan District Nos. 2 and 3

months leading up to the Election. The consolidation process is governed by Title 32 and requires various court filings prior to the Election. In order to ensure that the Districts have adequate time to meet court filing deadlines as well as engage in sufficient outreach to the Community prior to the Election, we are requesting that the City work expeditiously to provide written approval of this consolidation.

Consolidation of the Districts provides several benefits to the Community. Currently there are multiple layers of "governance" in the Community with a homeowners association, the Districts and the Authority. The Districts' primary purpose is to service the outstanding debt that was issued to pay for the public infrastructure within the Community. The Authority operates as an umbrella entity providing administration, operations and maintenance services for the entire Community and receives a portion of its revenue in the form of a pledge from the Districts. This multi-layered structure has, at times, created confusion among the residents in the Community. If consolidation of the Districts is achieved, the consolidated metropolitan district will be solely responsible for both the debt service and administration, operations and maintenance obligations of the Community. The consolidation will result in a governance structure that is both simplified and generates a cost savings to the Community. Currently, resident tax and fee revenue is being utilized to administer three separate entities. Each of the entities has their own administrative and annual compliance requirements that are in many ways redundant. The simplification that will come with a consolidation will eliminate the need to administer three separate entities and result in a more efficient use of the Community's tax and fee revenue.

The Boards of Directors of the Districts and the Authority are fully supportive of this consolidation effort and on their behalf, we hereby request that the City provide the written approval to proceed with a consolidation that is required by the Original Service Plan. Should you have any questions or concerns regarding this matter, please contact me at your earliest convenience.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON



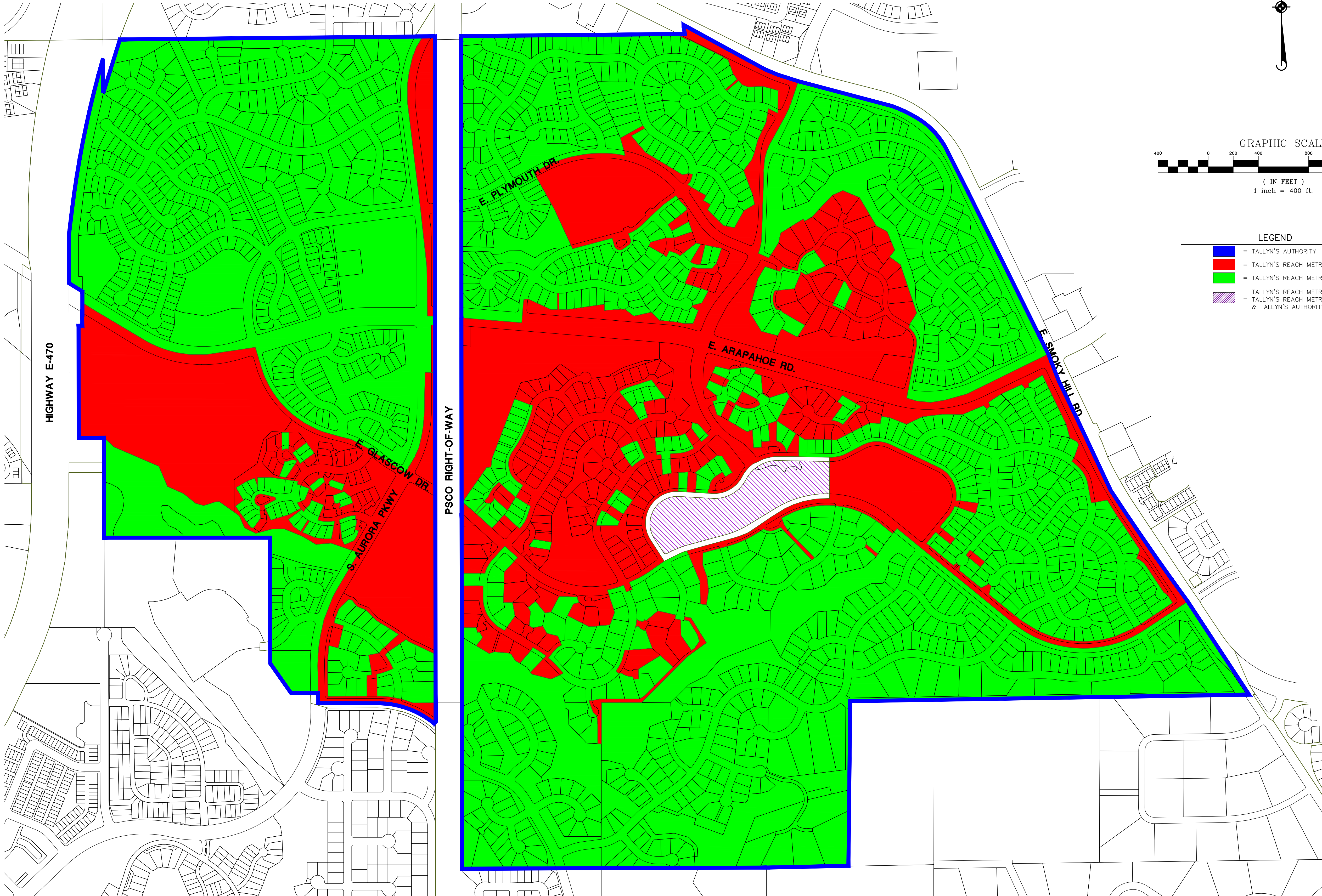
Blair M. Dickhoner  
Shareholder

CC: Jacob Cox  
Cesarina Dancy



TALLYN'S REACH METROPOLITAN DISTRICTS  
TOWNSHIP 5 SOUTH, RANGE 65 WEST AND SECTION 25, TOWNSHIP 5 SOUTH, RANGE  
CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO

LOCATED IN SECTIONS 29, 30, 31, AND 32, TOWNSHIP 5 SOUTH, RANGE 65 WEST AND SECTION 25, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO







# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Implementation of Camping Ordinance Update
<b>Item Initiator:</b> Jessica Prosser, Director of Housing and Community Services
<b>Staff Source/Legal Source:</b> Jessica Prosser, Director of Housing and Community Services /Tim Joyce, Assistant City Attorney
<b>Outside Speaker:</b> Bob Dorshimer, Mile High Behavioral Health Center / HDR Architects
<b>Council Goal:</b> 2012: 4.0--Create a superior quality of life for residents making the city a desirable place to live and work

### COUNCIL MEETING DATES:

**Study Session:** 4/18/2022

**Regular Meeting:** N/A

### ITEM DETAILS:

Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistant City Attorney

Outside speaker: Bob Dorshimer, Mile High Behavioral Health Care, HDR Architects

Estimated time: 30 mins

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input type="checkbox"/> Approve Item and Move Forward to Regular Meeting   | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input checked="" type="checkbox"/> Information Only  |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- |  |  |
|--|--|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
|--|--|



☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

---

**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Resolution number 2022-49 was approved on February 28, 2022, directing the City Manager to look for, create, and maintain sufficient shelter options to provide a safe space for individuals and families in an unauthorized camp that desire to use a shelter option. The unauthorized camping ordinance, Ordinance number 2022-12, passed its final reading March 28, 2022, and goes into effect on April 30, 2022. Staff is working on the fiscal impact as well as timeline to implement elements of the ordinance and the resolution.

As a clarification until the City can put into effect all the provisions of the ordinance, which will not be on the effective date of the ordinance April 30, the City will continue to use the policy (BPM) we have been using since August of last year to prohibit unauthorized camps. When an unauthorized camp is posted and the campers are asked to move the employee is not enforcing the ordinance, the employee is following policy.

---

**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

Staff will provide an update on the costs and timeline related to implementing the ordinance. Those elements include:

-Additional temporary shelter- one time and ongoing operational costs

-Increased costs for abating camps- current budget is 250K for 2022

-Staff needed to post camps and coordinate increased demand for street outreach, transportation and storage of personal belongings

-Costs and process for the storage of personal belongings

---

**QUESTIONS FOR COUNCIL**

Any feedback or questions from City Council related to the information presented?

---

**LEGAL COMMENTS**

The City has the power which is necessary, requisite, or proper for the government and administration of its local and municipal matters. (City Charter, art. I, sec. 1-3). Council has the authority to do what is deemed necessary and proper to promote the prosperity, improve the order, comfort, and convenience of the City and its inhabitants. (City Code sec. 2-32) Council may act by motion to give direction to city staff. (City Charter, art. V, sec. 5-1) (TJoyce)

---

**PUBLIC FINANCIAL IMPACT**

☒ YES

☐ NO

**If yes, explain:** One-time costs estimated at \$750,000 and ongoing costs estimated at \$2,000,000 per year.

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**PRIVATE FISCAL IMPACT**



☒ Not Applicable      ☐ Significant      ☐ Nominal

**If Significant or Nominal, explain:** N/A





## CITY OF AURORA

### Late Submission Approval for Agenda Item

**Item Title:** Implementation of Camping Ordinance Update

**Item Initiator:** Jessica Prosser, Director of Housing and Community Services

**Staff Source/Legal Source:** Lana Dalton, Manager of Homelessness and Behavioral Health/Tim Joyce, Assistant City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 5.6--Continue to plan for high quality neighborhoods with a balanced housing stock

**CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:**

- ☒ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date
- ☐ The delay will result in an adverse financial impact to the city
- ☐ The item is related to a disaster and must be addressed before the next available meeting

**COUNCIL MEETING DATES FOR LATE SUBMISSION:**

**Study Session:** 4/18/2022

**Regular Meeting:** N/A

**EXPLANATION:** (Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)

A resolution related to shelter options was passed on 2/28/22. This created a short timeframe for response to this resolution.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Jessica Prosser

Agenda Item Initiator Name

Roberto Venegas

Late Submission Approver Name (Deputy City Manager)

Agenda Item Initiator Signature

Date

Apr 5, 2022

Roberto Venegas

Late Submission Approver Signature

Apr 5, 2022

Date



# City of Aurora Day Resource Center Draft

Analysis of Existing Conditions and Proposed Changes





General Notes

Occupancy Classification: IBC A-3  
Construction Type: 5B, sprinkled  
Building SF: ~13,000sf + ~1,600sf mezzanine = ~14,600sf

Site

- 1. New perimeter 8’ chainlink fence with vinyl privacy slats (~1,500’) include 3 gates.
  - a. Amazon.com: FenceSource Wave Slat (9 Colors) Single Wall Bottom Locking Privacy Slat for 4’, 5’, 6’, 7’ and 8’ Chain Link Fence (6 ft, Gray) : Everything Else
- 2. 12 deciduous lance leaf cottonwood trees
- 3. 10 boulders large, 12 boulders medium
- 4. Dog Run: Compacted slate gravel dog run with 2 large boulders and 3 medium boulders, 100’, 4’ chainlink fence with gate.
- 5. 12 benches – 6 with back and 6 without backs
  - a. Amazon.com: FenceSource Wave Slat (9 Colors) Single Wall Bottom Locking Privacy Slat for 4’, 5’, 6’, 7’ and 8’ Chain Link Fence (6 ft, Gray) : Everything Else
- 6. 5 trash and recycling cans (5 each)
  - a. Global Industrial™ Outdoor Slatted Recycling Can w/ Access Door & Flat Lid, 36 Gallon, Blue | 261942BL - GLOBALindustrial.com
- 7. Perimeter site lighting – 10 poles
- 8. Hangout Outdoor space for gathering – 5,000sf of grass
- 9. 6 exterior security cameras
- 10. Increase mechanical yard with ~100’, 8’ chainlink fence with vinyl privacy slats. Add vinyl privacy slats to existing mechanical enclosure (~200’)
- 11. 3, 12’x12’ metal shade shelters
- 12. Relocate existing gazebo
- 13. For Open Area where barracks where demo’d (~59,000sf: seed with dryland (non-irrigated) seed mix - like Pawnee Buttes Seed Inc.’s Low Grow Native Mix or approved equal. Soil preparation (amendments) shall be based on Agricultural soil testing recommendations prior to seeding. Pre-emergent herbicides are also an option depending on installation timing. Minimum 2-year maintenance and establishment warranty shall be included by the seed installer.
- 14. Add exterior drinking fountain and bottle filler
- 15. Update existing fire hydrant for laundry truck hookup use.

Building

- 1. New 10’ x 15’ metal entrance canopy
- 2. Rebuild stair to mezzanine – metal stair, stringer and handrail.
- 3. Provide 6 interior security cameras
- 4. 40 metal bunkbeds with storage including mattresses
- 5. Millwork storage for mat storage
- 6. Two charging stations
  - a. Snapchargeâ„¢ Cell Phone Locker (12 doors) | Precision Locker Company
- 7. New metal insulated 40” door half IGU and metal insulated side panel to fit 6’ existing opening. Include new hardware and automatic door operator.
- 8. Reconfigure front desk. Remove existing door and reuse in new location. Remove existing counter and rebuild millwork with solid surface counter for two people ~6’x2.5’.
- 9. Provide insulated transaction window in vestibule ~3’x4’ and new counter including solid surface top. Replace existing countertop with solid surface ~20’ x 2.5’
  - a. Quikserv SC-9047-CR Self-Closing Side Sliding Transaction Window Without Low Profile 36” W x 36” H Right Hand Slide Clear Anodized (dkhardware.com)
- 10. Build ~13’x100’ wall for bunk area – metal studs with abuse resistant gyp and epoxy paint
- 11. Build small huddle room with half glass interior wood door. Room ~10’x6’ include gyp clg with lighting, 2 electrical outlets and mechanical services.
- 12. Provide vertical no climbing fencing/cabling at mezzanine along existing wall.
- 13. Provide LVT flooring in mezzanine.

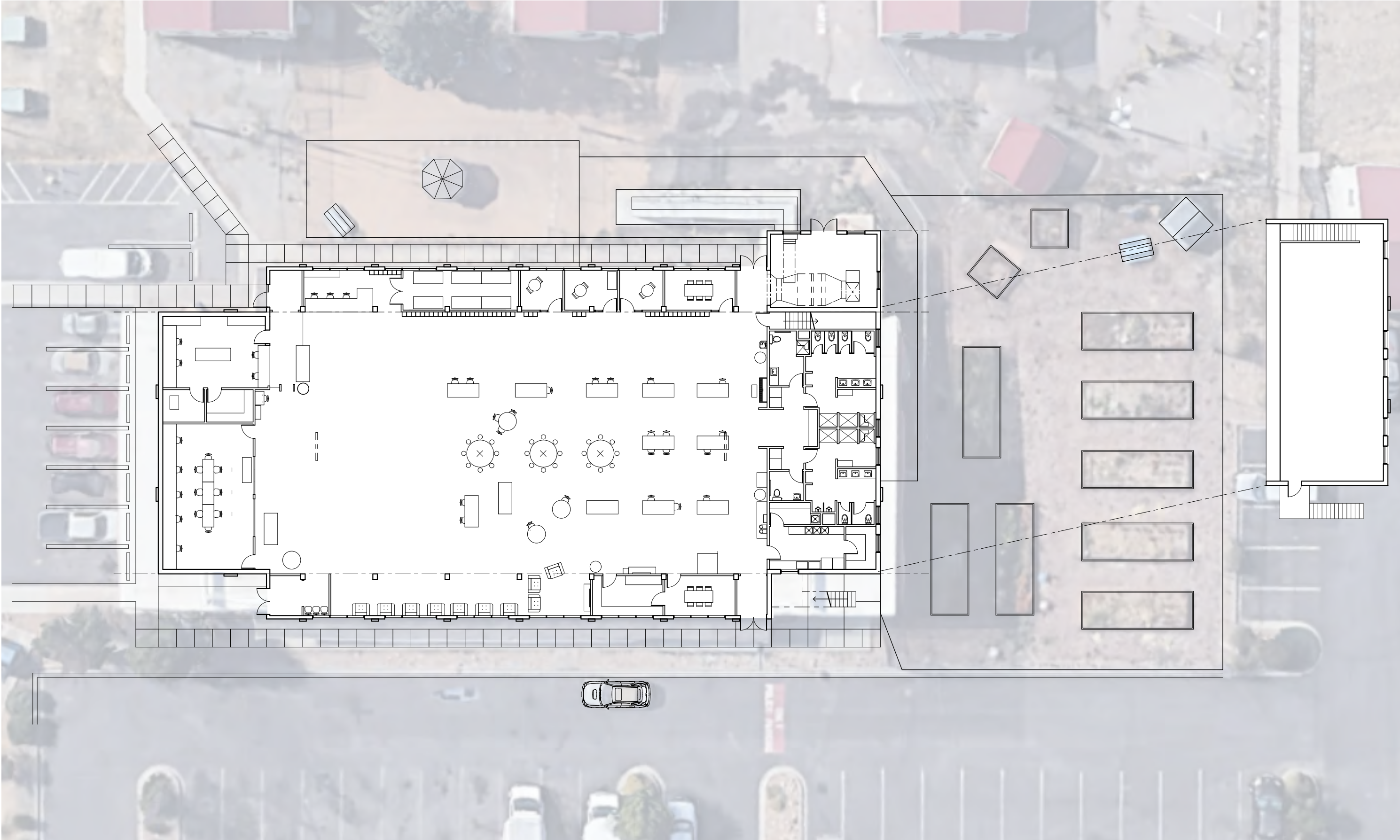
MEP

- 1. New HVAC to have functional heating and cooling (no changes to bathrooms or kitchen)
- 2. Upgrade electrical system.
- 3. Add interior drinking fountain and bottle filler
- 4. New linear LED high bay lighting throughout - ~18 fixtures

Alternates

- 1. Ground Floor Windows:
  - a. Remove 6, ~12’x3’ windows and replace with exterior wall assembly consisting of: masonry exterior block for paint, exterior sheathing with Tyvek, 3-5/8”metal studs with insulation and 5/8” gyp for paint. Provide continuous metal drip flashing over existing sills.
  - b. Remove 5, ~12’x3’ windows and replace with metal frame, IGU of same size. Not operable.
  - c. Remove 3, ~3’x3’ windows and replace with exterior wall assembly consisting of: masonry exterior block for paint, exterior sheathing with Tyvek, 3-5/8”metal studs with insulation and 5/8” gyp for paint. Provide continuous metal drip flashing over existing sills.
- 2. Clerestory and mezzanine windows:
  - a. Clerestory - Remove 12, ~12’x12’ windows at clearstory and replace with insulated Kalwall
  - b. Mezzanine -
    - i. Remove 1, ~12’x12’ windows at clearstory and replace with insulated Kalwall
    - ii. Remove 10, 3’x3’ windows and replace with exterior wall assembly consisting of: masonry exterior block for paint, exterior sheathing with Tyvek, 3-5/8” metal studs with insulation and 5/8” gyp for paint. Provide continuous metal drip flashing over existing sills.
- 3. Half-Court Basketball Court: Asphalt half-court basketball court, striping and hoop (49.21W x 45.93’L), ~200’ 8’ chainlink fence and gate.
- 4. Restripe parking lot
- 5. Paint exterior building
- 6. Paint first floor from floor to 10’



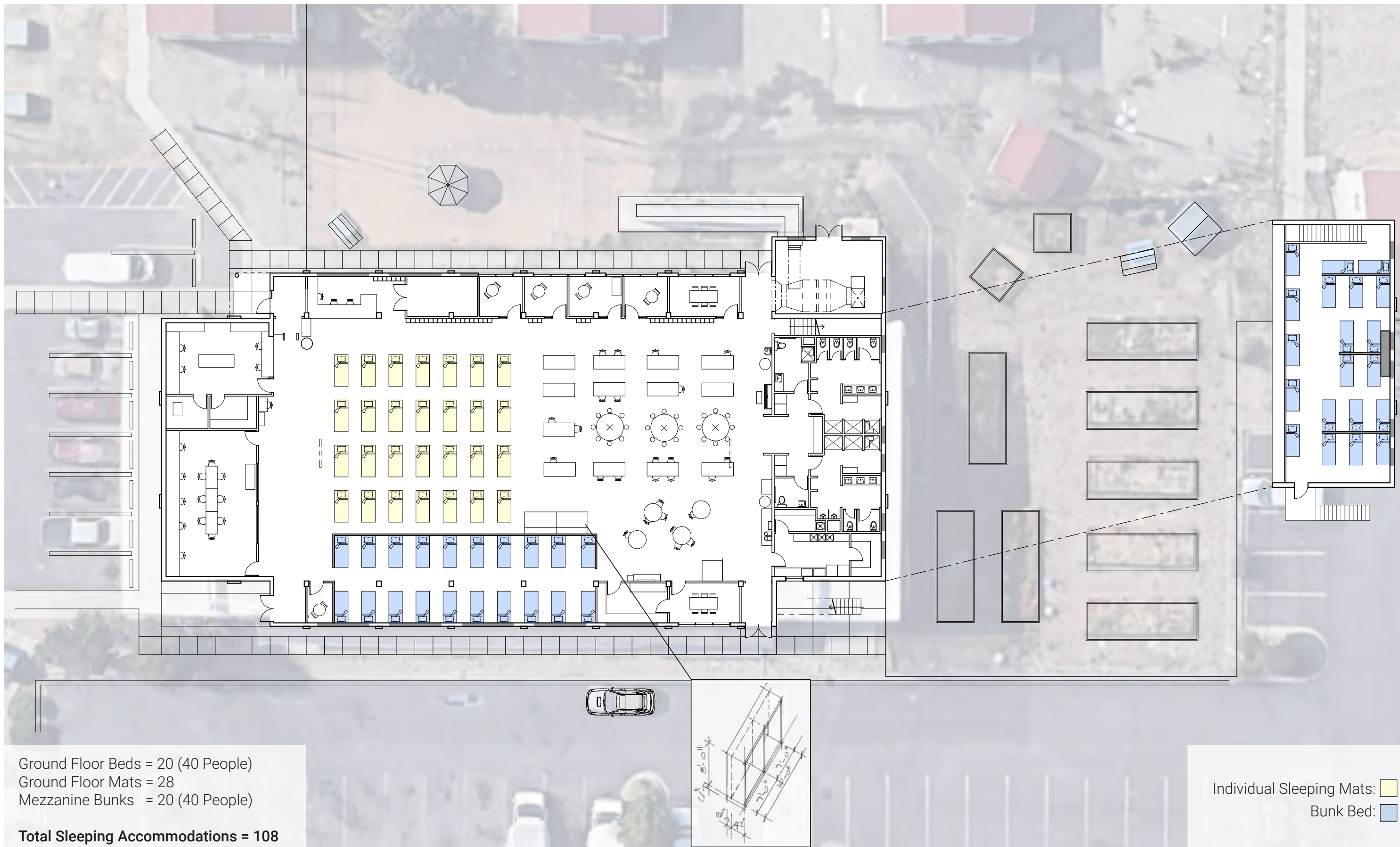


City of Aurora Day Resource Center Draft Current Facility Floor Plan

Scale: 1"=20'













# **CITY OF AURORA**

## **Day Resource Center Modification**

### **Aurora, CO**

### **Class 5: Estimate Level**

April 26, 2022



# **Day Resource Center Modification**

**Aurora, CO**

**CITY OF AURORA**

**Class 5: Estimate Level**

**April 26, 2022**

Atkins / Faithful+Gould  
7604 Technology Way  
Suite 400  
Denver, CO 80237

Telephone: +1 (303) 221 7275

Faithful+Gould			
QUALITY ASSURANCE VERIFICATION			
Task	Role	Initial	Date
Ready for Review	LTP	LVS	04/26/22
QC Review	QCR	REB	04/26/22
Changes Made	LTP	LVS	04/26/22
Authorized for Issue	PM	REB	04/26/22



Members of the SNC-Lavalin Group



## Day Resource Center Modification

Aurora, CO

CITY OF AURORA

Class 5: Estimate Level

April 26, 2022



Members of the SNC-Lavalin Group

### **CONTENTS**

<b>1.0</b>	<b>EXECUTIVE SUMMARY</b>
<b>2.0</b>	<b>ESTIMATE REVISION HISTORY</b>
<b>3.0</b>	<b>PURPOSE OF THE ESTIMATE</b>
<b>4.0</b>	<b>PROJECT DESCRIPTION</b>
<b>5.0</b>	<b>SCHEDULE OF AREAS</b>
<b>6.0</b>	<b>BASIS OF ESTIMATE</b>
<b>7.0</b>	<b>BASIS OF PRICING</b>
<b>8.0</b>	<b>ESCALATION</b>
<b>9.0</b>	<b>MARK-UPS</b>
<b>10.0</b>	<b>STATEMENT OF PROBABLE COST OF CONSTRUCTION</b>
<b>11.0</b>	<b>RECOMMENDATIONS FOR COST CONTROL</b>
<b>12.0</b>	<b>PROJECT SCOPE CLARIFICATIONS</b>
<b>13.0</b>	<b>REFERENCE INFORMATION</b>
<b>14.0</b>	<b>ADDITIONAL INFORMATION/FURTHER ACTION</b>
<b>15.0</b>	<b>EXCLUSIONS</b>
<b>16.0</b>	<b>VERIFICATION</b>



## Day Resource Center Modification

Aurora, CO

CITY OF AURORA

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April 26, 2022



Members of the SNC-Lavalin Group

### 1.0 EXECUTIVE SUMMARY

#### A: Day Resource Center Modification (Class 5 Estimate)

Total Construction Cost (TCC): 1Q 2023	\$2,924,000	TOTAL
Total Construction Cost (TCC): 1Q 2024	\$3,151,000	TOTAL
Total Construction Cost (TCC): 1Q 2025	\$3,351,000	TOTAL

*The applied escalation rates originate from the market report provided to the City of Aurora in January, 2022.*

In an attempt to make the breakdown of costs clearer for the project clearer, the "markups" have been separated in General Contractor Markups and Owner Soft Costs, to more clearly identified what can be expected as cost at bid and costs that may be internalized and not reflected in contracted costs to be paid out for the project

#### COVID-19

*As COVID-19 remains in the forefront, its possible impacts on the construction industry require constant, vigilant monitoring. The construction industry continues to experience intermittent difficulties with material supply chain disruption, labor shortages and the potential shutdown of construction sites. The fluidity of the circumstances make for an inability to understand all possible impacts, lending itself to the potential for substantial construction delays and project cost overruns deep into 2022 and beyond. For these reasons, this cost estimate is based upon current market conditions and cost impacts that have been identified as of the date of this report. No allowances are included for speculative market adjustments.*

### 2.0 ESTIMATE REVISION HISTORY

Version	Rev.	Date
Estimate Level (DRAFT)	0	4/26/22

### 3.0 PURPOSE OF THE ESTIMATE

The City of Aurora has retained Faithful+Gould for the purpose of preparing this Opinion of Probable Cost for work in Aurora, CO area.

The City of Aurora acknowledges that the design of the work for which this statement of probable cost is prepared is incomplete and this Opinion of Probable Cost is not derived from full construction documents for which actual pricing may be obtained.



## Day Resource Center Modification

Aurora, CO

CITY OF AURORA

Class 5: Estimate Level

April 26, 2022



### 4.0 PROJECT DESCRIPTION

The project consists of modification work to an 14,600 SF existing building and associated sitework.

### 5.0 SCHEDULE OF AREAS

A schedule of areas has not been provided by the City of Aurora.

### 6.0 BASIS OF ESTIMATE

This estimate is based upon the design information detailed in the Reference Information Section 13.0. The estimate does not incorporate design and engineering changes occurring subsequent to this information.

The estimate is based on the measurement of quantities from the documents, where possible. For the remainder, parametric measurements were used in conjunction with references from other projects estimated by Faithful+Gould.

### 7.0 BASIS OF PRICING

This estimate reflects the fair market value for the construction of this project and should not be construed as a prediction of low bid. The unit costs include labor, material, and equipment costs plus subcontractors overhead and profit costs.

#### **Procurement Method**

Pricing assumes a procurement process with competitive bidding for every portion of the construction work.

This means a minimum of 5 competitive bids for all general contractors and at least 3 competitive bids from all subcontractors and materials/equipment suppliers.

If fewer bids are solicited or received, it is anticipated that prices will be higher.

#### **Wage Rates**

This estimate is priced on the basis of Union Prevailing Wage rates.

#### **Duration**

The anticipated duration of construction for this project is assumed as follows:

No Project Start date or durational available at this time.



## Day Resource Center Modification

Aurora, CO

CITY OF AURORA

Class 5: Estimate Level

April 26, 2022



### Phasing

No phasing has been anticipated for this scope.

### Access and Security

The estimate anticipates no constraints on site access or security. (None indicated at this point)

## 8.0 ESCALATION

Escalation rates used for this estimate were derived from the market report provided to the City of Aurora January, 2022. The project cost is estimated in today's dollars (Q2 2022). The current unit pricing is deemed valid for three months from the estimate base date.

## 9.0 MARK-UPS

Subcontractors' mark-ups have been included in each line item unit price. This covers the cost of field overhead, home office overhead, and subcontractors profit. Subcontractor's mark-ups typically range from 15% to 25% of the unit price, depending on trade requirements and market conditions.

This estimate includes a 20% design development allowance on construction costs. The allowance is a budgeting tool used to compensate for the lack of detail and definition during preliminary phases of design, as well as assumptions and allowances made with reference to quantities and pricing. This percentage is provided to cover scope which is not yet defined within the provided documents or narratives. These are monies which are expected to be absorbed into the line item detail as the design evolves.



**See Appendix #1 (City of Aurora: Cost Estimating Guideline) for Cost estimate Classifications**

**AACE Cost Estimating Classification System**

Estimate Class	MATURITY LEVEL OF PROJECT DEFINITION DELIVERABLES	END USAGE	METHODOLOGY	DESIGN DEVELOPMENT / ESTIMATING CONTINGENCY		EXPECTED ACCURACY RANGE
	(Expressed as % of complete definition)	(Typical purpose of estimate)	(Typical purpose of estimate)	(Typical estimating method)	(Typical allowance)	(Typical variation in low and high ranges)
Class 5	0% to 2%	Functional area, or concept screening	Program or Rough order of Magnitude (RoM)	SF or m2 factoring, parametric models, judgment, or analogy	20% +	L: -20% to -30% H: +30% to +50%
Class 4	1% to 15%	Schematic design or concept study	Concept or Feasibility	Parametric models, assembly driven models	15% to 20%	L: -10% to -20% H: +20% to +30%
Class 3	10% to 40%	Design development, budget authorization, feasibility	Schematic Design	Semi-detailed unit costs with assembly level line items	10% to 15%	L: -5% to -15% H: +10% to +20%
Class 2	30% to 75%	Control or bid/tender, semi-detailed	Design Development	Detailed unit cost with forced detailed take-off	5% to 10%	L: -5% to -10% H: +5% to +15%
Class 1	65% to 100%	Check estimate or pre bid/tender, change order	Construction Documents	Detailed unit cost with detailed take-off	0% to 5%	L: -3% to -5% H: +3% to +10%

The cost estimator makes the determination of the estimate class based upon the maturity level of project definition (design % complete). While the determination of the estimate class is somewhat subjective, the design input data, completeness and quality of the design deliverables serve to make the determination more objective. The cost estimator will make the final determination based on the actual detail provided, which may vary from the AACE Cost Estimating Classification System listed above.

Faithful+Gould recommends the Owner add a 5-10% construction contingency to this estimate to anticipate change orders which occur after the project is under construction. The construction contingency is not part of the construction bid amount, however it should be accounted for when establishing the overall construction budget.

## 10.0 STATEMENT OF PROBABLE COST OF CONSTRUCTION

Faithful+Gould has many years experience providing cost consulting services in the construction industry. Historically, the deviation between our construction estimates and the corresponding bid amounts is minimal. However, Faithful+Gould has no control over the method of determining prices adopted by any individual general contractor, subcontractor or supplier. Faithful+Gould cannot control the cost of labor and materials, the bidding environment or other market conditions, and it is not possible to provide any guarantee that proposals, bids, or actual construction costs will not deviate from this or subsequent cost estimates.

Faithful+Gould has prepared this estimate in accordance with widely accepted principles and practices to reflect the fair market value of the project. This estimate is made on the basis of the experience, qualifications, and the best judgment of professional consultants who have gained an expertise in the construction industry. This staff is available to discuss its content with any interested party.

## 11.0 RECOMMENDATIONS FOR COST CONTROL

Faithful+Gould recommends that the Owner, Architect and Engineers carefully review this entire document to ensure that it reflects their design intent. Requests for modifications of any apparent errors or omissions to this document should be made to Faithful+Gould within ten (10) working days of receipt of this estimate. Failing same, it will be deemed that the content have been concurred with and accepted.

If this estimate does not correspond to the Owner's budgetary objectives, Faithful+Gould strongly suggests that evaluation of design alternatives/options and/or project procurement options should be made before proceeding further.

Faithful+Gould is not responsible for design revision costs in the event that the estimate is in excess of the established budget.



## Day Resource Center Modification

Aurora, CO

CITY OF AURORA

Class 5: Estimate Level

April 26, 2022



Members of the SNC-Lavalin Group

### 12.0 PROJECT SCOPE CLARIFICATIONS

*See Estimate details for scope assumption and clarifications.*

### 13.0 REFERENCE INFORMATION

#### Use of Information Provided

Faithful+Gould used the following documents and information to prepare the estimate:

#### Drawings & Documents

File Name	Description	Date	Provided by
Day Resource Center Modification	Scope of Work list	04/25/22	City of Aurora

#### Specifications and Project Manuals

File Name	Description	Date	Provided by
Market Report	Atkins Market Report	01/05/22	Atkins/F+G
Cost Estimating Guidelines	Cost Estimating Guidelines	01/05/22	City of Aurora

### 14.0 ADDITIONAL INFORMATION/FURTHER ACTION

*Not Applicable*

### 15.0 EXCLUSIONS

#### This estimate specifically excludes the following items:

- Any non-competitive bid or restrictive contract conditions
- Unforeseen or unknown conditions
- Hazardous waste removal costs including asbestos abatement, contaminated soil, etc. and related work, unless otherwise noted
- Work beyond the boundaries of the property
- Feasibility and financing costs
- Owner administrative fees
- Testing fees
- Land acquisition and real estate fees (Unless stated in the detail)
- Owner's field inspection costs
- Owner furnished items and Owner move-in costs
- Items marked on plans as N.I.C.
- Furniture and Equipment beyond that listed in the narrative



## Day Resource Center Modification

Aurora, CO

CITY OF AURORA

Class 5: Estimate Level

April 26, 2022



LEED design allowance  
Pre-construction fees  
Project management costs  
Moving costs  
Credit for recycling  
Alternates

## 16.0 VERIFICATION

### Disclaimer

This document and its contents have been prepared and are intended solely for City of Aurora's information and use in relation to project budgeting and not for any individual member of the City of Aurora.

City of Aurora acknowledges that the design of the work for which this statement of probable costs is prepared is incomplete and this opinion of probable costs is not derived from full construction documents for which actual pricing may be obtained. The statement of probable cost is not based upon specific contractor or subcontractor bids, rather the market value of the improvements planned at the time the document was prepared. Specific market forces (including, but not limited to, the ultimate design requirements, code requirements, commodity pricing, and labor availability) may cause the actual bids received to be higher or lower than the probable costs identified herein, potentially by a wide margin. Faithful+Gould expressly disclaims any liability and City of Aurora releases Faithful+Gould under any and all theories of recovery, whether based in contract or in tort, if the actual costs in the future differ from the statement of probable costs contained herein.

Faithful+Gould assumes no responsibility to any party other than City of Aurora, including, but not limited to individual members of City of Aurora, with respect to or arising out of or in connection with this document and/or its contents and there are no third-party beneficiaries created through issuance of this document and/or its contents.

### Copyright

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Authorization
Lead Technical Professional
Lukas Van Schalkwyk - Chief Cost Manager
Project Manager
Russ Burnham - Senior Project Manager
April 26, 2022

**Atkins / Faithful+Gould**  
7604 Technology Way  
Suite 400  
Denver, CO 80237

Telephone: +1 (303) 221 7275



**CLASS 5 ESTIMATE (Conceptual)**

Public Works Department - City of Aurora

Prepared By: Faithful+Gould/Atkins

 13,000 SF Building  
 1,600 SF Mezzanine  
 14,600 GSF  
 AC

**Day Resource Center Modification (Class 5 Estimate)**

#	ITEM	QUANTITY	UNIT	UNIT COST	TOTAL
<b>A</b>	<b>BUILDING RENOVATIONS</b>				
	New 10' x 15' metal entrance canopy	150	SF	\$ 115.00	\$ 17,250
	Rebuild stair to mezzanine – metal stair, stringer and handrail.	1	LSUM	\$ 7,500.00	\$ 7,500
	Provide 6 interior security cameras	6	EA	\$ 1,850.00	\$ 11,100
	Metal bunkbeds with storage including mattresses	40	EA	\$ 925.00	\$ 37,000
	Millwork storage for mat storage	1	LSUM	\$ 5,000.00	\$ 5,000
	Two charging stations	2	EA	\$ 2,058.75	\$ 4,118
	New metal insulated 40" door half IGU and metal insulated side panel to fit 6' existing opening. Include new hardware and automatic door operator.	1	LSUM	\$ 4,150.00	\$ 4,150
	Reconfigure front desk. Remove existing door and reuse in new location. Remove existing counter and rebuild millwork with solid surface counter for two people ~6'x2.5'.	1	LSUM	\$ 3,500.00	\$ 3,500
	Provide insulated transaction window in vestibule ~3'x4' and new counter including solid surface top. Replace existing countertop with solid surface ~20' x 2.5'	1	LSUM	\$ 4,250.00	\$ 4,250
	Interior wall for bunk area – metal studs with abuse resistant gyp and epoxy paint	1,300	SF	\$ 9.65	\$ 12,545
	Build small huddle room with half glass interior wood door. (Room 10' x 6' include gyp clg with lighting, 2 electrical outlets and mechanical services)	60	SF	\$ 115.00	\$ 6,900
	Provide vertical no climbing fencing/cabling at mezzanine along existing wall.	1	LSUM	\$ 5,000.00	\$ 5,000
	Provide LVT flooring in mezzanine.	1,600	SF	\$ 5.25	\$ 8,400
<b>B</b>	<b>SERVICES</b>				
	New HVAC to have functional heating and cooling (no changes to bathrooms or kitchen)	14,600	GSF	\$ 28.50	\$ 416,100
	Upgrade electrical system	14,600	GSF	\$ 35.00	\$ 511,000
	Add interior drinking fountain and bottle filler	1	EA	\$ 1,850.00	\$ 1,850
	New linear LED high bay lighting throughout - ~18 fixtures	18	EA	\$ 375.00	\$ 6,750
<b>C</b>	<b>EQUIPMENT &amp; FURNISHINGS</b>				
	Equipment Allowance	14,600	GSF	\$ 12.25	\$ 178,850
	FF&E Allowance	14,600	GSF	\$ 3.00	\$ 43,800
	<b>Subtotal Direct Cost (Building)</b>			\$ 88.02	\$ 1,285,063
<b>D</b>	<b>SITework</b>				
	New perimeter 8' chainlink fence with vinyl privacy slats (~1,500') include 3 gates	1,500	LF	\$ 38.25	\$ 57,375
	3 Gates	3	EA	\$ 1,250.00	\$ 3,750
	12 Deciduous lance leaf cottonwood trees	12	EA	\$ 1,500.00	\$ 18,000
	10 Boulders large	10	EA	\$ 500.00	\$ 5,000
	12 Boulders medium	12	EA	\$ 350.00	\$ 4,200
	Dog Run: Compacted slate gravel dog run with 2 large boulders and 3 medium boulders, 100', 4' chainlink fence with gate	1	LSUM	\$ 7,500.00	\$ 7,500
	12 benches – 6 with back and 6 without backs	12	EA	\$ 918.00	\$ 11,016
	5 trash and recycling cans (5 each)	5	EA	\$ 1,026.00	\$ 5,130
	Perimeter site lighting – 10 poles	10	EA	\$ 1,500.00	\$ 15,000
	Hangout Outdoor space for gathering – 5,000sf of grass	5,000	SF	\$ 25.25	\$ 126,250
	6 Exterior security cameras	6	EA	\$ 1,900.00	\$ 11,400
	Increase mechanical yard with ~100', 8' chainlink fence with vinyl privacy slats.	100	LF	\$ 38.25	\$ 3,825
	Add vinyl privacy slats to existing mechanical enclosure (~200')	100	LF	\$ 15.75	\$ 1,575
	12'x12' Metal shade shelters	3	EA	\$ 6,480.00	\$ 19,440
	Relocate existing gazebo	1	LSUM	\$ 2,000.00	\$ 2,000
	4" of mulch for open area not used from demolition of barracks (~59,000sf)	59,000	SF	\$ 0.75	\$ 44,250
	Add exterior drinking fountain and bottle filler	1	EA	\$ 1,850.00	\$ 1,850
	Update existing fire hydrant for laundry truck hookup use	1	LSUM	\$ 750.00	\$ 750
	<b>Subtotal Direct Cost (Site Work)</b>				\$ 338,311
	<b>Total Direct Cost (Project)</b>			\$ 111.19	\$ 1,623,374
	<b>General Contractors Mark-up</b>				
	Minor Contract Revisions (MCR) - Design/Contractors Contingency	15%			\$ 243,506
	General Conditions & General Requirements	12%			\$ 194,805
	Profit and Overhead (Includes insurance, bonding, profit and overhead)	5.5%			\$ 89,286
	<b>Subtotal GC Mark-up</b>			33%	\$ 527,596
	<b>Total Construction Cost (Project Bid Cost)</b>			\$ 147.33	\$ 2,150,970
	<b>Owners Soft Cost</b>				
	Owners Contingency	10%			\$ 215,097
	Environmental conditions (asbestos, lead paint, land fill, soil conditions etc.)	2.5%			\$ 53,774
	A/E Design Fee	7%			\$ 150,568
	Construction Management (CM, CI, MT)	10%			\$ 215,097
	AIPP	1%			\$ 21,510
	CoA Building Review Fees	3%			\$ 64,529
	<b>Subtotal Owners Soft Cost</b>			24%	\$ 505,478
	<b>PROJECT TOTAL: (Q2 2022 Current)</b>				\$ 2,656,000
					* Rounded
	<b>Projected Escalation for Project Cost</b>				
	Project Total Projected Cost (1Q 2023 Start Date)	10.08%			\$ 2,924,000
	Project Total Projected Cost (1Q 2024 Start Date)	7.78%			\$ 3,151,000
	Project Total Projected Cost (1Q 2025 Start Date)	6.34%			\$ 3,351,000
					* Rounded

Estimating Notes:



## Day Resource Center Modification

Aurora, CO

CITY OF AURORA

Class 5: Estimate Level

April 26, 2022



Members of the SNC-Lavalin Group

# APPENDIX #1



## COST ESTIMATING GUIDELINES-CONSULTANTS

### INTRODUCTION

This guideline establishes general cost estimating procedures to be followed by the Consultants who prepare project cost estimates for the Department. These guidelines are to be applied during the submission to the Utilities Department for CIP preparation and during the planning and design phase. The intent of this guideline is to set standards for the Consultant's to use in the development of the cost estimates so as to achieve uniformity in the development of the project cost estimates, and to facilitate review by various participants. In complying with this Guideline, it is expected that the Consultant's will apply the best estimating practices in the consulting and construction industries. Consultants need to be aware that cost estimates are prepared primarily for internal use and shall be treated with reasonable confidentiality; distribution is typically only to the Utilities Department staff and associated Consultant.

Estimates prepared by the Consultant shall account for the current climate of the construction industry on the Front Range. The intent is to avoid overly conservative estimates.

### DEFINITION AND TYPES OF COST ESTIMATES

The Utilities Department utilizes the American Association of Cost Engineer's International (AAECI) definition of Estimate Classes. Each cost estimate shall be defined to correspond with the type and project definition status. The cost estimate shall include an assessment of the difficulties inherent in the specific construction work and shall document the determination of productivity, production and pricing associated with preparation of the cost estimates. This shall include, but is not limited to such factors as: labor conditions, construction equipment, construction supervision, material costs and equipment installation costs. All reasonable costs, which a contractor is expected to incur, shall be included. The project definition classes, as defined by the American Association of Cost Engineer's International, are as follows:

Class 5	Conceptual
Class 4	Study or Planning
Class 3	Analysis or Preliminary Design
Class 2	Control or 50-70% Design
Class 1	Final Definition or 100% Design

Each Class carries its own level of contingency based upon the level of risk associated with the corresponding level of project definition. A general definition of contingency from AACET's Standard 10S-90 is provided here:

**“Contingency** is an amount added to an estimate to allow for unknown items, conditions, or events that experience shows will likely occur. Typically



estimated using statistical analysis or judgment based on past project experience. Contingency usually excludes;

- 1) major scope changes such as changes in end product specification, capacities, and location of the project
- 2) Extraordinary events such as major strikes and earthquakes
- 3) Escalation and currency effects.”

The range of accuracy of the cost estimates as defined by AACEI follows:

- Class 5 cost estimates (conceptual) shall be between 200% – 50% (+100% to -50%) of the anticipated bid price.
- Class 4 cost estimates (planning level) shall be between 150% – 70% (+50% to -30%) of the anticipated bid price.
- Class 3 cost estimates (preliminary design) shall be between 130% – 85% (+30% to -15%) of the anticipated bid price.
- Class 2 cost estimates (50% to 70% design completion) shall be between 120%-90% (+20% to -10%) of the anticipated bid price.
- Class 1 cost estimates (90% design completion and later-submittals) shall be between 115% – 95% (+15% to -5%) of the anticipated bid price.

The following minimum allowances shall be used in preparation of cost estimates for the Utilities Department’s CIP estimates (allowances are for known cost items that cannot be quantified because of lack of detail):

- **Conceptual** level estimates to use a **40%** allowance.
- **Planning** level estimates to use a **30%** allowance.
- **Preliminary** design estimates to use a **20%** allowance.
- **50% design** estimates to use a **15%** allowance.
- **Final Plans and Specifications** estimates to use an allowance of **10%**.

If those preparing the cost estimate feel that a contingency higher than those defined above is appropriate for a specific project, that higher contingency should be utilized. The rationale for using the higher contingency must be documented.

For each cost estimate prepared, the Consultant is required to identify any deviation from the previous cost estimates and provide an explanation of differences between the estimates. The variance in cost (over or under) from the previous estimate shall be identified at the cost item level with subsequent inclusion in the summary level of the cost estimate. Detail and summary reports shall reflect the variances with notations for each item. This shall include any changes in design scope, with identification of cost increase for each change. The Consultant is expected to participate in Cost Estimate Review Meetings with the Utilities Department staff for the purpose of cost estimate reconciliation and discussion of each party’s respective cost estimate.



## **BASIS OF COST ESTIMATE**

The Consultant is expected to document the basis of the construction cost estimate. This should include lists of drawings and specifications, quantities, equipment lists, qualifications, assumptions, inclusions, exclusions, and a brief narrative to properly define the respective cost estimate with respect to the current design completion and construction approach used in developing the cost estimate. For example, it is expected that the 50 percent design cost estimate may base the cost of electrical and instrumentation and controls as a percent of construction cost for the individual processes or areas. However, 90 percent and Final Plans and Specifications cost estimates shall be based on detailed quantity takeoff and pricing for electrical and instrumentation and controls.

The Consultant shall provide a quantity takeoff with each applicable cost estimate and define the unit cost (pricing) data used to calculate/extend the respective line items. It is expected that the quantity takeoff will be adjusted between the initial and final cost estimates. For pricing, the Consultant may use industry cost databases or may use estimates on unit costs developed specifically for the project. It is critical that the Consultant clearly define their cost sources on which the pricing was based. This includes indirect costs, and direct costs for labor, material, equipment, subcontractors, and suppliers. Escalation and sales tax shall be shown separately as line items. The amount of escalation used shall be determined by taking the Engineering News Record (ENR) construction cost index (CCI) for Denver at the time the cost estimate is prepared and escalating it to the midpoint of construction. It is expected that the escalation rate will be between 3 percent and 5 percent per year. The ENR CCI used shall be identified on all cost estimates. Cost allowances and cost contingencies are to be shown separately with a definition of what items are included in the allowances and contingencies.

The Consultant is expected to identify all major material and equipment costs with supporting written price quotations from suppliers included as backup to each estimate. These quotations are to be supplied in written form by manufacturers and/or suppliers. Minor equipment costs may be documented by written telephone quotations. All backup information shall be neatly bound and sorted in the order used in the estimate. An index shall be provided identifying the support material.

All costs for engineering, land, legal, construction management, finance, or other City related items should be excluded from the construction cost estimates. However, the Consultant shall provide recommendations to the Utilities Department for cost allowances for this other related costs so the Department can arrive at a Total Project Cost for budgeting and financing purposes.



## REPORT FORMAT REQUIREMENTS AND COMPONENTS OF THE ESTIMATE

The design level cost estimates shall follow the Construction Specifications Institute (CSI) format. The format of the cost estimate shall allow for detailed, as well as summary presentation, of the project costs. It is expected that the breakdown of costs will facilitate review, comments, and reconciliation of cost estimates with other project team members. The cost estimating system used shall have summarization, sorting and selecting capabilities for Major Component and items such as category of work, materials, and CSI codes. Major Component items include such items as process areas, structures, buildings, pipeline segments, and specialty items like instrumentation, HVAC, architectural treatments, and landscaping. The Consultant shall provide a sample format of their cost estimating product, identifying proposed Major Components, to the Utilities Department for review before initiating cost estimating activities. The Utilities Department may request modifications to the cost estimate reports.

The CSI Divisions to be used are as follows:

Division 1	–	General Requirements
Division 2	–	Sitework
Division 3	–	Concrete
Division 4	–	Masonry
Division 5	–	Metals
Division 6	–	Carpentry
Division 7	–	Thermal and Moisture Protection
Division 8	–	Doors and Windows
Division 9	–	Finishes
Division 10	–	Specialties
Division 11	–	Equipment
Division 12	–	Furnishings
Division 13	–	Special Construction
Division 14	–	Conveying Systems
Division 15	–	Mechanical
Division 16	–	Electrical
Division 17	–	Instrumentation and Control.

The Consultant shall prepare cost estimate reports summarizing the total cost, quantities of materials, and unit costs for materials and installation. This information shall be supported by detail that breaks down the cost components by:

- Labor
- Material
- Equipment
- Other

Costs associated with items defined as “allowances”, “contingency”, and “profit” shall be calculated as a percentage of total cost for the above cost components. These costs shall be shown as separate line items in the cost estimate.



The following reports shall be developed and submitted with each cost estimate:

- Summary Cost Estimate Report Sorted by CSI Section Number
- Detail Cost Estimate Report Sorted by CSI Section Number
- Summary Cost Estimate Report Sorted by Major Component Item
- Detail Cost Estimate Report Sorted by Major Component Item and CSI Selection Number
- Quantity Takeoff Summary Report Sorted by CSI Section Number
- Quantity Takeoff Detail Sheet Sorted by Major Component Item with Dimensions and Units Shown.

As part of each cost estimate, the Consultant shall provide documentation of the sources, methods, and procedures used to develop the cost estimates. Some examples of possible source documentation are:

- R.S. Means cost database index for concrete, site work and mechanical, etc., for unit labor costs.
- Pipe Quotation from XYZ Inc. dated \_\_\_\_\_.
- Air Compressor Quotation from XYZ Inc. dated \_\_\_\_\_, with estimated installation (labor) and operator training requirements.
- In-house historical unit cost rates from completed projects. These projects are: (list projects).
- Attached details, sections, and sketches utilized to perform typical quantity takeoffs for \_\_\_\_\_.
- Construction equipment costs obtained from the "Contractor's Equipment Cost Guide", published by Dataquest.

#### **USE OF COMPUTERIZED COST ESTIMATING SYSTEM SOFTWARE AND SUBMISSION OF ELECTRONIC DATA**

The Consultant is expected to use a computerized cost estimating software package to generate cost estimates. The system should clearly identify the various cost categories, types, codes, standard calculations, and defaults. A written description of the system should be included as a reference to further explain the technical functions and calculations of the software.







## Faithful+Gould Services

Advisory Services

ePM (PPMC)

Project Assurance

Public Private Partnerships

Risk Management

Value Management

Time on Tools®

Cost Estimating

Construction Intelligence

Construction Management

Project Controls

Scheduling Management

Cost Management

Owner's Representation

Program Management

Project Management

Strategic Facility Consulting

Initial Outfitting and Transition (IOT)





[illegible]





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Long-Term Shelter Options for Individuals and Families Experiencing Homelessness
<b>Item Initiator:</b> Jessica Prosser, Director of Housing and Community Services
<b>Staff Source/Legal Source:</b> Jessica Prosser, Director of Housing and Community Services / Tim Joyce, Assistant City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 5.6--Continue to plan for high quality neighborhoods with a balanced housing stock

### COUNCIL MEETING DATES:

**Study Session:** 4/4/2022

**Regular Meeting:** N/A

### ITEM DETAILS:

Long-Term Shelter Options for Individuals and Families

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input type="checkbox"/> Approve Item and Move Forward to Regular Meeting   | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input checked="" type="checkbox"/> Information Only  |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- |   |   |
|---|---|
| <input type="checkbox"/> Recommends Approval              | <input type="checkbox"/> Does Not Recommend Approval    |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached                 | <input type="checkbox"/> Minutes Not Available          |



---

**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

On February 28, 2022 City Council passed a Resolution expressing the Aurora City Council's support to have sufficient shelter options for individuals and families in an unauthorized encampment.

---

**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

Staff will provide a presentation with an overview of long-term shelter solutions. Each solution will include a breakdown of initial costs to become operational, annual staffing and operational costs, the number of individuals the option can serve, cost per person per day, congregate or non-congregate, timeline to become operational, and opportunity to leverage State and County funds.

---

**QUESTIONS FOR COUNCIL**

Which long-term shelter option(s) does Council support for staff to further exploring related to creating additional shelter capacity to support the Unauthorized Camping Abatement Ordinance 2022?

---

**LEGAL COMMENTS**

This item is informational only. The City has the powers which are necessary, requisite, or proper for the government and administration of its local and municipal matters. (City Charter, art. I, sec. 1-3) Council has the authority to do what is deemed necessary and proper to promote the prosperity, improve the order, comfort and convenience of the City and its inhabitants. (City Code § 2-32) Council may by motion decide which long-term shelter option to pursue. (City Charter, art. V, sec. 5-1) (TJoyce)

---

**PUBLIC FINANCIAL IMPACT**

☒ YES ☐ NO

**If yes, explain:** Depending on the options selected a fiscal impact will be generated. Estimated amounts are included in the back-up.

---

**PRIVATE FISCAL IMPACT**

☒ Not Applicable ☐ Significant ☐ Nominal

**If Significant or Nominal, explain:** N/A





# CITY OF AURORA

## Late Submission Approval for Agenda Item

<b>Item Title:</b> Long Term Shelter Options
<b>Item Initiator:</b> Jessica Prosser, Director of Housing and Community Service
<b>Staff Source/Legal Source:</b> Lana Dalton, Manager of Homelessness and Behavioral Health/Tim Joyce, Assistant City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 5.6--Continue to plan for high quality neighborhoods with a balanced housing stock

### CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

- ☒ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date
- ☐ The delay will result in an adverse financial impact to the city
- ☐ The item is related to a disaster and must be addressed before the next available meeting

### COUNCIL MEETING DATES FOR LATE SUBMISSION:

**Study Session:** 4/4/2022

**Regular Meeting:** N/A

**EXPLANATION:** *(Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)*

*A resolution related to shelter options was passed on 2/28/22. This created a short timeframe for response to this resolution.*

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Jessica Prosser  
Agenda Item Initiator Name

Terri Velasquez  
Late Submission Approver Name (Deputy City Manager)

  
Agenda Item Initiator Signature      Mar 22, 2022  
Date

  
Late Submission Approver Signature      Mar 22, 2022  
Date



## **CITY OF AURORA**

# **Homeless Service Campus**

**Aurora, CO**

## **Class 5: Estimate Level - R1**

**March 11, 2022**



# **Homeless Service Campus**

**Aurora, CO**

**CITY OF AURORA**

**Class 5: Estimate Level - R1**

**March 11, 2022**

Atkins / Faithful+Gould  
7604 Technology Way  
Suite 400  
Denver, CO 80237

Telephone: +1 (303) 221 7275

<b>Faithful+Gould</b>			
<b>QUALITY ASSURANCE VERIFICATION</b>			
<b>Task</b>	<b>Role</b>	<b>Initial</b>	<b>Date</b>
Ready for Review	<i>LTP</i>	LVS	03/01/22
QC Review	<i>QCR</i>	REB	03/05/22
Changes Made	<i>LTP</i>	LVS	03/10/22
Authorized for Issue	<i>PM</i>	REB	03/11/22



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## Homeless Service Campus

Aurora, CO

CITY OF AURORA

Class 5: Estimate Level - R1

March 11, 2022



Members of the SNC-Lavalin Group

### **CONTENTS**

<b>1.0</b>	<b>EXECUTIVE SUMMARY</b>
<b>2.0</b>	<b>ESTIMATE REVISION HISTORY</b>
<b>3.0</b>	<b>PURPOSE OF THE ESTIMATE</b>
<b>4.0</b>	<b>PROJECT DESCRIPTION</b>
<b>5.0</b>	<b>SCHEDULE OF AREAS</b>
<b>6.0</b>	<b>BASIS OF ESTIMATE</b>
<b>7.0</b>	<b>BASIS OF PRICING</b>
<b>8.0</b>	<b>ESCALATION</b>
<b>9.0</b>	<b>MARK-UPS</b>
<b>10.0</b>	<b>STATEMENT OF PROBABLE COST OF CONSTRUCTION</b>
<b>11.0</b>	<b>RECOMMENDATIONS FOR COST CONTROL</b>
<b>12.0</b>	<b>PROJECT SCOPE CLARIFICATIONS</b>
<b>13.0</b>	<b>REFERENCE INFORMATION</b>
<b>14.0</b>	<b>ADDITIONAL INFORMATION/FURTHER ACTION</b>
<b>15.0</b>	<b>EXCLUSIONS</b>
<b>16.0</b>	<b>VERIFICATION</b>



# Homeless Service Campus

Aurora, CO

CITY OF AURORA

Class 5: Estimate Level - R1

March 11, 2022



Members of the SNC-Lavalin Group

## 1.0 EXECUTIVE SUMMARY

### **A: Tower 1 Permanent Supportive Housing - Single/Family, Private RR, Kitchenettes**

Total Construction Cost (TCC): 1Q 2023	\$25,530,000	TOTAL
Total Construction Cost (TCC): 1Q 2024	\$27,516,000	TOTAL
Total Construction Cost (TCC): 1Q 2025	\$29,261,000	TOTAL

*The applied escalation rates originate from the market report provided to the City of Aurora in December, 2021.*

### **B: Day Resource Center, Commercial Kitchen, Office, Multipurpose**

Total Construction Cost (TCC): 1Q 2023	\$19,189,000	TOTAL
Total Construction Cost (TCC): 1Q 2024	\$20,682,000	TOTAL
Total Construction Cost (TCC): 1Q 2025	\$21,993,000	TOTAL

*The applied escalation rates originate from the market report provided to the City of Aurora in December, 2021.*

### **C: Tower 2 Temporary Support - Single and Family Units with Shared Restrooms and Kitchens**

Total Construction Cost (TCC): 1Q 2023	\$51,623,000	TOTAL
Total Construction Cost (TCC): 1Q 2024	\$55,639,000	TOTAL
Total Construction Cost (TCC): 1Q 2025	\$59,167,000	TOTAL

*The applied escalation rates originate from the market report provided to the City of Aurora in December, 2021.*

### **TOTAL PROJECT (ALL COMPONENTS)**

Total Construction Cost (TCC): 1Q 2023	\$96,342,000	TOTAL
Total Construction Cost (TCC): 1Q 2024	\$103,837,000	TOTAL
Total Construction Cost (TCC): 1Q 2025	\$110,421,000	TOTAL

### **PARTIAL BUILT-OUT PROJECT (B + C COMPONENTS)**

Total Construction Cost (TCC): 1Q 2023	\$70,812,000	TOTAL
Total Construction Cost (TCC): 1Q 2024	\$76,321,000	TOTAL
Total Construction Cost (TCC): 1Q 2025	\$81,160,000	TOTAL

*Includes demolition of existing structures on site.*



**COVID-19**

*As COVID-19 remains in the forefront, its possible impacts on the construction industry require constant, vigilant monitoring. The construction industry continues to experience intermittent difficulties with material supply chain disruption, labor shortages and the potential shutdown of construction sites. The fluidity of the circumstances make for an inability to understand all possible impacts, lending itself to the potential for substantial construction delays and project cost overruns deep into 2022 and beyond. For these reasons, this cost estimate is based upon current market conditions and cost impacts that have been identified as of the date of this report. No allowances are included for speculative market adjustments.*

**2.0** **ESTIMATE REVISION HISTORY**

Version	Rev.	Date
Estimate Level (DRAFT)	0	1/4/22
Estimate Level - Review	1	1/10/22

**3.0** **PURPOSE OF THE ESTIMATE**

The City of Aurora has retained Faithful+Gould for the purpose of preparing this Opinion of Probable Cost for work in Aurora, CO area.

The City of Aurora acknowledges that the design of the work for which this statement of probable cost is prepared is incomplete and this Opinion of Probable Cost is not derived from full construction documents for which actual pricing may be obtained.

**4.0** **PROJECT DESCRIPTION**

The project consists of 3 major building components plus site work. The building components are: Tower1 Permanent supporting housing of 30,000 GSF, Tower connector of 20,000 GSF and Tower 2 Temporary support of 40,000 GSF.

**5.0** **SCHEDULE OF AREAS**

A schedule of areas has not been provided by the City of Aurora.



## **6.0** **BASIS OF ESTIMATE**

This estimate is based upon the design information detailed in the Reference Information Section 13.0. The estimate does not incorporate design and engineering changes occurring subsequent to this information.

The estimate is based on the measurement of quantities from the documents, where possible. For the remainder, parametric measurements were used in conjunction with references from other projects estimated by Faithful+Gould.

## **7.0** **BASIS OF PRICING**

This estimate reflects the fair market value for the construction of this project and should not be construed as a prediction of low bid. The unit costs include labor, material, and equipment costs plus subcontractors overhead and profit costs.

### **Procurement Method**

Pricing assumes a procurement process with competitive bidding for every portion of the construction work.

This means a minimum of 5 competitive bids for all general contractors and at least 3 competitive bids from all subcontractors and materials/equipment suppliers.

If fewer bids are solicited or received, it is anticipated that prices will be higher.

### **Wage Rates**

This estimate is priced on the basis of Union Prevailing Wage rates.

### **Duration**

The anticipated duration of construction for this project is assumed as follows:

No Project Start date or durational available at this time.

### **Phasing**

No phasing has been anticipated for this scope.

### **Access and Security**

The estimate anticipates no constraints on site access or security. (None indicated at this point)



## 8.0 ESCALATION

Escalation rates used for this estimate were derived from the market report provided to the City of Aurora December, 2021. The project cost is estimated in today's dollars (Q1 2022). The current unit pricing is deemed valid for three months from the estimate base date.

## 9.0 MARK-UPS

Subcontractors' mark-ups have been included in each line item unit price. This covers the cost of field overhead, home office overhead, and subcontractors profit. Subcontractor's mark-ups typically range from 15% to 25% of the unit price, depending on trade requirements and market conditions.

This estimate includes a 20% design development allowance on construction costs. The allowance is a budgeting tool used to compensate for the lack of detail and definition during preliminary phases of design, as well as assumptions and allowances made with reference to quantities and pricing. This percentage is provided to cover scope which is not yet defined within the provided documents or narratives. These are monies which are expected to be absorbed into the line item detail as the design evolves.

### **See Appendix #1 (City of Aurora: Cost Estimating Guideline) for Cost estimate Classifications**

#### **AACE Cost Estimating Classification System**

Estimate Class	MATURITY LEVEL OF PROJECT DEFINITION DELIVERABLES	END USAGE	METHODOLOGY	DESIGN DEVELOPMENT / ESTIMATING CONTINGENCY		EXPECTED ACCURACY RANGE
	(Expressed as % of complete definition)	(Typical purpose of estimate)	(Typical purpose of estimate)	(Typical estimating method)	(Typical allowance)	(Typical variation in low and high ranges)
Class 5	0% to 2%	Functional area, or concept screening	Program or Rough order of Magnitude (RoM)	SF or m2 factoring, parametric models, judgment, or analogy	20% +	L: -20% to -30% H: +30% to +50%
Class 4	1% to 15%	Schematic design or concept study	Concept or Feasibility	Parametric models, assembly driven models	15% to 20%	L: -10% to -20% H: +20% to +30%
Class 3	10% to 40%	Design development, budget authorization, feasibility	Schematic Design	Semi-detailed unit costs with assembly level line items	10% to 15%	L: -5% to -15% H: +10% to +20%
Class 2	30% to 75%	Control or bid/tender, semi-detailed	Design Development	Detailed unit cost with forced detailed take-off	5% to 10%	L: -5% to -10% H: +5% to +15%
Class 1	65% to 100%	Check estimate or pre bid/tender, change order	Construction Documents	Detailed unit cost with detailed take-off	0% to 5%	L: -3% to -5% H: +3% to +10%



The cost estimator makes the determination of the estimate class based upon the maturity level of project definition (design % complete). While the determination of the estimate class is somewhat subjective, the design input data, completeness and quality of the design deliverables serve to make the determination more objective. The cost estimator will make the final determination based on the actual detail provided, which may vary from the AACE Cost Estimating Classification System listed above.

Faithful+Gould recommends the Owner add a 5-10% construction contingency to this estimate to anticipate change orders which occur after the project is under construction. The construction contingency is not part of the construction bid amount, however it should be accounted for when establishing the overall construction budget.

## **10.0** **STATEMENT OF PROBABLE COST OF CONSTRUCTION**

Faithful+Gould has many years experience providing cost consulting services in the construction industry. Historically, the deviation between our construction estimates and the corresponding bid amounts is minimal. However, Faithful+Gould has no control over the method of determining prices adopted by any individual general contractor, subcontractor or supplier. Faithful+Gould cannot control the cost of labor and materials, the bidding environment or other market conditions, and it is not possible to provide any guarantee that proposals, bids, or actual construction costs will not deviate from this or subsequent cost estimates.

Faithful+Gould has prepared this estimate in accordance with widely accepted principles and practices to reflect the fair market value of the project. This estimate is made on the basis of the experience, qualifications, and the best judgment of professional consultants who have gained an expertise in the construction industry. This staff is available to discuss its content with any interested party.

## **11.0** **RECOMMENDATIONS FOR COST CONTROL**

Faithful+Gould recommends that the Owner, Architect and Engineers carefully review this entire document to ensure that it reflects their design intent. Requests for modifications of any apparent errors or omissions to this document should be made to Faithful+Gould within ten (10) working days of receipt of this estimate. Failing same, it will be deemed that the content have been concurred with and accepted.

If this estimate does not correspond to the Owner's budgetary objectives, Faithful+Gould strongly suggests that evaluation of design alternatives/options and/or project procurement options should be made before proceeding further. Faithful+Gould is not responsible for design revision costs in the event that the estimate is in excess of the established budget.

## **12.0** **PROJECT SCOPE CLARIFICATIONS**

*See Estimate details for scope assumption and clarifications.*



## Homeless Service Campus

Aurora, CO

CITY OF AURORA

Class 5: Estimate Level - R1

March 11, 2022



Members of the SNC-Lavalin Group

### 13.0 REFERENCE INFORMATION

#### Use of Information Provided

Faithful+Gould used the following documents and information to prepare the estimate:

#### Drawings & Documents

File Name	Description	Date	Provided by
Executive Summary of ROM _OCT2021	Executive Summary	02/17/22	City of Aurora
Homeless Services Campus-Communications Mock-up	Homeless Services Campus-Communications MOCK UP	02/17/22	City of Aurora
2022 Homeless Shelter Cost Estimate_Summary FULL BUILT OUT	Estimate	02/17/22	City of Aurora
2022 Homeless Shelter Cost Estimate_Summary PARTIAL BUILT OUT	Estimate	02/17/22	City of Aurora
PARCEL N-Fitzsimmons Campus - City of Aurora	Site Plan	02/17/22	City of Aurora
Winter-workshop-slides--LMD edits	Project Slide Show	02/17/22	City of Aurora

#### Specifications and Project Manuals

File Name	Description	Date	Provided by
Market Report	Atkins Market Report	01/05/22	Atkins/F+G
Cost Estimating Guidelines	Cost Estimating Guidelines	01/05/22	City of Aurora

### 14.0 ADDITIONAL INFORMATION/FURTHER ACTION

*Not Applicable*



## 15.0 EXCLUSIONS

**This estimate specifically excludes the following items:**

- Any non-competitive bid or restrictive contract conditions
- Unforeseen or unknown conditions
- Hazardous waste removal costs including asbestos abatement, contaminated soil, etc. and related work, unless otherwise noted
- Work beyond the boundaries of the property
- Feasibility and financing costs
- Owner administrative fees
- Testing fees
- Land acquisition and real estate fees (Unless stated in the detail)
- Owner's field inspection costs
- Owner furnished items and Owner move-in costs
- Items marked on plans as N.I.C.
- Furniture and Equipment beyond that listed in the narrative
- LEED design allowance
- Pre-construction fees
- Project management costs
- Moving costs
- Credit for recycling



## 16.0 VERIFICATION

### Disclaimer

This document and its contents have been prepared and are intended solely for City of Aurora's information and use in relation to project budgeting and not for any individual member of the City of Aurora.

City of Aurora acknowledges that the design of the work for which this statement of probable costs is prepared is incomplete and this opinion of probable costs is not derived from full construction documents for which actual pricing may be obtained. The statement of probable cost is not based upon specific contractor or subcontractor bids, rather the market value of the improvements planned at the time the document was prepared. Specific market forces (including, but not limited to, the ultimate design requirements, code requirements, commodity pricing, and labor availability) may cause the actual bids received to be higher or lower than the probable costs identified herein, potentially by a wide margin. Faithful+Gould expressly disclaims any liability and City of Aurora releases Faithful+Gould under any and all theories of recovery, whether based in contract or in tort, if the actual costs in the future differ from the statement of probable costs contained herein.

Faithful+Gould assumes no responsibility to any party other than City of Aurora, including, but not limited to individual members of City of Aurora, with respect to or arising out of or in connection with this document and/or its contents and there are no third-party beneficiaries created through issuance of this document and/or its contents.

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Authorization
Lead Technical Professional
Lukas Van Schalkwyk - Chief Cost Manager
Project Manager
Russ Burnham - Senior Project Manager
March 11, 2022

**Atkins / Faithful+Gould**

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Denver, CO 80237

Telephone: +1 (303) 221 7275



**CLASS 5 ESTIMATE (Conceptual)**

Public Works Department - City of Aurora

Prepared By: Faithful+Gould/Atkins

**Tower 1 Permanent Supportive Housing - Single/Family, Private RR, Kitchenettes**

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL	NOTES/COMMENTS
<b>Tower 1: 30,000 sqft Permanent Supportive Housing:</b>					
Levels 1-3: includes a mix of Studio and 2-Bedroom Apartments with Private Baths and Kitchenettes (48 single units, 12 family units, 96 beds total)	30,000	GSF	\$ 243.79	7,313,625	
Elevators	1	LSUM	\$ 346,500.00	346,500	
Security & Access control	1	LSUM	\$ 24,750.00	24,750	
<b>Site Construction (Site Dependent)</b>					
Grading/Foundations	30,000	GSF	\$ 11.25	337,500	
Site Utilities	1	LSUM	\$ 200,000.00	200,000	
Curb gutter, parking lot, landscape and irrigation, sidewalk in the ROW	1	LSUM	\$ 247,500.00	247,500	
Site Lighting	1	LSUM	\$ 100,000.00	100,000	
FF&E Allowance (beds, furniture, linens, kitchenware, window treatments, etc.)	1	LSUM	\$ 1,237,500.00	1,237,500	
			<b>Subtotal</b>	<b>\$ 9,807,375</b>	
Minor Contract Revisions (MCR)	30%			\$ 2,942,213	
Mobilization & General Conditions	15%			\$ 1,471,106	
Profit and Overhead (Includes insurance, bonding, profit and overhead)	19%			\$ 1,863,401	
Environmental conditions (asbestos, lead paint, land fill, soil conditions etc.)	10%			\$ 980,738	
Engineering Design	15%			\$ 1,471,106	
AIPP	1%			\$ 98,074	
Utility & Tap Fees	LSUM			\$ 831,250	
CoA Building Review Fees	3.0%			\$ 294,221	Erosion Control on site
Construction Management (CM, CI, MT)	15%			\$ 1,471,106	Professional Services
Contingency	20%			\$ 1,961,475	
			<b>Subtotal</b>	<b>\$ 13,384,690</b>	
<b>PROJECT TOTAL (1Q 2022 Current)</b>				<b>\$ 23,192,000</b>	
				<i>* Rounded</i>	
<b>Projected Escalation</b>					
Project Total Projected Cost (1Q 2023 Start Date)	10.08%			\$ 25,530,000	
Project Total Projected Cost (1Q 2024 Start Date)	7.78%			\$ 27,516,000	
Project Total Projected Cost (1Q 2025 Start Date)	6.34%			\$ 29,261,000	
				<i>* Rounded</i>	

**Estimating Notes:**

Assume all above rate include all "Contractors" Mark-up, OH &amp; Fees".

Maintenance cost N/A (Yearly)



**CLASS 5 ESTIMATE (Conceptual)**

Public Works Department - City of Aurora

Prepared By: Faithful+Gould/Atkins

**Day Resource Center, Commercial Kitchen, Office, Multipurpose**

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL
<b>Tower Connector: 20,000 sqft Day Resource Center, Kitchen, Dining, Office, Multipurpose:</b>				
Level 1: Multipurpose/Open Dining	6,200	SF	\$ 278.44	1,726,313
Commercial washer and dryer	12	EA	\$ 7,022.81	84,274
Commercial Laundry	1,000	SF	\$ 266.06	266,063
Commercial Kitchen and Dining- exhaust system, grease trap, ventilation, fire protection	2,800	SF	\$ 309.38	866,250
Kitchen appliances- coffee urn, dishwasher, freezer, refrigerator, food warmer, range and oven, broilers, fryers, etc.	1	LSUM	\$ 150,000.00	150,000
Level 2: Offices, Conference, Storage	4,200	SF	\$ 204.19	857,588
Level 2: Multipurpose	5,800	SF	\$ 241.31	1,399,613
Elevator	1	LSUM	\$ 241,312.50	241,313
Security & Access control	1	LSUM	\$ 18,562.50	18,563
<b>Site Construction (Site Dependent)</b>				
Grading/Foundations	20,000	GSF	\$ 11.25	225,000
Site Utilities	1	LSUM	\$ 135,000.00	135,000
Curb gutter, parking lot, landscape and irrigation, sidewalk in the ROW	1	LSUM	\$ 160,000.00	160,000
Site Lighting	1	LSUM	\$ 65,000.00	65,000
FF&E Allowance (beds, furniture, linens, kitchenware, window treatments, etc.)	1	LSUM	\$ 742,500.00	742,500
			Subtotal	\$ 6,937,474
Minor Contract Revisions (MCR)	30%		\$	2,081,242
Mobilization & General Conditions	15%		\$	1,040,621
Profit and Overhead (Includes insurance, bonding, profit and overhead)	19%		\$	1,318,120
Environmental conditions (asbestos, lead paint, land fill, soil conditions etc.)	10%		\$	693,747
Engineering Design (including Kitchen Designer)	25%		\$	1,734,368
AIPP	1%		\$	69,375
Utility & Tap Fees	LSUM		\$	831,250
CoA Building Review Fees	3.0%		\$	208,124
CoA Building Permit Fees	LSUM		\$	89,063
Construction Management (CM, CI, MT)	15%		\$	1,040,621
Contingency	20%		\$	1,387,495
			Subtotal	\$ 10,494,026
<b>PROJECT TOTAL (1Q 2022 Current)</b>				\$ 17,432,000
				* Rounded
<b>Projected Escalation</b>				
Project Total Projected Cost (1Q 2023 Start Date)	10.08%		\$	19,189,000
Project Total Projected Cost (1Q 2024 Start Date)	7.78%		\$	20,682,000
Project Total Projected Cost (1Q 2025 Start Date)	6.34%		\$	21,993,000
				* Rounded

**NOTES/COMMENTS**

Erosion Control on site

Professional Services

**Estimating Notes:**

Assume all above rate include all "Contractors" Mark-up, OH &amp; Fees".

Maintenance cost N/A (Yearly)



## CLASS 5 ESTIMATE (Conceptual)

Public Works Department - City of Aurora

Prepared By: Faithful+Gould/Atkins



### Tower 2 Temporary Support - Single and Family Units with Shared Restrooms and Kitchens

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL	NOTES/COMMENTS
<b>Tower 2: 40,000 sqft Temporary Support Shelter &amp; Medical /Crisis Support:</b>					
Level 1: Medical Single Rooms and Crisis Stabilization (10 beds, 5000 sqft Medical)	7,500	GSF	\$ 433.13	3,248,438	
Level 2-4: includes a mix of unit sizes that can accommodate a family or up to 4 unrelated adults. Shared Restrooms, Residential Style Kitchens, Living Room Spaces on each floor. (390 beds)	32,500	GSF	\$ 340.31	11,060,156	
Elevators	1	LSUM	\$ 804,375.00	804,375	
Security & Access control	1	LSUM	\$ 61,875.00	61,875	
<b>Site Construction (Site Dependent)</b>					
Grading/Foundations	40,000	GSF	\$ 11.25	450,000	
Site Utilities	1	LSUM	\$ 265,000.00	265,000	
Curb gutter, parking lot, landscape and irrigation, sidewalk in the ROW	1	LSUM	\$ 315,000.00	315,000	
Site Lighting	1	LSUM	\$ 300,000.00	300,000	
FF&E Allowance (beds, furniture, linens, kitchenware, window treatments, etc.)	1	LSUM	\$ 2,100,000.00	2,100,000	
Demolition of existing building structures (Parcel N) Allowance	1	AL	\$ 750,000.00	750,000	
			<b>Subtotal</b>	<b>\$ 19,354,844</b>	
Minor Contract Revisions (MCR)	30%			\$ 5,806,453	
Mobilization & General Conditions	15%			\$ 2,903,227	
Profit and Overhead (Includes insurance, bonding, profit and overhead)	19%			\$ 3,677,420	
Environmental conditions (asbestos, lead paint, land fill, soil conditions etc.)	10%			\$ 1,935,484	
Engineering Design	25%			\$ 4,838,711	
AIPP	1%			\$ 193,548	
Utility & Tap Fees	LSUM			\$ 831,250	
CoA Building Review Fees	3%			\$ 580,645	
Construction Management (CM, CI, MT)	15%			\$ 2,903,227	
Contingency	20%			\$ 3,870,969	
			<b>Subtotal</b>	<b>\$ 27,540,934</b>	
<b>PROJECT TOTAL (1Q 2022 Current)</b>				<b>\$ 46,896,000</b>	
					* Rounded
<b>Projected Escalation</b>					
Project Total Projected Cost (1Q 2023 Start Date)	10.08%			\$ 51,623,000	
Project Total Projected Cost (1Q 2024 Start Date)	7.78%			\$ 55,639,000	
Project Total Projected Cost (1Q 2025 Start Date)	6.34%			\$ 59,167,000	
					* Rounded

#### Estimating Notes:

Assume all above rate include all "Contractors" Mark-up, OH & Fees".

Maintenance cost N/A (Yearly)

Erosion Control on site  
Professional Services



## Homeless Service Campus

Aurora, CO

CITY OF AURORA

Class 5: Estimate Level - R1

March 11, 2022

**ATKINS**

FAITHFUL+GOULD

Members of the SNC-Lavalin Group

# APPENDIX #1



## COST ESTIMATING GUIDELINES-CONSULTANTS

### INTRODUCTION

This guideline establishes general cost estimating procedures to be followed by the Consultants who prepare project cost estimates for the Department. These guidelines are to be applied during the submission to the Utilities Department for CIP preparation and during the planning and design phase. The intent of this guideline is to set standards for the Consultant's to use in the development of the cost estimates so as to achieve uniformity in the development of the project cost estimates, and to facilitate review by various participants. In complying with this Guideline, it is expected that the Consultant's will apply the best estimating practices in the consulting and construction industries. Consultants need to be aware that cost estimates are prepared primarily for internal use and shall be treated with reasonable confidentiality; distribution is typically only to the Utilities Department staff and associated Consultant.

Estimates prepared by the Consultant shall account for the current climate of the construction industry on the Front Range. The intent is to avoid overly conservative estimates.

### DEFINITION AND TYPES OF COST ESTIMATES

The Utilities Department utilizes the American Association of Cost Engineer's International (AAECI) definition of Estimate Classes. Each cost estimate shall be defined to correspond with the type and project definition status. The cost estimate shall include an assessment of the difficulties inherent in the specific construction work and shall document the determination of productivity, production and pricing associated with preparation of the cost estimates. This shall include, but is not limited to such factors as: labor conditions, construction equipment, construction supervision, material costs and equipment installation costs. All reasonable costs, which a contractor is expected to incur, shall be included. The project definition classes, as defined by the American Association of Cost Engineer's International, are as follows:

Class 5	Conceptual
Class 4	Study or Planning
Class 3	Analysis or Preliminary Design
Class 2	Control or 50-70% Design
Class 1	Final Definition or 100% Design

Each Class carries its own level of contingency based upon the level of risk associated with the corresponding level of project definition. A general definition of contingency from AACCI's Standard 10S-90 is provided here:

**“Contingency** is an amount added to an estimate to allow for unknown items, conditions, or events that experience shows will likely occur. Typically



estimated using statistical analysis or judgment based on past project experience. Contingency usually excludes;

- 1) major scope changes such as changes in end product specification, capacities, and location of the project
- 2) Extraordinary events such as major strikes and earthquakes
- 3) Escalation and currency effects.”

The range of accuracy of the cost estimates as defined by AACEI follows:

- Class 5 cost estimates (conceptual) shall be between 200% – 50% (+100% to -50%) of the anticipated bid price.
- Class 4 cost estimates (planning level) shall be between 150% – 70% (+50% to -30%) of the anticipated bid price.
- Class 3 cost estimates (preliminary design) shall be between 130% – 85% (+30% to -15%) of the anticipated bid price.
- Class 2 cost estimates (50% to 70% design completion) shall be between 120%-90% (+20% to -10%) of the anticipated bid price.
- Class 1 cost estimates (90% design completion and later-submittals) shall be between 115% – 95% (+15% to -5%) of the anticipated bid price.

The following minimum allowances shall be used in preparation of cost estimates for the Utilities Department’s CIP estimates (allowances are for known cost items that cannot be quantified because of lack of detail):

- **Conceptual** level estimates to use a **40%** allowance.
- **Planning** level estimates to use a **30%** allowance.
- **Preliminary** design estimates to use a **20%** allowance.
- **50% design** estimates to use a **15%** allowance.
- **Final Plans and Specifications** estimates to use an allowance of **10%**.

If those preparing the cost estimate feel that a contingency higher than those defined above is appropriate for a specific project, that higher contingency should be utilized. The rationale for using the higher contingency must be documented.

For each cost estimate prepared, the Consultant is required to identify any deviation from the previous cost estimates and provide an explanation of differences between the estimates. The variance in cost (over or under) from the previous estimate shall be identified at the cost item level with subsequent inclusion in the summary level of the cost estimate. Detail and summary reports shall reflect the variances with notations for each item. This shall include any changes in design scope, with identification of cost increase for each change. The Consultant is expected to participate in Cost Estimate Review Meetings with the Utilities Department staff for the purpose of cost estimate reconciliation and discussion of each party’s respective cost estimate.



## **BASIS OF COST ESTIMATE**

The Consultant is expected to document the basis of the construction cost estimate. This should include lists of drawings and specifications, quantities, equipment lists, qualifications, assumptions, inclusions, exclusions, and a brief narrative to properly define the respective cost estimate with respect to the current design completion and construction approach used in developing the cost estimate. For example, it is expected that the 50 percent design cost estimate may base the cost of electrical and instrumentation and controls as a percent of construction cost for the individual processes or areas. However, 90 percent and Final Plans and Specifications cost estimates shall be based on detailed quantity takeoff and pricing for electrical and instrumentation and controls.

The Consultant shall provide a quantity takeoff with each applicable cost estimate and define the unit cost (pricing) data used to calculate/extend the respective line items. It is expected that the quantity takeoff will be adjusted between the initial and final cost estimates. For pricing, the Consultant may use industry cost databases or may use estimates on unit costs developed specifically for the project. It is critical that the Consultant clearly define their cost sources on which the pricing was based. This includes indirect costs, and direct costs for labor, material, equipment, subcontractors, and suppliers. Escalation and sales tax shall be shown separately as line items. The amount of escalation used shall be determined by taking the Engineering News Record (ENR) construction cost index (CCI) for Denver at the time the cost estimate is prepared and escalating it to the midpoint of construction. It is expected that the escalation rate will be between 3 percent and 5 percent per year. The ENR CCI used shall be identified on all cost estimates. Cost allowances and cost contingencies are to be shown separately with a definition of what items are included in the allowances and contingencies.

The Consultant is expected to identify all major material and equipment costs with supporting written price quotations from suppliers included as backup to each estimate. These quotations are to be supplied in written form by manufacturers and/or suppliers. Minor equipment costs may be documented by written telephone quotations. All backup information shall be neatly bound and sorted in the order used in the estimate. An index shall be provided identifying the support material.

All costs for engineering, land, legal, construction management, finance, or other City related items should be excluded from the construction cost estimates. However, the Consultant shall provide recommendations to the Utilities Department for cost allowances for this other related costs so the Department can arrive at a Total Project Cost for budgeting and financing purposes.



## REPORT FORMAT REQUIREMENTS AND COMPONENTS OF THE ESTIMATE

The design level cost estimates shall follow the Construction Specifications Institute (CSI) format. The format of the cost estimate shall allow for detailed, as well as summary presentation, of the project costs. It is expected that the breakdown of costs will facilitate review, comments, and reconciliation of cost estimates with other project team members. The cost estimating system used shall have summarization, sorting and selecting capabilities for Major Component and items such as category of work, materials, and CSI codes. Major Component items include such items as process areas, structures, buildings, pipeline segments, and specialty items like instrumentation, HVAC, architectural treatments, and landscaping. The Consultant shall provide a sample format of their cost estimating product, identifying proposed Major Components, to the Utilities Department for review before initiating cost estimating activities. The Utilities Department may request modifications to the cost estimate reports.

The CSI Divisions to be used are as follows:

Division 1	–	General Requirements
Division 2	–	Sitework
Division 3	–	Concrete
Division 4	–	Masonry
Division 5	–	Metals
Division 6	–	Carpentry
Division 7	–	Thermal and Moisture Protection
Division 8	–	Doors and Windows
Division 9	–	Finishes
Division 10	–	Specialties
Division 11	–	Equipment
Division 12	–	Furnishings
Division 13	–	Special Construction
Division 14	–	Conveying Systems
Division 15	–	Mechanical
Division 16	–	Electrical
Division 17	–	Instrumentation and Control.

The Consultant shall prepare cost estimate reports summarizing the total cost, quantities of materials, and unit costs for materials and installation. This information shall be supported by detail that breaks down the cost components by:

- Labor
- Material
- Equipment
- Other

Costs associated with items defined as “allowances”, “contingency”, and “profit” shall be calculated as a percentage of total cost for the above cost components. These costs shall be shown as separate line items in the cost estimate.



The following reports shall be developed and submitted with each cost estimate:

- Summary Cost Estimate Report Sorted by CSI Section Number
- Detail Cost Estimate Report Sorted by CSI Section Number
- Summary Cost Estimate Report Sorted by Major Component Item
- Detail Cost Estimate Report Sorted by Major Component Item and CSI Selection Number
- Quantity Takeoff Summary Report Sorted by CSI Section Number
- Quantity Takeoff Detail Sheet Sorted by Major Component Item with Dimensions and Units Shown.

As part of each cost estimate, the Consultant shall provide documentation of the sources, methods, and procedures used to develop the cost estimates. Some examples of possible source documentation are:

- R.S. Means cost database index for concrete, site work and mechanical, etc., for unit labor costs.
- Pipe Quotation from XYZ Inc. dated \_\_\_\_\_.
- Air Compressor Quotation from XYZ Inc. dated \_\_\_\_\_, with estimated installation (labor) and operator training requirements.
- In-house historical unit cost rates from completed projects. These projects are: (list projects).
- Attached details, sections, and sketches utilized to perform typical quantity takeoffs for \_\_\_\_\_.
- Construction equipment costs obtained from the "Contractor's Equipment Cost Guide", published by Dataquest.

#### **USE OF COMPUTERIZED COST ESTIMATING SYSTEM SOFTWARE AND SUBMISSION OF ELECTRONIC DATA**

The Consultant is expected to use a computerized cost estimating software package to generate cost estimates. The system should clearly identify the various cost categories, types, codes, standard calculations, and defaults. A written description of the system should be included as a reference to further explain the technical functions and calculations of the software.



## Faithful+Gould Services

Advisory Services

ePM (PPMC)

Project Assurance

Public Private Partnerships

Risk Management

Value Management

Time on Tools®

Cost Estimating

Construction Intelligence

Construction Management

Project Controls

Scheduling Management

Cost Management

Owner's Representation

Program Management

Project Management

Strategic Facility Consulting

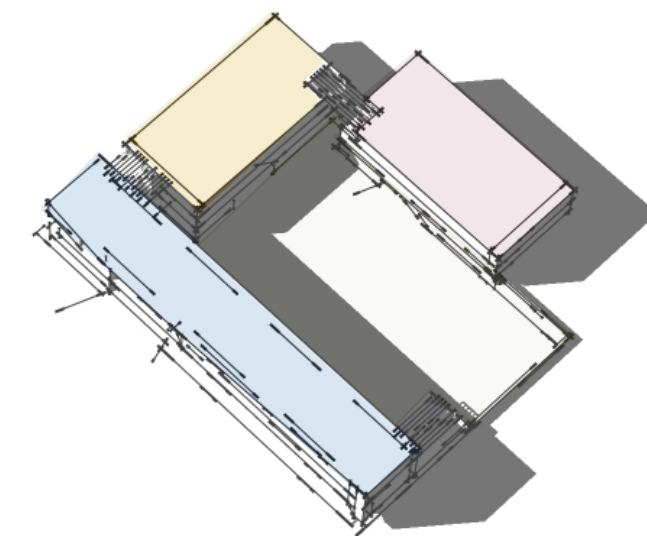
Initial Outfitting and Transition (IOT)





# City of Aurora Homeless Campus

Program Phasing Study







## City of Aurora Homeless Campus Program

### TOWER I

Permanent Supportive Housing

30,000 SF // 96 Beds

Permanent 1-2 Bedroom Units

Include Private Bathrooms and Kitchenettes

48 Single Units / 12 Family Units

### TOWER II

Temporary Support Shelter & Medical/Crisis Support

40,000 SF // 390 Beds

Shared Rooms Meant for Temporary Support

Include Communal Bathrooms, Laundry, Dining, and Living Facilities

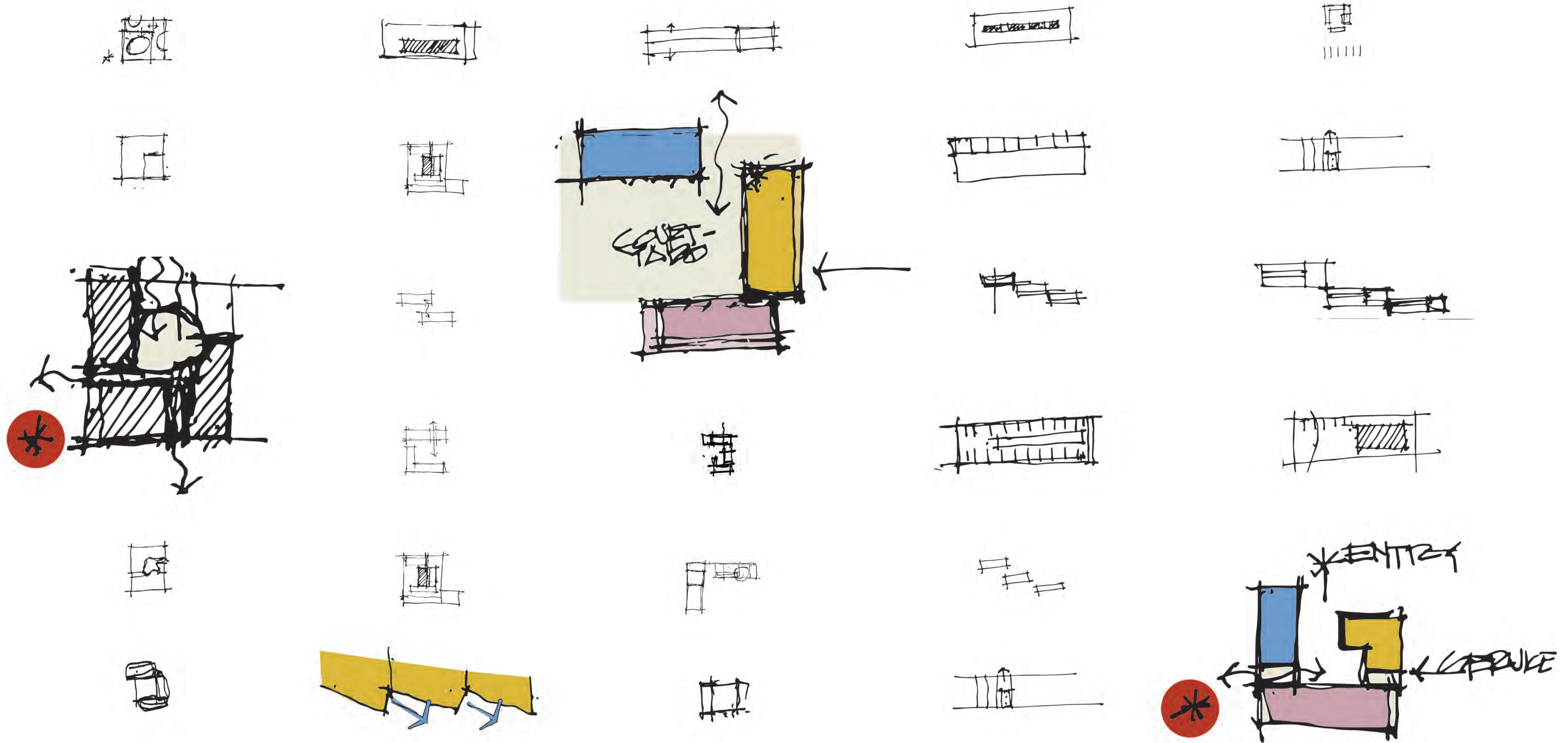
### TOWER CONNECTOR

Day Resource Center

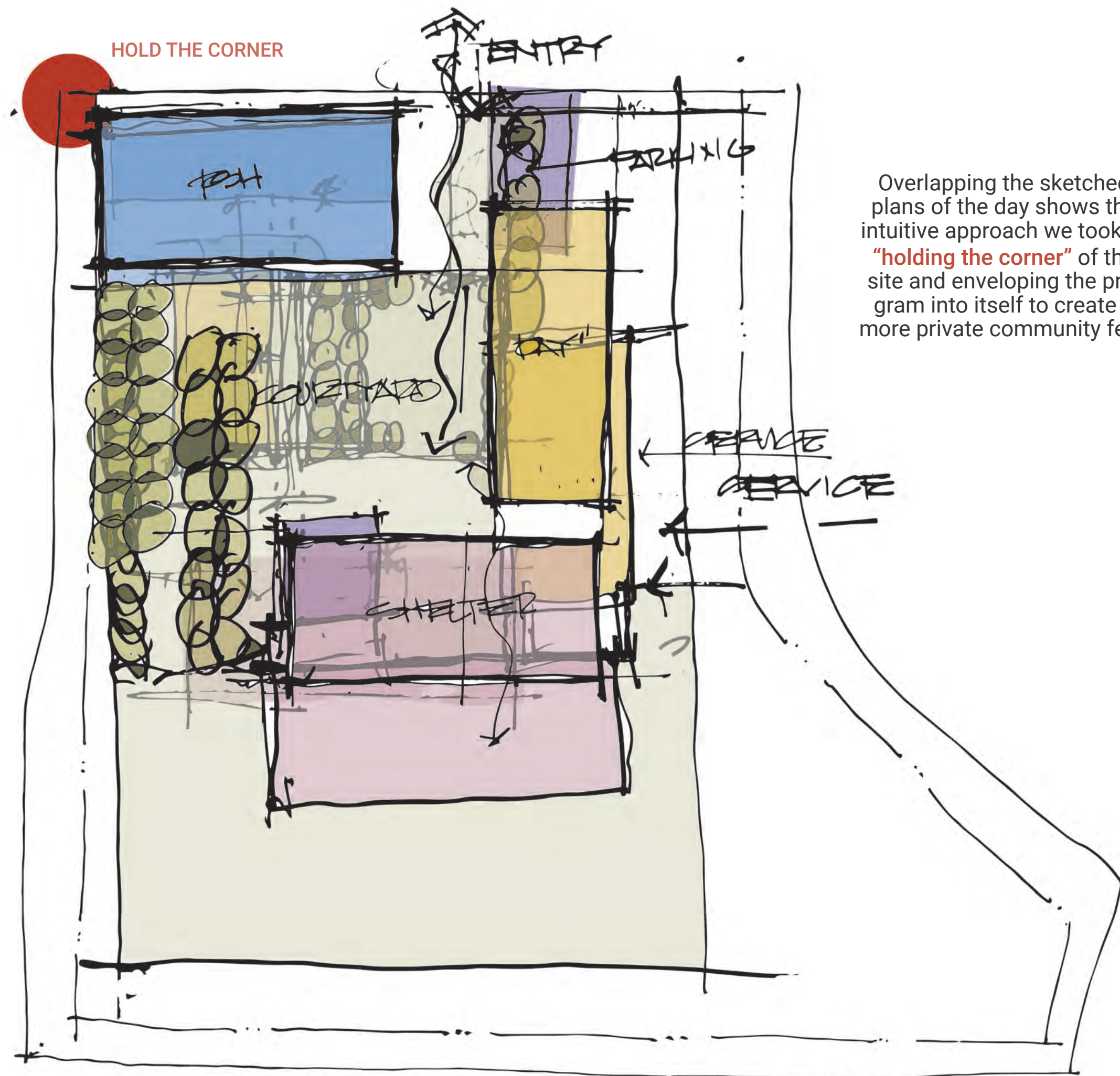
20,000 SF

Kitchen, Dining, Multipurpose & Laundry Facilities

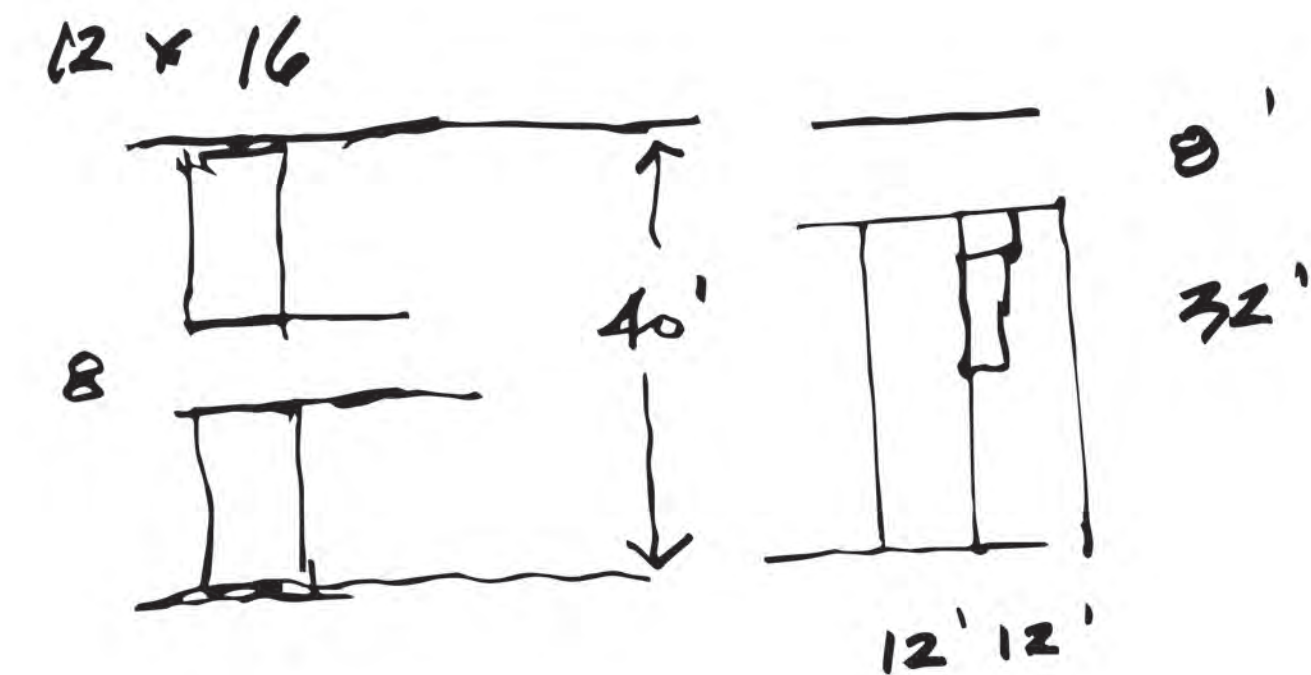








Overlapping the sketched plans of the day shows the intuitive approach we took to **"holding the corner"** of the site and enveloping the program into itself to create a more private community feel.



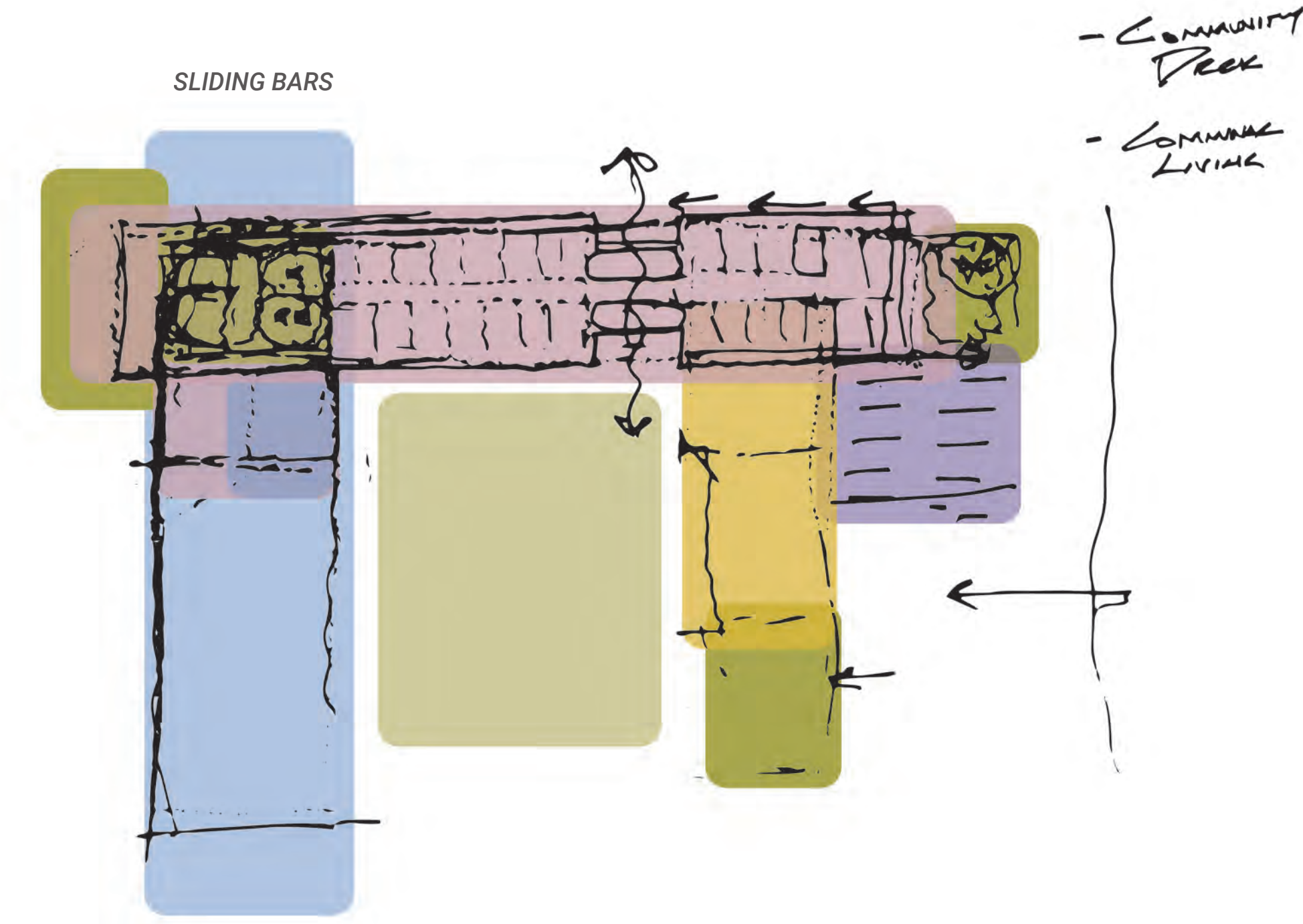
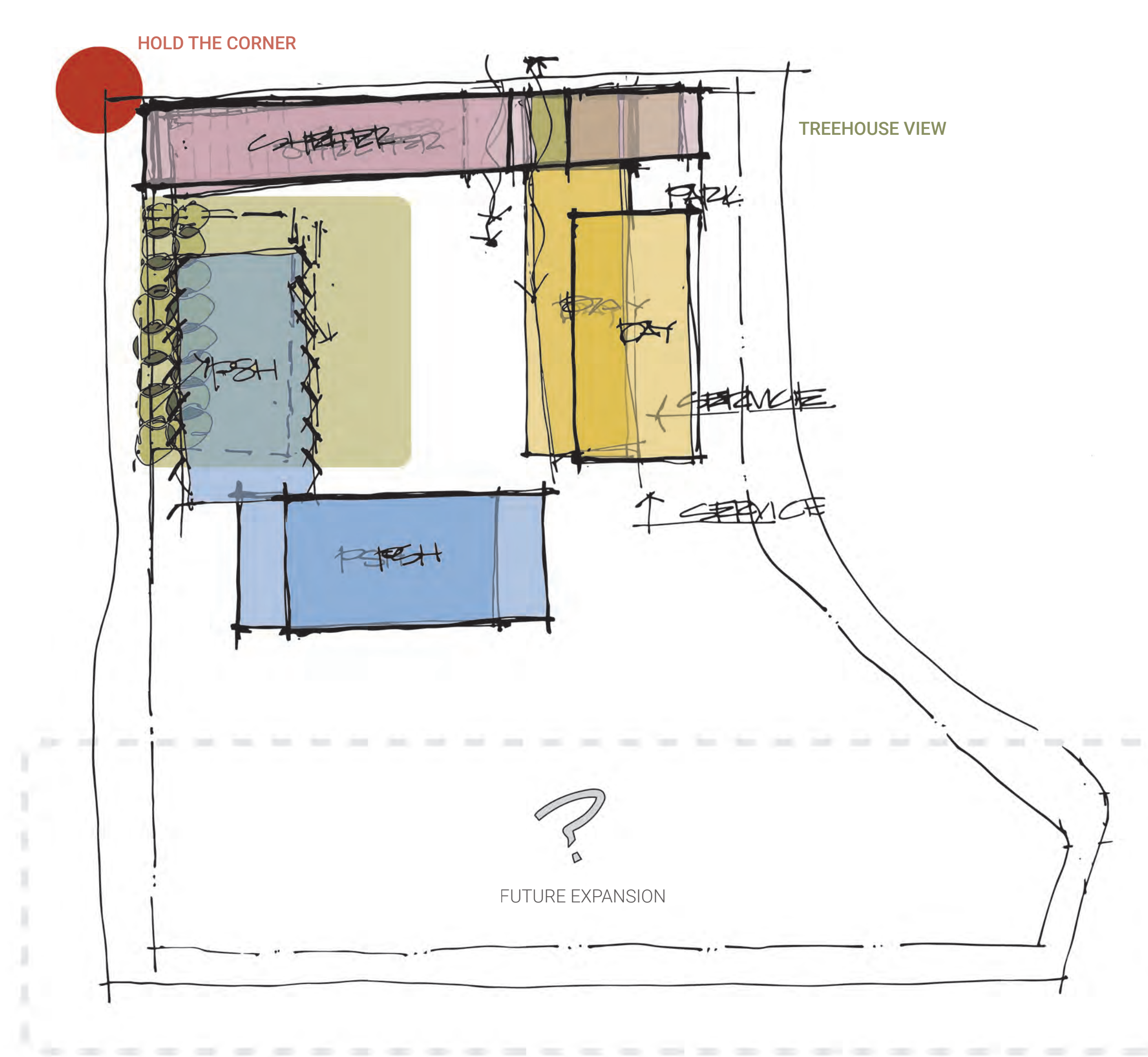
### Long Bar Approach

After a morning of sketching, we came to the realization of altering the shelter units to be thinner, and, therefore, inherently temporary spaces. The result of this modulation was the massing of Shelter Program as a long thin bar. This dorm style approach to units 16 foot in length with a long spanning corridor maximizes the possibility of community interaction, increased energy savings, and leaves remaining space on the site for future expansion.



CONTIGUOUS LIVING COMMUNAL COURTYARDS





*Module Exploration*

In addition to creating a more visually appealing form, breaking down the shelter units into their thinnest forms allowed us to maximize possibilities of daylighting into each space, and provide each unit with a “treehouse view” of surrounding courtyard, campus, and communal spaces.

We began sliding the stacked floors of programmatic bars over one another to suggest where these community living rooms, family-oriented rooftop decks, and shared courtyards could begin to appear.



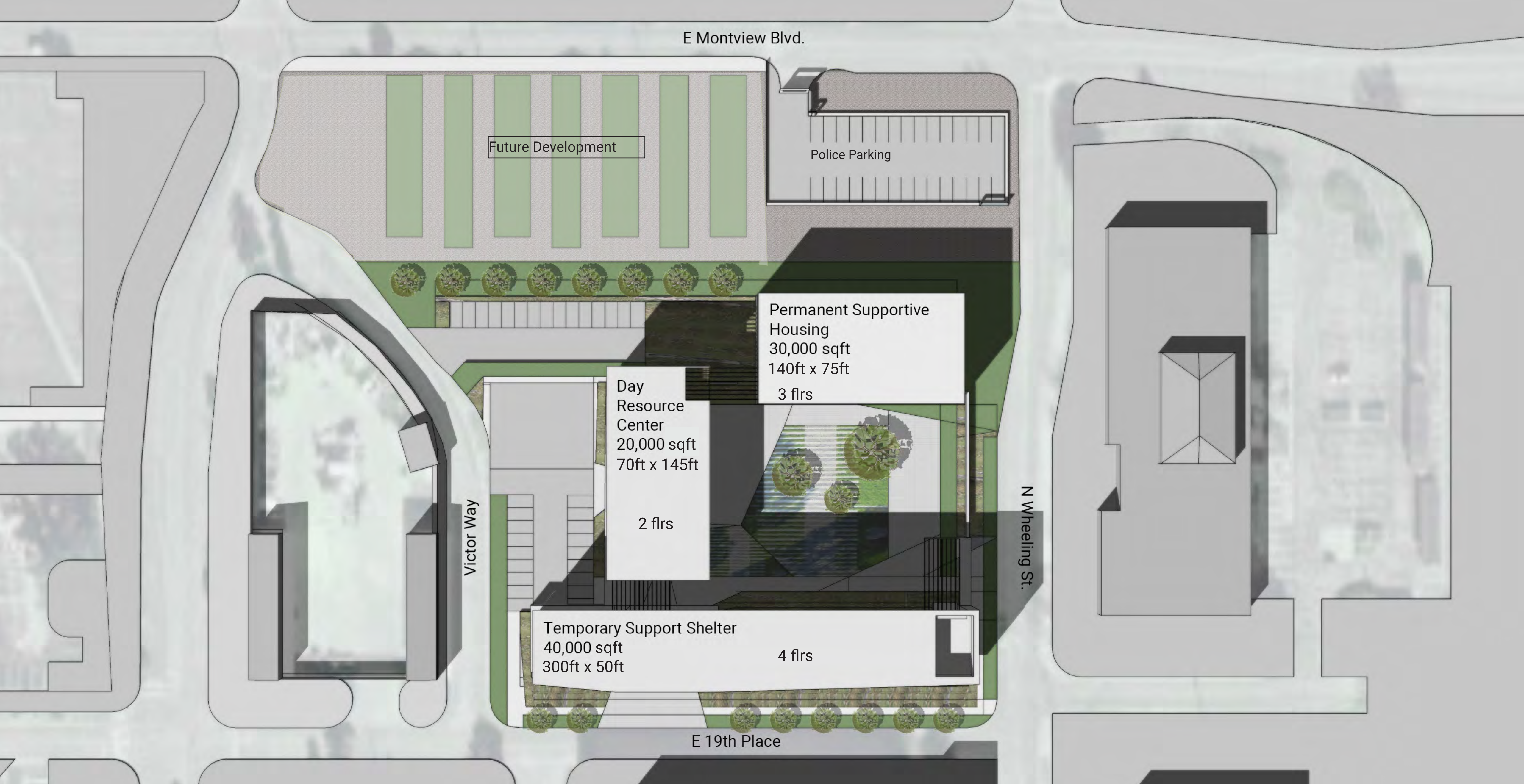
COMMUNITY COURTYARD CONNECTION

CONTIGUOUS LIVING COMMUNAL COURTYARDS

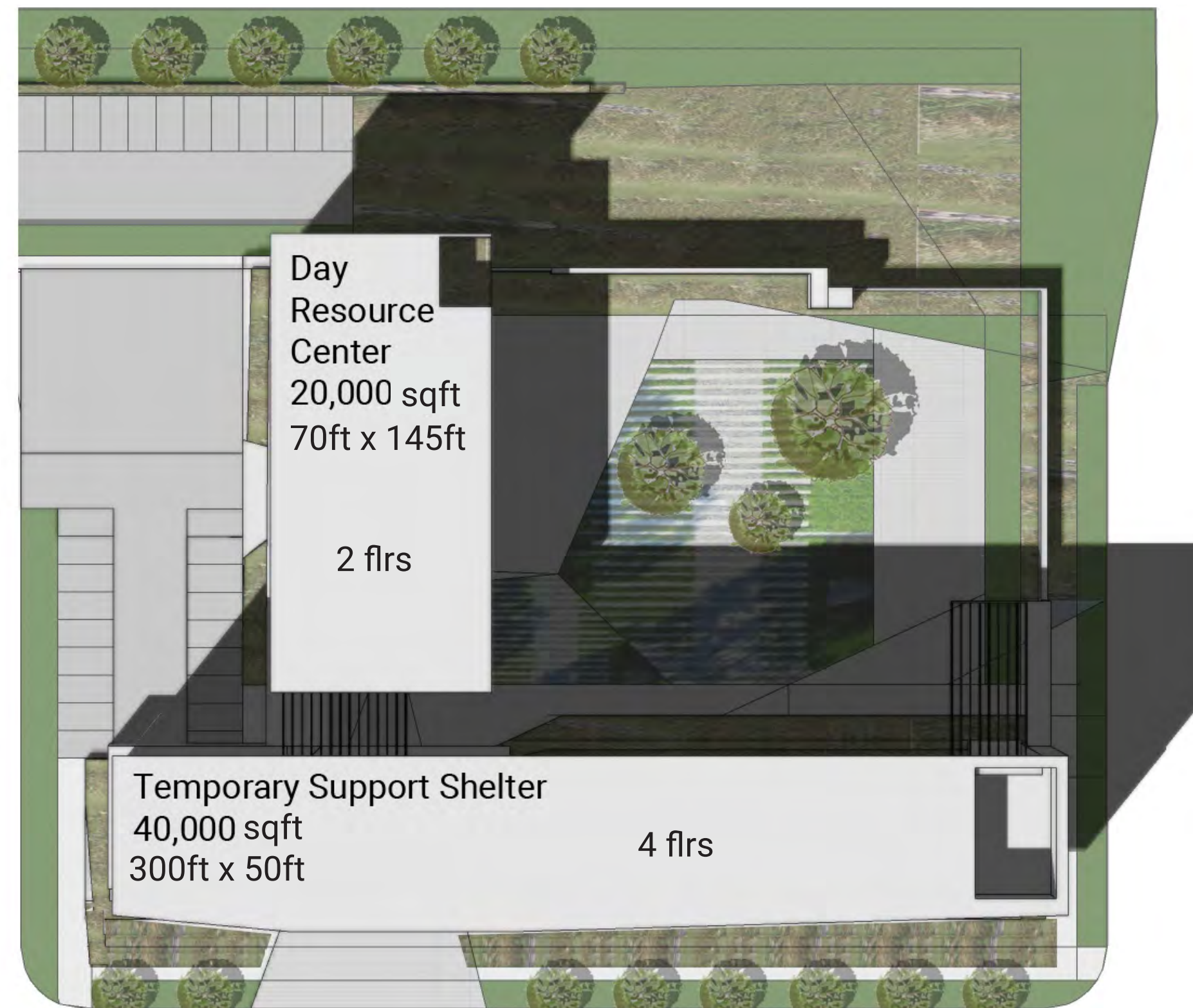




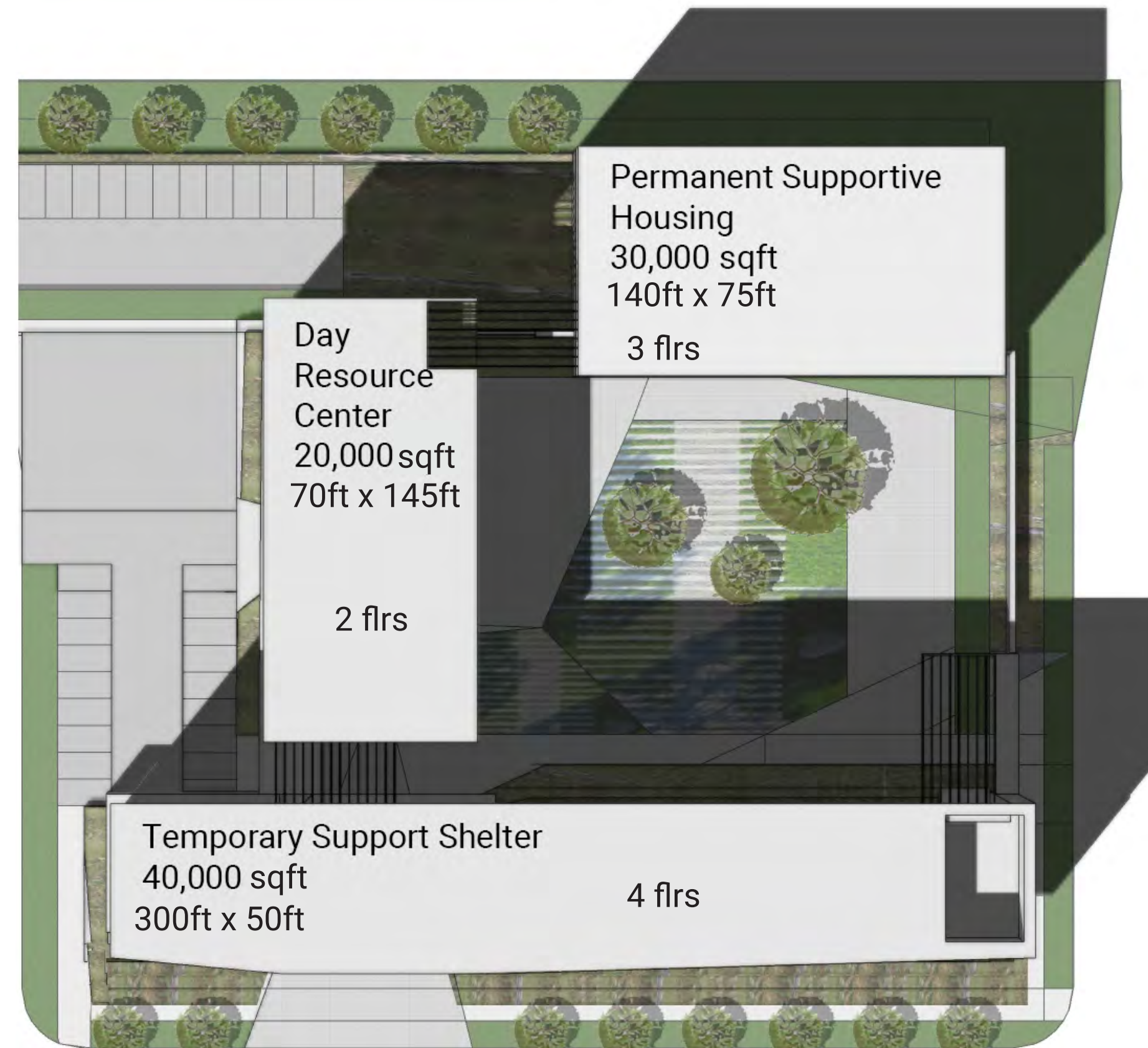




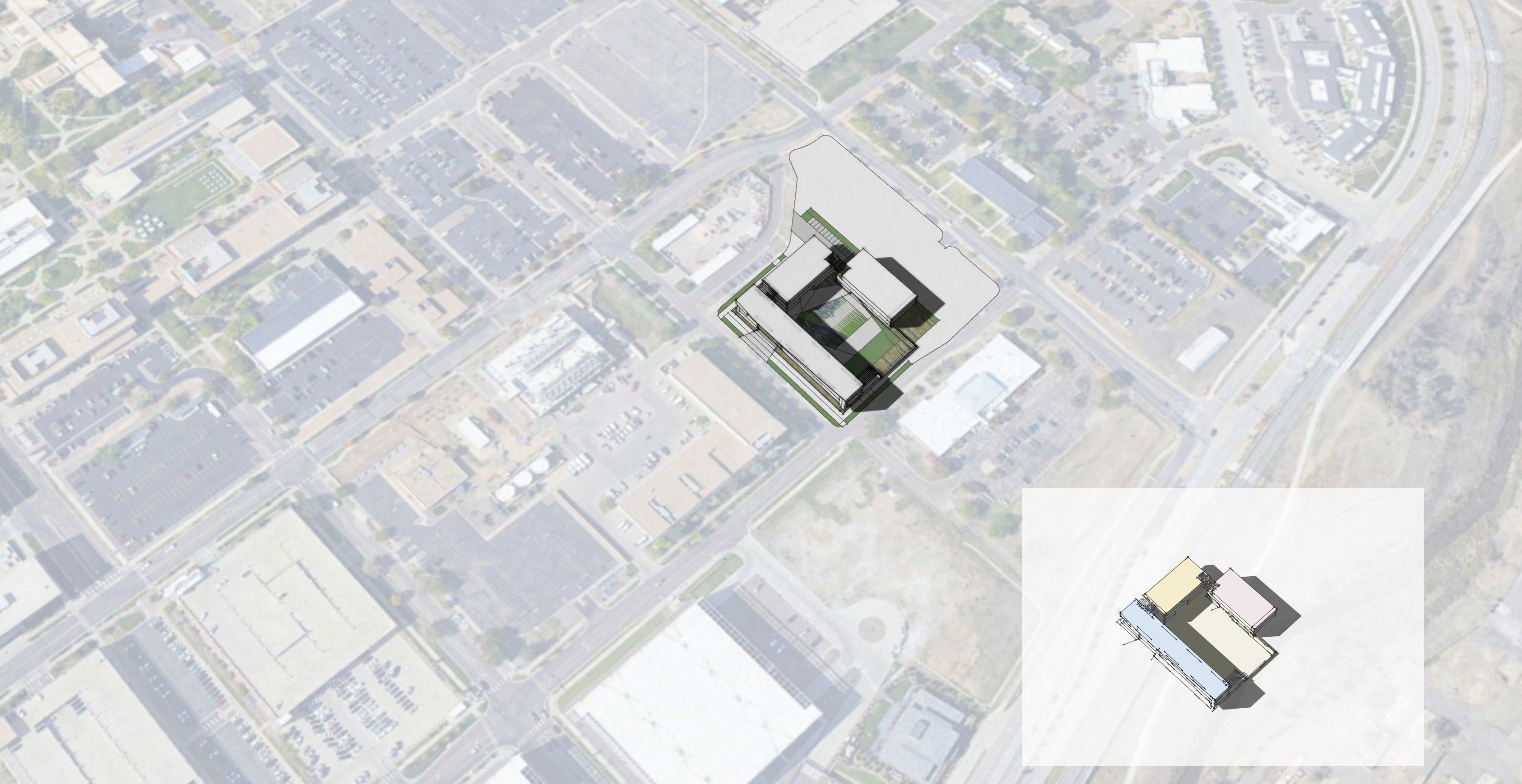




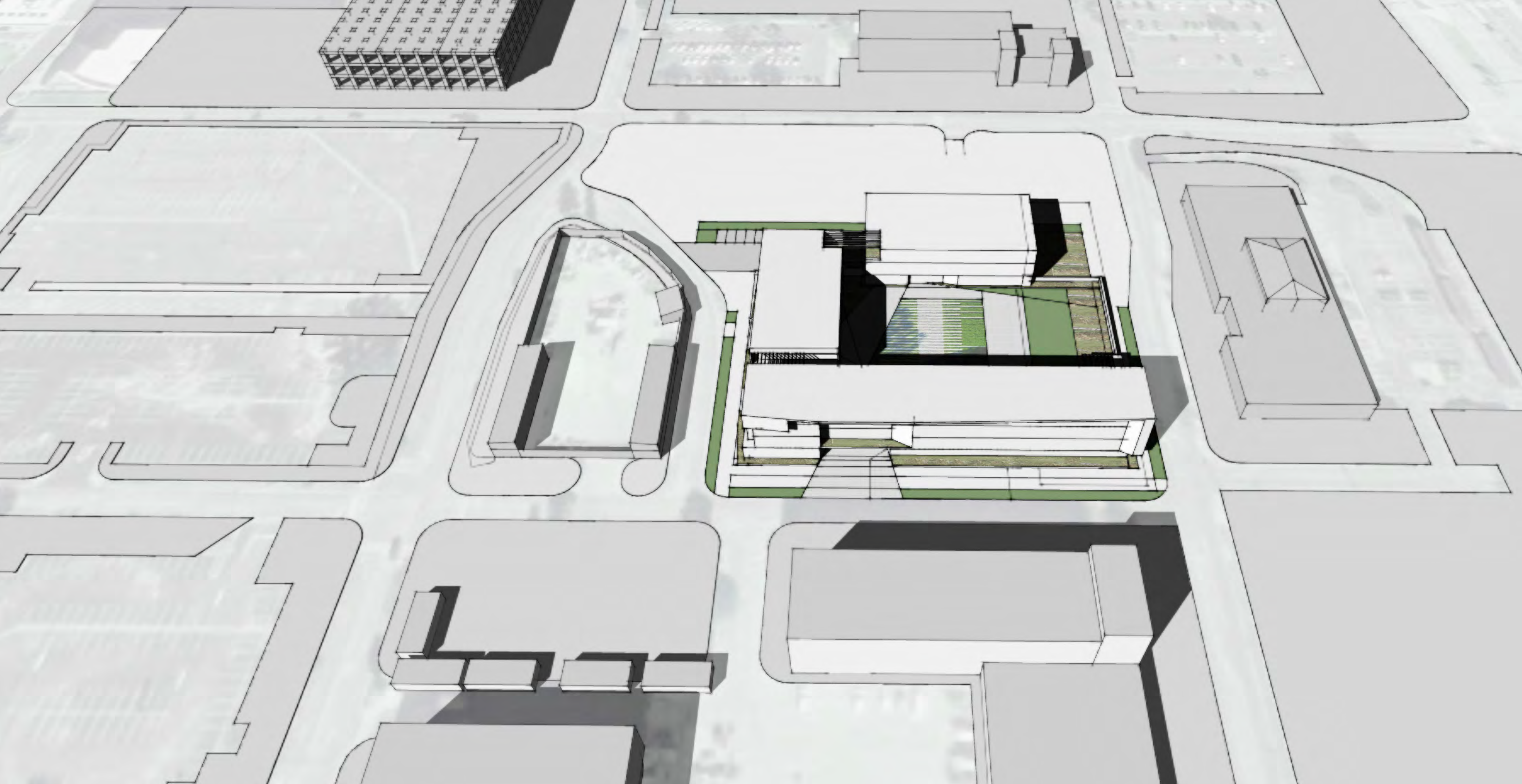




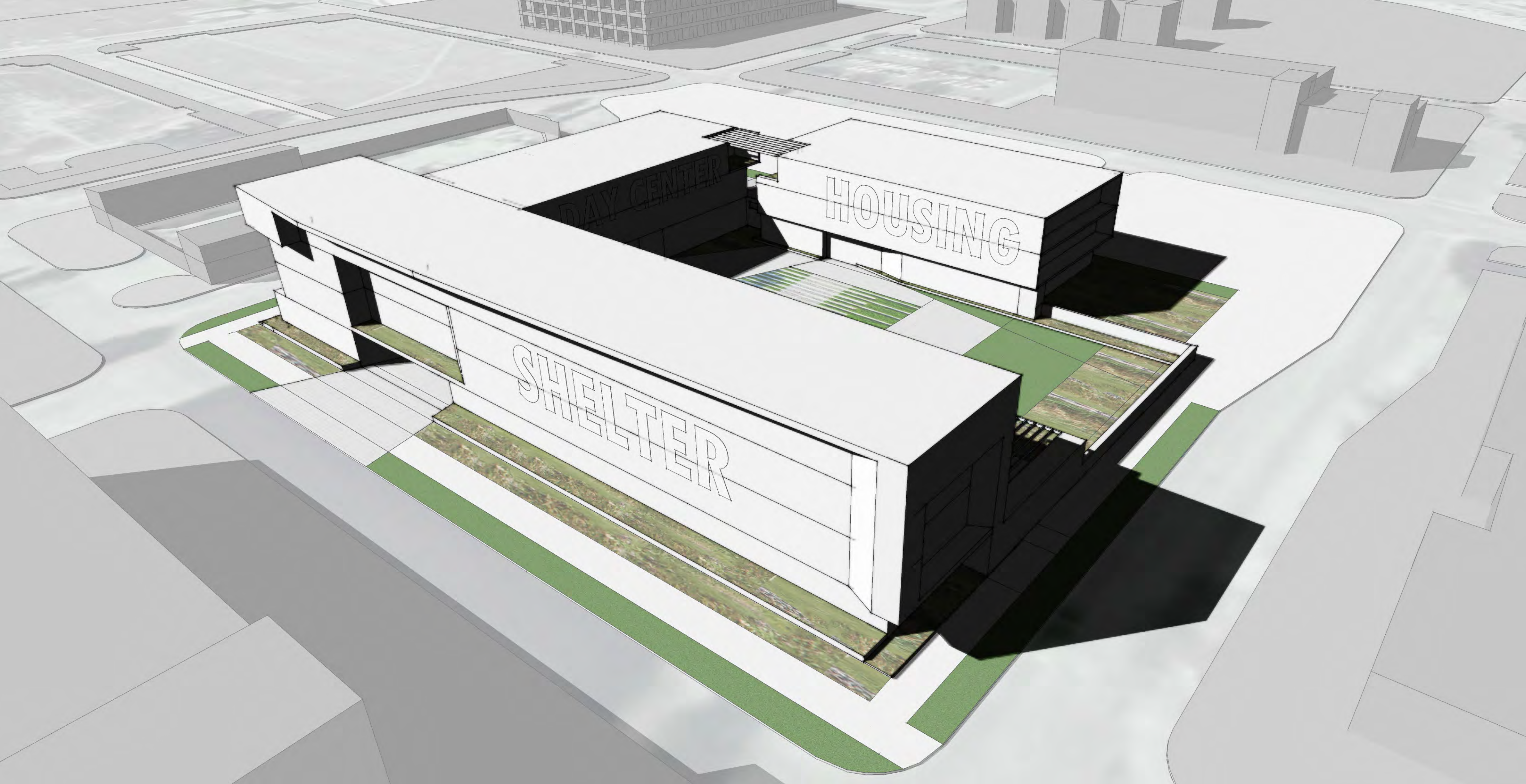














	<b>Short T</b>	
	<b>Short T</b>	
	<b>Hotel/Motel Vouchers</b>	<b>ADRC Open 24/7 Year Around</b>
<b>Initial Cost to Become Operational</b>	\$60.00, per night	\$750,000.00
<b>Annual Staffing/Supply Cost (on-going per year cost)</b>	\$2,115,000.00	\$1,350,000.00
<b>How many people does this shelter</b>	up to 150	75
<b>Cost Per Person, Per Day for 1 year</b>	\$68.63	\$76.71
<b>Congregate or Non-Congregate</b>	Non-Congregate	Congregate
<b>How long does it take to become operational?</b>	1-2 months	1-2 months
<b>Is there the opportunity to leverage other resources?</b>	No	No



Term Shelter Solutions			
Term Sheltering Options			
Heated Ice Fishing Tents	Pallet Shelters	Leased Warehouse (temporary)	Purchased Warehouse (permanent)
\$500,000.00	\$1,150,000.00	\$2,500,000.00	\$5,175,000.00
\$1,450,000.00	\$1,450,000.00	\$2,430,000.00	\$2,430,000.00
30-60	30-60	125	up to 150
\$118.72	\$158.00	\$108.05	\$138.90
Non-Congregate	Non-Congregate	Congregate	Congregate
2 Months	2-3 Months	6-8 months	12 months
No	No	No	No



Long Term Shelter Solutions		
Long-Term Sheltering Options		
Purchased Office Building	Purchase of a Hotel/Motel	New Shelter and Day Facility
\$4,800,000.00	\$5,000,000.00	\$76,321,000.00
\$2,115,000.00	\$2,115,000.00	\$6,000,000.00
up to 150	up to 150	300
\$126.30	\$129.95	TBD- long term solution
Non-Congregate	Non- Congregate	Congregate
12 months	12 months	2 years
No	Yes	Yes



# All Listings by Size

## Office & Warehouse

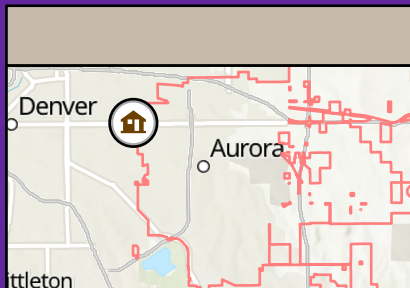
Map #	Property Address	Land Size	Bldg Size	Listing Price	Occupancy Rate	Current Use	Zoning	Comments
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## Land

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6	Jewell Ave @ E-470	18.8	Vacant	Commercial	\$4,053,693	
5	E Jewell Ave @ S Rome Way	15.45	Vacant	Industrial	\$4,038,000	OPTION #1 BULK Sale \$6.00 SF - "AS IS"; OPTION #2 BUILD READY \$8.50 SF
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15	14265 - 14295 E 32nd Pl	6.91	Vacant	I-1 AND MU-C	CALL FOR PRICING	2 lots sold together
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37	1900 S Chambers Rd.	2	Vacant	R2M	CALL FOR PRICING	Entitled for 51 multifamily units

## Other Outside Aurora - Warehouse

Map #	Property Address	Land Size	Building Size (sq ft)	Zoning	Listing Price	Comments
3	12555 E 39th Ave	7.00 AC	91625	I-B	12985000	5 acres fenced
4	12770 E 38th Ave	1.70 AC	40000	IB	6375000	
13	12790 E 38th Ave	1.80 AC	40000	IB	5975000	



## City of Aurora, CO Public Works Office, Warehouse, and Land Listings



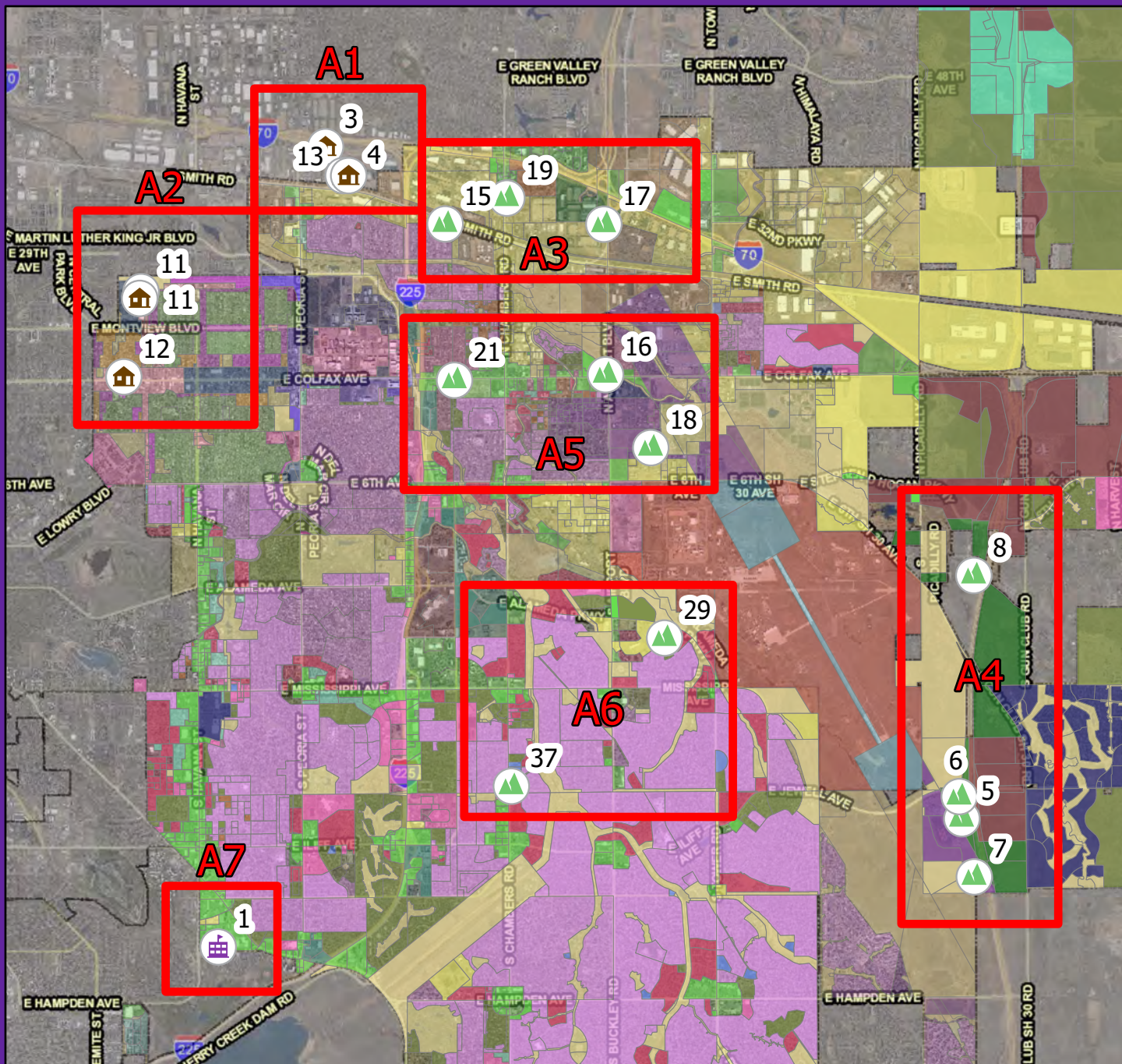
Tuesday, March 22, 2022



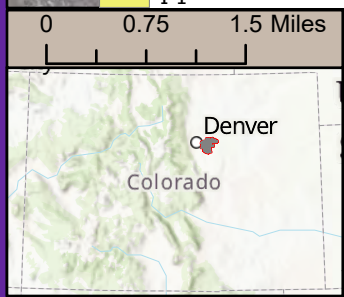
City of Aurora, CO, County and City of Denver, County of Arapahoe, Esri, HERE, Garmin, SafeGraph, FAO, METI/ASA, USGS, EPA, NPS, Esri, CGIAR, USGS

15151 E. Alameda Parkway  
Aurora, CO 80012, USA  
auroragov.org  
303-739-7217  
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Zoning	I-2	MU-TOD	POS
District ID	MU-A	OA-G	R-1
AD	MU-C	OA-MS	R-2
APZ	MU-FB	OA-R-1	R-3
BAFB	MU-N	OA-R-2	R-4
BAFB APZ	MU-OI	OA-RMU	R-MH
I-1	MU-R	PD	R-R



# City of Aurora, CO

## Public Works

### Office, Warehouse, and Land Listings

Thursday, March 24, 2022

Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, Esri, USGS

Land Listings

Office Listings

Warehouse Listings

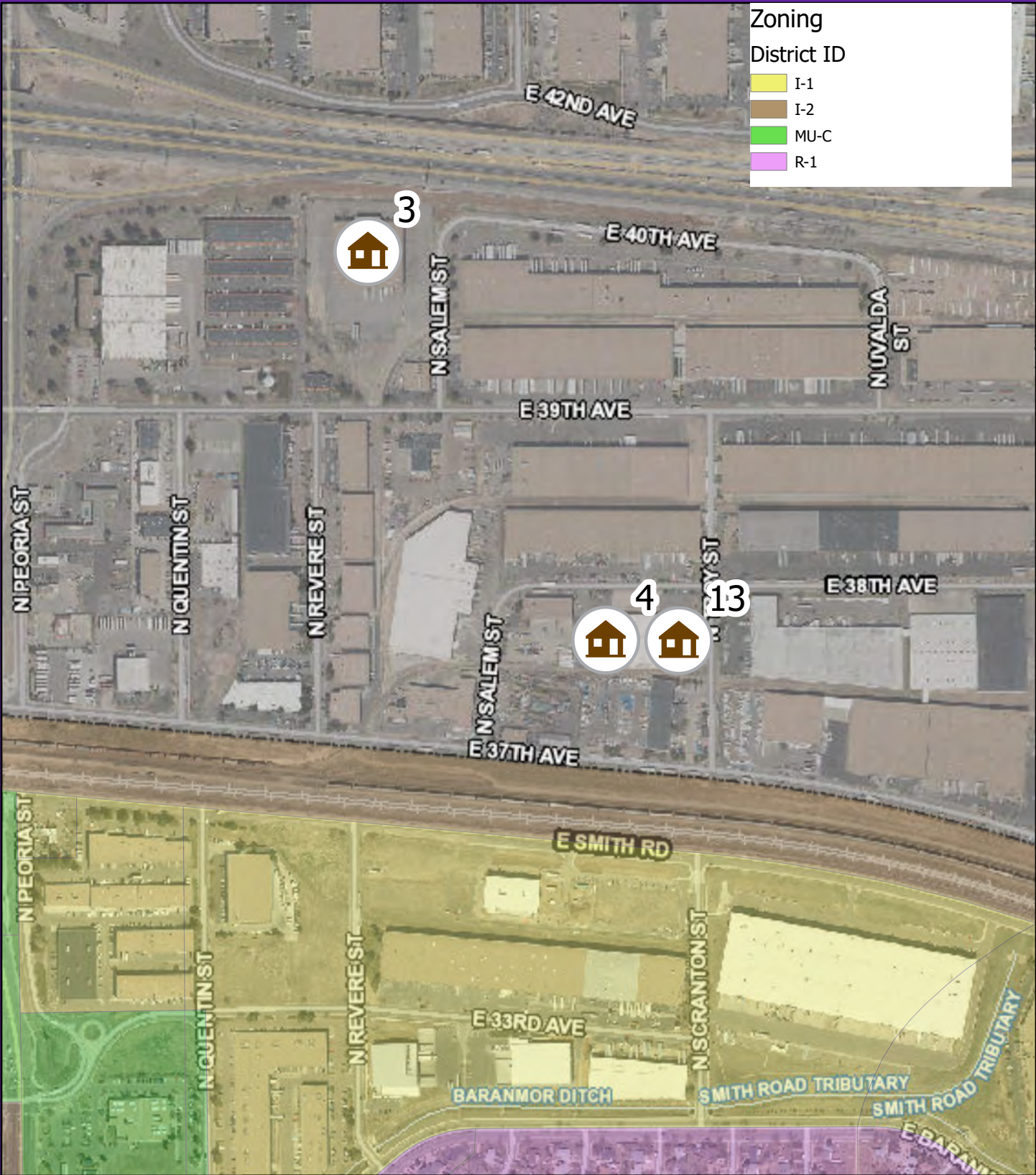
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 303-739-7217  
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**Zoning**

**District ID**

- I-1
- I-2
- MU-C
- R-1




**City of Aurora, CO**

**Public Works**

Office, Warehouse, and Land Listings

Thursday, March 24, 2022

Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, Esri, USGS

 Warehouse Listings

**A1**

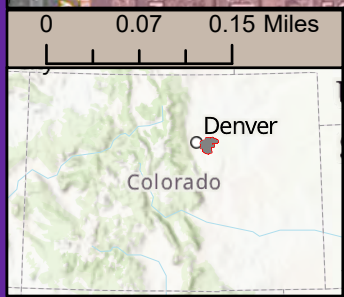
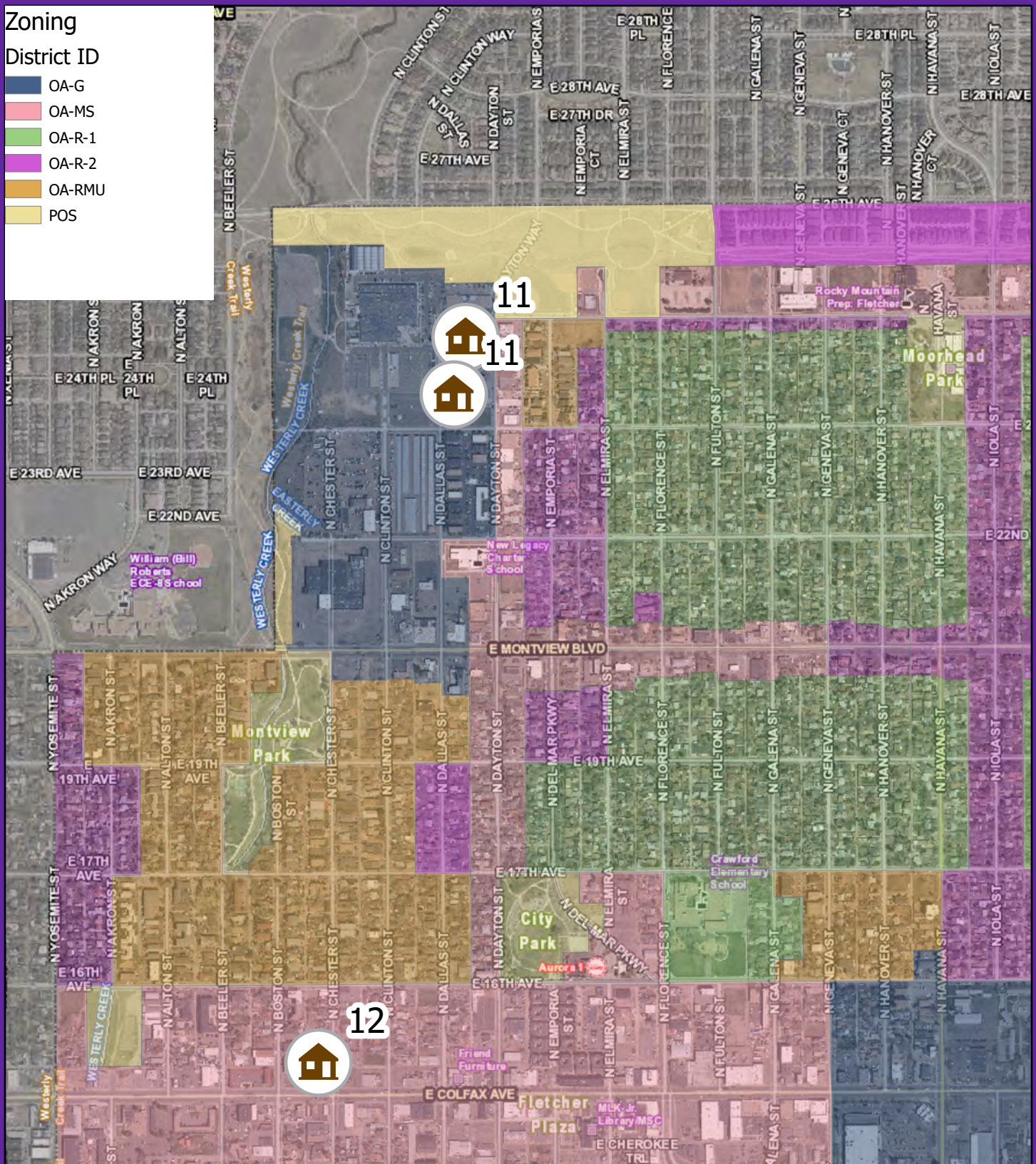
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# Zoning

## District ID

- OA-G
- OA-MS
- OA-R-1
- OA-R-2
- OA-RMU
- POS





# City of Aurora, CO


## Public Works

### Office, Warehouse, and Land Listings

Thursday, March 24, 2022







## Warehouse Listings

# A2

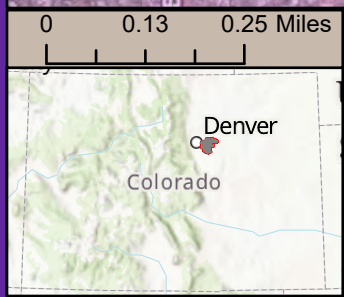
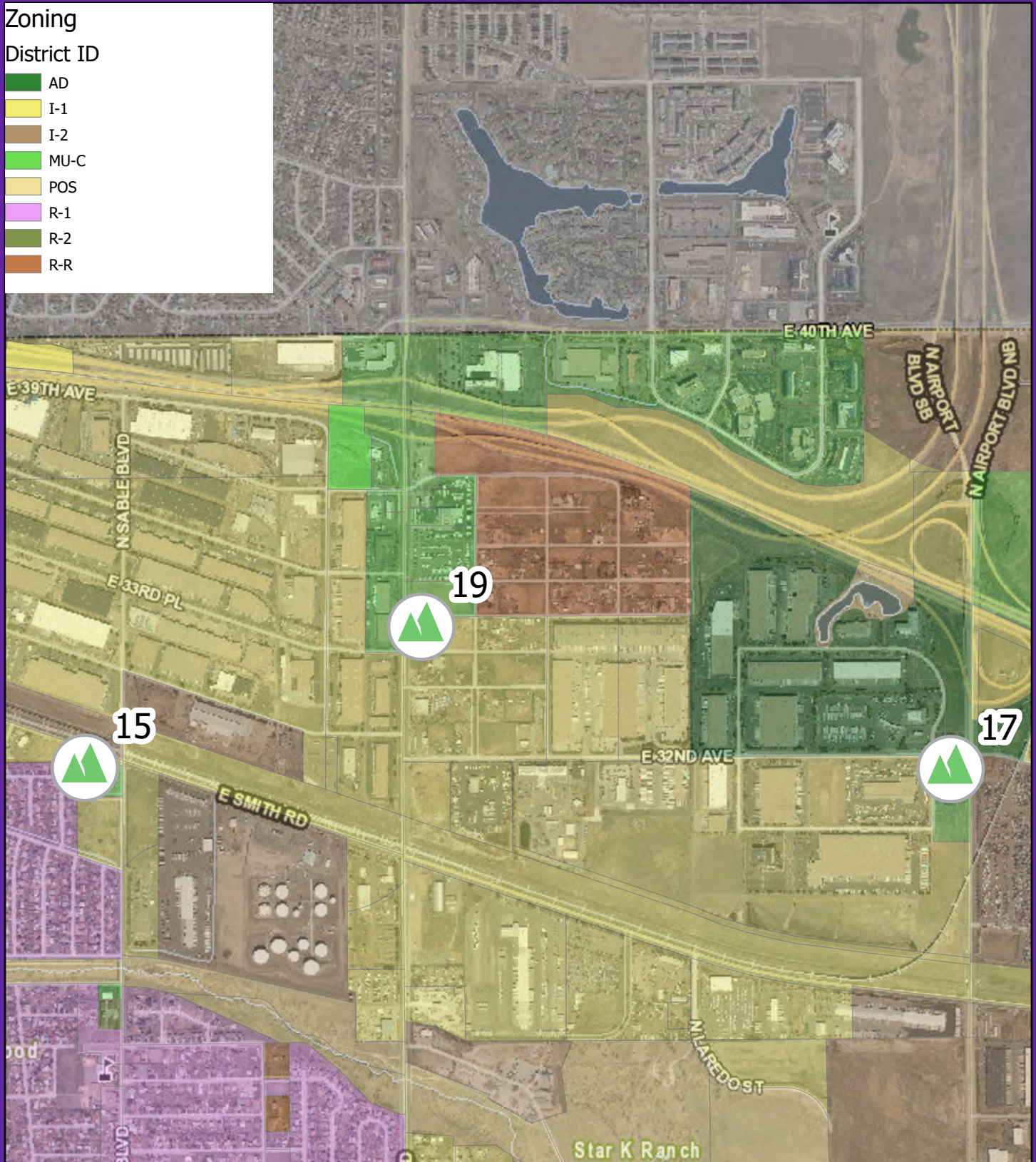
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## Zoning

### District ID

- AD
- I-1
- I-2
- MU-C
- POS
- R-1
- R-2
- R-R






# City of Aurora, CO

## Public Works

### Office, Warehouse, and Land Listings

Thursday, March 24, 2022



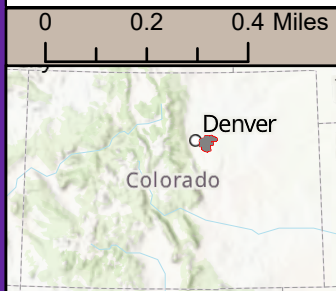
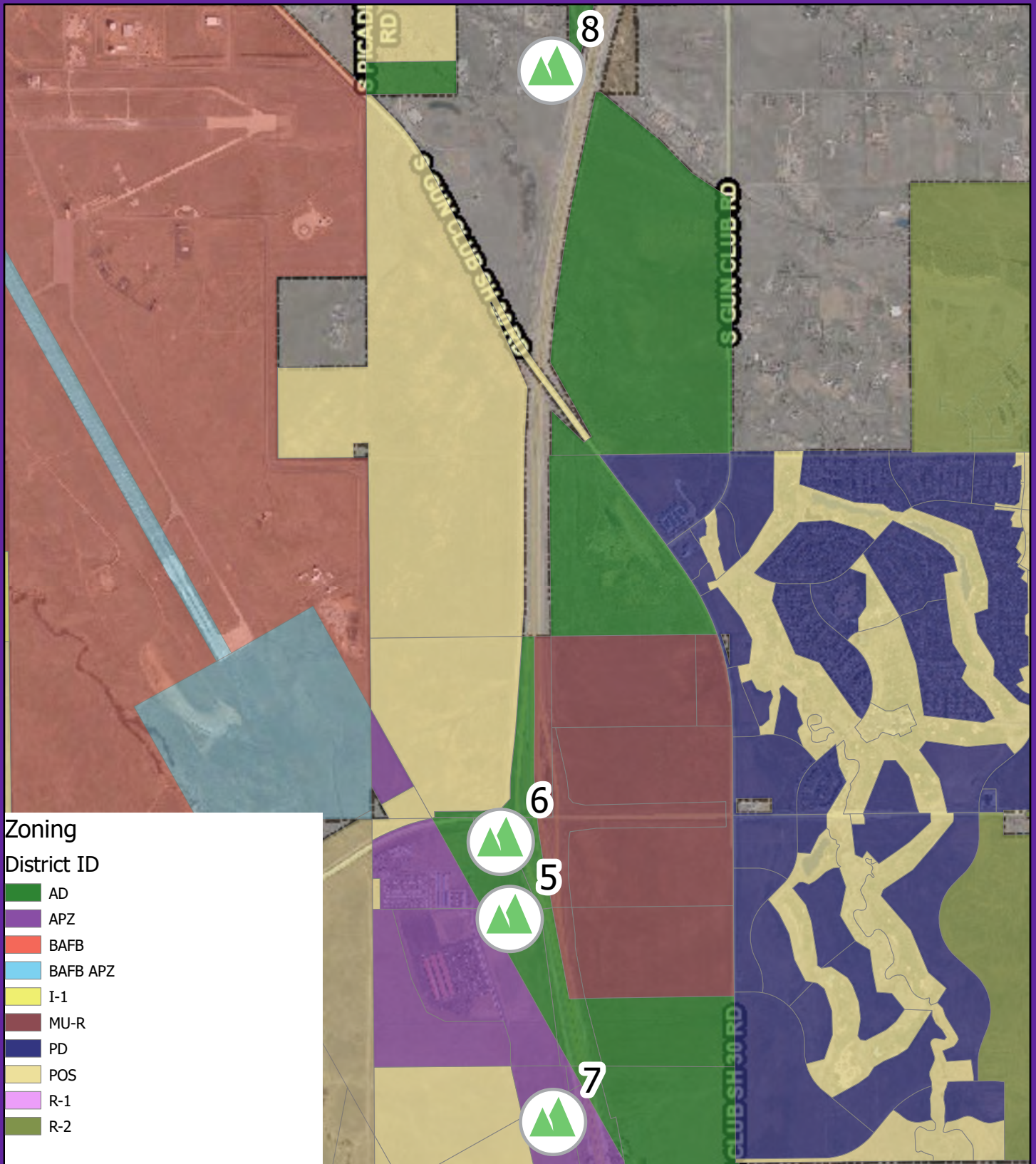
Land Listings

# A3

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# City of Aurora, CO

## Public Works

### Office, Warehouse, and Land Listings

Thursday, March 24, 2022

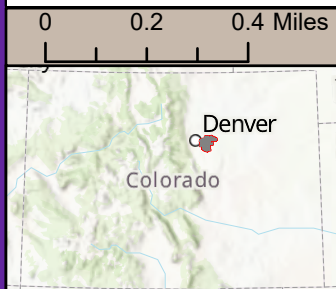
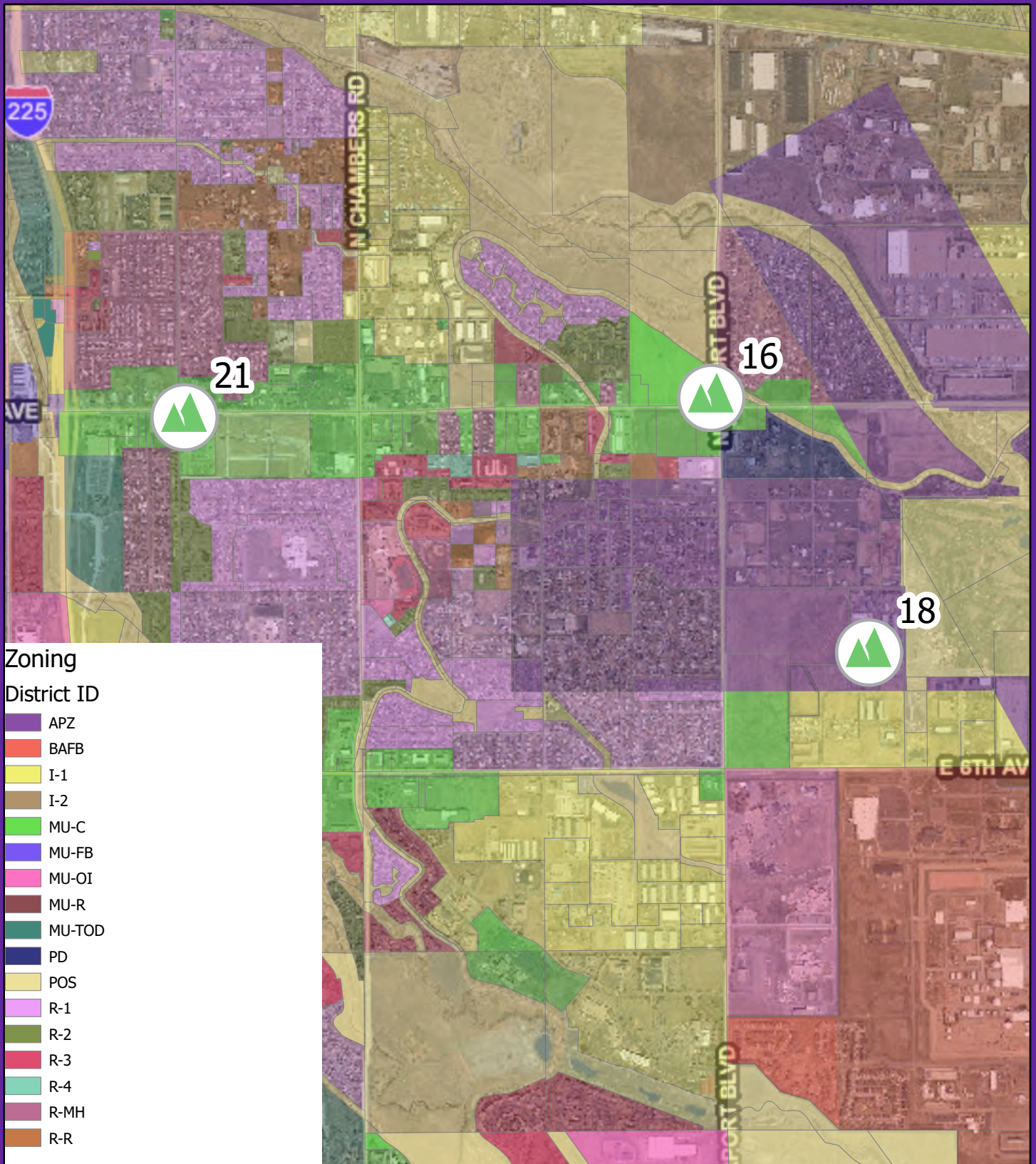
Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, Esri, USGS

 Land Listings  

# A4

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# City of Aurora, CO

## Public Works

### Office, Warehouse, and Land Listings

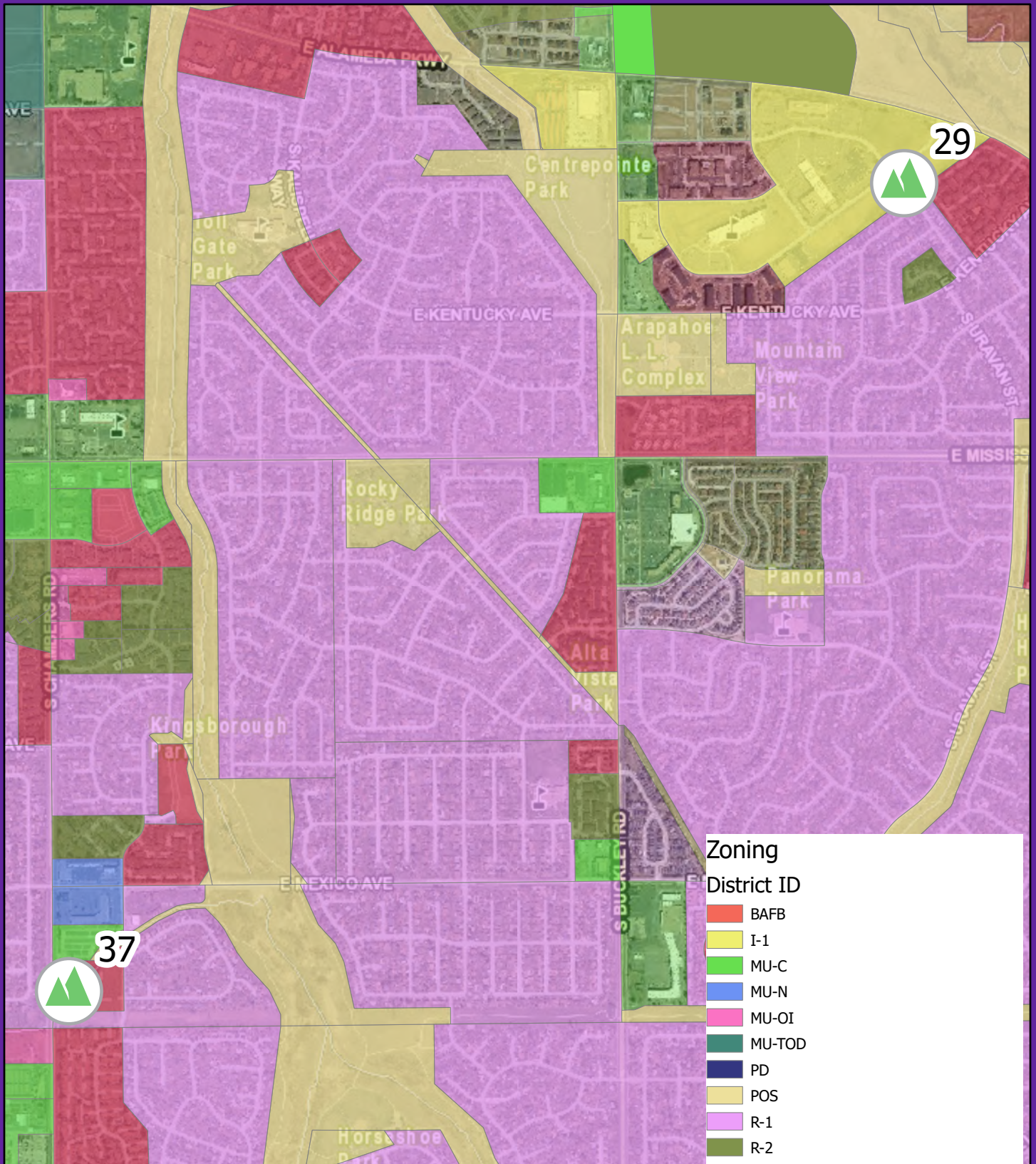
Thursday, March 24, 2022

Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, Esri, USGS

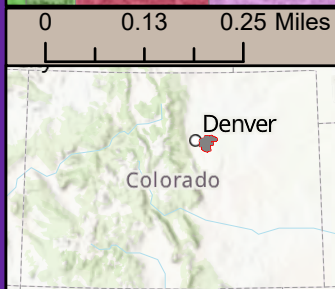
Land Listings  
**A5**

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- Zoning**
- District ID**
- BAFB
  - I-1
  - MU-C
  - MU-N
  - MU-OI
  - MU-TOD
  - PD
  - POS
  - R-1
  - R-2



# City of Aurora, CO

## Public Works

### Office, Warehouse, and Land Listings

Thursday, March 24, 2022

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Land Listings

# A6

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# **Long-Term Sheltering Options Housing and Community Services Study Session 5.2.2022**

---



# Long-Term Shelter Solutions

- Overview of Leveraged Funding Opportunities
- Fitzsimmons Parcel N
- Purchased Warehouse
- Purchased Office Building
- Purchased Hotel/Motel
- New Construction Emergency Shelter and Day Facility





# State Bills

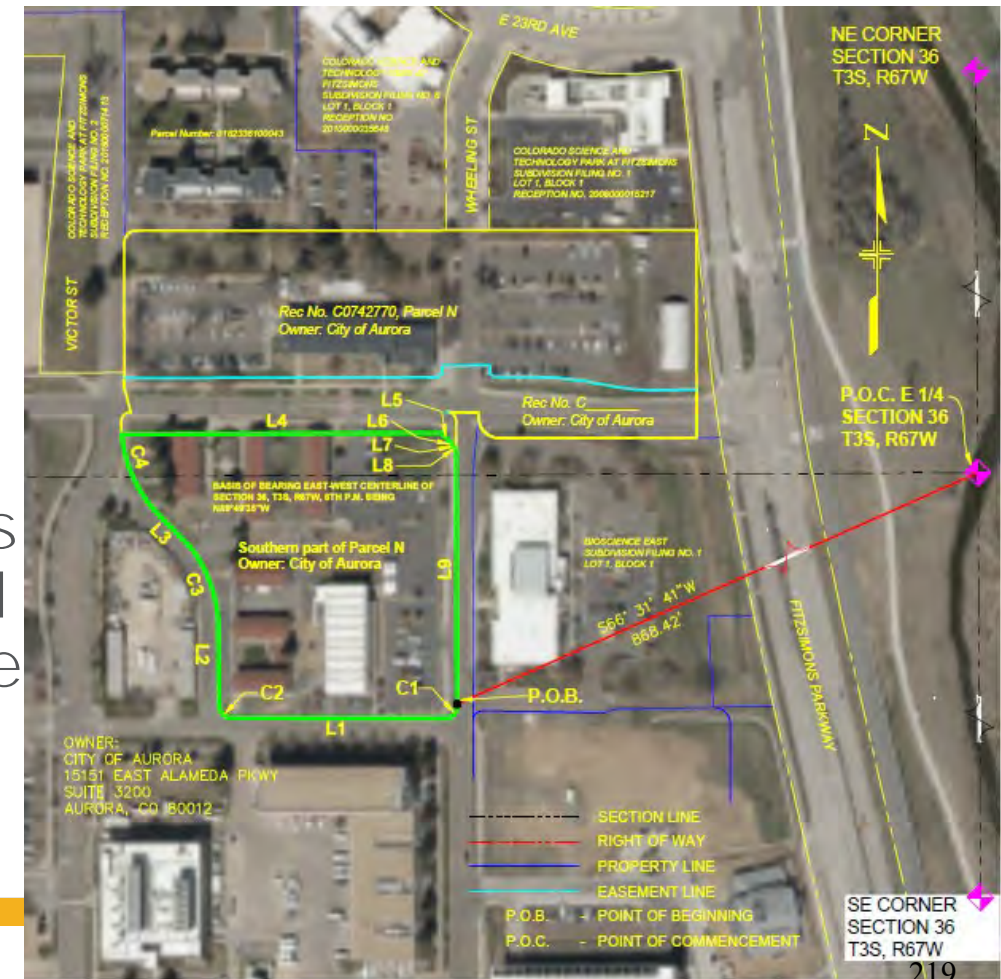
- **HB22-1377 Grant Program Providing Responses to Homelessness**
  - Competitive grant in Denver-Metro area to build or acquire a regional navigation campus. This campus is intended to integrate emergency, transitional and permanent supportive housing with behavioral health care, substance use disorder treatment, medical care, case management, and employment skills and training.
  - **FSIR took an Active Support position**
- **HB22-1378 Denver-metro Regional Navigation Campus Grant**
  - Grant to a local government in the Denver metropolitan area or a community partner in conjunction with a local government in order to build or acquire, and then facilitate, a regional navigation campus.
- **SB22-211 Repurpose the Ridge View Campus**
  - Repurposes the state-owned facility formerly used as the Ridge View Youth Services Center to the Ridge View Supportive Residential Community, to provide housing, a continuum of behavioral health service treatment, medical care, vocational training, and skill development for Ridge View residents and the general public. The campus will include transitional housing, substance use recovery treatment and services, and a Federally Qualified Health Clinic.
  - **FSIR took an Active Support position**





# City-Owned Property – 13887 E. 19th Place (Parcel "N")

- Public Benefit Conveyance ("PBC")
- Referred to as Parcel N which contains approx. 10 acres of land.
- Subject to a "use" and "transfer" restriction.
- Use restriction requires the property to only be used for "law enforcement purposes".
- Transfer restriction requires General Services Administration ("GSA") approval of proposed purchasers and proposed purchasers shall be subject to the above restrictions.
- Unless Aurora abrogates, or applies for change in use restriction.



BEARINGS BASED ON THE EAST-WEST CENTERLINE OF SECTION 36, T3S, R67W, 6TH P.M., BEING N89°49'35"W  
THE ABOVE DESCRIBED PARCEL CONTAINS 177,443 SQUARE FEET (4.0735 ACRES) MORE OR LESS.

This drawing does not represent a monumented survey. It is intended only to depict the attached legal description.





# City-Owned Property – 13887 E. 19th Place (Parcel "N")

## **ABROGATION**

- City pays fair market value for the site, and then owns the property outright.
  - Approximately \$4M - \$5M (for southern half of Parcel N only)
- City owns Parcel N without the use or transfer restrictions.
- Ability to sell Parcel N without restrictions.

## **PUBLIC BENEFIT CONVEYANCE APPLICATION**

- City pays \$0
- City continues to own the property but under a different public benefit program
- Property can be transferred to another public body under one of the public benefit programs.
- Ability to provide social services.





# Staffing Costs for Shelter/Day Facility

<b>Managers, Care Navigators, Case Management Staff (including fringe)</b>	<b>\$4,000,000</b>
<b>Medical Respite</b>	<b>\$2,000,000</b>
<b>Annual Staffing/Supply Cost (on-going per year cost)</b>	<b>\$6,000,000</b>



*Not an actual rendering; for example only*





# Purchased Warehouse

<b>Initial Cost to Become Operational</b>	\$5,175,000.00
<b>Annual Staffing/Supply Cost (on-going per year cost)</b>	\$2,430,000.00
<b>How many people does this shelter</b>	125
<b>Cost Per Person, Per Day for 1 year</b>	\$138.90
<b>Congregate or Non-Congregate</b>	Congregate
<b>How long does it take to become operational?</b>	12 months
<b>Is there the opportunity to leverage other resources?</b>	No



*Not an actual rendering; for example only*





# Staffing/Supply Costs for a Warehouse

<b>Overnight Security</b>	\$600,000.00
<b>Managers, Care Navigators, Case Management Staff (including fringe), Shower Trailer Programming</b>	\$1,530,000.00
<b>Food</b>	\$100,000.00
<b>Supplies</b>	\$125,000.00
<b>Transportation</b>	\$75,000.00
<b>Annual Staffing/Supply Cost (on-going per year cost)</b>	<b>\$2,430,000.00</b>



*Not an actual rendering; for example only*





# Purchased Office Building

<b>Initial Cost to Become Operational</b>	\$4,800,000.00
<b>Annual Staffing/Supply Cost (on-going per year cost)</b>	\$2,115,000.00
<b>How many people does this shelter</b>	100
<b>Cost Per Person, Per Day for 1 year</b>	\$126.30
<b>Congregate or Non-Congregate</b>	Non-Congregate
<b>How long does it take to become operational?</b>	12 months
<b>Is there the opportunity to leverage other resources?</b>	No



*Not an actual rendering; for example only*





# Staffing/Supply Costs for Office Building

<b>Overnight Security</b>	\$600,000.00
<b>Managers, Care Navigators, Case Management Staff (including fringe)</b>	\$1,280,000.00
<b>Food</b>	\$80,000.00
<b>Supplies</b>	\$100,000.00
<b>Transportation</b>	\$55,000.00
<b>Annual Staffing/Supply Cost (on-going per year cost)</b>	<b>\$2,115,000.00</b>



*Not an actual rendering; for example only*





# Purchase of a Hotel/Motel

<b>Initial Cost to Become Operational</b>	\$5,000,000.00
<b>Annual Staffing/Supply Cost (on-going per year cost)</b>	\$2,115,000.00
<b>How many people does this shelter</b>	up to 150
<b>Cost Per Person, Per Day for 1 year</b>	\$129.95
<b>Congregate or Non-Congregate</b>	Non- Congregate
<b>How long does it take to become operational?</b>	12 months
<b>Is there the opportunity to leverage other resources?</b>	Yes- DOLA Grant



*Not an actual rendering; for example only*





# Staffing/Supply Costs for Hotel/Motel

<b>Overnight Security</b>	\$600,000.00
<b>Managers, Care Navigators, Case Management Staff (including fringe)</b>	\$1,280,000.00
<b>Food</b>	\$80,000.00
<b>Supplies</b>	\$100,000.00
<b>Transportation</b>	\$55,000.00
<b>Annual Staffing/Supply Cost (on-going per year cost)</b>	<b>\$2,115,000.00</b>



*Not an actual rendering; for example only*





# New Emergency Shelter and Day Facility

Initial Cost to Become Operational	\$76,321,000.00
Annual Staffing Cost (on-going per year cost)	\$6,000,000.00
How many people does this shelter	300
Cost Per Person, Per Day for 1 year	TBD- long term solution
Congregate or Non-Congregate	Both
How long does it take to become operational?	2 years
Is there the opportunity to leverage other resources?	Yes- HB HB22-1304 State Grants Investments Local Affordable Housing



*Not an actual rendering; for example only*





# Office, Warehouse and Land Listings

## All Listings by Size

### Office & Warehouse

Map #	Property Address	Land Size	Bldg Size	Listing Price	Occupancy Rate	Current Use	Zoning	Comments
1	3091 S Jamaica Ct	0.97 AC	28842	61% Leased	Office Bldg	B-4	3800000	2 story bldg, 86 parking spaces

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### Other Outside Aurora - Warehouse

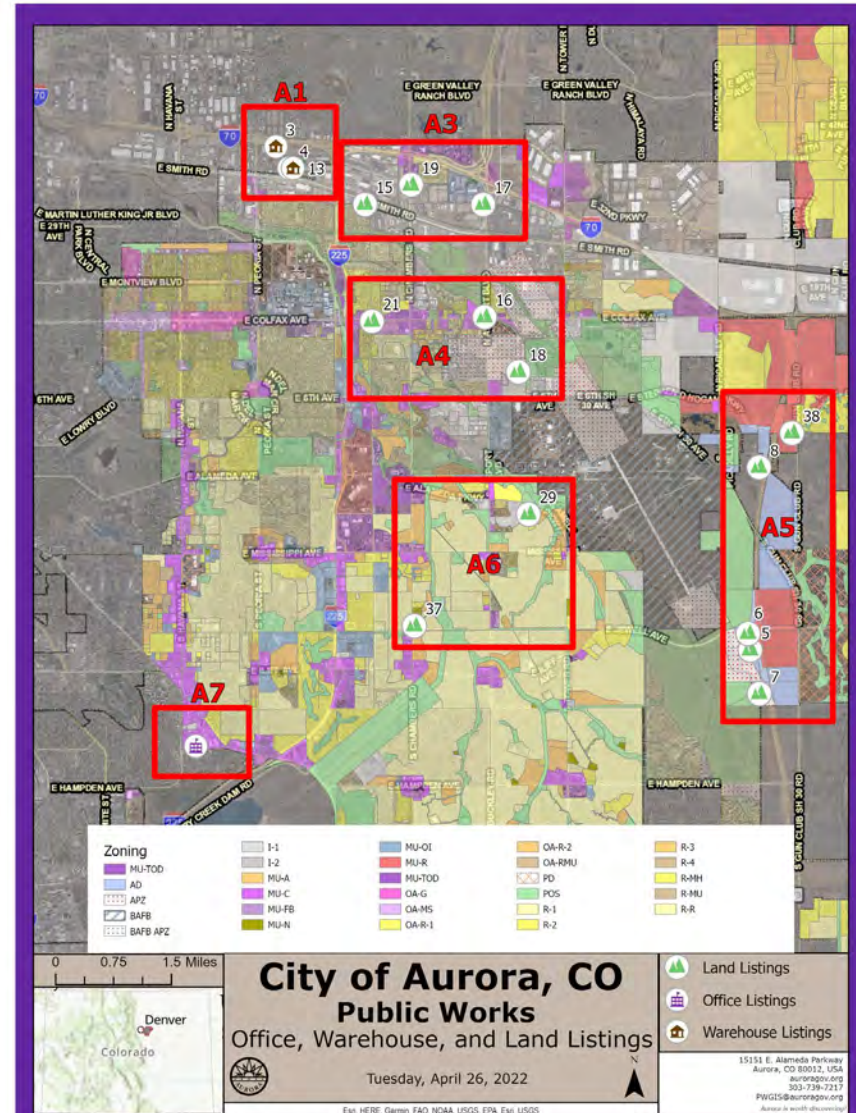
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## City of Aurora, CO Public Works

### Office, Warehouse, and Land Listings

Tuesday, April 26, 2022

15151 E Alameda Parkway  
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303-738-7217  
PWGIS@aurora.gov





# Other Outside Aurora - Warehouse

## All Listings by Size

### Office & Warehouse


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37	1900 S Chambers Rd.	2	Vacant	R2M	CALL FOR PRICING	Entitled for S1 multifamily units

### Other Outside Aurora - Warehouse

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## City of Aurora, CO


### Public Works

Office, Warehouse, and Land Listings

Tuesday, April 26, 2022

15151 E. Alameda Parkway  
Aurora, CO 80012, USA  
aurora.gov  
303-739-7217  
PWGTS@aurora.gov

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13

**Zoning**

- I-1
- I-2

0 0.03 0.07 Miles



## City of Aurora, CO

### Public Works

Office, Warehouse, and Land Listings

Monday, April 25, 2022

Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, Esri, USGS

**Warehouse Listings**

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### All Listings by Size

#### Office & Warehouse

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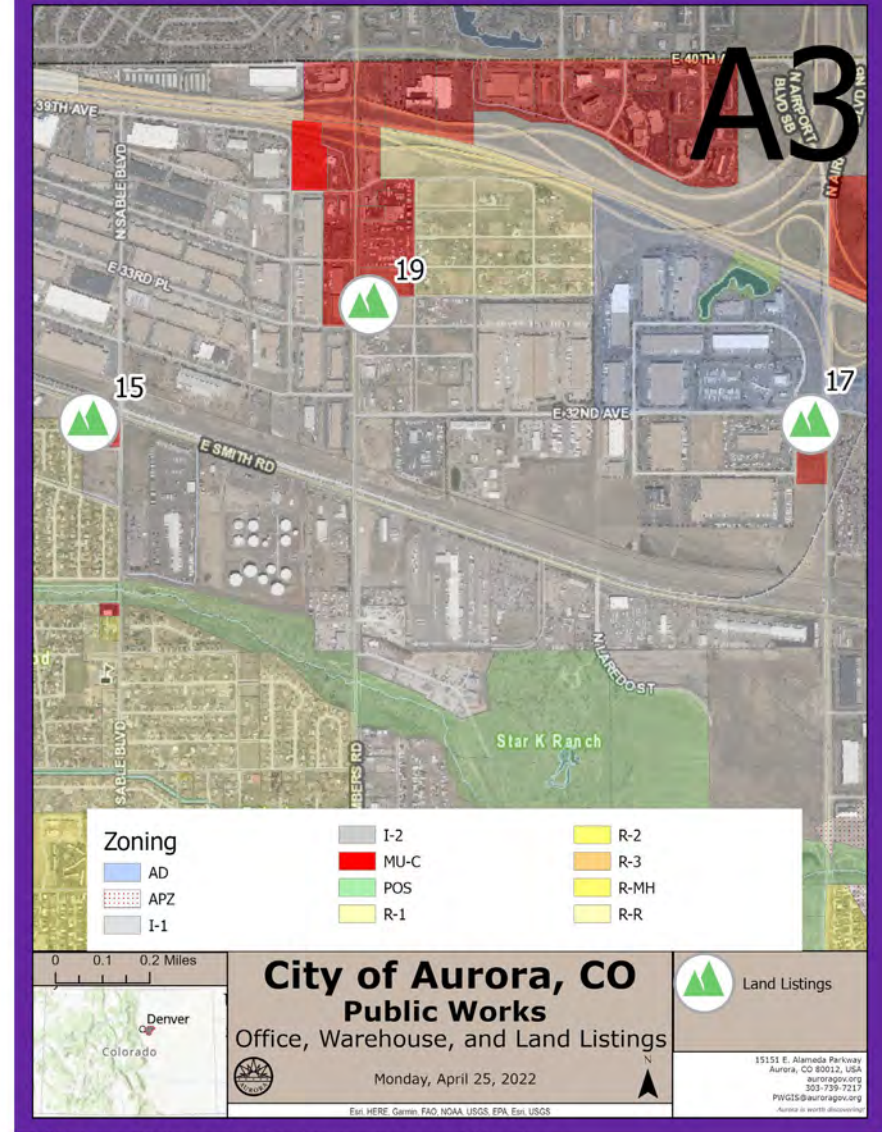
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### City of Aurora, CO Public Works Office, Warehouse, and Land Listings

Tuesday, April 26, 2022

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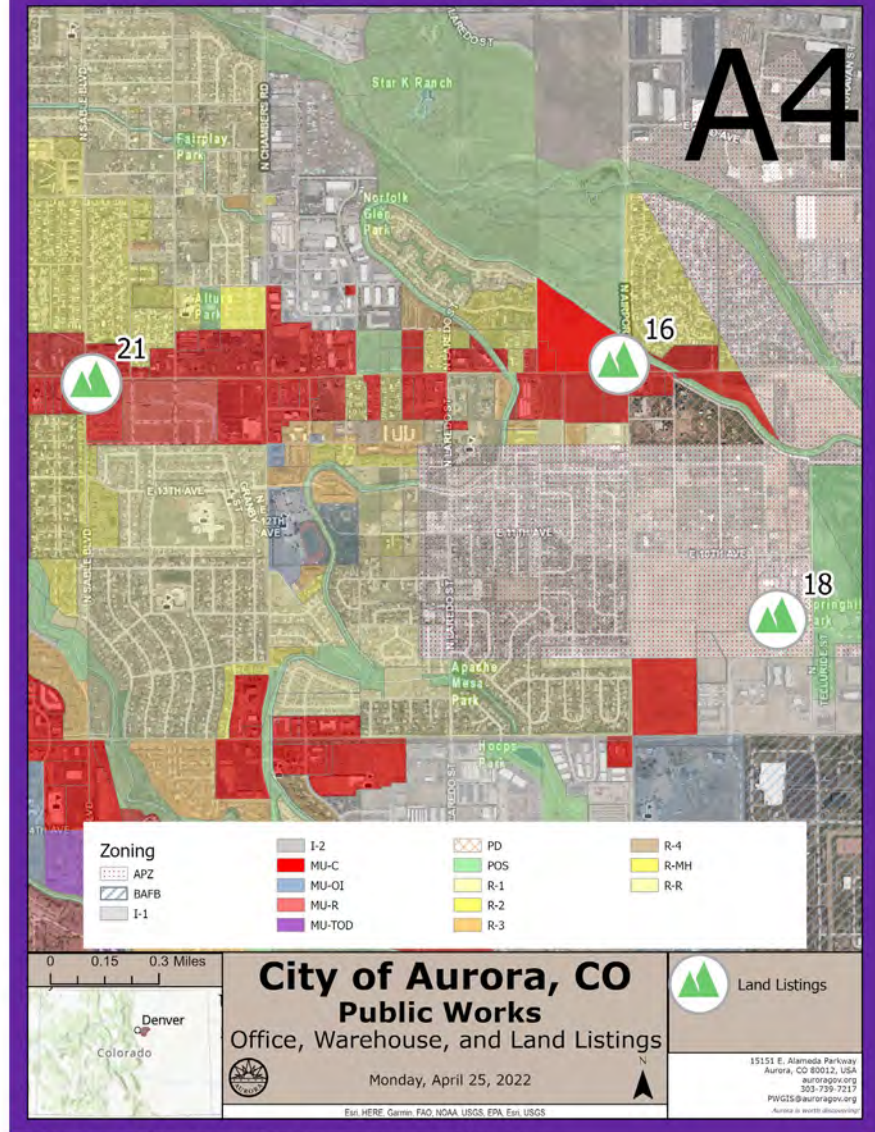
Tuesday, April 26, 2022

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# A4



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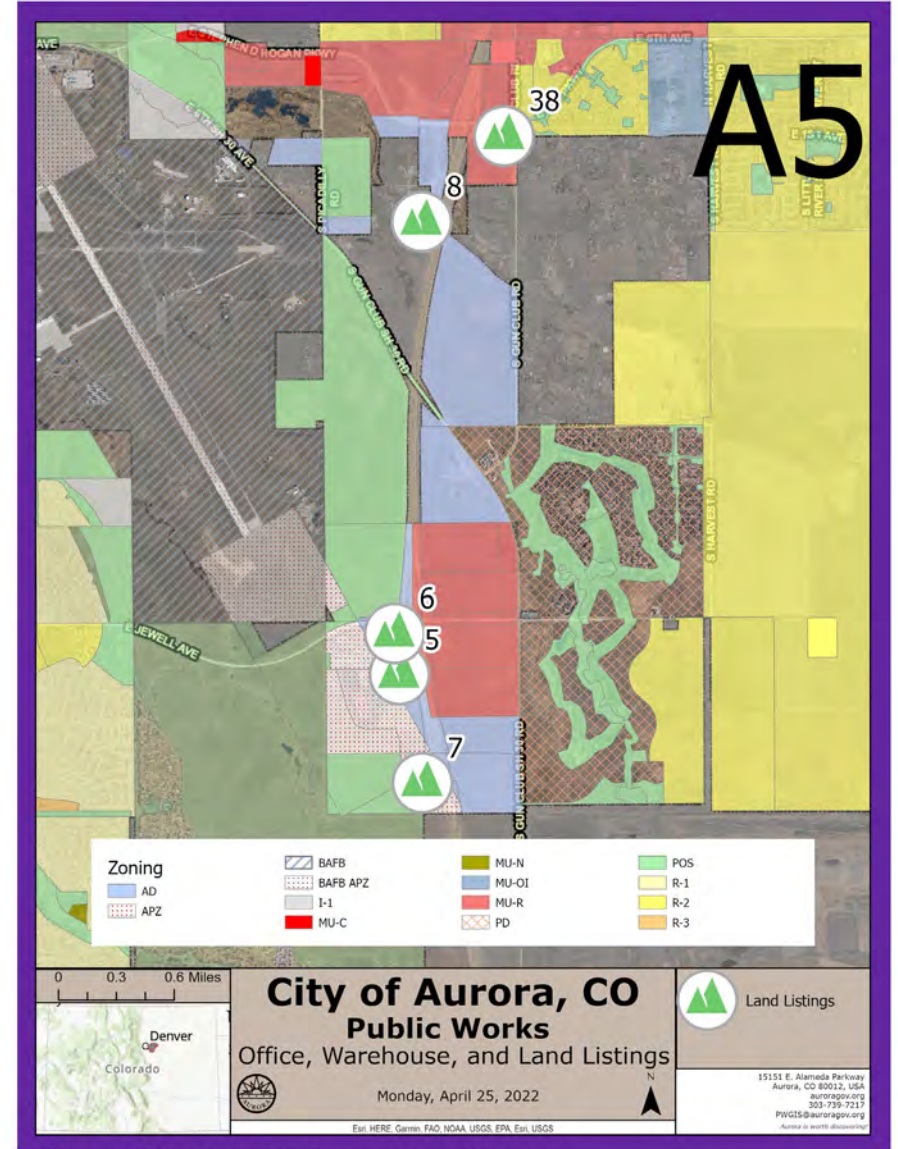
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Denver

Aurora

Littleton

City of Aurora, CO

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Zoning

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I-1

MU-C

MU-N

MU-OI

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PD

POS

R-1

R-2

R-3

0 0.15 0.3 Miles

Denver

Colorado

City of Aurora, CO

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Office, Warehouse, and Land Listings

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# Office & Warehouse

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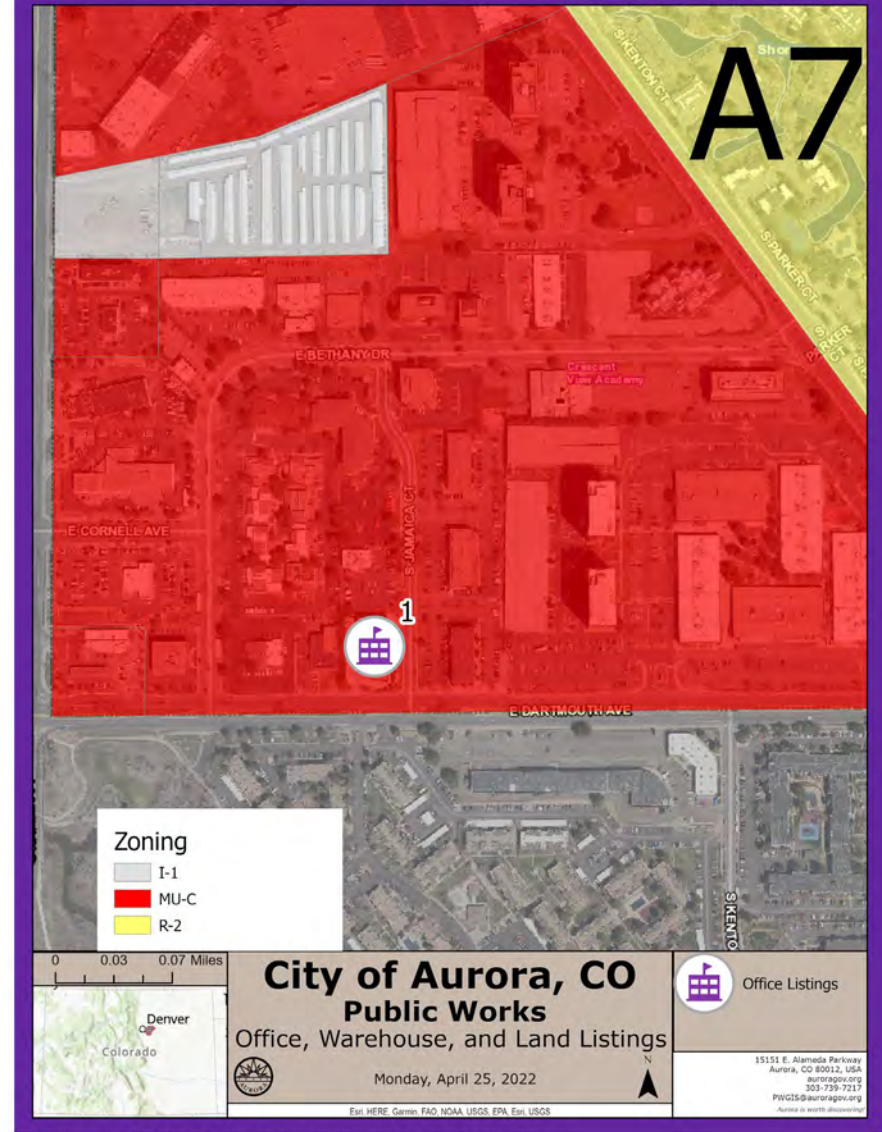
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## City of Aurora, CO Public Works Office, Warehouse, and Land Listings

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# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Colfax Bus Rapid Transit Project Update – Station Enhancements and Cost Estimate for Aurora Stations
<b>Item Initiator:</b> Huiliang Liu, Principal Transportation Planner
<b>Staff Source/Legal Source:</b> Huiliang Liu, Principal Transportation Planner/Carlie Campuzano, Traffic Manager/Michelle Gardner, Senior Assistant City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 3.2--Reduce travel time and reduce congestion and provide expanded multi-modal mobility choices

### COUNCIL MEETING DATES:

**Study Session:** 5/2/2022

**Regular Meeting:** N/A

### ITEM DETAILS:

Huiliang Liu, Principal Transportation Planner / Carlie Campuzano, Traffic Manager / Michelle Gardner, Senior Assistant City Attorney

Estimated time: 30 mins

---

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting  | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Transportation, Airports & Public Works

**Policy Committee Date:** 3/3/2022

**Action Taken/Follow-up:** *(Check all that apply)*



☐ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☒ Minutes Attached

☐ Minutes Not Available

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**HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)**

The City and County of Denver, in coordination with Regional Transportation District (RTD) and the City of Aurora, started the Colfax Corridor Connections project in 2012. It was a transportation planning study funded by the Federal Transit Administration (FTA) and Denver. The purpose of the study was to identify a package of multi-modal transportation improvements that enhance transit and overall mobility and accessibility in the study area, which is bounded roughly by I-25 to the west, I-225 to the east, 12th Avenue to the south and 20th Avenue to the north. City staff made the following briefings and updates to the council:

- Council Infrastructure and Operations Policy Committee (IOPC) on October 17, 2012, March 20, 2013 and June 11, 2014
- Council Study Session on August 25, 2014
- Parks, Public Works, and Transportation Policy Committee (PPWT) on March 16, 2016
- Transportation, Airports and Public Works Policy Committee (TAPS) on March 14, 2018
- Transportation, Airports and Public Works Policy Committee (TAPS) on March 3, 2022
- Transportation, Airports and Public Works Policy Committee (TAPS) on April 28, 2022

Council supported staff's recommendation that the Locally Preferred Bus Rapid Transit (BRT) Alternative for this project will not include exclusive bus-only lanes on Colfax Avenue, resulting in losing two general purpose lanes, between Yosemite Street and Fitzsimons Parkway-Potomac Street in Aurora. Aurora fully supports the development of various bus service enhancement features for RTD buses operating in a shared vehicle use lane configuration in Aurora. The enhancements may include branded buses with multi-door boarding and alighting features, off-vehicle ticketing, bus stop bulb-outs, bus shelters, pedestrian scale lighting, security cameras, upgraded trash receptacles, and real-time bus arrival and departure information.

At the TAPS committee meeting on March 3, 2022, staff updated the committee on the Colfax Bus Rapid Transit project and gave details about the proposed route frequency, station locations, station design and enhancements, cost estimates and potential local contribution needs and overall project schedule. The Committee supported **staff's recommendations and supported staff to continue to work with the Denver project team to identify a** recommended improvement plan and the associated cost estimate for station enhancements in Aurora. Staff also presented a project financial update as an informational item only at the TAPS committee meeting on April 28, 2022.

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**ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)**

Per Council's direction, City staff worked with Denver, RTD and the project consultant team and defined a locally preferred side-running Bus Rapid Transit (BRT) alternative in late 2014 that included side-running exclusive bus lanes during the AM and PM peak periods in Denver and shared bus lanes in Aurora with various bus enhancements. The transition between the exclusive bus lanes and shared bus lanes will occur at Syracuse Street. A public meeting was held in Denver on 1/20/2016 and in Aurora on 1/21/2016. The project is generally supported by the public. Major concerns and comments by the public included traffic impacts to neighborhoods (in Denver) due to traffic diversions with the implementation of bus-only lanes in Denver, pedestrian and bike access to stops and safety and security issues at the stops, etc.

On July 25, 2017, Denver officially introduced a new Center-Running BRT concept at a Community Task Force meeting. The Center-Running BRT concept includes all-day exclusive bus lanes between Broadway and Yosemite street in Denver and side-running shared lanes in Aurora. Denver conducted additional environmental analyses, conceptual design and public outreach for the Center-Running all-day BRT alternative. Preliminary analyses on pros and cons of the Center-Running BRT were presented at Community Task Force meetings on October 5, 2017, November 15, 2017 and March 14, 2018. Through 2018 and 2019, Denver completed additional project planning.



In 2020, Denver contracted with Parsons Transportation Group to complete environmental clearance work, Federal Transit Administration (FTA) Small Starts Project Development and Preliminary Engineering. The following highlights the current BRT project assumptions:

### Stations and Segments

- **DUS (Denver Union Station) to Civic Center in Denver:** Side-running in exclusive bus lanes with inbound toward DUS on 15th Street and outbound toward Civic Center on 17th Street
- **Civic Center to Yosemite in Denver:** Center-running in exclusive bus lanes
- **Yosemite to R Line Colfax station in Aurora:** Side-running in mixed traffic flow
- **Stops:** Jamaica (97 daily ridership in 2019), Nome (105 daily ridership in 2019 and west bound stop at Aurora Ct (34 daily ridership in 2019) will not be included

### Operations Plan

The operations plan will include three run patterns all day every day with 4.3-minute average frequency (20-30 minutes overnight) between R Line Colfax Station and DUS with the following specifics:

- R Line Colfax Station to DUS: 10-minute frequency
- Aurora Metro Center to DUS: 15-minute frequency
- Picadilly Rd. to DUS: 15-minute frequency

### Bus Station Enhancements

The following bus station enhancements are considered by the Denver project team for all stations in Denver:

- Canopies, Wind-screens and Level Boarding
- Splashguards
- Seating / Accessible Seating
- Ticket Vending Machines
- Project Identity Signage, Branding, BID
- Map Cases
- Advertising Opportunities
- Station Lighting
- Area of Refuge
- Security Systems + Cameras
- Audio/Visual Systems
- Trash Receptacles
- Emergency Telephones
- Hose Bibbs
- Art-in-Transit Program opportunities
- Sustainable Infrastructure Elements
- Station Area Wayfinding
- Landscaping

The following elements will be included for Aurora stops at a minimum to meet the FTA's requirements for BRT:

- Existing 15L Shelters with transparent weather protection, benches and trash receptacles (including shelters at the existing 15L stops and relocation of shelters from Denver to the existing Aurora local stops at Chester, Florence, Kingston, Wheeling and east bound Scranton)
- Lit map/schedule displays
- BRT branding

### BRT Station Enhancement Options for Aurora

Aurora staff is currently discussing the following station improvement options with Denver staff for stations in Aurora:

- Base BRT Station Improvements
  - Branding
  - Lit map/schedule displays
  - Shelter protection
- Select enhanced station designs (like Denver)
- Other enhanced improvement options beyond the base requirements:
  - Ticket Vending Machines (TVMS)
  - Real Time Scheduling Displays
  - **Level boarding on 14" platforms**
  - Emergency phones, security cameras and lighting



## Current Project Milestones

- 2020 – 2022: Preliminary Engineering & Environmental Review
- 2022: FTA Small Starts Project Rating Application
- 11/2022: FTA Small Starts Project Development Approval
- 2023 – 2024: Final Design (18 months)
- 2024 – 2025: FTA Small Starts Construction Grant Application Process
- 2026 – 2028: Bidding, Construction, Bus Acquisition, Testing (approximately 24 Months)
- Early 2028: Estimated BRT Service Startup

## Regional Project Financial Partnership

Financial contribution from Aurora will demonstrate investment and benefits across both Aurora and Denver. Specific amount requested is pending station enhancement design and the Federal Transit Administration Small Starts Grant Application success.

Staff updated the TAPS committee on the Colfax Bus Rapid Transit project regarding the proposed route frequency, station locations, station design and enhancements, cost estimates and potential local contribution needs and overall project schedule on March 3, 2022. **The committee supported staff's recommendations and supported staff to continue to work with the Denver project team to identify a recommended improvement plan and the associated cost estimate for station enhancements in Aurora.**

Planning and Public Works staff have developed a recommended station enhancement plan which includes the following specifics:

1. Base station improvements, including shelter and branding, plus ticket vending machines, variable message signs for real time scheduling display and emergency phones, security cameras and lighting for the following stations:
  - Yosemite
  - Chester
  - Florence
  - Kingston
  - Scranton
  - **Children's way**
  - Wheeling
2. All elements in Item 1 plus Level Boarding for the following stations
  - Moline (west bound)
  - Peoria
  - R Line Colfax Station
3. Full Station Enhancements with all amenities similar to Denver for the following stations
  - Havana

There is now an opportunity to partner with Denver and RTD to leverage federal grant funding for the project, which would include funding for station improvements in Aurora. To demonstrate partnership on the project and to improve competitiveness for the grant, funding from Aurora is needed. This funding would be used to support improvements within Aurora. Staff has developed recommendations for Aurora stations.

The total estimated project cost for 2026, including contingencies and inflation, is approximately \$23.3 million with a 51% local match. Approximately \$2.33 million will be needed this year for design and \$10.7 million is needed from 2023 through 2026. These numbers are preliminary and will be updated as the project design advances.

Staff will provide more detailed information and discussions through the attached Power Point presentation.

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## QUESTIONS FOR COUNCIL

- Does the Council agree with the current proposed Colfax BRT station enhancement /operations plan?
- Does Council support financial participation for the station enhancements in Aurora?
  - Up to \$2.33 million in 2022 for design to be formalized via an IGA;
  - Estimated \$10.7 million from 2023 through 2026 for construction as 51% local match for the FTA Small Starts grant (pending design).



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**LEGAL COMMENTS**

Pursuant to City Charter 7-4(e), the City Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge and to make written or verbal reports to the Council concerning the affairs of the City under his supervision. Additionally, pursuant to City Charter 7-4(f), the City Manager shall keep the Council advised of the future needs of the City and make such recommendations to the Council for adoption as he may deem necessary or expedient. (M. Gardner)

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**PUBLIC FINANCIAL IMPACT**

☒ YES      ☐ NO

**If yes, explain:** This item includes the request for the city to contribute financially to the Colfax BRT project.

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**PRIVATE FISCAL IMPACT**

☒ Not Applicable      ☐ Significant      ☐ Nominal

**If Significant or Nominal, explain:**





# **Colfax Bus Rapid Transit (BRT) Project Update - Station Enhancements and Funding Needs**

**Council Study Session**

**MAY 2, 2022**



# Bus Rapid Transit (BRT) Overview

## 1.4 Bus Rapid Transit

### bus rapid transit (BRT)

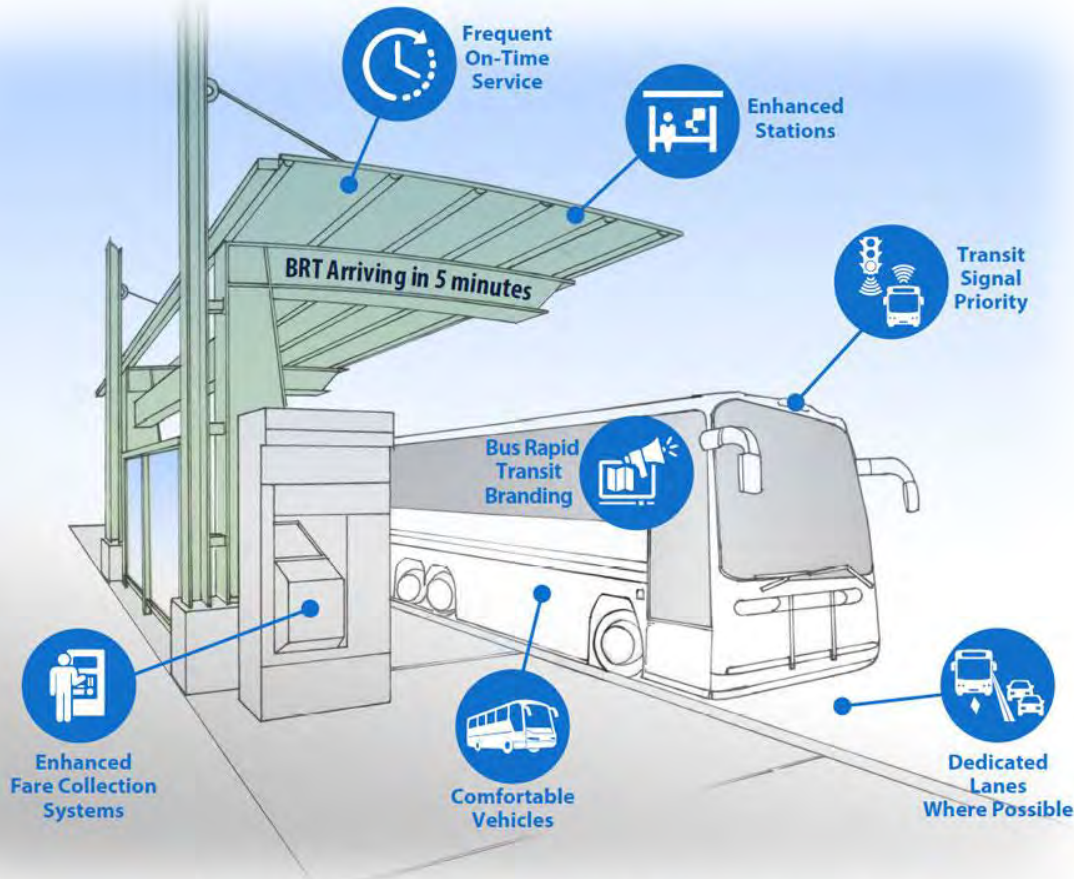
/bəʊs ˈræpəd ˈtranzɪt/

noun



a high-quality bus-based transit system that delivers fast and efficient service that may include dedicated lanes, busways, transit signal priority, off-board fare collection, elevated platforms and enhanced stations  
(Federal Transit Administration, 2017).

- ▶ **BRT is high-frequency bus service that emulates rail transit**
  - ▶ **Fixed guideway:** more than half of the route's length operates in a separate transit-only lane
  - ▶ **Defined stations:** Stations are accessible for people with disabilities, offer shelter from weather, and provide information on schedules and routes.
  - ▶ **Branding:** The route has a consistent brand that identifies the stations and buses.





# Project Background

## East Colfax Avenue Bus Rapid Transit

Reviving America's longest Main Street with a multimodal solution.

- DENVER UNION STATION to BROADWAY  
= 1.4 MI Side-running
- BROADWAY to YOSEMITE  
= 5.5 MI Center-running dedicated BRT lanes
- YOSEMITE to I-225/R LINE LRT STATION  
= 3.0 MI Mixed flow operation



Learn more about the upcoming plans for the BRT project on East Colfax

Project Website:  
[www.ColfaxBRT.org](http://www.ColfaxBRT.org)



SCAN ME

### Ways to Stay Engaged

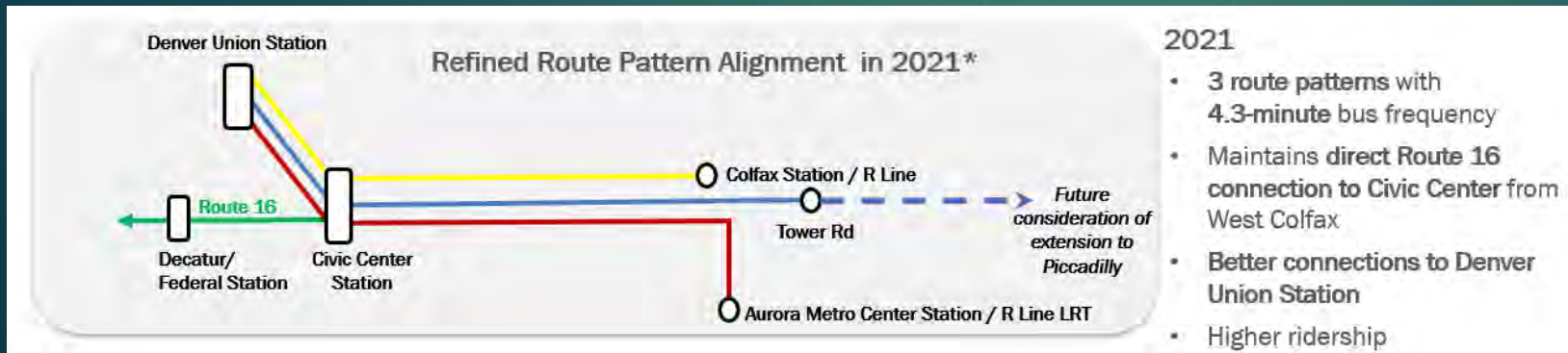


<https://aecomviz.com/Colfax360>

Colfax BRT is a regional project involving RTD, CDOT, Aurora and Denver



# Project Background – Proposed Operations Plan



Three Run Patterns 24/7, 4.3-minute average frequency (20-30 minutes overnight) between R Line Colfax Station and Denver Union Station (DUS)

R Line Colfax Station to DUS: 10-minute frequency

Aurora Metro Center to DUS: 15-minute frequency

Picadilly Rd. to DUS: 15-minute frequency



# Project Background

The East Colfax corridor experiences heavy transit travel demand with the **highest average weekday boardings** in the entire RTD service area, even throughout the pandemic.

## ► Project Goals

- Provide a higher **capacity** service
  - Project is expected to increase ridership by up to **40%** by 2040
- Improve **safety** for pedestrians, cyclists, motorists and transit riders.
- Support **future investment** along the East Colfax Avenue corridor
- Continuing to provide an **affordable travel** option to help reduce household transportation costs.

Station	2019 Daily Ridership	
	East	West
Yosemite	690	638
Chester	139	221
Dayton	664	673
Florence (WB)	-	164
Florence (EB)	175	-
Havana	1503	1416
Kingston	127	173
Moline	666	581
Peoria	886	983
Scranton (WB)	-	148
Scranton (EB)	26	-
Children's Way	0	63
Wheeling/Xanadu	64	29
Colfax Station	394	430
Total	5333	5518

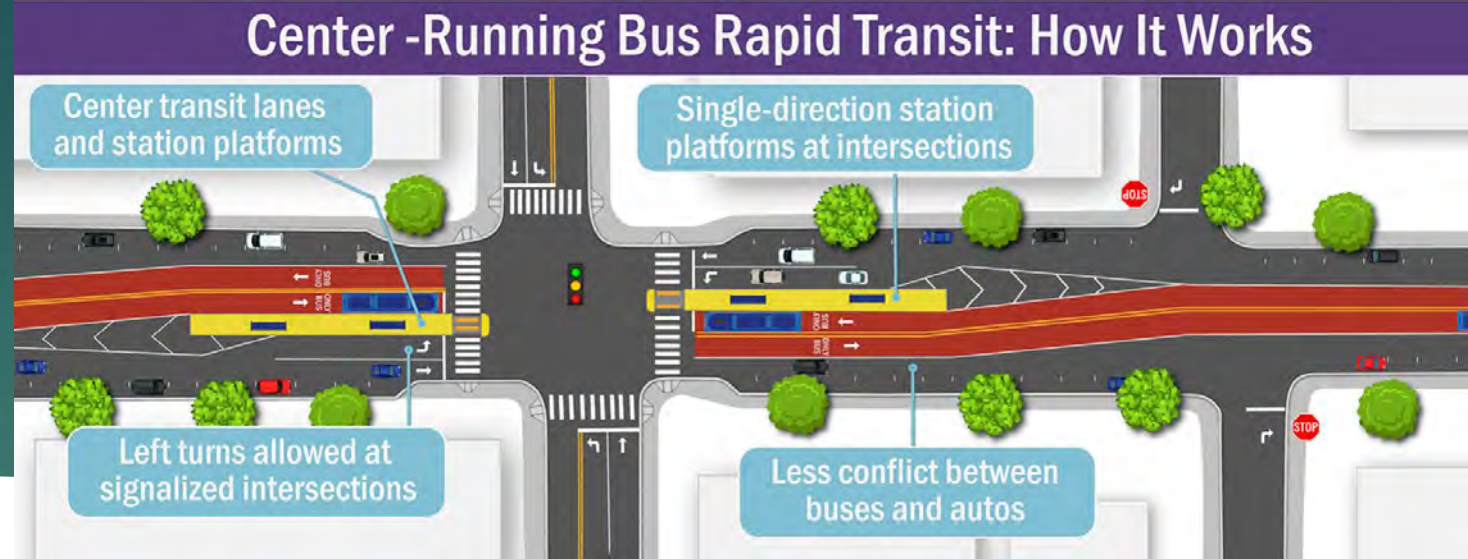


# Project Background

- ▶ **The Colfax BRT project has been under study, planning and design since 2012**
- ▶ **Aurora project history – key milestones**
  - ▶ **2012:** Kick Off and Public Scoping
  - ▶ **2013:** Alternative Analyses including LRT, Streetcar, BRT and Enhanced Bus on 20<sup>th</sup> Ave/Montview, 17<sup>th</sup> Ave, Colfax and 13th/14th Ave
  - ▶ **2014:** Side-running peak-period BRT alternative initially identified
  - ▶ **2016:** Council Transportation Committee supported the Local Preferred Alternative including side running BRT in exclusive lanes in Denver and general-purpose lanes in Aurora
  - ▶ **2017:** Center Running BRT introduced in the Denver segment
  - ▶ **2018-2019:** Additional project planning and center running recommendation
  - ▶ **2020-2022:** NEPA process and community outreach



# Project Background



## ► Project Team working with community since 2012

- Developed Stakeholder Task Force
  - 32 neighborhood/community groups
  - 7 business groups
- BRT operates in center running bus only lanes from Civic Center to Yosemite in Denver
- BRT operates in existing travel lanes like current RTD bus service does today in Aurora

## ► Current Phase

- 4 community meetings held since 2021 to current with 2 more planned this year
- Preliminary engineering and environmental clearances happening now



# Bus Stop Enhancements Planned in Denver

- ✓ Canopies, Wind-screens
- ✓ Level Boarding
- ✓ Ticket Vending Machines
- ✓ Variable Message Signs
- ✓ Project Identity Signage, Branding
- ✓ Station Lighting
- ✓ Security Systems + Cameras
- ✓ Audio/Visual Systems
- ✓ Emergency Telephones







# Denver Station Design Concept

Note: This design will be refined during final design



# 15 L Bus Stop Shelters (Base Requirements)

- ▶ Existing 15L Shelters with transparent weather protection, benches and trash receptacles
- ▶ Lit map/schedule displays
- ▶ Branding



Existing 15 L Shelter at Eastbound Havana Station





Existing 15 L Shelter  
Westbound Moline Station



Existing 15 L Shelter Eastbound Dayton Station



# BRT Station Improvement Options

- **Opportunity to partner with Denver and RTD to leverage federal grant funding for BRT along the Colfax Corridor, including station improvements in Aurora**
- **Financial partnership is requested for improvements in Aurora**
  - Demonstrates investment and benefits across both jurisdictions
  - Improves grant competitiveness
  - Construction match funding is pending the design of station enhancements and FTA grant application success.
- **Staff has developed recommendations for Aurora stations**



# Staff Recommendation

- Recommend including key improvements beyond minimum required for BRT
  - **Signature station** at Havana
  - **Ticket vending machines** at all stations
  - **Variable message signs** at all stations
  - **Emergency phones, Security Cameras and Lighting** at all stations
  - **Level boarding** at Moline (WB) Peoria and R line Colfax Station



*Variable Message Sign*



*Level Boarding*



*Ticket Vending Machine*





# Staff Recommendation and Funding Needs

	Station	Signature Stations	Existing 15L Shelters (Relocated)	New 15L Shelters	Ticket Vending Machines	Variable Message Signs (Schedule Info)	Emergency phone	Level Boarding	TOTAL
15 L enhanced	Yosemite (EB)		\$ 150,000		\$ 120,000	\$ 40,000	\$ 11,200		\$ 321,200
Shelter Relocation plus Branding	Chester	-		\$ 500,000	\$ 240,000	\$ 80,000	\$ 22,400	-	\$ 842,400
15 L enhanced (double)	Dayton	-	\$ 300,000	-	\$ 240,000	\$ 80,000	\$ 22,400	-	\$ 642,400
Pylon/monument	Florence (WB)	-	\$ 150,000		\$ 120,000	\$ 40,000	\$ 11,200	-	\$ 321,200
Shelter Relocation plus Branding	Florence (EB)			\$ 250,000	\$ 120,000	\$ 40,000	\$ 11,200		\$ 421,200
15 L enhanced (double)	Havana	\$ 7,000,000	<i>Included in Full BRT Cost</i>						\$ 7,000,000
Shelter Relocation plus Branding	Kingston	-		\$ 500,000	\$ 240,000	\$ 80,000	\$ 22,400	-	\$ 842,400
15 L enhanced (single)	Moline	-	\$ 300,000	-	\$ 240,000	\$ 80,000	\$ 22,400	\$ 260,000	\$ 902,400
15 L enhanced (single)	Peoria <sup>1</sup>	-	\$ 300,000		\$ 240,000	\$ 80,000	\$ 22,400	\$ 520,000	\$ 1,162,400
15 L enhanced (single)	Scranton (WB)	-		\$ 150,000	\$ 120,000	\$ 40,000	\$ 11,200	-	\$ 321,200
Shelter Relocation plus Branding	Scranton (EB)		\$ 250,000		\$ 120,000	\$ 40,000	\$ 11,200		\$ 421,200
15 L enhanced (single)	Children's Way	-	\$ 300,000	-	\$ 240,000	\$ 80,000	\$ 22,400	-	\$ 642,400
Shelter Relocation plus Branding	Wheeling/Xanadu	-		\$ 500,000	\$ 240,000	\$ 80,000	\$ 22,400	-	\$ 842,400
Pylon/monument	Colfax Station	-	\$ 300,000	-	\$ 240,000	\$ 80,000	\$ 22,400	\$ 520,000	\$ 1,162,400
<b>Total</b>		<b>\$ 7,000,000</b>	<b>\$ 2,050,000</b>	<b>\$ 1,900,000</b>	<b>\$ 2,520,000</b>	<b>\$ 840,000</b>	<b>\$ 235,200</b>	<b>\$ 1,300,000</b>	<b>\$ 15,845,200</b>
Total estimated cost with contingency + inflation									\$ 23,256,400
2022 cost for design									\$ 2,325,700
Estimated construction cost (less design)									\$ 20,930,700
<b>51% Local Share of Estimated Construction</b>									<b>\$ 10,674,700</b>

- NOTE: These are planning level costs and will be refined during 60% design. Financial plan for construction is pending design, final project schedule, and FTA grant award.



# Overall Current Project Timeline

- *2020 – 2022*: Preliminary Engineering & Environmental Review
- *July 2022*: FTA Small Starts Project Rating Application
- *August 2022*: FTA Small Starts Project Development Approval
- *2023 – 2024*: Final Design (18 months)
- *2024 – 2025*: FTA Small Starts Construction Grant Application Process
- *2026 – 2028*: Bidding, Construction, Bus Acquisition, Testing (approximately 24 Months)
- *Early 2028*: Estimated BRT Service Startup



# Questions for Council

- **Does Council agree with the current proposed Colfax BRT station enhancement/operations plan?**
- **Does Council support financial participation for the station enhancements in Aurora?**
  - Up to \$2.33 million in 2022 for design to be formalized via an IGA
  - Estimated \$10.7 million from 2023 through 2026 for construction as 51% local match for the FTA Small Starts grant (pending design).



## **Transportation, Airports and Public Works (TAPS) Policy Committee Meeting**

March 3, 2022

Members Present: Council Member (CM) Juan Marciano, Chair; Council Member Alison Coombs, Vice-Chair, Council Member Crystal Murillo (Absent)

Others Present: Andrea Amonick, Jack Bajorek, Scott Bauman, Traci Burton, Carlie Campuzano, Lynne Center, Cindy Colip, Tahjeau Evans, Michelle Gardner, Steve Gardner, Karen Hancock, Haley Johansen, Huiliang Liu, Julie Patterson, Mindy Parnes, Laura Perry, Victor Rachael, Jeanie Rustad, Mark Smith, Gary Vidlock, Elly Watson, Tom Worker-Braddock

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### **1. WELCOME AND INTRODUCTION**

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### **2. APPROVAL OF MINUTES**

The minutes for the January 27, 2022 TAPS meeting were approved as written

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### **3. CONSENT ITEMS (None)**

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### **4. GENERAL BUSINESS**

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#### **4.a. Colfax Bus Rapid Transit – Project Update**

##### **Summary of Issue and Discussion:**

Huiliang Liu, Principal Transportation Planner, provided an update on the Colfax Bus Rapid Transit (BRT) project which started in 2012 initially as a study. In 2013, the project evaluated a range of alternatives from light rail transit (LRT) to streetcar, BRT, and enhanced bus. In 2014, the side-running peak period BRT alternative was first identified and in 2016, the side running peak period BRT, with dedicated bus lanes in Denver and mixed traffic flow lanes in Aurora, was selected as the locally preferred alternative. In 2017, the center-running BRT was introduced. Denver then reinitiated this project in 2020 after a short pause. Parsons Transportation Group was hired as a consultant to complete an environmental impact assessment, Federal Transit Authority (FTA) Small Starts Project Development, and preliminary engineering. In Aurora, it will continue to be side running between Yosemite and the Colfax/R Line LRT Station. Several local stops, which include Beeler, Jamaica, Nome, and the Aurora Court westbound stop, were initially not included in the BRT operations plan. There will be three run patterns for the BRT plan with a 4.3-minute average frequency. The R Line Colfax Station to Denver Union Station (DUS) will be at a 10-minute frequency while Aurora Metro Center Station to DUS and Piccadilly Road to DUS will be at a 15-minute frequency. Denver made revisions regarding stops and added back Beeler stops at Chester Street. However, three existing 15 local stops will not be included which are Jamaica with 97 daily ridership, Nome with 105 daily ridership, and Westbound Aurora Court stop with 34 daily ridership in 2019. Staff also looked at the distance to the nearby BRT alternative stops. Nome is currently 660 feet away from Moline as the nearest stop and Jamaica is 980 feet away from Kingston as the nearest stop. There is a large shopping area with a large amount of surface parking on the north side of Colfax and on the south side, there is also an under-developed area and therefore a potential redevelopment site at Jamaica stop. With this, Staff agreed with Denver's current proposal to not include Nome and Westbound Aurora Court in the current operational plans but will work with Denver to identify Jamaica as a future BRT stop.



Mr. Liu presented a list of potential bus stop enhancements with level boarding identified as one important feature. This allows for easier and faster boarding, especially for people on wheelchairs. Sample pictures of BRT stop designs across the country and in Canada were shown. Mr. Liu also presented the design for 15L Bus Stop Enhancements, which will be the basic stop amenities for Aurora if Aurora would not provide any funding contributions. As per the FTA, shelter, branding, and map or schedule display must be included for a BRT service. For basic station improvements, there would be a \$1.6 million to \$2 million match from Aurora with a total of \$4 to \$5 million for all Aurora stops. For the highest station improvements, it would be a total of \$25 to \$35 million with a requested local match for \$13.8 to \$19.3 million. Real-time scheduling, level boarding, and the ticket vending machines are deemed important for stop enhancements in Aurora. If the city wants to make a contribution, it would be beneficial to apply the city funds to improve stops beyond just the basic elements. Denver is currently working on the Small Starts Project Application, and if this project would be funded through the FTA, the estimate would be by 2028 for the BRT service to start-up.

CM Marcano asked regarding the timeline of the \$13.8 to \$19.3 million Aurora match. Mr. Liu stated that it would be the total project cost for the highest station improvements and could potentially go up. If all stops are looking to be improved in Aurora, \$2.5 to \$3 million is needed for design this year, just as in Denver, and the rest could come in later. CM Marcano asked if that budget was already anticipated or if it would be supplemental. Cindy Colip clarified that it would be supplemental. Laura Perry stated that this would entail entering into an IGA with Denver to negotiate the actual amount for both design and construction. CM Marcano further asked regarding real-time scheduling via smartphones versus displays at each station and if there is a trend of people relying more on smartphones compared to physical displays. Mr. Liu stated that he is not aware of scientific surveys regarding this, however, he thinks that real-time display would still be an important, helpful, and convenient feature to have and considers that not all people have access to advanced technology. CM Marcano agreed and asked for market survey information regarding trends on this issue. CM Coombs stated that it is important to not assume access to a smartphone. From a tourism perspective, people might not have an incentive to download an app if they would only be staying in the city for a short time and that real-time displays would be convenient. CM Marcano agreed with this and mentioned that it would be beneficial to have further information on this in Council Study Session.

CM Coombs asked if there were any stops with physical constraints that would make it difficult to do the level boarding. Mr. Liu clarified that the project team has not yet looked at each site specifically and has only provided a uniform unit cost estimate. Level boarding would be the most challenging part with the right of way, existing curb, and sidewalk width as constraining factors. This will be further analyzed in the later stage of the project. CM Coombs said that it would potentially reduce the cost if there were a handful of stops where it's not possible to implement those level boarding, but that it would be ideal to have them everywhere. As the ADA study is being conducted, it would be beneficial to identify other ways to address those areas that would be allowable for level boarding. She stated that this could be a potentially complicated discussion that would cost more or less, but maybe offset by other projects that need funding. CM Coombs asked if the city would be able to use CDOT or DRCOG or funds from state bills directed towards transit. Mr. Liu answered that Denver is applying for the design fund and that Aurora should be able to apply for future funding for station enhancements. CM Coombs commented that enhanced infrastructure may attract companies to the city to have more jobs and employees to be attracted for work due to easier commutes. She further adds that this can be a major point of conversation with employers, the chamber, and Aurora Economic Development Council (AEDC). Mr. Liu stated that CM Murillo suggested contacting the Anschutz Campus as they could be a potential partner for this project.



**Outcome:** The committee agreed with all staff recommendations regarding the current proposed bus operations plan, a partnership with Denver to fund Colfax bus station base level improvements in Aurora, and considerations regarding bus stop/station enhancements above the currently proposed base level for the BRT stations in Aurora.

**Follow-up Action:** Staff will conduct necessary preparations based on Committee's decision and potentially provide another update at the March 31 TAPS Committee meeting.

#### **4.b. Consideration to Approve a Resolution for the IGA between the City and CDOT for the Traffic Signal System Project**

##### **Summary of Issue and Discussion:**

Carlie Campuzano, Traffic Manager, presented the Intergovernmental Agreement (IGA) for a traffic signal system update between the City of Aurora and the Colorado Department of Transportation (CDOT). The Denver Regional Council of Governments (DRCOG) puts out a call for projects every three years, which is an opportunity to apply for grant funding for traffic technology projects. Out of three that the city applied for, two of the projects were granted awards. \$460,000 in federal funds were given for this project to upgrade the City's traffic signal system. No local match is required. This will fund the update of the traffic signal system including software, hardware, support, and rollout.

Currently, the city uses TACTICS as its existing traffic control system. This system is deemed outdated and has functionality that it cannot support. An evaluation was done to identify the most appropriate system that meets all the functional requirements of the city. TransSuite, the same system used by Denver, Lakewood, and CDOT was determined to be the city's new system. This would be further beneficial as Denver, Lakewood, and CDOT are working on a project that allows them to share data. The Public Works Department has gotten a demo version of TransSuite to ensure that it would work with all the existing field hardware. The department is moving forward to purchase the full version as it has determined that TransSuite is compatible with the current hardware in place.

CM Marcano asked what fail-safes are put in place to prevent an unauthorized person from getting into the city's traffic control system. Carlie Campuzano stated the city's signal system is not connected to the city's network and that they are completely separate. Firewalls are also set in place to not allow unauthorized persons to make changes. The new system also has up-to-date security measures. Regarding sharing data with other agencies, this will then be defined in a future IGA which would allow other agencies read-only access but would not make it possible for them to change the city's signals. In the future, "flush plans" can be evaluated which could allow other entities to run specific timing plans for the city during major incidents. CM Marcano asked for further clarification regarding flush plans. Carlie Campuzano stated that it is a timing plan that could be used for incident management to improve overall regional operations if there's an incident on a major route or freeway. CM Coombs expressed appreciation to Staff for applying for funding that does not require a local match. She is concerned regarding flush plans allowing traffic into neighboring streets and community backlash that may come from this. She highlighted the importance of having good communication with the public should this move forward. C. Campuzano clarified that the system upgrade would take years and that allowing other agencies to update signal timings in the city is not happening soon. CM Coombs reiterated having good communication with the community and making sure that they are heard and respected. C. Campuzano added that it would be an arterial parallel to the freeway that would be used to redirect traffic and agreed that these decisions must be explained well to the public.

**Outcome:** The committee approved moving this topic to Study Session



### Aurora Preferred Alternative

	Station	Signature Stations	Existing 15L Shelters (Relocated)	New 15L Shelters	Ticket Vending Machines	Variable Message Signs (Schedule Info)	Emergency phone	Level Boarding	TOTAL
15 L enhanced	Yosemite (EB)		\$ 150,000		\$ 120,000	\$ 40,000	\$ 11,200		\$ 321,200
Shelter Relocation plus Branding	Chester	-		\$ 500,000	\$ 240,000	\$ 80,000	\$ 22,400	-	\$ 842,400
15 L enhanced (double)	Dayton	-	\$ 300,000	-	\$ 240,000	\$ 80,000	\$ 22,400	-	\$ 642,400
Pylon/monument	Florence (WB)	-	\$ 150,000		\$ 120,000	\$ 40,000	\$ 11,200	-	\$ 321,200
Shelter Relocation plus Branding	Florence (EB)			\$ 250,000	\$ 120,000	\$ 40,000	\$ 11,200		\$ 421,200
15 L enhanced (double)	Havana	\$ 7,000,000			<i>Included in Full BRT Cost</i>				\$ 7,000,000
Shelter Relocation plus Branding	Kingston	-		\$ 500,000	\$ 240,000	\$ 80,000	\$ 22,400	-	\$ 842,400
15 L enhanced (single)	Moline	-	\$ 300,000	-	\$ 240,000	\$ 80,000	\$ 22,400	\$ 260,000	\$ 902,400
15 L enhanced (single)	Peoria <sup>1</sup>	-	\$ 300,000		\$ 240,000	\$ 80,000	\$ 22,400	\$ 520,000	\$ 1,162,400
15 L enhanced (single)	Scranton (WB)	-		\$ 150,000	\$ 120,000	\$ 40,000	\$ 11,200	-	\$ 321,200
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15 L enhanced (single)	Children's Way	-	\$ 300,000	-	\$ 240,000	\$ 80,000	\$ 22,400	-	\$ 642,400
Shelter Relocation plus Branding	Wheeling/Xanadu	-		\$ 500,000	\$ 240,000	\$ 80,000	\$ 22,400	-	\$ 842,400
Pylon/monument	Colfax Station	-	\$ 300,000	-	\$ 240,000	\$ 80,000	\$ 22,400	\$ 520,000	\$ 1,162,400
<b>Total</b>		<b>\$ 7,000,000</b>	<b>\$ 2,050,000</b>	<b>\$ 1,900,000</b>	<b>\$ 2,520,000</b>	<b>\$ 840,000</b>	<b>\$ 235,200</b>	<b>\$ 1,300,000</b>	<b>\$ 15,845,200</b>
Total estimated cost with contingency + inflation									<b>\$ 23,256,400</b>
2022 cost for design									<b>\$ 2,325,700</b>
Estimated construction cost (less design)									<b>\$ 20,930,700</b>
<b>51% Local Share of Estimated Construction</b>									<b>\$ 10,674,700</b>





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> An Ordinance to Amend City Code Relating to GERP And ERP Retirement Plans
<b>Item Initiator:</b> Nancy Wishmeyer, Controller
<b>Staff Source/Legal Source:</b> Nancy Wishmeyer, Controller / Hanosky Hernandez, Sr. Assistant City Attorney
<b>Outside Speaker:</b> Jessica Culotti, Shareholder, Reinhart Boerner Van Deuren
<b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City

### COUNCIL MEETING DATES:

**Study Session:** 5/2/2022

**Regular Meeting:** 5/9/2022

### ITEM DETAILS:

- Sponsor Council Member Curtis Gardner
- Nancy Wishmeyer, Controller / Hanosky Hernandez, Assistant City Attorney
- Outside speaker: Jessica Culotti, Reinhart Boerner Van Deuren
- Estimated time: 5/5

Nancy Wishmeyer, Controller / Hanosky Hernandez, Senior Assistant City Attorney

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### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting  | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Management & Finance

**Policy Committee Date:** 4/26/2022

**Action Taken/Follow-up:** *(Check all that apply)*



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☒ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Current city code allows an employee participating in GERP, who is being promoted to an executive position or a Council Appointee position, the option to either stay in the GERP or transfer to the ERP. An amendment to code is necessary as IRS rules prohibit the option for employees to move between retirement plans with differing contribution rates. The contribution rate for GERP is 7% and the rate for ERP is 10%.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

This item is for an amendment to sections of city code related to the Money Purchase Plan for Executive Personnel (Executive Retirement Plan, ERP) and the General Employees' Retirement Plan (GERP). The proposed changes will eliminate the option to move between GERP and ERP and clarify eligibility for the plans.

Executive Personnel and Council Appointees will automatically participate in ERP but only if they are not participating in GERP at the time of their appointment by Council or hire into an Executive Personnel position. Once an employee is enrolled in GERP or ERP, they will stay in the respective plan until their employment with the city ends.

The code change also clarifies the definitions of Council Appointees and Executive Personnel regarding who is eligible to participate in ERP. Council Appointees, defined in Charter as employees appointed directly by City Council, specifically: the City Attorney, the Presiding Judge and the Court Administrator. Staff reporting to Council Appointees will no longer be eligible to participate in ERP. Executive Personnel defined in code are: the city manager, assistant city managers, deputy city managers, and department directors. The Fire Chief will only be eligible for ERP if that individual is not a participant in the Fire and Police Pension Association (FPPA) of Colorado plan, or as a retiree, is not eligible for reenrollment in an FPPA plan at the time of hire into the Fire Chief position. The Police Chief is not eligible to participate in ERP because the Police Chief is eligible for the Police Pension Plan.

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**QUESTIONS FOR COUNCIL**

Does Council recommend moving this item to regular Council meeting?

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**LEGAL COMMENTS**

The City of Aurora has established a General Employee Retirement Plan and the Executives Retirement Plan as part of the benefits provided to certain qualified employees and executives of the City. These benefits are codified in the Aurora City Code. This Ordinance clarifies the eligibility to participate in these plans. City Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of an ordinance; all actions, except as herein provided, may be in the form of Resolutions or motions. This clarification on the eligibility to receive benefits must be approved with an Ordinance. *See*, Article 5-1 Aurora City Charter. (Hernandez)

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**PUBLIC FINANCIAL IMPACT**

☐ YES

☒ NO



**If yes, explain:** N/A

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**PRIVATE FISCAL IMPACT**

☒ Not Applicable      ☐ Significant      ☐ Nominal

**If Significant or Nominal, explain:** N/A



ORDINANCE NO. 2022-\_\_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 102, SECTIONS 137, 138, 140 AND 323 OF THE CITY CODE TO CLARIFY RETIREMENT PLAN ELIGIBILITY FOR THE GENERAL EMPLOYEES RETIREMENT PLAN AND THE MONEY PURCHASE PLAN FOR EXECUTIVE PERSONNEL

WHEREAS, the City of Aurora, Colorado, (the "City"), sponsors the General Employees' Retirement Plan ("GERP") and the Money Purchase Plan for Executive Personnel ("Executive Plan"); and

WHEREAS, the City Council ("Council") has the right to amend GERP at any time through Ordinance section 102-151; and

WHEREAS, the Council has the right to amend the Executive Plan at any time through Ordinance section 102-322 and Section 14.01 of the Plan; and

WHEREAS, the Council desires to clarify who is eligible for the Executive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. Section 102-137 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 102-137. Definitions.

*Employee* means any person in the employ of the City **for Compensation**, including nonelective officers of the City **and Employees appointed by the City Council**, but excluding police officers, paid firefighters, temporary employees and any elected officer or member of any commission or board appointed by the ~~Ceity~~ **City Council** or any officer of the city unless the officer or member is also an ~~E~~employee of the City as defined in this section. Effective September 1, 1992, the term "employee" also means each full-time employee performing work for the City, funded by a minimum one-year grant which provides for retirement benefits. Effective June 30, 2003, the term "employee" shall include the administrative staff of the general employees' retirement plan.

*Executive personnel* means any of the following persons: city manager, assistant city manager(s), deputy city manager(s) and department directors. **Department directors are defined as directors who report to the City Manager.**

Section 2. Section 102-138 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 102-138. Eligibility and participation.



~~(a) General.~~ Employees who were participants in the plan on December 31, 1988 shall automatically become participants in this amended and restated plan as of January 1, 1989. Any other ~~E~~employee hired on or subsequent to January 1, 1989, shall automatically become a participant upon completion of one hour of service, **except for those employees who are enrolled in the Executive Money Purchase Plan established under section 102-321.** ~~Except as provided under subsection 102-138(b),~~ **A**a participant may not terminate participation unless employment with the city terminates. Any employee hired after December 31, 2011 who fulfills the requirements under 102-139(g) to repurchase or reestablish service credit that had been earned prior to January 1, 2012, or who qualifies under [subsection] 102-142(g) to resume pension benefits that first began prior to January 1, 2012, shall be considered to have been a participant in the plan prior to January 1, 2012.

~~(b) Council appointees and executive personnel. Council appointees, as defined in section 102-287, appointed after January 1, 1998, shall participate in the plan. Current council appointees shall have a one-time irrevocable option to participate in the plan. This option shall be exercised within 30 days after receipt of a favorable IRS letter ruling. Executive personnel shall have an option not to participate in the plan so that they can participate in the money purchase plan for executive personnel. This option shall be a one-time irrevocable option, to be exercised upon the commencement of employment in an executive personnel position or 30 days after receipt of a favorable IRS letter ruling.~~

Section 3. Section 102-140 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 102-140. Contributions.

(e) *Transfer of contribution accumulation.* This subsection applies to executive personnel **and Council appointees** who elected **prior to January 1, 2022** not to participate in this plan so that they can participate in the executive personnel's money purchase plan. Each participant who has completed five or more years of credited service shall make a one-time irrevocable election to (1) leave their contribution accumulation in the trust or (2) transfer their contribution accumulation, as well as all contributions made by the City to the trust on the participant's behalf into the trust for the executive personnel money purchase plan by means of a trust-to-trust transfer. Each participant who has not completed five years or more of credited service shall have his or her contribution accumulation, as well as all contributions made by the City to the trust on the participant's behalf, transferred by means of a trust-to-trust transfer to the trust for the executive personnel money purchase plan. The amount transferred according to this section shall not exceed applicable limitations of [Internal Revenue] Code Section 415. Upon transfer of a participant's contribution accumulation to the trust for the executive personnel money purchase plan, (1) the participant's credited service under this plan shall be canceled, and (2) this plan will pay no further benefits to the participant, the participant's spouse or the participant's beneficiaries, unless the participant reenters the plan due to change in employment status and earns a right to plan benefits, and (3) the amount transferred to the trust for the executive personnel money purchase plan may not be transferred back to this plan to purchase credited service under this plan.



Section 4. Section 102-323 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 102-323. Eligibility.

**Employees who are participants in the Plan on January 1, 2022 shall remain in the Plan until their employment with the City terminates.**

**Effective January 1, 2022, ~~The executive personnel money purchase plan shall be available to the following groups of individuals: Group 1: city manager, assistant city manager(s), deputy city manager(s), department directors; group 2: Law clerks, paralegals, assistant city attorneys, deputy city attorneys, city attorney, permanent part-time judges, full-time judges, presiding judge, full-time public defenders, and court administrator. Any individual in group 2 hired after January 1, 1998 shall be a participant in the general employees retirement plan~~ employees hired into one of the positions described below shall automatically participate in the Plan upon completion of one hour of service in such position:**

- (a) Council Appointees, defined as employees appointed directly by the City Council pursuant to Article X, Sections 10-1, 10-4(b) and 10-4(d) of the Aurora Charter, specifically, the City Attorney, the Presiding Judge and the Court Administrator;**
- (b) Executive Personnel, as that term is defined in section 102-137; and**
- (c) the Fire Chief.**

**Notwithstanding the foregoing, ~~Eligibility and participation shall be pursuant to the option made available to executive personnel as described in section 102-138 of the City Code. The executive personnel's money purchase Plan~~ shall only be available to ~~E~~Executive Ppersonnel and C council A appointees, as defined above, who are not participating in the ~~G~~general E employees' R retirement P plan at the time of their appointment by the City Council or hire into an Executive Personnel position. Additionally, the Police Chief is not eligible to participate in the Plan because the Police Chief is eligible for the Police Pension Plan.**

**The Fire Chief shall only be eligible for the Plan if the individual is not a participant in a Fire and Police Pension Association of Colorado Plan at the time of hire into the Fire Chief position. If the Fire Chief is a retiree from a Fire and Police Pension Association of Colorado Plan, the Fire Chief is only eligible to participate in the Plan if the Fire Chief is not eligible for reenrollment in the Fire and Police Pension Association of Colorado Plan at the time of hire.**

**Once an employee is enrolled in the Executive Plan, they will remain in the Plan until their employment terminates.**



Section 5. Notwithstanding any provision of the Charter or the City Code of the City of Aurora, Colorado, to the contrary, this ordinance shall become effective on the first day of the month which is at least thirty days after the date of adoption.

Section 6. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 7. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 8. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

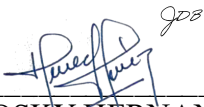
PASSED AND ORDERED PUBLISHED BY REFERENCE this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
HANOSKY-HERNANDEZ,  
Sr. Assistant City Attorney





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> 2022 State & Federal Priorities Follow-Up Discussion
<b>Item Initiator:</b> Roberto Venegas, Deputy City Manager
<b>Staff Source/Legal Source:</b> Roberto Venegas, Deputy City Manager
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 2.0--Serve as leaders and partners with other governments and jurisdictions

### COUNCIL MEETING DATES:

**Study Session:** 5/2/2022

**Regular Meeting:** N/A

### ITEM DETAILS:

Review three remaining proposed 2022 State & Federal Priorities

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |   |
|---|---|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input checked="" type="checkbox"/> Approve Item as proposed at Study Session |
| <input type="checkbox"/> Approve Item and Move Forward to Regular Meeting   | <input type="checkbox"/> Approve Item as proposed at Regular Meeting          |
| <input type="checkbox"/> Information Only   |   |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |   |

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Federal, State & Intergovernmental Relations

**Policy Committee Date:** 4/8/2022

### Action Taken/Follow-up: *(Check all that apply)*

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Recommends Approval   | <input type="checkbox"/> Does Not Recommend Approval    |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached                 | <input type="checkbox"/> Minutes Not Available          |



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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Annually, the FSIR committee reviews the city's state and federal priorities. After review, those items are forwarded to the full Council for approval.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

During several FSIR meetings from February through April, Committee members and staff reviewed the proposed 2022 state and federal priorities (attached). Councilmembers provided feedback and revisions, and staff brought those finalized priorities back to the April 8<sup>th</sup> FSIR committee meeting for final approval.

The state and federal priorities provide guidance for the Council, staff, and our lobbyists as we advocate for projects and/or legislation at the state and federal level. The priorities contain both specific asks (e.g. legislation) as well as more general policy positions on various subjects.

At the April 18<sup>th</sup> Study Session, Council moved forward the priorities except for three items: federal police reform, state climate change, and federal programs and grants for housing assistance. Staff has attached a memo with responses to questions posed on those three items during the 4/18 Study Session, as well as the language of the three priorities.

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**QUESTIONS FOR COUNCIL**

Does the City Council wish to move the remaining three 2022 state & federal priorities forward?

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**LEGAL COMMENTS**

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**PUBLIC FINANCIAL IMPACT**

☐ YES ☐ NO

**If yes, explain:** N/A

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**PRIVATE FISCAL IMPACT**

☒ Not Applicable ☐ Significant ☐ Nominal

**If Significant or Nominal, explain:** N/A



**MEMORANDUM****TO:** Mayor & City Council**FROM:** Roberto Venegas, Deputy City Manager**SUBJECT:** Follow-Up to 2022 State & Federal Priorities**DATE:** May 2, 2022

At the April 18th Study Session, the City Council discussed the proposed 2022 State and Federal priorities. The Council approved those priorities but asked that three specific items be removed for discussion and a vote at the May 2 Study Session. Those items include the state climate change priority, as well as the federal police reform and housing assistance items. They are included at the bottom of this memo for your reference. The Council did also ask several specific questions about those three items on April 18<sup>th</sup> and staff has provided answers below.

Regarding the state climate change priority, CM Marcano asked what specific green building standards would be pursued. The intent would be to follow the International Building Code, and specifically the voluntary Green Building Code companion volume. Also, within the climate change priority, CM Zvonek inquired about the alternative energy and renewable energy standards, specifically asking what standard we would be looking to achieve. No exact standard has been delineated, with the priority serving as a general priority to support higher alternative/renewable standards. In addition, the priority would be aimed at both city assets/effort as well as more generally applied standards statewide.

CM Zvonek also inquired about the bullet in the climate change priority related to expanded tax credits that promote use of electric vehicles and EV infrastructure. The priority was intended for both city facilities/infrastructure and more broadly applied to the general public. Of note, while the city does not pay sales tax on the purchase of cars, it can avail itself of electric vehicle and EV infrastructure tax credits. In addition, there is no specific tax credit amount being put forward but is more a general statement of support for tax credits for this type of infrastructure.

CM Zvonek requested information on the “Housing is Infrastructure Act” (H.R. 4497). The bill provides \$600 billion to address the housing affordability crisis. The bill allocates funding to repair public housing, build new homes, and assist renters. \$75 billion will rebuild and preserve public housing, with an additional \$45 billion to accelerate the construction of affordable homes through the National Housing Trust Fund. \$200 billion will be allocated to help renters through the Housing Choice Voucher Program and project-based rental





assistance. The bill also appropriates \$35 billion for the HOME Investment Partnership Program to help low-income Americans purchase and rebuild homes. The bill was referred to the House Committees on Financial Services, Transportation and Infrastructure, Education and Labor, Energy and Commerce, Judiciary, and the Budget. It has not received a formal markup.

## **STATE & FEDERAL PRIORITIES PULLED BY COUNCIL AT 4/18/22 STUDY SESSION:**

### **CLIMATE CHANGE**

The Aurora City Council and city management have developed a vision of growth for the city that focuses on the principles of sustainability, energy efficiency and renewable energy. To embrace economic sustainability the city created the Aurora Campus for Renewable Energy and the campus represents the city's commitment to renewable energy and the promotion of green jobs. The city is demonstrating the commitment to sustainable energy supplies by hosting solar photovoltaic installations on three city facilities and piloting programs to host additional installations. The city started the SmartFleet Initiative in 2010 that led an effort to convert the city fleet to electric vehicles and to expanding electric charging infrastructure throughout the city.

The city supports state legislation that supports the principles of sustainability, energy efficiency and renewable energy by tracking and supporting state legislation that support these aims. This includes:

- Expanding production of alternative energy and renewable energy standards
- Expanding tax credits that promote use of electric vehicles and EV infrastructure
- Pursuing green building standards

### **POLICE REFORM**

**Subject: Measures to increase the integrity and accountability of law enforcement**

#### **Congress**

Police reform continues to be a priority area for the City of Aurora. The city has been proactive on reforms inside their own department and the State of Colorado has passed needed reforms in recent years, but the city believes federal legislation is needed.

**Requests:** The city supports the following principles to be included in future congressional legislation surrounding police reform.

- Justice for Breonna Taylor Act - The Justice for Breonna Taylor Act introduced in the U.S. Senate would prohibit no-knock warrants, which allows law enforcement officials





- to forcibly enter a home without announcing their authority or purpose. The city supports this legislation.
- National Ban of Chokeholds – The city supports a national ban of the use of chokeholds, carotid holds, sleeper holds or similar techniques by law enforcement.
  - Emmett Till Antilynching Act (H.R. 55) – The Emmett Till Antilynching Act passed by the U.S. House of Representatives establishes a new criminal civil rights violation for lynching. Specifically, a person who conspires to commit certain civil rights offenses (e.g., a hate crime act) is subject to criminal penalties. The city supports this legislation.
  - National Database – The city supports the creation of a national database to track officer wrongdoing.
  - Failure to Intervene – The city supports legislation that would create a national standard to hold police officers accountable in a situation where they fail to intervene to prevent another officer from using excessive force.
  - Eliminating Mandatory Minimum Prison Sentences – The city supports legislation that would end mandatory minimum prison sentences for non-violent drug offenses.
  - Ending Civil Asset Forfeiture – The city supports legislation that would end civil asset forfeiture by law enforcement.
  - Ending Qualified Immunity Act (S. 492/H.R. 1470) – The city supports the Ending Qualified Immunity Act introduced in the U.S. Senate and the U.S. House of Representatives that would eliminate qualified immunity and restore Americans' ability to obtain relief when police officers violate their constitutionally secured rights.
  - The city of Aurora supports legislation that strengthens the training methods and tactics throughout law enforcement jurisdictions, especially regarding de-escalation of force and the duty to intervene, providing law enforcement with new funding to do so.

**Subject: Federal programs and grants for housing assistance**

**Congress and Housing and Urban Development (HUD)**

The economic effects of the COVID-19 outbreak has forced many businesses to curtail their activities or shut down entirely causing many millions to lose their employment. Housing assistance is a critical measure to prevent additional renters and homeowners from falling into homelessness.

**Requests:** The city supports the following principles to be included in the annual fiscal year (FY) Transportation/HUD Appropriations bill or future Congressional legislation to combat the economic effects resulting from the COVID-19 outbreak.

- Private Activity Bond Financing Program - lower the threshold of required Private Activity Bond financing which would free up more funds for affordable housing projects and allow states to fund nearly twice as many affordable housing developments.





- The 4% Low-Income Housing Tax Credit – The Low-Income Housing Tax Credit is a primary tool to produce and preserve affordable housing. However, the requirement that at least 50% of such projects are financed by tax-exempt bonds limits access to the 4% tax credits for the rehabilitation of affordable housing, greatly reducing the number of affordable housing produced. The City of Aurora requests the minimum threshold of tax-exempt bonds needed to receive an automatic 4% Low-Income Housing Tax Credit award be lowered from 50% to 25% to increase the rehabilitation of affordable housing.
- Housing Choice Vouchers – The City requests an expansion of the housing choice vouchers program which would sharply reduce homelessness, housing instability, and overcrowding.
- Investments in housing and development programs including rental vouchers and mortgage assistance programs to prevent individuals and families from falling into homelessness.
- Increase in funding for the CDBG and HOME Programs.
- An increase of the HUD maximum income restrictions for the down payment assistance and the rental assistance program in order to stay relevant in the current market.
- Programs that preserve housing for extremely low-income households, including those that address chronic homelessness among veterans, youth, and families.
- Raise the Davis-Bacon project threshold to \$250,000 for non-residential and increase the CDBG housing unit threshold to 12 units to coincide with the HOME program.
- Eliminate the 15% set-aside of HOME funds for Community Housing Development Organizations (CHDOs).

**Requests:** The city of Aurora requests Congress and federal agencies support the following:

- The Eviction Crisis Act (S. 3030), sponsored by Senator Bennet of Colorado
- The Fighting Homelessness Through Services Act (S. 923/H.R. 1979)
- The Housing is Infrastructure Act (H.R.4497)





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Proposal to Amend Section 2-672 of the City Code Pertaining to Authority to Award Contracts
<b>Item Initiator:</b> Council Member Danielle Jurinsky
<b>Staff Source/Legal Source:</b> Dave Lathers, Assistant City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 6.1--Ensure the delivery of high quality services to residents in an efficient and cost effective manner

### COUNCIL MEETING DATES:

**Study Session:** 5/2/2022

**Regular Meeting:** N/A

### ITEM DETAILS:

Sponsor: Danielle Jurinsky, Council Member  
Dave Lathers, Assistant City Attorney  
Estimated time: 15 Minutes

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### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting  | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- |  |  |
|--|--|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
|--|--|



☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

In July of 2020 section 2-672 of the City Code, pertaining to purchasing was amended to include subsection (C). Subsection (C) required when APD wished to avail itself of acquiring commodities from federal and state programs associated with the military or national guard that permission to make such acquisitions needed to be vetted through City Council.

In the twenty months since the passage of the amendment to 2-672, the safeguards of having Council review such acquisitions have proven unnecessary. Council is adequately informed of acquisitions through other avenues.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

Requiring the Police Department to obtain Council permission for time sensitive low cost or free acquisitions from state of federal agencies, jeopardizing the department's ability to make the request before the time period of the request closes.

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**QUESTIONS FOR COUNCIL**

Does Council wish to refer this matter to support this item?

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**LEGAL COMMENTS**

The council shall have all legislative powers of the city and all other powers of a home rule city not specifically limited by the Constitution of the State of Colorado and not specifically limited or conferred upon others by this Charter. It shall have the power to enact and provide for the enforcement of all ordinances necessary to protect life, health and property; to declare, prevent and summarily abate and remove nuisances; to preserve and enforce good government, general welfare, order and security of the city and the inhabitants thereof; to enact by ordinance provisions for fines and/or imprisonment, or other punishment, for each and every violation of ordinances or regulations duly passed by council; to provide for the granting of probation and the conditional suspension of sentences by the municipal court; and to delegate to boards and commissions, within limitations of the Constitution and this Charter, such functions, powers and authority of the city as it deems proper and advisable. (Article 3-9 of the City Charter)(Lathers)

Council Member Jurinsky brings this matter forward exercising her prerogative to do so under Rule B.2. of the Rules of Order and Procedure for the Aurora, Colorado, City Council. (Lathers)

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**PUBLIC FINANCIAL IMPACT**

☐ YES ☒ NO

**If yes, explain:**

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**PRIVATE FISCAL IMPACT**

☒ Not Applicable ☐ Significant ☐ Nominal

**If Significant or Nominal, explain:**



ORDINANCE NO. 2022- \_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 2-672 OF THE CITY CODE PERTAINING TO AUTHORITY TO AWARD CONTRACTS BY REMOVING IN ITS ENTIRETY SUBSECTION (C) REQUIRING COUNCIL AUTHORIZATION OF REQUESTED PROCUREMENTS FROM ENUMERATED PROGRAMS.

WHEREAS, low cost, cost effective, and even free procurement opportunities from state and federal programs, including those currently regulated by subsection (c) of Section 2-672 of the City Code, often require swift action to obtain the valuable offered commodities; and

WHEREAS, compliance with subsection (c) of Section 2-672 of the City Code takes time; and

WHEREAS, City Council entrusts oversight of the City's procurement process to the City Manager and delegated Department Heads subject to the well-delineated provisions of subsections (a) & (b) of Section 2-672 of the City Code; and

WHEREAS, the City's Procurement Code set forth in Article VI of Chapter 2 of the City Code has sufficient guidance on procuring best value to the City and on reporting of procurement matters to Council to enable Council to exercise oversight of the process:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by repealing in its entirety subsection (c) to Section 2-672 of the City Code pertaining to Authority to Make Awards.

Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.



Section 4. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

PASSED AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

*David Lathers*<sup>JDS</sup>  
\_\_\_\_\_  
DAVID LATHERS, Sr. Assistant City Attorney