

GRANBY RANCH METROPOLITAN DISTRICT
SPECIAL MEETING

AGENDA AND NOTICE

<u>Board of Directors</u>	<u>Office:</u>	<u>Term Expiration</u>
Matt Girard	President	May 2022
Steven Conrad	Asst. Secretary/Treasurer	May 2022
Frances Mejer	Secretary/Treasurer	May 2022
Timothy Archie		May 2023
Glenn O'Flaherty		May 2023

DATE: **Friday, May 29, 2020**

TIME: **10:00 a.m.**

VIA AUDIO/VIDEO CONFERENCE:

Join Zoom Meeting

<https://zoom.us/j/98123927570>

Meeting ID: 981 2392 7570

If joining by phone, dial: 1-346-248-7799

I. ADMINISTRATIVE ITEMS:

- A. Call to Order.
 - B. Approval of Agenda.
-

C. Declaration of Quorum/Director Qualifications/Disclosure Matters.

D. Discuss results of the May 5, 2020 Election (Sue Blair to present) (enclosures).

1. Administer Oaths of Office and consider appointment of Officer positions:

President _____
Treasurer _____
Secretary _____
Asst. Secretary _____
Asst. Secretary _____
Asst. Secretary _____

E. Consider Board compensation or waiving of same.

F. Review and Consider Approval of February 14, 2020 Regular Meeting Minutes (enclosure).

II. PUBLIC COMMENT (one comment per person – three (3) minutes maximum):

A. Proposal from landowner to combine Lot 33 (*600 Lone Eagle Dr. - vacant*) with Lot 34 (*540 Lone Eagle Dr. - residence*) (enclosure - Robert O'Munneke to present).

B. Other General Public Comment.

III. FINANCIAL ITEMS:

A. Review and consider approval of 2019 Audited Financial Statements (enclosure – draft Audit) and authorize execution of Representations Letter.

B. Review and Ratify and/or Approve Monthly Payment of Claims (enclosure).

1. Consider payment of invoices monthly rather than quarterly.

C. Status of any outstanding Mill Levy Tax Rebates (enclosure).

D. Review and consider acceptance of the unaudited Financial Statements for the period ending April 30, 2020 (enclosure).

IV. LEGAL ITEMS:

A. Status of Matters Subject to the 2018 GRMD Refinancing Settlement Agreement.

1. Status of appointment of GRMD eligible elector to the Headwaters Metropolitan District Board of Directors.

2. Status of Road repairs and Town's call of surety bonds.

- B. Status of Granby Ranch resort sale/foreclosure (enclosure).
-

V. OTHER ITEMS:

- A. Discuss status of District structure/organizational chart (Director Girard to present).
-

- B. Consider contact information on the District's website.
-

- C. Status of discrepancy between Town Ordinance and Granby Ranch PDOD regarding short term rentals.
-

- D. Compliance Calendar Items (Informational):

1. June 4, 2020 Director's Oath of Office filing - deadline.
2. Update Transparency Notice with DOLA and SDA following election results.
3. June 30, 2020 draft audit submission to Board - deadline.
4. July 30, 2020 audit submission to State Auditor - deadline.
5. August 25, 2020 (extended to October 13th this year) County Assessors to provide preliminary assessed valuation.
6. October 15, 2020 draft budget submission to Board - deadline.
7. October 27, 2020 Board/Budget Hearing Meeting.
7. December 10, 2020 County Assessors provide certification of assessed valuation - deadline.
8. December 15, 2020 Certification of Mill Levies to the County - deadline.

- E. Confirm quorum, location and time for next regular Board Meeting.
-

VI. ADJOURNMENT: The next regular Board Meeting is scheduled for August 14, 2020.

- B. Status of Granby Ranch resort sale/foreclosure (enclosure).
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**NOTICE OF SPECIAL MEETING
GRANBY RANCH METROPOLITAN DISTRICT**

May 29, 2020

NOTICE IS HEREBY GIVEN that the Board of Directors of the GRANBY RANCH METROPOLITAN DISTRICT, of the County of Grand, State of Colorado, will hold an **audio/telephonic** special meeting at 10:00 a.m. on Friday, the 29th day of May, 2020 for the purpose of conducting such business as may come before the Board as listed on the attached agenda.

This meeting is open to the public.

Join Zoom Meeting

<https://zoom.us/j/98123927570>

Meeting ID: 981 2392 7570

If by phone, dial: 1-346-248-7799

**BY ORDER OF THE BOARD OF DIRECTORS:
GRANBY RANCH METROPOLITAN DISTRICT**

**By: /s/ COMMUNITY RESOURCE SERVICES OF
COLORADO**

**CANVASS BOARD'S
CERTIFICATE OF OFFICAL ABSTRACT OF VOTES CAST
(CERTIFICATE OF RESULTS)**

**FOR THE ELECTION HELD ON MAY 5, 2020
GRANBY RANCH METROPOLITAN DISTRICT
GRAND COUNTY, COLORADO**

Each of the undersigned members of the Canvass Board of the GRANBY RANCH METROPOLITAN DISTRICT ("DISTRICT") certifies that the following is a true and correct abstract of the votes cast at the special election of the District, at which time the eligible electors of the District voted as indicated on the attached Judges' Certificate of Election Returns:

The votes cast for Director to serve until they or their successors are elected and qualified at the next regular special district election to be held in May 2023 are:

Timothy Archie	(19) Nineteen
Glenn O'Flaherty	(31) Thirty-One
John Walter Gillogley	(10) Ten
Jennifer Jmieff	(9) Nine

STATEMENT OF BALLOTS:

Numeric & Spelled Out

It is hereby identified and specified that:

TOTAL Number of Ballots Issued to Voters: (478) Four Hundred Seventy-Eight

Total Number of Ballots Returned:

Official Ballots	(35) Thirty-Five
Unofficial Ballots	(0) Zero
Substitute Ballots	(0) Zero
Total Voted Challenged Ballots	(0) Zero
Total Returned/Cast Mail Ballots:	(35) Thirty-Five

Delivered to Voter, Not Cast:

Returned, Undeliverable	(1) One
Spoiled	(0) Zero
Rejected	(2) Two
Defective	(0) Zero
Not Returned	(440) Four Hundred Forty
Total, delivered and not cast:	(443) Four Hundred Forty-Three

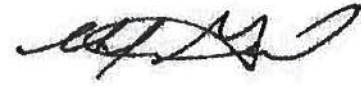
Not Delivered to Voter, Not Cast (Unused):

Total, unused:	(22) Twenty-Two
Total Mail Ballots Printed:	(500) Five Hundred

CERTIFIED this 18th day of May, 2020.



Designated Election Official



Canvasser

Canvasser

Not Delivered to Voter, Not Cast (Unused):

Total, unused:	(22) Twenty-Two
Total Mail Ballots Printed:	(500) Five Hundred

CERTIFIED this 18 day of May, 2020.

Designated Election Official

Fran Mejer

Canvasser

Canvasser

**JUDGES' CERTIFICATE OF ELECTION RETURNS and
STATEMENT OF BALLOTS
GRANBY RANCH METROPOLITAN DISTRICT
GRAND COUNTY, COLORADO
MAIL BALLOT ELECTION**

JUDGES' UNOFFICIAL CERTIFICATE OF RETURNS:

IT IS HEREBY CERTIFIED by the undersigned, who conducted the mail ballot election held by the Granby Ranch Metropolitan District, County of Grand, Colorado, on the 5th day of May, 2020, that, after swearing and subscribing to their oaths of office, they kept the polls open from 7:00 a.m. to 7:00 p.m. on May 5, 2020 (Election Day).

The votes cast for Director to serve until they or their successors are elected and qualified at the next regular special district election to be held in May 2023 are:

Timothy Archie	(19) Nineteen
Glenn O'Flaherty	(33) Thirty-Three
John Walter Gillogley	(10) Ten
Jennifer Jmieff	(9) Nine

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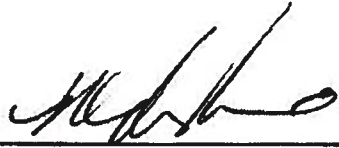


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Total, delivered and not cast:	(443) Four Hundred Forty-Three

Not Delivered to Voter, Not Cast (Unused):

Total, unused: (22) Twenty-Two
Total Mail Ballots Printed: (500) Five Hundred

Certified this 5 day of May, 2020.


_____, Election Judge

_____, Election Judge

_____, Election Judge

SPECIAL DISTRICT ADMINISTRATION & ELECTIONS

FREQUENTLY ASKED QUESTIONS



COLORADO

Department of Local Affairs

Division of Local Government

SPECIAL DISTRICT ASSISTANCE

Department of Local Affairs
1313 Sherman St., Rm 521
Denver CO 80203
303-864-7739

www.dola.colorado.gov/sd-elections

SPECIAL DISTRICT ADMINISTRATION & ELECTIONS FREQUENTLY ASKED QUESTIONS*

Colorado Department of Local Affairs
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Denver CO 80203
(303) 864-7739
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INTRODUCTION

The following document is intended to offer information about Title 32, Article 1, special district elections to the general public and as a guide to special districts in the conduct of elections. There are other types of special districts to which some or all of these FAQs may or may not apply. Special districts that are not explicitly listed in Title 32, Article 1, should use caution in applying any of the following to the conduct of their elections.

Title 32, Article 1 special districts include the following:

Metropolitan		Fire Protection	
Ambulance	Health Service	Mental Health	
Water	Sanitation	Water & Sanitation	
Park & Recreation	Health Assurance	Tunnel	

These FAQs serve as a supplement to the DLG's *Special District Election Manual*. The *Manual* is provided to Title 32, Article 1, districts to assist in the conduct of the regular election held in May of even-numbered years.

These FAQs are not meant to be read cover to cover, but are categorized according to issues that have arisen over multiple elections. For more general elections terminology, consult the *Elections Quick Glossary*.

To assist users, the answer to each question in this FAQs document includes a reference to the relevant Colorado Revised Statute (C.R.S.), the State Constitution section, attorney general opinion or Secretary of State (SOS) Election Rule.

The relevant statutes and TABOR are found in the Election Manual at dola.colorado.gov under the "Election Manual" dropdown section for that election year. For a full set of the Colorado Revised Statutes go to <http://leg.colorado.gov> and click on "Laws" to find the most current available version.

The SOS Election Rules are available at the Secretary of State's website (www.sos.state.co.us).

While the Division of Local Government makes every effort to ensure that the information in these assistance publications is current, users must be certain to use the most current versions of the referenced sources. Links to Department websites outside DOLA in particular are outside our control, and change frequently. Furthermore, districts are urged to consult with legal counsel concerning the conduct of elections.

For additional special district technical assistance publications go to:
www.dola.colorado.gov/sd-elections/, click on the sub-link to **Special District Election Forms**.

For questions or comments concerning this document, please call:
(303) 864-7720.

ADMINISTRATION

What are Title 32, Article 1 special districts?

Districts organized as providing services explicitly described in C.R.S. § 32-1-301(2)(a).

Do term limits apply to special districts?

Yes, term limits apply to special district board members. Board members may not serve more than two consecutive four-year terms. In addition, there must be a four-year time gap before a previously elected board member can again run for a full four-year term.

The voters of any political subdivision may lengthen, shorten or eliminate the limitations on terms of office imposed by Article XVIII, Section 11 of the constitution of Colorado.

Colorado State Constitution - Article XVIII, Section 11

Does time served as an appointee to the board count towards term limits?

No. Term limits only apply to *full* four-year terms, not partial terms. If a director is appointed to fill a vacancy, the period served does *not* count towards the director's term limits.

Attorney General Opinion No. 2000-02

However, a director who resigns from office before the completion of the second full term (or any term) will be deemed to have served a complete term.

Attorney General Opinion No. 2005-04

Can a person be a candidate for more than one special district at the same time?

Yes. The statute makes a specific exception for special district board members by stating that the statute shall not prohibit a candidate or elected official of **any** political subdivision from being a candidate or member of the board of directors of any special district or districts in which he or she is an eligible elector.

C.R.S. § 1-13.5-301(2)

What is the term of office for a special district board member?

The basic term of office is four years. A two-year term occurs either during an organizational election (to stagger a board) or when a four-year board position becomes vacant prior to the self-nomination date in the second year of that four-year term. Because appointments are valid only until the next regular election, a remaining balance to the original term, it will be for two years. Therefore, the position to be filled by election will be for a two-year term. A two-year term should be rare.

C.R.S. § 32-1-305.5(3); 32-1-905(2)(a)

What are the oath and bond requirements for a member of a special district board?

Each director, within 30 days after his or her election or appointment to fill a vacancy, except for good cause shown, shall appear before an officer authorized to administer oaths and take an oath. When an election is cancelled, each director who was declared elected shall take the oath required within thirty days ***after the date of the regular election***, except for good cause shown. The oath may be administered by the clerk and recorder, by any person authorized to administer oaths in the state (i.e. **notaries**), or by the chairman of the board and shall be filed with the clerk of the district court, the county clerk, and the DLG.

C.R.S. § 32-1-901(1); Article XII, Section 8 Colorado Constitution

At the time of the filing of the oath, there shall also be filed for each director an individual, schedule, or blanket surety bond at the expense of the district, in an amount determined by the board of not less than \$1,000 each, conditioned upon the faithful performance of his/her duties as director. For the treasurer, there must be filed a corporate fidelity bond in an amount determined by the board of not less than \$5,000, conditioned on the faithful performance of the duties of his/her office.

C.R.S. § 32-1-901(2), 32-1-902

*****In summary, oaths of office must be submitted to three agencies (i.e. DLG, Clerk of the District Court, and the County Clerk and Recorder).***

Colorado Constitution - Article XII, Section 9; C.R.S. § 32-1-901; 32-1-902(2)

What happens if a director fails to take an oath?

If any director fails to take the oath or furnish the bond within the period allowed, except for good cause shown, his/her office shall be deemed vacant, and the vacancy thus created shall be filled in the same manner as other vacancies in the office of director; except when a board is unable to appoint; remedied as described in 32-1-905 (2 & 2.5).

C.R.S. § 32-1-901(3)

Are special district board members compensated for their time?

Directors serving a term of office commencing on or after January 1, 2018, may receive as compensation for the director's service a sum not in excess of \$2,400.

For directors serving a term of office on or before January 1, 2018, they may receive as compensation for his/her service, a sum not in excess of \$1,600 per annum, payable not to exceed \$100 per meeting attended.

C.R.S. § 32-1-902(3)(a)

A study sessions may be considered a board meeting

Special meetings include study sessions at which a quorum of the board is in attendance and notice of the meetings has been given in accordance with subsection (2) of this section or section 24-6-402 (2)(c), and at which information is presented but no official action can be taken by the board.

C.R.S. §32-1-903(1)

How is the board of directors organized?

After taking oaths and filing (oaths and) bonds, the board shall elect one of its members as chairman of the board and president of the special district, one of its members as a treasurer of the board and special district, and a secretary who may be a member of the board. The secretary and the treasurer may be one person, but, if such is the case, he or she shall be a member of the board. The board shall adopt a seal, and the secretary shall keep in a visual text format that may be transmitted electronically a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts, which shall be open to inspection of all electors, as well as to all other interested parties.

C.R.S. § 32-1-902(1)

What are the specific duties of the treasurer?

The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the special district in permanent records. He/she shall file with the clerk of the court, at the expense of the district, a corporate fidelity bond in an amount determined by the board of not less than \$5000, conditioned on the faithful performance of the duties of his/her office.

C.R.S. § 32-1-902(2)

What causes a vacancy on the board of directors?

A director's office shall be deemed vacant upon the occurrence of any one of the following events prior to the expiration of the term of office:

- a) If for any reason a properly qualified person is not elected to a director's office by the electors as required at a regular election;
- b) If a person who was duly elected or appointed fails, neglects or refuses to subscribe to an oath of office or to furnish the bond;

- c) If a person who was duly elected or appointed submits a written resignation to the board;
- d) If a person who was duly elected or appointed ceases to be qualified for the office to which he/she was elected;
- e) If a person who was duly elected or appointed is convicted of a felony;
- f) If a court of competent jurisdiction voids the election or appointment or removes the person duly elected or appointed for any cause whatsoever, but only after his/her right to appeal has been waived or otherwise exhausted;
- g) If a person who was duly elected or appointed fails to attend three consecutive regular meetings of the board without the board having entered upon its minutes an approval for an additional absence or absences; except that such additional absence or absences shall be excused for temporary mental or physical disability or illness;
- h) If the person who was duly elected or appointed dies during his term of office.

C.R.S. § 32-1-905 (1)

How are vacancies filled by the remaining board of directors, and how long is their term?

Any vacancy on the board shall be filled by appointment by the remaining director or directors, the appointee to serve until the next regular election, at which time, the vacancy shall be filled by election for any remaining unexpired portion of the term.

C.R.S. § 32-1-905(2)(a)

ELECTIONS GENERALLY

Regular and Special Election Dates:

	February	May	October	November	December
Ballot Questions (not \$'s)	M/P	M/P	M/P	P ¹ /C	M/P
Ballot Issues (\$'s)	-	M Even Years Only	-	M,C	-
Regular (Directors)	-	M/P Even Years Only	-	-	-

M = Mail Ballot Election, P = Polling Place Election, C = County Coordinated Election

¹Special District formation elections are set by court order. An organizational election may be conducted as a polling place election in any November if there are Ballot Issues being asked.

Are district elections “nonpartisan” elections?

Yes. District elections are nonpartisan, meaning that there are no political party affiliations identified with any candidate.

C.R.S. § 1-1-104(23.3, 23.6), 1-13.5-102

What is a regular special district election?

The election on the Tuesday succeeding the first Monday of May in every even-numbered year, held for the purpose of electing members to the boards of special districts and for submission of other public issues/questions, if any.

C.R.S. § 32-1-103(17); 1-13.5-111(2)

What is a special election?

A special election is any election called by the board for submission of public questions and other matters. The election shall be held on the first Tuesday after the first Monday in February, May (odd-numbered years), October, or December.

Ballot **issue** elections – elections held under Article X, Section 20 of the state constitution (a.k.a. “**TABOR**” elections) – may be held only in a state general election (November of even-numbered years), the special district’s biennial regular election (May even-numbered years), or on the first Tuesday in November of odd-numbered years.

*Rare: A special district may petition the district court which has jurisdiction for permission to hold a special election on a day other than those specified.

C.R.S. § 32-1-103(21); 1-13.5-111(2)

What are coordinated elections and how are they conducted?

If more than one political subdivision holds an election on the same day in November and the eligible electors for each such election are the same or the boundaries overlap, the county clerk and recorder is the coordinating election official and shall conduct the election on behalf of all political subdivisions whose elections are part of the coordinated election, utilizing the mail ballot procedure set forth in Article 7.5 “(of Title 1, or “Mail Ballot Act”).

C.R.S. § 1-7-116(1)(a)

If a district has determined by formal action to coordinate with the county clerk and recorder, it must notify the county clerk and recorder, in writing, of its intent to coordinate no later than one hundred days before the election.

C.R.S. § 1-7-116(5)

Are counties required to provide an estimate for the cost of conducting a coordinated election?

Yes. Any election called by a nonpartisan governing body where the county clerk and recorder will have responsibilities for the election, the county clerk and recorder shall give to the governing body estimates of the costs for conducting a

coordinated election. This provision still applies as it only occurs in coordinated elections.

C.R.S. § 1-5-507

Can districts “share” polling places and judges? They *must* meet & confer.

Districts must “meet, confer, and thereafter, if practical, hold such elections in a manner that permits an elector in the overlapping area to vote in all of such elections at one polling place.”

There is nothing prohibiting an election judge from serving more than one district; the districts should consider the logistics of such a configuration. But it is more likely that sharing a polling place for the convenience of voters is practical.

C.R.S. § 1-13.5-504(3)

Special districts may hold joint regular elections, and those elections are not considered coordinated elections.

Whenever the date of a regular special district election is identical to the date set for a municipal or another special district election in any municipality or other special district having boundaries coterminous with the special district, the election may be held jointly with the municipal or other special district election. An election held jointly pursuant to this subsection (4) is not a coordinated election (those are in November and conducted by the clerk & recorder).

C.R.S. § 1-13.5-111(4)

In what manner may elections be conducted?

District elections may be conducted as “polling place elections” or as “mail ballot elections.” However, special elections conducted during November may be coordinated with the County Clerk & Recorder(s). See section on Mail Ballot Elections ▼ below.

C.R.S. § 1-13.5-1100; 1-7-116(1)(b), 1-13.5-500 et seq.

****Note:** A ballot issue election (TABOR) that is not part of an organizational election shall be conducted either as part of a coordinated election in November or in accordance with the provisions of Article 13.5, part 11 of title 1, C.R.S. in any November or regular election in May of even numbered years.

Ergo, a TABOR election that *coincides with a regular election in May* is only to be conducted as a mail ballot election.

Who conducts a special district election?

The DEO shall render all interpretations and make all decisions as to the controversies or other matters arising in the conduct of the elections.

C.R.S. § 1-13.5-108(1)

Can the DEO appoint an assistant or deputy?

All powers and authority granted to the DEO... may be exercised by a deputy DEO in the absence of the DEO or in the event the DEO is unable to perform the duties.

C.R.S. § 1-13.5-108(2)

What is a “designated election official”?

”Designated Election Official” means the person designated by the governing body of a local government or by court order to supervise election duties.

C.R.S. § 1-13.5-103(2)

Who is eligible to vote in a special district election?

An eligible elector is a **person** who, at the designated time or event, is registered to vote in Colorado, **and**:

- Who is a resident of the special district or the area to be included in the special district; **or**
- Who, or whose spouse or civil union partner, owns taxable real or personal property situated within the boundaries of the special district or the area to be included in the special district, whether said person resides within the district or not.
- A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the special district or the area to be included within the special district shall be considered an owner.
- For all elections and petitions that require ownership of real property or land, a mobile home or a manufactured home shall be deemed sufficient to qualify as ownership of real property or land for the purposes of voting rights and petitions.

Note: a partnership, corporation or trust is not a “person” and therefore a person owning property through such a legal entity is not eligible to vote. Inquiries regarding whether a property is listed as a ‘non-entity’ should be discussed with the local County Assessor’s Office on the property in question. Certain governments, such as PIDs (C.R.S. 30-20-503(1)) will clearly state the manner in which a non-natural person may cast a vote if this is a possibility; this exists in neither Title 1, Article 13.5 nor Title 32, Article 1.

C.R.S. § 32-1-103(5)

What is a registered elector?

A registered elector is an elector (a person legally qualified to vote in the district) who has complied with the registration provisions of C.R.S. Title 1 Election Code

and who resides within or is eligible to vote in the jurisdiction of the political subdivision calling the election.

The registration provisions of C.R.S. Title 1 state that a person is qualified for registration if the person is eighteen years of age or older on the date of the next election and who has the following qualifications:

- the person is a citizen of the United States; and
- the person has resided in this state twenty-two days immediately prior to the election at which the person intends to vote.

If any provision of the Election Code requires the signing of any document by a registered elector, the person making the signature shall be deemed to be a registered elector if the person's name and address at the time of signing the document matches the name and address for the person on the registration document at the county clerk and recorder's office, and as it appears on the master elector list on file with the secretary of state.

C.R.S. § 1-2-101; 1-1-104(35)

What is taxable property?

Taxable property is real or personal property subject to general ad valorem taxes (property taxes), excluding property for which specific ownership tax is paid.

C.R.S. § 32-1-103(22)

Do severed mineral rights, including natural gas, constitute taxable real and personal property?

Yes.

C.R.S. § 39-1-102(14)

Can someone who owns severed mineral rights, including natural gas, vote in a special district election?

Yes.

C.R.S. § 39-1-102(14)

Can the owner of a condominium or time-share vote in a special district election?

If the property deed as recorded in the office of the county clerk and recorder or tax assessor, includes the name of the condominium owner, (not a corporation, partnership, trust, etc.) and that individual person is registered to vote in Colorado, they may vote.

C.R.S. § 32-1-103(5)

What is a "registered voters' list"?

The list of resident eligible electors obtained from the Clerk & Recorder.

The district DEO must order a registered voters' list from the county clerk and recorder(s) no later than the 40th day preceding an election. The clerk and recorder compiles and certifies a list of all the registered voters within the boundaries of the district. There is an initial list of all registered electors as of the thirtieth day before an election with a supplemental list provided to the district on the twentieth day of all eligible electors who have become eligible since the earlier list was certified. Alternatively, the DEO may request one complete list provided on the sixth day prior to the election containing all registered voters as of the deadline. The cost for the lists shall be assessed by the county clerk(s) and paid by the district holding the election. The fee for the lists shall be no less than \$25.00 for both lists nor more than one cent for each name contained on the lists, whichever is greater.

The list is used to verify eligibility of an elector who votes on the basis of being registered to vote in Colorado and residing within the district.

C.R.S. § 1-13.5-203

What is a "property owner's list"?

The list of property owners that may potentially be eligible electors from the Assessor.

The district DEO must order a property owners' list from the county assessor(s) no later than the 40th day preceding an election.

The assessor compiles and certifies a list of all the recorded owners of taxable real and personal property within the boundaries of the district. There is an initial list provided no later than thirty days before an election with a supplemental list provided to the district no later than twenty days before the election. The list shall contain names and addresses of all recorded owners who have become **owners** no later than twenty-two days prior to the election. Conversely, the DEO may order a complete list by the sixth day prior to the election instead of the supplemental list. The cost for the lists shall be determined by the county assessors and paid by the district holding the election. The fee for the lists shall be no less than \$25.00 for both lists nor more than one cent for each name contained on the lists, whichever is greater.

The list is used to verify eligibility of an elector who votes on the basis of being registered to vote in Colorado and owning taxable real or personal property within the district.

C.R.S. § 1-13.5-204

What if someone moves into the District or purchases taxable District property after you receive your lists from the Clerk & Recorder and Assessor?

People becoming eligible electors after the last lists are received should be very rare, especially for May regular elections. If this occurs, the voter self-affirmation is required.

C.R.S. § 1-13.5-605(2)(a).

What does a special district candidate have to file to run for office?

No earlier than January 1 and no later than the normal close of business on the sixty-seventh day before the date of a regular special district election, any person who desires to be a candidate for the office of a special district director shall file a self-nomination and acceptance form or letter signed by the candidate and by an eligible elector of the state as a witness to the signature of the candidate.

An amended self-nomination & acceptance form or letter may be accepted by the DEO until the normal close of business on the 67th day before an election.

C.R.S. § 1-13.5-303

IF THE ELECTION IS NOT CANCELLED (CANDIDATES): A candidate in a special district election shall file the candidate affidavit or, alternatively, a copy of the candidate's self-nomination and acceptance form or letter submitted in accordance with, C.R.S. Section 1-13.5-303, if such form or letter contains a statement that the candidate is familiar with the provisions of this article, no later than the date established for certification of the special district's ballot pursuant to section 1-5-203(3)(a) (no later than 60 days before the election).

The special district DEO or director candidate shall provide to the Secretary of State the self-nomination and acceptance forms and letters, and affidavits of intent to be a write-in candidate no later than 60 days pursuant to section 1-5-203(3)(a), C.R.S.

This duty is generally considered the responsibility of the candidate.

C.R.S. § 1-45-110, C.R.S. §1-45-109(1)(a)(II); SOS CPF Rule16

When and how can an election be cancelled?

If the only matter before the electors in a nonpartisan election is the election of persons to office and if, at the close of business on the 63rd day before the election, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent (write-ins), the DEO, if instructed by resolution of the governing body, shall cancel the election and declare the candidates elected.

C.R.S. § 1-13.5-513(1)

If the electors are to consider the election of persons to office **and** ballot issues or ballot questions, the election may be cancelled by the governing body only in the event that there are not more candidates than offices to be filled at the election and that all ballot issues and ballot questions have been **withdrawn**.

C.R.S. §1-13.5-513(3)

No election may be cancelled in part, except the rare case where a district is able to cancel a director election but has a vote for inclusion because the inclusion election actually takes place outside of district boundaries, with a different electorate.

C.R.S. § 1-13.5-513(4)

Notice of Cancellation

The governing body or DEO shall provide notice by publication, as that term is defined in Section 1-13.5-501, of the cancellation of the election. A copy of the notice must be posted at each polling location of the local government, in the office of the designated election official, and in the office of the clerk and recorder for each county in which the political subdivision is located and, for special districts, a copy of the notice must be filed with the division of local government. The governing body shall also notify the candidates that the election was cancelled and that they were elected by acclamation.

The results of a special district election (even one that has been legally cancelled) shall be certified to the division of local government within 30 days after the election by **sending the division a notice and a copy of the board resolution either appointing the DEO & providing the ability to cancel or a formal board cancellation**.

Each special district shall register its business address, its telephone number, and the name of a contact person with the division when certifying the results of a district election pursuant to section 1-11-103 C.R.S.

C.R.S. § 1-13.5-513(6) 1-11-103(3); 32-1-104(1)

When may a candidate withdraw or what happens if someone dies?

Any person who has been nominated and who has accepted a nomination, or filed a self-nomination form or letter, may cause his or her name to be withdrawn from such nomination at any time before the election by executing a written *affidavit withdrawing from the nomination.

C.R.S. § 1-13.5-304

The Article defines "affidavit" as a sworn statement in writing, including a self-affirmation.

C.R.S. § 1-13.5-103(1.5)

What if a candidate withdraws or a technical revision to a ballot issue or question occurs prior to printing the ballots?

The DEO may recertify the ballot if:

- (a) a candidate withdraws from a race, and the withdrawal would not change the order that the candidate names appear on the ballot as previously determined by the lot drawing; or
- (b) there are technical revisions to a ballot issue or ballot question prior to the ballots being printed.

C.R.S. § 1-13.5-511(2)

What if their names are already printed on the ballots?

If the ballots are already printed, the votes cast for the withdrawn or deceased candidate are invalid and will not be counted.

C.R.S. § 1-13.5-903(3)

Undefined is what to do in the case of a technical revision that is not caught until after the ballots are printed. If this occurs, the assumption is it becomes a legal problem.

How long must election materials and records be kept?

The ballots, when not required to be taken from the sealed box for the purpose of election contests, shall remain in the sealed box in the custody of the designated election official until twenty-five months after the date the polls closed for the election at which the ballots were cast or until the time has expired for which the ballots would be needed in any contest proceedings, at which time the sealed box must be opened by the designated election official and the ballots destroyed by fire, shredding, burial, or by any other method approved by the governing body.

C.R.S. § 1-13.5-616

The designated election official shall preserve all other official election records and forms for at least six months following the date the polls closed.

C.R.S. § 1-13.5-616(2)

Are election records public records?

Depends on which records.

PUBLIC RECORDS: 24-72-204(8) prohibits a DEO from allowing someone other than the "person in interest" to inspect election records that contain the original or electronic, digital or scanned images of the signature, social security number, month and day of birth or identification of the person. Identification may include addresses §1-1-104(19.5)(b). Any other election record is open to inspection. A person in interest is the subject of the record or their appointed/legal representative (24-72-202 (4)).

ELECTION RECORDS: Includes but is not limited to accounting forms, certificates of registration, pollbooks, certificates of election, signature cards, all affidavits, mail-in voter applications, mail-in voter lists and records, mail-in voter return envelopes, voted ballots, unused ballots, spoiled ballots, and replacement ballots.

C.R.S. § 1-1-104(11)

SELF-NOMINATION & ACCEPTANCE FORMS: "Documents Are Public Records", specifically lists "acceptances" (Self-Nomination and Acceptance) as a public record. And acceptances also do not appear in the list of records subject to 1-11-104(11) and correspondingly 24-72-204(8).

C.R.S. § 1-4-504

*Note that "identification" may include an address, thus a pollbook given over for public record should hide the address. The pollbook itself may be considered a "work product". Consultation with legal counsel is recommended if the poll book or any other request for voter information is made.

May special districts spend money to support an issue, candidate, etc.?

No...political subdivision of the state shall make any contribution in the campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity make any donation to any other person for the purpose of making an independent expenditure, nor shall any such entity expend any moneys from any source, or make any contributions, to urge any electors to vote in favor of any referred measures (ballot issues/questions).

C.R.S. § 1-45-117(1)(a)(I), (a)(I)(c)

Except that a member or employee of any such...board...may respond to questions about any such issue...if the member has not solicited the issue. A member or employee of any such...board...who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described in subparagraph (I) of this paragraph (a).

C.R.S. § 1-45-117(1)(a)(II)

See Regents of the University of Colorado v. Meyer

NOTICE AND PREPARATION FOR ELECTIONS

How does a district inform the electorate of the election and inform voters how to become candidates if interested (What is the Call for Nominations)?

Between 75 days and 100 days before a regular special district election, the designated election official shall provide notice by publication of a “**call for nominations**” for the election. The call shall state the special district director offices to be voted upon at the election, where a self-nomination and acceptance form may be obtained, the deadline for submitting the self-nomination and acceptance form to the designated election official, and information on obtaining an absentee ballot.

C.R.S. § 1-13.5-501(1)

What is the Notice of Election?

(1) The designated election official, at least twenty days before each local government election, shall give written notice of the election stating the date of the election and the location and hours during which the polls will be open; the date ballots have or may be mailed if the election is conducted by mail ballot; mail ballot drop-off locations; names of the officers to be elected and any ballot issues and ballot questions to be voted upon; and the names of those candidates whose nominations have been certified to the designated election official, which listing must be as nearly as possible in the form in which such nominations will appear upon the official ballot. For an independent mail ballot election, the notice does not need to include the text of the ballot issues or ballot questions. A copy of the notice must be posted until after the election in a conspicuous place in the office of the designated election official. A copy of the notice must be mailed or sent via electronic mail to the county clerk and recorder.

(2) In addition, the notice required by this section must be published in at least one newspaper having general circulation in the local government on or before the twentieth day before election day.

C.R.S. § 1-13.5-502

How does a person become a candidate?

Special district candidates do not circulate a petition to be nominated, they self-nominate.

No earlier than January 1, and no later than the close of business on the sixty-seventh (67) day before the date of the regular special district election, any person who desires to be a candidate for the office of a special district director shall file a self-nomination and acceptance form or letter signed by the candidate and by an eligible elector as a witness to the signature of the candidate.

On the date of signing the self-nomination and acceptance form or letter, a candidate for director shall be an eligible elector of the special district. See

“Elections Generally” in this document for information on who is an eligible elector.

C.R.S. § 1-13.5-303

How does a person become a write-in candidate?

A person who wishes to become a write-in candidate for an office in an election shall file an affidavit of intent stating that he or she desires the office and is qualified to assume its duties if elected. The affidavit shall be filed with the designated election official no later than the close of business on the 64th day before the election.

C.R.S. § 1-13.5-305

How is “publication” defined?

Publication means printing one time, in one newspaper of general circulation in the special district if there is such a newspaper, and, if not, then in a newspaper in the county in which the special district is located. For a special district with territory within more than one county, if publication cannot be made in one newspaper of general circulation in the special district, then one publication is required in a newspaper in each county in which the special district is located and in which the special district also has 50 or more eligible electors.

C.R.S. § 1-13.5-501(2)

How are polling places established?

The governing body of each local government, or designated election official, shall divide the jurisdiction into as many precincts for local government elections as it deems expedient for the convenience of electors and shall designate the location and address for each polling place at which elections are held.

C.R.S. § 1-13.5-504(2)

Must an election be held within the district boundaries?

In statute, the polling place should be “expedient for the convenience of the electors of the local governments”, but there’s nothing specifically prohibiting the polling place being outside the district boundaries.

If for whatever reason district electors are unhappy with the choice, the DEO shall change the location of the polling place upon petition of the majority of the registered electors *residing* within the district.

C.R.S. § 1-13.5-504(2),(4)

Can polling places be in private locations?

The polling locations or drop-off location shall be in public locations wherever possible. A private location may be used only when no appropriate public location is available.

C.R.S. § 1-5-105(3)

What provisions must be made for disabled electors?

Each polling place or walk-in site shall be accessible to persons with disabilities, pursuant to the Help America Vote Act.

*Note: Americans with Disabilities Act (ADA) standards also apply.

C.R.S. § 1-13.5-504.5(1)

What are the requirements for polling place signs?

Polling locations must be designated by a sign conspicuously posted at least twenty days before each election. The sign shall be substantially in the following form: "Polling place for (name of local government)." The lettering on the sign and the polling place number shall be black on a white background. The letters and numerals of the title shall be at least four inches (4") in height. In addition, the sign shall state the hours the polling place will be open.

C.R.S. § 1-13.5-502(3), 1-5-106

How are ballot questions and issues identified on the ballot?

District board members *refer* questions and issues to the voters. A ballot **question** does **not** involve financial matters, whereas a ballot **issue** does involve financial matters and must follow TABOR requirements.

How do you order candidates, ballot issues, and ballot questions on a ballot?

- Candidate Names
- Issues to increase taxes
- Issues to increase debt
- Other referred measures

C.R.S. § 1-13.5-902(7)

How is the order of candidate names on the ballot determined?

The names must be arranged by lot (e.g., putting all the names in a hat and having them drawn out by the designated election official) at any time prior to the certification of the ballot (no later than 60 days before the election). The DEO shall notify the candidates of the time and place of the lot drawing. The drawing shall be performed by the designated election official or a designee.

C.R.S. § 1-13.5-902(2)1-5-406

Are nicknames allowed on the ballot for candidate names?

Yes. Each candidate may include one nickname if the candidate regularly uses the nickname and the nickname does not contain any part of a political party name.

C.R.S. § 1-13.5-902(5)

Are titles (professional, etc.) allowed on the ballot with candidate names?

No. Any title or degree designating the business or profession of the candidate shall not be printed on the ballot.

C.R.S. § 1-13.5-902(5)

What is the deadline for the printing of ballots?

The designated election official of each local government using paper ballots shall provide printed ballots for the local government election. The official ballot shall be printed and in the possession of the designated election official at least 30 days before the election.

C.R.S. § 1-13.5-902(1)

However, this is somewhat skewed by the fact that UOCAVA ballots are sent 45 days in advance. Because of this, while the deadline is 30 days, the *de facto* deadline to have at least some ballots printed is much earlier.

When must the ballot be certified?

Ballot content must be certified no later than 60 days prior to the election.

C.R.S. § 1-13.5-511

In a coordinated election, a special district DEO will certify to the county clerk and recorder that the language of the ballot is final and ready for printing. If a district is conducting an election independent of the clerk, then the DEO is certifying the ballot contents to the special district. Once a ballot is officially certified, the political subdivision should contract with a print vendor and have the ballot packets printed.

Note: The form of paper ballots is described in detail in section 1-13.5-902(8)(b). The ballot must have perforated stubs and have a facsimile signature of the DEO. It may be difficult to find a printer who has experience printing ballots and associated forms such as the absentee or mail ballot, secrecy sleeves, and outgoing/return envelopes

If you are having difficulty finding an appropriate printer, DLG recommends contacting your local county Clerk & Recorder or a local special district that frequently conducts elections.

HB16-1442 clarified that a duplicate tab is not required for a ballot that is prepared for an independent mail ballot election (part 11) (1-13.5-902(8))

Under what conditions must the ballot and election materials be written in a language other than English?

The Federal Voting Rights Act (The Act) codifies the 15th Amendment of the United States Constitution guaranteeing that no person shall be denied the right to vote on account of race or color. In addition, the Act contains several special provisions that impose stringent requirements on “covered” jurisdictions in certain areas of the country.

Section 203 of the Federal Voting Rights Act mandates that a state or political subdivision must provide language assistance to voters if **more than 5 percent** of the voting-age citizens are members of a single-language minority group who do not “speak or understand English adequately enough to participate in the electoral process” and if the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade.

A political subdivision is also covered if more than 10,000 members of the voting age citizens are members of a single-language minority group (in addition to the education rules).

The Census Bureau Director has the responsibility to determine which states and political subdivisions are subject to the minority language assistance provisions of Section 203. Current census data is used to identify the geographic areas impacted. The determination of the director is published in the Federal Register.

On October 13, 2011, the Census Bureau released its official findings for **Colorado** based on 5-year American Community Survey estimates, enhanced with 2010 Census data. The following Colorado Counties must have ballots in an additional language:

- **Costilla** (Spanish)
 - **Denver** (Spanish)
 - **Rio Grande** (Spanish)
- Federal Voting Rights Act; Census Bureau

ELECTION JUDGES

What are the qualifications for an election judge?

Each election judge must be registered to vote in Colorado and at least eighteen years of age. Election judges shall be appointed pursuant to this article without regard to party affiliation.

C.R.S. § 1-13.5-401(1)

What would disqualify someone from serving as an election judge?

NIETHER a current candidate for director nor any immediate family member to the 2nd degree, of such candidate is eligible to serve as an election judge.

C.R.S. § 1-13.5-401(1)(b)

How many judges are required for a special district election?

The governing body, or the designated election official if authorized pursuant to section 1-13.5-401 (2), shall appoint at least two election judges for each local government election. The appointing authority may also appoint any additional judges as deemed necessary, and may appoint counting judges.

C.R.S. § 1-13.5-402

What is the compensation for election judges?

The election judges at any local government election shall receive reasonable compensation for their services as election judges on election day and additional reasonable compensation for attending an instruction class required in section 1-13.5-408, as determined by the governing body of the local government or designated election official if authorized by the governing body to make a reasonable determination.

Service as an election judge shall not be considered employment pursuant to articles 70 to 82 of title 8, C.R.S.

*Note: In budgeting election costs, the governing body should consider that the election judges will be serving at least a 12 hour day, if not longer. The Division recommends contacting the local county clerk & recorder for wage comparison.

C.R.S. § 1-6-115

CONDUCT OF ELECTIONS

How does an eligible elector secure a ballot at a special district election?

A person must be an eligible elector as defined in 32-1-103(5)(a), The elector shall write their name and address and sign an Eligible Voter form provided by the DEO of the district (such form has no defined name in statute):

I state under penalty of perjury that I am an elector who is eligible to vote each of the ballots that I have cast in this election; that my signature and name are as shown on this document; that I have not and will not cast more than one ballot for a matter to be decided in this election; and that my ballots are cast in accordance with applicable law.

Name:

Date:

Signature of elector:

If the elector's name appears on the registration or property owners list (pollbook), the elector shall be allowed to enter the immediate voting area.

C.R.S. § 1-13.5-605(1)

If an elector's name does *not* show up on either the registered or property owners lists, the elector is directed to also attest to the self-affirming oath/affirmation, which states:

I, (printed name), who reside at (address), am an elector of this (name of special district) district and desire to vote at this election. I do solemnly swear (or affirm) that i am registered to vote in the state of Colorado and qualified to vote in this special district election as:

_____ a resident of the district or area to be included In the district; or

_____ the owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district; or

_____ a person who is obligated to pay taxes under a contract to purchase taxable property in the special district or the area to be included within the special district; or

_____ the spouse or civil union partner of (name of spouse or civil union partner) who is the owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district.

I have not voted previously at this election.

Date _____

Signature of elector _____.

C.R.S. § 1-13.5-605(2)

Before delivering the ballot to an elector, the election judge having charge of the ballots shall endorse his or her initials on the duplicate stub. An election judge shall enter the name of the elector and number of said ballot in the pollbook.

C.R.S. § 1-13.5-605(7)

If for whatever reason the election judge(s) have reason to believe the person intending to vote is not eligible, it is their duty to challenge the voter. See "Challenges to Voting" below for more information.

C.R.S. § 1-13.5-1202(2)

For electors who vote at any election by absentee or mail ballot, the affidavit on the return envelope must contain the oath found at 1-13.5-605(1).

When are polls open?

At all elections held under article 13.5, the polls shall be opened at 7 a.m. and remain open until 7 p.m. of the same day. If a full set of election judges is not present at the hour of 7 a.m., an alternate election judge shall be appointed by the designated election official or judge in attendance at the polling place. The

polls shall be opened if at least two election judges are present, even if the alternate judge has not arrived. Every person otherwise qualified to vote who is standing in line waiting to vote at 7 p.m. may vote.

C.R.S. § 1-13.5-601

How do the judges check eligibility and give the voter a ballot?(Example)

When the elector presents the completed Eligible Voter form (Section 1-13.5-605(1)) , one judge will announce the voter's name and the judge in charge of the registration and property owner's lists will check to find the name on one or the other list. If the name is found, the judge in charge of the poll book repeat the name of the elector, and the name and number on the ballot of each eligible elector voting must be entered in regular succession under the headings in the pollbook. The judge will initial the stubs on the ballot and separate the ballot from the stub, leaving the duplicate stub on the ballot that is then handed to the voter.

C.R.S. § 1-7-110

If the elector does not appear in the poll book, the self-affirmation in 1-13.5-605(2) is given.

How does the voter vote and cast the ballot (polling place)?

In precincts that use paper ballots, upon receiving his or her ballot, an eligible elector shall immediately retire alone to one of the voting booths provided and shall prepare the ballot by marking or stamping in ink or indelible pencil, in the appropriate margin or place, a cross mark (x) opposite the name of the candidate of the elector's choice for each office to be filled; except that no cross mark (x) is required opposite the name of a write-in candidate. In case of a question submitted to a vote of the people, the elector shall mark or stamp, in the appropriate margin or place, a cross mark (x) opposite the answer that he or she desires to give. Before leaving the voting booth, the elector shall fold the ballot without displaying the marks thereon so that the contents of the ballot are concealed and the stub can be removed without exposing any of the contents of the ballot, and the elector must keep the ballot folded until the elector deposits the ballot in the ballot box.

Each eligible elector who has prepared a ballot and is ready to cast his or her vote shall then leave the voting booth and approach the election judge in charge of the ballot box. The elector shall give his or her name to that judge, who shall announce the name of such elector and the number upon the duplicate stub of the ballot, which number must correspond with the stub number previously placed on the registration list or pollbook. If the stub number of the ballot corresponds and is identified by the initials of the election judge placed thereupon, the election judge shall then remove the duplicate stub from the ballot. The ballot must then be returned to the eligible elector, who shall, in full

view of the election judges, cast his or her vote by depositing the ballot in the ballot box.

Each eligible elector shall mark and deposit his or her ballot without undue delay and shall leave the immediate voting area as soon as the elector votes. No elector shall occupy a voting booth already occupied by another, nor remain within the immediate voting area for more than ten minutes, nor occupy a voting booth for more than five minutes if all such booths are in use and other electors are waiting to occupy the same. No eligible elector whose name has been entered on the pollbook is allowed to reenter the immediate voting area during the election except when accompanied by an election judge.

C.R.S. § 1-13.5-606

Can blind or otherwise disabled individuals, or those not able to read, or non-English speaking voters be given assistance?

Yes. Statute details the type and manner of assistance available to these individuals.

C.R.S. § 1-7-111, 1-13.5-605, 607, 808, 906

What are spoiled ballots?

If a voter spoils a ballot, that is marks it or damages it in some way that their vote cannot be determined, the voter may return the spoiled ballot and obtain others, one at a time, not to exceed three ballots. The spoiled ballots are immediately cancelled, and notation is made in the poll book where the newly issued ballot is properly recorded. The ballot shall be preserved and returned to the DEO along with the other election records and supplies.

C.R.S. § 1-13.5-608

How are ballots counted?

Once the polls are closed, the judges immediately proceed to count the ballots. Only watchers may be present until the count is completed. First, the ballot box is opened and the ballots are counted. If the ballots are found to exceed the number of names entered in the poll book(s), the judges shall examine the official endorsements on the ballots. If any of the ballots in excess of the number on the poll books are deemed not to bear the official endorsement they shall be put into a separate pile and into a separate record labeled "excess ballots."

If the ballots and poll book agree, each ballot is read and counted separately, and every name separately marked as voted for on such ballot where there is no conflict to obscure the intention of the voter shall be marked upon the tally sheets.

C.R.S. § 1-13.5-609(1)

If a voter marks more names than there are persons to be elected or if for any reason it is impossible to determine the voter's intent, the ballot shall not be

counted. A defective or an incomplete cross marked on any ballot in a proper place must be counted if there is no other mark or cross on such ballot indicating an intention to vote for some person other than those indicated by the first mentioned defective cross or mark. No ballot without the official endorsement, except as provided in section 1-13.5-704, may be deposited in the ballot box, and only ballots provided in accordance with this article shall be counted.

Ballots not counted must be marked "defective" on the back thereof and shall be preserved for such time as is provided in section 1-13.5-616 for ballots and destroyed as therein directed.

C.R.S. § 1-13.5-612

Who may be present while ballots are being counted?

All persons, except election judges and watchers, shall be **excluded** from the place where the ballot counting is being held until the count has been completed.

C.R.S. § 1-13.5-609(3)

ABSENTEE & PERMANENT ABSENTEE VOTING
(Formerly known as *mail-in* voting)

What is the last day to accept an application for absentee ballot?

The application shall be filed no later than the close of business on the Tuesday immediately preceding the election in which the absentee voter wishes to vote by absentee voter's ballot.

C.R.S. § 1-13.5-1002(1)(b)

What form should an absentee ballot follow?

There must be printed on the stub of an absentee ballot "Absentee Ballot Number [...], and such ballots must be numbered consecutively beginning with number one (e.g., separate from the regular ballots).

C.R.S. § 1-13.5-902(8)

What is the process for obtaining and submitting an absentee voter's ballot application?

Requests for an application for an absentee voter's ballot shall be made orally or in writing. The application may request that the applicant be added to the permanent absentee voter list for the local government.

Applications shall be filed in writing and be personally signed by the applicant or a family member related by blood, marriage, civil union, or adoption to the applicant.

The application for absentee ballot shall be personally signed by the applicant; If the applicant is unable to sign the application, the applicant shall make such applicant's mark on the application, which must be witnessed by another person.

C.R.S. § 1-13.5-1002(1)

How does the registration verification of an absentee voter occur?

Upon timely receipt of an application for an absentee voter's ballot within the proper time, the designated election official shall examine the records of the county clerk & recorder or the county assessor, as appropriate, to ascertain whether or not the applicant is registered and lawfully entitled to vote as requested.

C.R.S. § 1-13.5-1002

How does a voter prepare the absentee voter's ballot?

Any eligible elector applying for and receiving an absentee voter's ballot, in casting the ballot, shall make and subscribe to the self-affirmation on the return envelope. The voter shall then mark the ballot. The voter shall fold the ballot so as to conceal the marking, deposit it in the return envelope, and seal the envelope securely.

C.R.S. § 1-13.5-1006

How may a completed absentee voter's ballot (in return envelope) be returned?

The ballot may be delivered personally or mailed by the voter to the designated election official issuing the ballot. It is permissible for a voter to deliver the ballot to any person of the voter's own choice or to any duly authorized agent of the designated election official for mailing or personal delivery to the designated election official. To be counted, all envelopes containing absentee voter's ballots must be in the hands of the designated election official or an election judge for the local government not later than 7 p.m. on election day..

*Note: The requirement that a duly authorized agent cannot collect more than ten ballots was omitted from Article 13.5, and Article 8 was repealed.

C.R.S. § 1-13.5-1006

What is the process for delivery of an absentee voter's ballot?

If the person is found to be (entitled to vote), the designated election official shall deliver, as soon as practicable but no more than seventy-two hours after the ballots have been received (once printed), an official absentee voter's ballot, an identification return envelope with the affidavit or the envelope properly filled in

as to address of residence as shown by the records of the county clerk & recorder, and an instruction card. The Identification return envelope must state "do not forward. Address correction requested." or any other similar statement that is in accordance with united states postal service regulations. The delivery must be made to the applicant either personally in the office of the designated election official or by mail to the mailing address given in the application (for) an official absentee voter's ballot.

§ 1-13.5-1002(2)(b)

How may an elector obtain an emergency absentee ballot?

If an eligible elector is confined in a hospital or at his or her place of residence on election day because of conditions arising after the closing day for absentee voters' ballot applications, he or she may request, by a written statement signed by him or her, that the designated election official send him or her an emergency absentee voter's ballot. The designated election official shall deliver the emergency absentee voter's ballot, with the word "emergency" stamped or written on the stubs of the ballot, at his or her office, during the regular hours of business, to any authorized representative of the elector possessing a written statement from the voter's physician authorized under section 12-36-106 (5), C.R.S., advanced practice nurse, or practitioner that the voter will be confined in a hospital or his or her place of residence on election day. The authorized representative shall acknowledge receipt of the emergency absentee voter's ballot with his or her signature, name, and address.

"Authorized representative" means a person possessing a written statement from the elector containing the elector's signature, name, and address and requesting that the elector's emergency absentee voter's ballot be given to the authorized person as identified by name and address.

A request for an emergency absentee voter's ballot shall be made, and the ballot shall be returned, to the designated election official's office no later than 7 P.M. on election day.

C.R.S. § 1-13.5-1011

Who tracks permanent absentee applicants for future elections?

Each district must keep a record of permanent absentee voters.

Any eligible elector of a special district may apply for permanent absentee voter status. The application for permanent absentee voter status must be made in writing or by facsimile using an application form furnished by the designated election official or in the form of a letter. The application must contain the same information submitted in connection with an application for an absentee voter's ballot pursuant to C.R.S. 1-13.5-1002.

Upon receipt of an application for permanent absentee voter status, the designated election official shall process the application in the same manner as an application for a mail-in ballot. If DEO determines that the applicant is an eligible elector, the designated election official shall place the eligible elector's

name upon the list maintained pursuant to section C.R.S. 1-13.5-1004 of those eligible electors to whom an absentee voter's ballot is mailed each time there is a coordinated election.

If there is no DEO appointed, the secretary of the local government shall process the application for permanent absentee voter status.

C.R.S. § 1-13.5-1003

UOCAVA

What is UOCAVA?

Uniform and Overseas Citizens Absentee Voting Act, which is a federal law. During the legislative process for HB14-1164, the state version, Article 8.3 of Title 1, added special districts to the list of local governments that are covered by the law.

UOCAVA voting occurs in both polling place and mail ballot elections.

C.R.S. § 1-8.3-103(1)(d)

How are UOCAVA voters found?

Only resident voters who reside in the district receive UOCAVA ballots. Meaning property ownership is no longer a qualifier for UOCAVA voters; only the Clerk & Recorder's registered voters list is necessary for finding UOCAVA voters. Note that this provision appears only in the mail ballot section of the Local Government Election Code.

When and how are UOCAVA ballots sent?

UOCAVA ballots are sent at 45 days out and there are differing types of ballot delivery, including electronic, fax, and mail. This differs significantly from both mail ballot and polling place elections.

MAIL BALLOT ELECTIONS

What is an independent mail ballot election?

An election for which eligible electors receive ballots by mail, and in accordance with part 11, article 13.5 of Title 1, C.R.S., vote by mailing those ballots or depositing those ballots.

C.R.S. § 1-13.5-1100 et seq.

Defined specifically as: a mail ballot election that the governing body of a local government determines will not be coordinated by the county clerk and recorder.

C.R.S. § 1-13.5-1102(1)

When are mail ballot elections required?

Ballot issue elections – those in which voters are asked questions required by Article X, Section 20 of the Colorado Constitution – **must** be conducted as either independent mail ballot elections or be coordinated by the county clerk & recorder. Such “TABOR” elections may only occur in November or on the May regular election date.

C.R.S. § 1-13.5-111

What is the process for conducting a mail ballot election?

The designated election official responsible for conducting an election that is to be a mail ballot election shall no later than 55 days prior to the election have on file at the office of the district or DEO a plan for conducting the independent mail ballot election. The plan is a public record.

C.R.S. § 1-13.5-1104(1)

What makes up a mail ballot packet?

"Mail ballot packet" means the packet of information provided by the designated election official to eligible electors in the independent mail ballot election. The packet includes the ballot, instructions for completing the ballot, a secrecy envelope, and a return envelope.

C.R.S. § 1-13.5-1102(2)

What is the return envelope?

"Return envelope" means an envelope that is printed with spaces for the name and address of, and a self-affirmation substantially in the form described in section 1-13.5-605 (1) to be signed by, an eligible elector voting in an independent mail ballot election, into which envelope must fit a secrecy envelope. A return envelope must be designed to allow election officials, upon examining the signature, name, and address on the outside of the envelope, to determine whether the enclosed ballot is being submitted by an eligible elector who has not previously voted in that particular election.

The requirement of a removable flap covering the signature at 1-13.5-1105(4)(c)(III) was repealed.

C.R.S. § 1-13.5-1102(4)

What is the secrecy envelope/secrecy sleeve?

"Secrecy envelope" means the envelope or sleeve used for an independent mail ballot election that contains the eligible elector's ballot for the election and that is designed to conceal and maintain the confidentiality of the elector's vote page until the counting of votes for that particular election.

C.R.S. §1-13.5-1102(5)

What form should a mail ballot follow?

A mail ballot will be identical in appearance to a polling place ballot, but it *does not require a duplicate stub.*

C.R.S. § 1-13.5-902(8)(b)

When does a district send its mail ballots?

A special district conducting an independent mail ballot election sends out its ballots no sooner than 22 days before an election date, and no later than 15 days preceding an election date. [These are the regular mail ballots.]

C.R.S. § 1-13.5-107(3)(a)(I)

How does a voter return a mail ballot?

A voter will either mail the ballot via regular U.S. Mail or they may go to the DEO's office, or any place designated by the district in their mail ballot plan; there they may drop off their ballot.

An eligible elector may obtain a replacement ballot if his or her original ballot was destroyed, spoiled, lost, or for any other reason not received by the eligible elector.

An eligible elector may obtain a ballot if a mail ballot packet was not sent to the elector because the eligibility of the elector could not be determined at the time the mail ballot packets were mailed.

In order to obtain a ballot, the eligible elector must sign a sworn statement specifying the reason for requesting the ballot, which statement must be presented to the designated election official no later than 7 p.m. on election day. The designated election official shall keep a record of each ballot issued in accordance with a list of each ballot obtained.

C.R.S. § 1-13.5-1105(4)(e)

How many days must the district make their office available for voters seeking these ballots?

The office designated in the mail ballot plan shall be made available and stocked with (extra) mail ballots for at least 22 days prior to election day.

C.R.S. § 1-13.5-1105

Are there election judges in a mail ballot election?

Yes. The election officials at the mail ballot counting place shall receive and prepare mail ballots delivered and turned over to them by the election judges for counting. Counting of the mail ballots may begin fifteen days prior to the election and continue until counting is completed. The election official in charge of the mail ballot counting place shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day.

*Note: For smaller districts with few voters, counting ballots more frequently than election night after the polls close will be unnecessary.

C.R.S. § 1-13.5-1107

WATCHERS

What is a watcher?

Each candidate for office, or interested party in case of a ballot issue or ballot question, at a local government election is entitled to appoint an eligible elector to act on his or her behalf in every polling place in which he or she is a candidate or in which the issue or question is on the ballot.

The designated election official may, by lot, reduce the number of watchers to one for and one against the ballot issue or ballot question for each location to be watched.

C.R.S. § 1-13.5-602(1)

Who may be a watcher?

Watchers are eligible electors, shall take an *oath* administered by one of the election judges that they are *eligible electors*, that their name has been *submitted to the designated election official* as a watcher for this election, and that they will not in any manner make known to anyone the *result of counting votes* until the polls have closed.

C.R.S. § 1-13.5-602(2)

Who is prohibited from being a watcher?

Neither a current candidate for director nor any immediate family member, to the second degree, of such candidate is eligible to serve as a watcher for that candidate.

C.R.S. § 1-13.5-602

What may watchers observe or do?

A watcher serving at the polling place has the right to remain inside the polling place from at least fifteen minutes prior to the opening of the polls until after the completion of the count of votes cast at the election and the certification of the count by the election judges. Each watcher may maintain a list of eligible electors as the names are announced by the election judges and witness each step in the conduct of the election.

C.R.S. § 1-13.5-602(1)(c)

Limitation of watchers?

Duly appointed Watchers may observe election judges but **may not**

- Interrupt or disrupt the processing, verification and counting of any ballots or any other stage of the election.
- Watchers may track the names of electors who have cast ballots by utilizing their previously obtained lists, **but may not** write down any ballot numbers or any other identifying information about the electors.
- Watchers **may not** handle the poll books, self-affirming oath and affirmation forms, ballots, mail ballot envelopes, mail-in ballot envelopes or provisional ballot envelopes, voting or counting machines or machine components.
- Watchers **shall not** interfere with the orderly process and conduct of any election, including ballot issuance, receiving of ballots, voting or counting of the ballots.
- Watchers **may not** be allowed to interact with election officials or election judges, except for the individual identified by the DEO.

Watchers shall not have a cellular phone, camera, recording device, laptop or tablet, or other electronic data capture device in the polling place.

C.R.S. § 1-13.5-602(3)

However, a watcher **may** challenge a person's right to vote.

What happens if a watcher misbehaves?

A designated election official may **remove** a watcher upon finding that the watcher commits or encourages fraud in connection with his or her duties, violates any of the limitations outlined in this article, violates his or her oath, or is abusive or threatening toward election officials or any other person.

C.R.S. § 1-13.5-602(4)

CHALLENGES TO VOTING

Who is able to challenge a person's right to vote?

It is the duty of any election judge to challenge any person offering to vote who he or she believes is not an eligible elector. In addition, challenges may be made by watchers or any eligible elector of the local government who is present.

C.R.S. § 1-13.5-1202(2)

How is a challenge presented?

Each challenge must be made by written oath, signed by the challenger under penalty of perjury, setting forth the name of the person challenged and the basis for the challenge. The election judges shall deliver all challenges and oaths to the designated election official at the time the other election papers are returned. The designated election official shall deliver all challenges and oaths to the district attorney for investigation and appropriate action as soon as possible.

C.R.S. § 1-13.5-1203

The challenged voter and the challenger and election judge should step away from the immediate area in order to allow other voters to proceed to vote. The election judge will ask the challenged voter specific questions relative to the basis of the challenge (i.e., registration, residence, property ownership, see statute/form SD-38.2). If the voter answers the questions and takes the oath prescribed in section 1-13.5-1205, s(he) will be allowed to vote and the word "Sworn" must be written on the pollbook next to the person's name.

If the challenged voter refuses to fully answer any question which is put to him or her or refuses to take the oath, the election judges shall reject the challenged person's vote.

C.R.S. § 1-13.5-1204-6

CERTIFICATES AND ABSTRACTS OF ELECTION

What is the Judges' "Unofficial Abstract"?

The election judges are required to make an abstract of the count of votes containing the names of the offices, the names of the candidates, any ballot issues or ballot questions voted upon, and the number of votes counted for and against each candidate or ballot measure. The form will be provided by the DEO.

Immediately upon completion of the count, the required abstract must be posted in a conspicuous place that can be seen from the outside of the polling place. The abstract may be removed at any time forty-eight hours after the polls close.

C.R.S. § 1-13.5-615

What is the Election Judges' Certificate (of election returns)?

As soon as all the votes have been read and counted (and after the abstract is posted), the election judges shall make a certificate stating:

(a) the name of each candidate, designating the office for which each candidate received votes;
(b) the number of votes each candidate received, which number must be expressed in words, at full length, and in numerical figures; and
(c) the ballot issue or ballot question, if any, voted upon
And the number of votes counted for and against the ballot issue or ballot question.

(2) (a) In addition, the election judges shall make a Statement in writing showing the number of ballots voted, Containing a separate statement that identifies and specifies each of the following:

- (i) the number of ballots delivered to electors;
- (ii) the number of ballots not delivered to electors;

- (iii) the number of unofficial and substitute ballots voted;
- (iv) the number of spoiled ballots; and
- (v) the number of ballots returned.

(b) all unused ballots, spoiled ballots, and stubs of
Ballots voted must be returned with the statement described in
Paragraph (a) of this subsection (2).

C.R.S. § 1-13.5-613

What is the Canvass Board's Certificate of Election Results?

No later than the fourteenth day following the election, the canvass board shall make statements from the official abstract of votes that show the names of the candidates, any ballot issue or ballot question, and the number of votes given to each. The canvass board shall certify the statement to be correct and subscribe their names thereto. The canvass board shall then determine which persons have been duly elected by the highest number of votes and shall endorse and subscribe on such statements a certificate of their determination.

C.R.S. § 1-13.5-1305(1)

What is given to the newly elected/re-elected directors?

The DEO shall make and transmit to each of the persons thereby declared to be elected a certificate of the person's election. Districts may do something more ornate, if they like.

C.R.S. § 1-13.5-1305(2)

What entities receive copies of the Certificate of Election Results?

The DEO shall file a copy of the certificate with the division of local government in the department of local affairs.

C.R.S. § 1-11-103(3), 1-13.5-1305(1)

What happens if there is a tie vote for directors?

If any two or more candidates receive an equal and highest number of votes for the same office, and if there are not enough offices remaining for all such candidates, the canvass board shall determine by lot the person who shall be elected. Reasonable notice shall be given to such candidates of the time when such election will be so determined.

C.R.S. § 1-13.5-1304

What happens if there is a tie vote on a ballot question or ballot issue?

If any ballot issue or ballot question is approved by less than the majority of the votes cast, the issue or question shall be considered to have failed.

C.R.S. § 1-11-102.5

RECOUNTS

When is a recount required?

The designated election official shall order a recount of the votes cast in any election if it appears, as evidenced by the survey of returns, that the difference between the highest number of votes cast in the election and the next highest number of votes cast in the election is less than or equal to one-half of one percent of the highest number of votes cast in the election.

Any recount conducted pursuant to this subsection (1) shall be completed no later than the twenty-eighth day following the election and shall be paid for by the governing body of the local government. The designated election official shall give notice of the recount to the governing body, to all candidates and, in the case of a ballot issue or question, to any issue committee that are affected by the result of the election. The notice must be given by any means reasonably expected to notify the affected candidates or issue committee. An affected candidate or issue committee is allowed to be present during and observe the recount.

C.R.S. § 1-13.5-1306(1)

An interested party (generally a candidate who lost) may also **request a recount** through a notarized written request at the interested party's expense **when a recount is not required by statute**. Requests must be made to the DEO within 17 days after the election.

C.R.S. § 1-13.5-1306(2)

ELECTION CONTROVERSIES AND CONTESTS

What is an election controversy?

When any controversy arises between any official charged with any duty or function under this article and any candidate or other person, the district court, upon the filing of a verified petition by any such official or person setting forth in concise form the nature of the controversy and the relief sought, shall issue an order commanding the respondent in the petition to appear before the court and answer under oath to the petition. It is the duty of the court to summarily hear and dispose of any such issues, with a view to obtaining a substantial compliance with this article by the parties to the controversy, and to make and enter orders and judgments and to follow the procedures of the court to enforce all such orders and judgments.

C.R.S. § 1-13.5-1501

Note that statute states "...**the board** shall govern the conduct of all subsequent regular and special elections... and shall render all interpretations and **make all decisions as to controversies** or other matters arising in the conduct of the elections." If a complainant does not wish to file a petition with the district court, the matter can be taken to the district's board of directors. And,

C.R.S. § 32-1-804(1)

The designated election official shall render all interpretations and shall make all initial decisions as to controversies or other matters arising in the operation of this article.

C.R.S. § 1-13.5-108

Generally, the DEO will be the decision-maker unless time and complexity of the issue requires that a decision be made by the board. As an appointed extension of the board, the DEO will generally operate independently.

What are the causes of contest of a candidate election?

The election of any candidate to any office may be contested on any of the following grounds:

- The candidate elected is not eligible to hold the office for which elected.
- Illegal votes were received or legal votes rejected at the polls in sufficient numbers to change the result of the election.
- Any election judge or canvass board member has made an error in counting or declaring the result of an election that changed the result of an election.
- An election judge, canvass board, or member of a canvass board has committed malconduct, fraud, or corruption that changed the result of the election.
- For **any reason**, another candidate was legally elected to the office.

C.R.S. § 1-13.5-1401

What are the causes for contest of an election to determine a ballot issue or ballot question?

The result of any election to determine a ballot issue or a ballot question may be contested on any of the following grounds:

- Illegal votes were received or legal votes were rejected at the polls in sufficient numbers to change the results of the election.
- That an election judge or canvass board has made an error in counting or declaring the result of an election that changed the result of the election.

- An election judge, canvass board, or member of a canvass board has committed misconduct, fraud, or corruption that changed the result of the election.

In addition, the result of any election to determine a ballot issue that includes approval of the creation of any debt or other financial obligation may be contested if the notice required by C.R.S. § 1-7-908 is not provided in accordance with that section or contains any material misstatement of the information required to be set forth in the notice.

C.R.S. § 1-13.5-1408, 1-11-201(3), 1-11-201(4), 1-13.5-1401(1)(b),(c), & (d)

Contests regarding issue or question format use 1-13.5-1408(2)

Who may contest an election?

The election of any candidate or the results of an election on any ballot issue or ballot question may be contested by any eligible elector of the political subdivision.

The individual contesting the election must file a written statement of intent to contest the election with the clerk of the district court within ten days after the canvass board's certification of election.

C.R.S. § 1-13.5-1403; 1-11-213(4)

What is the decision-making body for nonpartisan officers, ballot issue and ballot question election contests for nonpartisan elections?

All contested election cases of nonpartisan officers and ballot issues and ballot questions are tried and **decided by the district court** for the county in which the contest arises. If a political subdivision is located in more than one county, the district court of either county may take jurisdiction.

C.R.S. § 1-13.5-1401 et. seq

ELECTION OFFENSES

What do you do if you believe an election offense has occurred?

Any person may file an affidavit with the district attorney stating the name of any person who has violated any of the provisions of the election code and stating the facts that constitute the alleged offense. Upon the filing of such affidavit, the district attorney shall forthwith investigate, and if reasonable grounds appear therefor, he shall prosecute the violator.

The attorney general shall have equal power with district attorneys to file and prosecute information of complaints against any persons for violating any of the provisions of the election code.

ELECTIONEERING: §1-13-714, 1-5-105; “No person shall do any electioneering on the day of any election within any polling place or in any public street or room or in any public manner within 100 feet of any building within which a polling place is located, as publicly posted by the DEO.”

Types of offenses are listed in: §1-13-104 to 1-13-113 and Parts 2 through 8 of Title 1, Article 13.

C.R.S. §1-13.5-1601, 1-13-101

RECALL PROCESS

SB14-158 directed special districts to use the municipal election code at Title 31, Article 4, Part 5 for its recall elections, and to supplant special district appropriate titles for municipal ones.

What are the limitations on recalling an elected official?

Any director elected to the board of any special district who has actually held office for at least six months after election or reelection may be recalled from office by the eligible electors of the special district.

C.R.S. § 32-1-906

After one recall petition and election, no further petition shall be filed against the same officer during the term for which the officer was elected, unless the petitioners signing the petition equal 50% of all ballots cast for that office at the last preceding regular election.

C.R.S. § 31-4-505(2)

How many signatures are required for a petition for nonpartisan officers?

A petition to recall any director shall be signed by the lesser of three hundred eligible electors or forty percent of the eligible electors demanding the recall of any director named in the petition shall be filed in the *court*. Any recall shall be governed by the procedures set forth in part 5 of article 4 of title 31, C.R.S.

C.R.S. § 32-1-906(1)(a)

With whom is the petition filed?

A petition containing the requisite number of signatures under paragraph (d) of this subsection (1) shall be filed in the office of the DEO, or if none is designated, then the secretary of the local government demanding an election of a successor to the officer named in the petition.

C.R.S. § 31-4-502(1)(a)(l)

What should the petition include?

Each petition shall designate by name and address not less than three nor more than five persons (“the committee”), who shall represent the signers.

The petition shall indicate the name of (the district) and the name of the officer sought to be recalled. The petition shall include the name of only one person to be recalled. The petition shall contain a general statement, consisting of two hundred words or less, stating the ground or grounds on which the recall is sought. The statement is for the information of the electors who shall be the sole and exclusive judges of the legality, reasonableness, and sufficiency of the ground or grounds assigned for the recall. The ground or grounds shall not be open to review.

See Section 31-4-502 for more information about petition content.

C.R.S. § 31-4-502

Who may circulate the recall petition?

No person shall circulate a recall petition unless the person is at least 18 years of age.

C.R.S. § 31-4-503(2)(c)

TABOR RELATED ISSUES

All districts are urged to consult with legal counsel on any TABOR matter. The following information is of a general nature only and for informational purpose only.

For special districts, when can a TABOR related ballot issue be put on the ballot?

Ballot issues shall be decided in a state general election, biennial local district election (May of even-numbered years), or on the first Tuesday in November of odd-numbered years.

Section 20 (3) (a) of Article X of the Colorado Constitution

What if there is a tie vote on a TABOR ballot issue?

If any ballot issue or ballot question is approved by less than the majority of the votes cast, the issue or question shall be considered to have failed.

C.R.S. § 1-11-102.5

What is the TABOR Notice (Ballot Issue notice)?

This is the notice required by section 20 (3) (b) of article X of the state constitution to be mailed to all registered voters of the district. Specific information about the ballot issue including fiscal information and a summary of pro and con statements filed with the DEO about the ballot issue are included in the TABOR notice. (See this portion of the constitution for the details required of the notice.)

C.R.S. § 1-13.5-503(1), 1-7-901 et. seq

What happens to the comments received for a TABOR ballot issue?

All comments filed in writing shall be received and kept on file with the designated election official for the political subdivision submitting the ballot issue. However, only those filed by persons eligible to vote in the political subdivision submitting the ballot issue to its electors must be summarized in the ballot issue notice. The filed comments shall be retained by the designated election official as election records.

To be summarized in the ballot issue notice, the comments shall address a specific ballot issue and shall include a signature and an address where the signor is registered to vote and shall be filed with the designated election official for the political subdivision.

Since section 20(3)(b)(v) of article X of the state constitution requires that comments pertaining to a ballot issue be filed by forty-five days before the election and since such day is always a Saturday, all comments shall be filed by the end of the business day on the Friday before the forty-fifth day before the election.

C.R.S. § 1-7-901, 1-13.5-503

Who prepares the fiscal information required in the TABOR notice?

A governing body submitting a referred measure, or its designee, shall be responsible for providing to its designated election official the fiscal information that must be included in the ballot issue notice.

C.R.S. § 1-7-902, 1-13.5-503

The person preparing this information should be an experienced professional.

Who prepares the written comments?

For referred measures, the designated election official shall summarize the filed comments in favor of and in opposition to the ballot issue for the ballot issue notice. If no comments are filed in opposition to or in support of a ballot issue, the designated election official shall not prepare any summaries and shall state substantially the following in the ballot issue notice where the summary or summaries would appear: "No comments were filed by the constitutional deadline."

Transmittal of notices

Even if a special district is conducting a mail ballot election in November independently (not as part of a coordinated election) pursuant to section 1-7-116(1), the DEO must prepare and deliver to the county clerk and recorder for the county or counties in which the district is located no later than forty-two days before the election the full text of any required ballot notices.

C.R.S. § 1-7-904, 1-13.5-503

How are the TABOR notices prepared?

For coordinated November elections, the county clerk and recorder shall be responsible for placing the ballot issue notices received from the various political subdivisions participating in the election in the proper order in the ballot issue packet.

The designated election officials of overlapping political subdivisions conducting an election other than in November shall confer concerning the preparation of the ballot issue notice and packet no later than forty days prior to the date of the election.

C.R.S. § 1-7-905, 1-13.5-503

What is the form of the TABOR notice?

The ballot issue notice must begin with the words "All registered voters", regardless of whether the electors of the political subdivision must be registered electors to be eligible to vote in the election, and ends at the conclusion of the summary of comments. Information concerning procedure for a mail ballot election, ballot, polling place, or other information included with the ballot issue notice prior to the words "All registered voters" or after the conclusion of the summary of comments are not deemed to be part of the ballot issue notice. (See section 20 of article X of the state constitution for the financial information that must be included in the body of the notice.)

Ballot issue notices are not election materials that must be provided in a language other than English.

C.R.S. § 1-7-905.5

What are the mailing requirements of the TABOR notices?

For coordinated and independent mail ballot elections, the county clerk and recorder as coordinated election official (depending on IGA) or district DEO shall mail the ballot issue notice packet to each address of one or more active registered electors who reside in the county or portions of the county in which registered voters of those districts submitting ballot issues reside.

The TABOR notice is to be mailed at least 30 days before a ballot issue election. "at least cost."

****Note:** The Clerk & Recorder may not be aware that Special Districts are required to automatically send mail ballots to property owners residing outside the District and/or County, but are nevertheless eligible electors. Districts are encouraged to address this issue in their Intergovernmental Agreement (IGA) with the County.

Colorado Constitution, Article X, Section 20,
C.R.S. § 1-7-906; 1-7-907; 1-13.5-503(2)

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
GRANBY RANCH METROPOLITAN DISTRICT
HELD
FEBRUARY 14, 2020**

A regular meeting of the Board of Directors of the Granby Ranch Metropolitan District ("GRMD") was held on February 14, 2020 at 10:00 a.m. at the Ranch Hall; 998 Village Road, Granby, CO 80446

ATTENDANCE: Directors in attendance were:
Matt Girard; President
Terry Walker; Vice President
Fran Mejer; Secretary/Treasurer
Steven Conrad; Assistant Secretary/Treasurer

Also in Attendance were:
Lisa A. Jacoby (via speakerphone and Joel Meggers; Community Resource Services of Colorado
Alan Pogue; Icenogle Seaver Pogue, P.C. (via speakerphone)
Members of the public

I. ADMINISTRATIVE ITEMS:

A. Call to Order – Director Girard noted that a quorum of the Board was present and the meeting was called to order at 10:00 a.m.

Following discussion, upon motion duly made by Director Conrad, seconded by Director Girard and, upon vote, unanimously carried, the absence of Elizabeth Titus was excused.

B. Approval of Agenda - Upon motion duly made by Director Conrad, seconded by Director Girard, and upon vote, unanimously carried, the Board approved the Agenda, as presented.

C. Declaration of Quorum/Director Qualifications/Disclosure Matters - Attorney Pogue reported that conflict of interest disclosures, if any, must be filed for each Board member no later than 72 hours before the meeting with the Secretary of State and the Board. Prior to the meeting, each director confirmed the contents of any written disclosure previously made, stating the fact and summary nature of any matters as required under Colorado law to permit official action to be taken at the meeting. Each Director also confirmed prior to the meeting that nothing appeared on the agenda for which conflict of interest disclosures would be required to be filed.

D. Review and Approve November 15, 2019 Special Meeting Minutes - Upon motion duly made by Director Girard, seconded by Director Mejer, and upon vote,

unanimously carried, the Board approved the November 15, 2019 Minutes, as presented.

- E. May 5, 2020 Director's Election and Timeline Information – Discussion ensued regarding the Self-Nomination and Acceptance Form process and timeline. It was noted that pursuant to the Election Resolution and Call for Nomination publication, the deadline for submittal of a Self-Nomination and Acceptance Form was no later than February 28, 2020, by 3:00 p.m. to allow for a one-time correction, if necessary.

Following discussion, the Board directed staff to post the Self-Nomination and Acceptance Form along with providing information regarding the May 5, 2020 Director's Election, on the District's website and via newsletter distribution.

- F. District Structure/Organizational Chart – It was noted that Director Girard that the committee consisting of property owner's Colleen Hannon, Natascha O'Flaherty and Director Girard, has not yet produced subject document. It was noted that the purpose of the document was to provide an organized description of the District's structure, relationships with other entities and purpose of any Intergovernmental Agreement or other document affecting the District's operations.

II. PUBLIC COMMENT: There was no public comment.

III. FINANCIAL ITEMS:

- A. Collection and Administration of Amenity Fee and Capital Facilities Fees – Ms. Jacoby and Director Mejer discussed the streamlined process for “release of lien” following verification of payment of Amenity Fee due to the Headwaters Metropolitan District upon first sale to an end user and the Capital Facilities Fee due to the Granby Ranch Metropolitan District upon issuance of Building Permit.
- B. Claims – The Board reviewed with the claims represented by check nos. 02015 – 02023 for a total amount of \$24,193.44.

Upon motion duly made by Director Girard, seconded by Director Mejer, and upon vote, unanimously carried, the Board approved the claims represented by check nos. 02015 – 02023 for a total amount of \$24,193.44.

- C. Outstanding Mill Levy Tax Rebates – Director Mejer reported on the current outstanding Tax Rebates. It was noted that approximately 6 checks remain outstanding for which alternative addresses have been located. However, it had been determined that stop payment fees of \$35.00 per check may outweigh the benefit of initiating a stop payment with the bank to effectuate and subsequent re-issue of replacement checks. Mr. Megger's noted that he had a relationship with the bank and would pursue with the bank the waiving of stop payment fees.

Following discussion, the Board directed Mr. Megger's to contact the bank to pursue waiving of the stop payment fees, and authorized Director Mejer to follow-up with

those identified as having alternative addresses, regarding the District's intent to issue replacement checks, subject to verification of the waiving of the stop payment fees.

- D. Unaudited Financial Statements for the Period Ending December 31, 2019 – The Board reviewed the unaudited Financial Statements for the period ending December 31, 2019 and Cash Position adjusted as of February 4, 2020.
- E. 2019 Audit – Ms. Jacoby reported that the Auditor was scheduled to present via phone, the 2019 draft audit at the regularly scheduled Board meeting of May 8, 2020.
- F. 2019 Budget Amendment Hearing: The President opened the public hearing to consider the Resolution to Amend the 2019 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2019 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Following review and discussion, Director Girard moved to adopt the Resolution to Amend 2019 Budget, Director Walker seconded the motion and, upon vote, unanimously carried, the Board adopted the Resolution to Amend the 2019 Budget.

IV. LEGAL ITEMS:

- A. Status of Insurance Claim to Recoup District Legal Expenses Related to Silver Star Development Summons (aka "quiet title" matter) – Attorney Pogue reported that the claim made against the District's policy for recoupment of District legal defense costs related to the above referenced matter, was denied.
- B. 3rd Amendment to the Service Plan with the Town of Granby – Attorney Pogue reported that the finalized 3rd Amendment to Service Plan has been submitted to the Town of Granby in December. He further noted that following discussions with the Town regarding the Quinquennial Review findings determined at a June 28, 2011 Town Board of Trustees meeting related to authorized but unissued debt of the District, suggested revisions by Ms. O'Flaherty regarding this matter, were not incorporated.
- C. Status of Matters Subject to the 2018 GRMD Refinancing Settlement Agreement
 - 1. Status of Appointment of a Granby Ranch Metropolitan District Eligible Elector to the Headwaters Metropolitan District Board of Directors – It was noted that due to the receivership proceedings of the Granby Ranch Resort, no progress has been made towards defining a designated piece of unencumbered Headwaters Metropolitan District property to be used to qualify a Granby Ranch Metropolitan District eligible elector to sit on the Headwaters Metropolitan District Board.

The Board determined to pursue further with the “receiver”, following the May 5, 2020 Director’s election.

2. Status of Road Repair Work – Director Girard reported that the Town is proceeding with the “calling” guaranty for release \$1.7M in funds for the purpose of performing the balance of promised road work.
 3. Status of Granby Realty Holdings, LLC (“GRH”) Best Efforts to add GRMD to SIA’s Between the Town of Granby and GRH – Director Girard reported that he has been in contact with the Town and with GRH representative, Lance Badger, regarding this matter and that it appears that Granby Realty Holdings will no longer be honoring the commitment to add GRMD to the various Subdivision Improvement Agreements pursuant to the terms of the 2018 bond refinancing agreements.
- D. Status of Granby Ranch Resort Sale/Foreclosure – It was reported that the lender has filed foreclosure; a receiver has been appointed and judicial procedures were in process.

V. OTHER ITEMS:

- A. Confirmation of Quorum, Location and Time – The Board confirmed that the next Board Meeting would be held on May 8, 2020 at 10:00 a.m. at the regular meeting location.
- B. Mountain Lion vs. Dog – There was no update.
- C. Sewer Line Beneficiaries – There was no update.
- D. Discrepancy between Town Ordinance and Granby Ranch PDOD regarding Short Term Rentals – There was no update.

VI. ADJOURNMENT - There being no additional business, the meeting was adjourned.

Respectfully submitted by,

Secretary for the meeting

GRANBY RANCH METROPOLITAN DISTRICT
FINANCIAL STATEMENTS AND REPORT OF
INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS

December 31, 2019

DRAFT

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Granby Ranch Metropolitan District
Town of Granby, Colorado

STATEMENT OF NET POSITION

For the year ended December 31, 2019

Assets	
Cash and investments	\$ 130,450
Cash and investments - restricted	1,398,255
Property taxes receivable	1,090,621
Receivable from County Treasurer	6,399
	400
Total assets	<u>2,626,125</u>
Liabilities	
Accounts payable	16,785
Accrued interest payable	54,063
Noncurrent liabilities	
Due within one year	70,000
Due in more than one year	11,830,000
Total liabilities	<u>11,970,848</u>
Deferred inflows of resources	
Property taxes	1,090,621
Total deferred inflows of resources	<u>1,090,621</u>
Net position	
Restricted for emergency reserves	2,700
Restricted for debt services	1,402,371
Unrestricted	(11,840,415)
Total net position	<u>\$ (10,435,344)</u>

The accompanying footnotes are an integral part of these financial statements.

Granby Ranch Metropolitan District
Town of Granby, Colorado

STATEMENT OF ACTIVITIES

For the year ended December 31, 2019

Function/Programs	Expenses	Program Revenues			Net Revenues (Expenses) and Changes in Net Position
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	
Primary Government:					
Governmental activities					
General government	\$ 229,475	\$ -	\$ -	\$ -	\$ (229,475)
Interest and related long-term debt costs	657,256	-	33,968	43,785	(579,503)
	<u>\$ 886,731</u>	<u>\$ -</u>	<u>\$ 33,968</u>	<u>\$ 43,785</u>	<u>(808,978)</u>

General Revenues:

Property taxes	887,696
Specific ownership taxes	76,608
Interest income	41,525
Total general revenues	<u>1,005,829</u>
Change in net position	196,851
Net position, beginning	<u>(10,632,195)</u>
Net position, ending	<u>\$ (10,435,344)</u>

The accompanying notes are integral part of these financial statements.

Granby Ranch Metropolitan District
Town of Granby, Colorado

BALANCE SHEET - GOVERNMENTAL FUNDS

December 31, 2019

	General	Debt Service	Total
Assets			
Cash and investments	\$ 130,450	\$ -	\$ 130,450
Cash and investments - restricted	-	1,398,255	1,398,255
Property taxes receivable	345,849	744,772	1,090,621
Receivable from County Treasurer	2,283	4,116	6,399
Prepays	400	-	400
Total Assets	\$ 478,982	\$ 2,147,143	\$ 2,626,125
Liabilities			
Accounts payable	\$ 16,785	\$ -	\$ 16,785
Total Liabilities	16,785	-	16,785
Deferred Inflows of Resources			
Property taxes	345,849	744,772	1,090,621
Total Deferred Inflows of Resources	345,849	744,772	1,090,621
Fund balance			
Nonspendable	400	-	400
Restricted			
Emergency Reserves	2,700	-	2,700
Debt service	-	1,402,371	1,402,371
Unrestricted	113,248	-	113,248
Total Fund Balances	116,348	1,402,371	1,518,719
Total Liabilities, Deferred Inflows and Fund Balance	\$ 478,982	\$ 2,147,143	

Amounts reported for governmental activities in the statement of net position are different because:

Long-term liabilities, including bonds payable and interest payable, are not due and payable in the current period and, therefore, are not reported in the funds.

Bonds payable	(11,900,000)
Accrued interest payable	(54,063)

Net position of Governmental Activities	\$ (10,435,344)
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The accompanying notes are an integral part of these financial statements.

Granby Ranch Metropolitan District
Town of Granby, Colorado

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUNDS

For the year ended December 31, 2019

	General	Debt Service	Total Governmental Funds
Revenues			
Property taxes	\$ 316,684	\$ 571,012	\$ 887,696
Specific ownership taxes	25,123	51,485	76,608
Net investment income	1,043	40,482	41,525
Capital facilities fees	43,785	-	43,785
Contribution from SolVista Metropolitan District	-	33,968	33,968
Total revenues	<u>386,635</u>	<u>696,947</u>	<u>1,083,582</u>
Expenditures			
Current			
Accounting	3,734	-	3,734
Auditing	6,138	-	6,138
Agent fees	-	6,495	6,495
Dues and licenses	481	-	481
Insurance and bonds	2,858	-	2,858
District management	54,112	-	54,112
Legal	23,970	-	23,970
Miscellaneous	838	-	838
Property tax rebate of 6.508 mills due to error	92,751	-	92,751
County Treasurer's fees	15,886	28,707	44,593
Debt service			
Principal - Series 2018 bonds	-	45,000	45,000
Interest expense - Series 2018 bonds	-	650,944	650,944
Total expenditures	<u>200,768</u>	<u>731,146</u>	<u>931,914</u>
Excess of revenues over (under) expenditures	185,867	(34,199)	151,668
Fund balance, beginning of year	(69,519)	1,436,570	1,367,051
Fund balance, end of year	<u>\$ 116,348</u>	<u>\$ 1,402,371</u>	<u>\$ 1,518,719</u>

The accompanying notes are an integral part of these financial statements.

Granby Ranch Metropolitan District
Town of Granby, Colorado

RECONCILIATION OF THE STATEMENTS OF REVENUE, EXPENDITURES AND CHANGES
IN FUND BALANCES OF THE GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES

For the year ended December 31, 2019

Net Change in Fund Balances - Total Governmental Funds	\$ 151,667
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Amounts reported for governmental activities in the statement of activities are different because:

Long-term debt (e.g., bonds) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Also, governmental funds report the effect of premiums, discounts, and similar items when debt is first issued, whereas these amount are deferred and amortized in the statement of activities.

Bond Principal Payment	45,000
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Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.

Bond interest - change in liability	<u>182</u>
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Change in Net Position of Governmental Activities	<u><u>\$ 196,849</u></u>
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The accompanying notes are an integral part of these financial statements.

Granby Ranch Metropolitan District
Town of Granby, Colorado

SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
GENERAL FUND - BUDGET TO ACTUAL

For the year ended December 31, 2019

	Original Budget	Final Budget	Actual	Variance with Final Budget Positive (Negative)
Revenues				
Property tax	\$ 316,740	\$ 316,740	\$ 316,684	\$ -
Specific ownership tax	15,837	15,837	25,123	9,286
Facility fees	-	-	43,785	43,785
Interest income	150	150	1,043	893
Total revenues	<u>332,727</u>	<u>332,727</u>	<u>386,635</u>	<u>53,964</u>
Expenditures				
County Treasure's fees	-	-	15,886	(15,886)
Accounting	25,000	25,000	3,734	21,266
Auditing	5,000	5,000	6,138	(1,138)
Dues and licenses	1,000	1,000	481	519
Insurance and bonds	4,751	4,751	2,858	1,893
District management	31,000	31,000	54,112	(23,112)
Legal	25,000	25,000	23,970	1,030
Miscellaneous	1,000	1,000	838	162
Property tax rebate of 6.508 mills due to error	83,957	83,957	92,751	(8,794)
Operations reserve	22,365	22,365	-	22,365
Contingency	15,837	15,837	-	15,837
Total expenditures	<u>214,910</u>	<u>214,910</u>	<u>200,768</u>	<u>30,028</u>
Excess of revenues over (under) expenditures	117,817	117,817	185,867	83,992
Other financing sources (uses)				
Transfers from other funds	-	-	-	-
Total other financing sources (uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Excess of revenues over (under) expenditures and other financial sources (uses)	117,817	117,817	185,867	83,992
Fund balance, beginning of year	155,213	-	(69,519)	(224,732)
Fund balance, end of year	<u>\$ 273,030</u>	<u>\$ 117,817</u>	<u>\$ 116,348</u>	<u>\$ (140,740)</u>

The accompanying notes are an integral part of these financial statements.

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 1 – DEFINITION OF REPORTING ENTITY

The Granby Ranch Metropolitan District (the District) (originally known as SolVista Metropolitan District No. 2) was organized on November 25, 2003, as a quasi-municipal corporation and political subdivision of the State of Colorado and is governed by an elected Board of Directors. The District was formed contemporaneously with Headwaters Metropolitan District (originally known as SolVista Metropolitan District No. 1) (Headwaters). The District and Headwaters were organized to provide services, programs and facilities, including the financing of construction, completion, maintenance and operation of public infrastructure needed to serve the Granby Ranch Ski and Golf Development (“Granby Ranch”) (formerly known as the Sol Vista Gold and Ski Ranch development). Granby Ranch Metropolitan Districts Nos. 2 through 8 were established on September 25, 2007 to assist with the development of Granby Ranch.

At the time of organization, the District was the Taxing District and Headwaters was the Service District. The District and Headwaters were organized to work in tandem to finance and operate the public infrastructure needed for Granby Ranch. Pursuant to the Second Amendment to Service Plan of Granby Ranch Metropolitan District as approved by the Town of Granby, Colorado on November 8, 2016, the relationship between the District and Headwaters as the Taxing District and the Service District was terminated.

The reporting entity consists of (a) the primary government; i.e., the District, and (b) organizations for which the District is financially accountable. The District is considered financially accountable for legally separate organizations if it is able to appoint a voting majority of an organization’s governing body and is either able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or to impose specific financial burdens on, the District. Consideration is also given other organizations which are fiscally dependent; i.e., unable to adopt a budget, levy taxes, or issue debt without approval by the District. Organizations for which the nature and significance of their relationship with the District are such that exclusion would cause the reporting entity’s financial statements to be misleading or incomplete are also included in the reporting entity.

The District is not financially accountable for any other organization, nor is the District a component unit of any other primary governmental entity.

The District is governed by an elected Board of Directors. The District has no employees and contracts for all of its management and professional services.

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNT POLICIES

The significant accounting policies of the District are described as follows:

Government-wide and Fund Financial Statements

The government-wide financial statements include the statement of net position and the statement of activities. These financial statements include all of the activities of the District. The effect of interfund activity has been removed from these statements. Governmental activities are normally supported by taxes and intergovernmental revenues.

The statement of net position reports all financial and capital resources of the District. The difference between the sum of assets and deferred outflows and the sum of liabilities and deferred inflows is reported as net position.

The statement of activities demonstrates the degree to which the direct and indirect expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services or privileges provided by a given function or segment, and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. The major source of revenue susceptible to accrual is property taxes. Expenditures, other than interest on long-term obligations, are recorded when the liability is incurred or the long-term obligation due.

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNT POLICIES – CONTINUED

The District reports the following major governmental funds:

Measurement Focus, Basis of Accounting, and Financial Statement Presentation – Continued

The General fund is the District's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The Debt Service Fund accounts for the resources accumulated and payments made for principal and interest on long-term debt of the governmental funds.

Budgets

In accordance with the State Budget Law, the District's Board of Directors holds public hearings in the fall each year to approve the budget and appropriate the funds for the ensuing year. The appropriation is at the total fund expenditures level and lapses at year end. The District's Board of Directors can modify the budget by line item within the total appropriation without notification. The appropriation can only be modified upon completion of notification and publication requirements. The budget includes each fund presented on its basis of accounting unless otherwise indicated.

Pooled Cash and Investments

The District follows the practice of pooling cash and investments of all funds to maximize investment earnings. Except when required by trust or other agreements, all cash is deposited to and disbursed from a single bank account. Cash in excess of immediate operating requirements is pooled for deposit and investment flexibility. Investment earnings are allocated periodically to the participating funds based upon each fund's average equity balance in the total cash.

Property Taxes

Property taxes are levied by the District Board of Directors. The levy is based on assessed valuations determined by the County Assessor generally as of January 1 of each year. The levy is normally set by December 15 by certification to the County Commissioners to put the tax lien on the individual properties as of January 1 of the following year. The County Treasurer collects the determined taxes during the ensuing calendar year. The taxes are payable by April or if in equal installments, at the taxpayer's election, in February and June. Delinquent taxpayers are notified in August and generally sales of the tax liens on delinquent properties are held in November or December. The County Treasurer remits the taxes collected monthly to the District.

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNT POLICIES – CONTINUED

Property Taxes - continued

Property taxes, net of estimated uncollectible taxes, are recorded initially as deferred inflow of resources in the year they are levied and measurable. The unearned property tax revenues are recorded as revenue in the year they are available or collected.

Deferred Inflow of Resources

In addition to liabilities, the statement of net position reports a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time. The District has one item that qualifies for reporting in this category. Accordingly, the item, deferred property tax revenue, is deferred and recognized as an inflow of resources in the period that the amount becomes available.

Net Position

For government-wide presentation purposes when both restricted and unrestricted resources are available for use, it is the District's practice to use restricted resources first, then unrestricted resources as they are needed.

Fund Balance

Fund balance for governmental funds should be reported in classifications that comprise a hierarchy based on the extent to which the government is bound to honor constraints on the specific purposes for which spending can occur. Governmental funds report up to five classifications of fund balance: non-spendable, restricted, committed, assigned, and unassigned. Because circumstances differ among governments, not every government or every governmental fund will present all of these components.

The following classifications describe the relative strength of the spending constraints:

- *Nonspendable fund balance* – The portion of fund balance that cannot be spent because it is either not in spendable form (such as prepaid amounts or inventory) or legally or contractually required to be maintained intact.
- *Restricted fund balance* – The portion of fund balance that is constrained to be used for a specific purpose by external parties (such as bondholders), constitutional provisions, or enabling legislation.

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNT POLICIES – CONTINUED

Fund Balance - continued

- *Committed fund balance* – The portion of fund balance that can only be used for specific purposes pursuant to constraints imposed by formal action of the government’s highest level of decision – making authority, the Board of Directors. The constraint may be removed or changed only through formal action of the Board of Directors.
- *Assigned fund balance* – The portion of fund balance that is constrained by the government’s intent to be used for specific purposes, but is neither restricted nor committed. Intent is expressed by the Board of Directors to be used for a specific purpose. Constraints imposed on the use of assigned amounts are more easily removed or modified than those imposed on amounts that are classified as committed.
- *Unassigned fund balance* – The residual portion of fund balance that does not meet any of the criteria described above.

If more than one classification of fund balance is available for use when an expenditure is incurred, it is the District’s policy to use the most restrictive classification first.

NOTE 3 – CASH AND INVESTMENTS

Cash and investments as of December 31, 2019, are classified in the accompanying financial statements as follows:

Statement of Net Position	
Cash and investments	\$ 130,450
Cash and investments - restricted	1,398,255
Total cash and investments	<u>\$ 1,528,705</u>

Cash and investments as of December 31, 2019 consist of the following:

Deposits with Financial Institutions	\$ 250
Investments	1,528,455
Total cash and investments	<u>\$ 1,528,705</u>

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 3 – CASH AND INVESTMENTS – CONTINUED

Deposits with Financial Institutions

The Colorado Public Deposit Protection Act (PDPA) requires that all units of local government deposit cash in eligible public depositories. Eligibility is determined by state regulators. Amounts on deposit in excess of federal insurance levels must be collateralized. The eligible collateral is determined by the PDPA. PDPA allows the institution to create a single collateral pool for all public funds. The pool for all the uninsured public deposits as a group is to be maintained by another institution or held in trust. The market value of the collateral must be at least equal to 102% of the aggregate uninsured deposits.

The State Commissioners for banks and financial services are required by statute to monitor the naming of eligible depositories and reporting of the uninsured deposits and assets maintained in the collateral pools.

As of December 31, 2019, the District's cash deposits had a bank balance of \$2,440 and a carrying balance of \$250.

Investments

The District has not adopted a formal investment policy however the District follows State statutes regarding investments.

The District generally limits its concentration of investments to those noted with an asterisk (*) below, which are believed to have minimal credit risk, minimal interest rate risk and no foreign currency risk. Additionally, the District is not subject to concentration risk or investment custodial risk disclosure requirements for investments that are in the possession of another party.

Colorado revised statutes limit investment maturities to five years or less unless formally approved by the Board of Directors. Such actions are generally associated with a debt service reserve or sinking fund requirements.

Colorado statutes specify investment instruments meeting defined rating and risk criteria in which local governments may invest which include:

- . Obligations of the United States, certain U.S. government agency securities and securities of the World Bank
- . General obligation and revenue bonds of U.S. local government entities
- . Certain certificates of participation
- . Certain securities lending agreements
- . Bankers' acceptances of certain banks

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 3 – CASH AND INVESTMENTS – CONTINUED

Investments - continued

- . Commercial paper
- . Written repurchase agreements and certain reverse repurchase agreements collateralized by certain authorized securities
- . Certain money market funds
- . Guaranteed investment contracts
- * Local government investment pools

As of December 31, 2019, the District had the following investments:

<u>Investment</u>	<u>Maturity</u>	<u>Fair Value</u>
Colorado Surplus Asset Trust Fund (CSAFE)	Under 60 days	\$ <u>1,528,455</u>

CSAFE

The District invested in the Colorado Surplus Asset Fund Trust (CSAFE) (the Trust), which is an investment vehicle established by state statute for local government entities to pool surplus assets. The State Securities Commissioner administers and enforces all State statutes governing the Trust. The Trust is similar to a money market fund, with each share valued at \$1.00. CSAFE may invest in U.S. Treasury securities, repurchase agreements collateralized by U.S. Treasury securities, certain money market funds and highest rated commercial paper. A designated custodial bank serves as custodian for CSAFE's portfolio pursuant to a custodian agreement. The custodian acts as safekeeping agent for CSAFE's investment portfolio and provides services as the depository in connection with direct investments and withdrawals. The custodian's internal records segregate investments owned by CSAFE. CSAFE is rated AAAM by Standard & Poor's. CSAFE records its investments at amortized cost and the District records its investments in CSAFE using the amortized cost method. There are no unfunded commitments, the redemption frequency is daily and there is no redemption notice period.

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 4 – LONG-TERM DEBT

The following is an analysis of change in long-term obligations for the year ended December 31, 2019:

	Balance at December 31, 2018	New Issues	Refundings and Retirements	Balance at December 31, 2019	Due Within One Year
General Obligation Bonds Payable Series 2018	11,945,000	-	(45,000)	11,900,000	70,000
	<u>\$ 11,945,000</u>	<u>\$ -</u>	<u>\$ (45,000)</u>	<u>\$ 11,900,000</u>	<u>\$ 70,000</u>

Series 2018 Limited Tax General Obligation Refunding Bonds

On May 3, 2018, the District issued \$11,970,000 of Limited Tax General Obligation Refunding Bonds (the Series 2018 Bonds), to refund the outstanding balance on the 2006 Limited Tax Obligation Bonds. The 2018 Bonds have interest and maturity dates in two tranches. Tranche one consists of \$990,000 bonds, interest payable at 4.875% maturing December 1, 2028. The second tranche consists of \$10,980,000 bonds, interest payable at 5.50% maturing December 1, 2052. Interest is payable in June 1 and December 1, commencing December 1, 2018.

The 2018 Bonds are subject to redemption prior to maturity at the option of the District in whole, or in multiples of \$1,000 on December 1, 2023 and on any date thereafter at the following redemption price plus accrued interest to the redemption date:

Dates	Premium
December 1, 2023 through November 30, 2024	103%
December 1, 2024 through November 30, 2025	102%
December 1, 2025 through November 30, 2026	101%
December 1, 2026 and thereafter	100%

Series 2018 Limited Tax General Obligation Refunding Bonds - continued

Debt amortization for the 2018 Limited Tax General Obligation Refunding Bonds is presented below.

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 4 – LONG-TERM DEBT – CONTINUED

The District's long-term obligations regarding the Series 2018 general obligation bonds will mature as follows:

Year ending December 31,	Principal	Interest	Total
2020	70,000	648,750	718,750
2021	80,000	645,338	725,338
2022	95,000	641,438	736,438
2023	100,000	636,806	736,806
2024	115,000	631,931	746,931
2025-2029	670,000	3,067,844	3,737,844
2030-2034	990,000	2,861,925	3,851,925
2035-2039	1,470,000	2,539,625	4,009,625
2040-2044	2,125,000	2,068,000	4,193,000
2045-2049	2,970,000	1,395,350	4,365,350
2050 -2052	3,215,000	408,650	3,623,650
Total	<u>\$ 11,900,000</u>	<u>\$ 15,545,657</u>	<u>\$ 27,445,657</u>

Debt Authorization

In 2003 and 2004, a majority of the qualified electors of the District authorized the issuance of up to \$104,000,000 in general obligation bonds to finance the improvements. During 2011, the District approved a resolution to reduce the remaining authorization by half of the previous balance. As of December 31, 2019, the amount of debt authorized by the District's electorate but unissued was \$39,078,000 for improvements.

NOTE 5 – NET POSITION

The District has net position consisting of two components – restricted and unrestricted.

Restricted assets include net assets that are restricted for use either externally imposed by creditors, grantors, or laws and regulations of other governments or imposed by law through constitutional provisions or enabling legislation. Restricted net position as of December 31, 2019 consists of emergency reserves in the amount of \$2,700 and debt service restrictions of \$1,402,370.

The unrestricted component of net position is the net amount of assets, deferred outflows of resources, liabilities, and deferred inflows of resources that are not included in the determination of net investment in capital assets, or the restricted component of net position.

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 5 – NET POSITION - CONTINUED

The District has a deficit in unrestricted net position. This deficit amount is a result of the District being responsible for the repayment of bonds issued for public improvements which were conveyed to other governmental entities and which costs were removed from the District's financial records.

NOTE 6 – RELATED PARTIES

During 2019, no related parties were noted. All Board members are homeowners with no affiliation to related entities within the District.

NOTE 7 – SIGNIFICANT AGREEMENTS

Service Plan

The District's service plan was approved by the Town of Granby (the Town) on July 22, 2003. The service plan, created contemporaneously with the service plan for Headwaters, identified Headwaters as the district responsible to construct, manage and operate public facilities and services throughout the development, while the District was to levy property taxes and produce other revenue sufficient to pay the costs of operations and debt service expenditures incurred for the improvements of public infrastructure.

The use of dual district structure provides for the issuance of bonds in a timely manner that is consistent with the construction of development improvements when needed. The service plan also outlined a financial plan for the districts entitling HMD to all taxing district revenue in order to pay all costs associated with the operations and management of the development.

The District's service plan was first amended on July 22, 2003 to clarify the ability of the District to adjust its mill levy cap for operations and debt service in the event the method of calculating assessed valuation is changed (Gallagher Amendment).

On November 8, 2016 the District amended its service plan a second time to increase the maximum mill levy for the District to 60.000 mills with a limit not to exceed 50.000 mills for operations and not to exceed 50.000 mills for debt service. The mill levy caps are subject to adjustments for the Gallagher Amendment from November 1, 2016 at which time the residential assessment ratio was 7.96%. The service plan amendment also terminated the relationship between the District and Headwaters that established Headwaters as the Service District and Granby Ranch Metropolitan District as the Taxing District.

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 7 – SIGNIFICANT AGREEMENTS – CONTINUED

Intergovernmental Agreement with the Town of Granby

On December 9, 2003 the District and Headwaters, acting jointly, entered into an agreement with the Town of Granby in an effort to promote the coordinated development of the Districts. The agreement was amended May 20, 2005 to increase the aggregate bonded debt limit to \$64,000,000. The agreement was further amended on April 11, 2006 to outline the street maintenance and transportation mill levy (all together, the 2003 IGA).

On February 26, 2008, the Intergovernmental Agreement between the Town of Granby and the District, Headwaters, and Granby Ranch Nos. 2-8 was executed (the 2008 IGA). The 2008 IGA superseded and replaced the 2003 IGA in its entirety. The 2008 IGA sets forth numerous terms, including compliance with the Town of Granby's land use regulations, the construction, ownership and operation of public improvements, the use and cost of certain amenities, debt and mill levy limitations, and the sharing of the costs of the public transportation system between the Town and Granby Ranch.

The 2008 IGA was amended in 2016 to adjust the mill levy limitation to reflect the increased mill levy caps as reflected in the second amendment to the service plan.

Master Intergovernmental Agreements with Headwaters Metropolitan District

On June 1, 2006, Headwaters and the District entered into the District Facilities Construction and Service Agreement with Headwaters as the Operating district and the District as the Taxing district (the 2006 Master IGA). This agreement terminated and replaced the Master Intergovernmental Agreement entered into by the District and Headwaters on December 10, 2003. This agreement coordinated the financing, processing of construction, and operation and maintenance of the development of public infrastructure in Granby Ranch.

The consolidated service plan for additional taxing districts (Granby Ranch Metropolitan Districts Nos. 2 through 8) was approved by the Town of Granby on September 25, 2007. On September 17, 2008, the District, Headwaters, and District Nos. 2-8 entered into the First Amended and Restated District Facilities Construction and Service Agreement (the 2008 Master IGA). It superseded and replaced the 2006 Master IGA in its entirety.

On April 21, 2010, the District, Headwaters and GRH entered into an Exclusion Agreement setting forth the terms for the exclusion of certain property owned by GRH and Headwaters from the District and provide for the costs of debt service, operations and maintenance. Property excluded from the District under the Exclusion Agreement is liable for its proportionate share of the principal and interest on both the Series 2006 and Series 2010 Bonds. The Exclusion Agreement repudiated the 2008 Master IGA and re-enacted the 2006 Master IGA subject to

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 7 – SIGNIFICANT AGREEMENTS – CONTINUED

Master Intergovernmental Agreements with Headwaters Metropolitan District – continued

annual budgeting and appropriation for the ensuing year, and stated that the issuance of the Series 2010 Bonds constituted payment of all money owed to Headwaters by the District under the 2006 Master IGA.

Intergovernmental Funding Agreement with SolVista Metropolitan District

On June 1, 2006, the District and Sol Vista Metropolitan District (SVMD) entered into the Intergovernmental Funding Agreement, whereby GRMD contributed \$1,212,693 of the proceeds from the Series 2006 Bonds to SVMD, which SVMD used to repay an obligation to GRH. In exchange, SVMD agreed to pay GRMD's bond Trustee all revenues generated from a 25 mill levy on all taxable property within SVMD through 2025 (for collection in 2026). The agreement terminates on the earlier of: (i) the date of which all bonds issued by GRMD have been defeased; or (ii) 20 years after the date on which the Series 2006 Bonds were issued by GRMD. During 2018, SVMD paid \$55,428, to the GRMD bond trustee, pursuant to the agreement. As of December 31, 2019, SVMD paid \$33,968 and had no outstanding obligation to GRMD.

Letter Agreement

The District entered into a Letter Agreement dated August 22, 2016, and amended on November 2017 and again on April 11, 2018 with Granby Realty Holdings, LLC (the Developer), the Headwaters District and District 8 in order to allow the District to assume responsibility for its own operations. The letter agreement requires the following of the Developer in conjunction with the issuance of the Series 2018 bonds: (1) the prepayment of \$250,200 of capital facilities fees jointly imposed by the District and the Headwaters District (representing 40 capital facilities fees) (2) the contribution of \$75,000 to the District with no requirement for repayment and (3) the release and cancellation of all the District's obligations with respect to its \$11,119,000 Taxable Subordinate Limited Tax Bonds, Series 2010 (the 2010 Subordinate Bonds) which are owned by the Developer. The obligations described in (1) and (2) above will be funded with moneys on deposit in a lot sale escrow account. The terms of the agreement were executed at the bond closing, May 3, 2018.

NOTE 8 – RISK MANAGEMENT

The District is exposed to various risks of loss related to torts; thefts of, damage to, or destruction of assets; errors or omissions; injuries to employees; or acts of God.

Granby Ranch Metropolitan District
Town of Granby, Colorado

NOTES TO THE FINANCIAL STATEMENTS

December 31, 2019

NOTE 8 – RISK MANAGEMENT – CONTINUED

The District is a member of the Colorado Special Districts Property and Liability Pool (Pool). The Pool is an organization created by intergovernmental agreement to provide property, liability, public officials' liability, boiler and machinery and workers compensation coverage to its members. Settled claims have not exceeded this coverage in any of the past three fiscal years.

The District pays annual premiums to the Pool for liability and public officials' liability coverage. In the event aggregated losses incurred by the Pool exceed amounts recoverable from reinsurance contracts and funds accumulated by the Pool, the Pool may require additional contributions from the Pool members. Any excess funds which the Pool determines are not needed for purposes of the Pool may be returned to the members pursuant to a distribution formula.

NOTE 9 – TAX, SPENDING AND DEBT LIMITATIONS

Article X, Section 20 of the Colorado Constitution, commonly known as the Taxpayer's Bill of Rights (TABOR) contains tax, spending, revenue and debt limitations which apply to the State of Colorado and all local governments.

Spending and revenue limits are determined based on the prior year's Fiscal Year Spending adjusted for allowable increases based upon inflation and local growth. Fiscal Year Spending is generally defined as expenditures plus reserve increases with certain exceptions. Revenue in excess of the Fiscal Year Spending limit must be refunded unless the voters approve retention of such revenue.

TABOR requires local governments to establish Emergency Reserves. These reserves must be at least 3% of Fiscal Year Spending (excluding bonded debt service). Local governments are not allowed to use the emergency reserves to compensate for economic conditions, revenue shortfalls, or salary or benefit increases.

The District's management believes it is in compliance with the provisions of TABOR. However, TABOR is complex and subject to interpretation. Many of the provisions, including the interpretation of how to calculate Fiscal Year Spending limits will require judicial interpretation.

NOTE 10 – SUBSEQUENT EVENT

On March 13, 2020, an emergency was declared for the COVID-19 pandemic. The State of Colorado subsequently declared a statewide emergency and enacted shutdown orders for significant portions of the economy, including ski resorts beginning March 15, 2020. At the time of issuance of these financial statements, the full economic impact of the events surrounding the pandemic are unknown, but are expected to be significant.

Granby Ranch Metropolitan District
Town of Granby, Colorado

SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
DEBT SERVICE FUND - BUDGET TO ACTUAL

For the year ended December 31, 2019

	Original Budget	Final Budget	Actual	Variance with Final Budget Positive (Negative)
Revenues				
Property taxes	\$ 571,101	\$ 571,101	\$ 571,012	\$ (89)
Specific ownership taxes	28,555	39,148	51,485	12,337
Net investment income	7,045	35,181	40,482	5,301
Metropolitan District	-	33,968	33,968	-
Total revenues	<u>606,701</u>	<u>679,398</u>	<u>696,947</u>	<u>17,549</u>
Expenditures				
County Treasurer's fees	28,555	30,000	28,707	1,293
Paying agent fees	3,000	7,000	6,495	505
Bond interest - series 2018	650,944	652,000	650,944	1,056
Bond principal - series 2018	45,000	45,000	45,000	-
Total expenditures	<u>727,499</u>	<u>734,000</u>	<u>731,146</u>	<u>2,854</u>
Excess of revenues over (under) expenditures	(120,798)	(54,602)	(34,199)	20,403
Fund balance, beginning of year	1,401,864	1,436,570	1,436,570	-
Fund balance, end of year	<u>\$ 1,281,066</u>	<u>\$ 1,381,968</u>	<u>\$ 1,402,371</u>	<u>\$ 20,403</u>

Granby Ranch Metropolitan District
Town of Granby, Colorado

SCHEDULE OF DEBT SERVICE REQUIREMENTS TO MATURITY
LONG-TERM DEBT

December 31, 2019

Bonds and Interest Maturing in the Year Ending December 31,	\$11,970,000 Series 2018 Bonds (Limited Tax Convertible Unlimited Tax) Series 2006 Interest at 7.475% on \$990,000 due 12/1/2028 and 5.50% on \$10,980,000 due 12/1/2052 Interest payable June 1 and December 1 Principal Payable December 1		
	Principal	Interest	Total
2020	70,000	648,750	718,750
2021	80,000	645,338	725,338
2022	95,000	641,438	736,438
2023	100,000	636,806	736,806
2024	115,000	631,931	746,931
2025	125,000	626,325	751,325
2026	140,000	620,231	760,231
2027	120,000	613,406	733,406
2028	140,000	607,556	747,556
2029	145,000	600,325	745,325
2030	170,000	592,350	762,350
2031	175,000	583,000	758,000
2032	200,000	573,375	773,375
2033	210,000	562,375	772,375
2034	235,000	550,825	785,825
2035	250,000	537,900	787,900
2036	275,000	524,150	799,150
2037	290,000	509,025	799,025
2038	320,000	493,075	813,075
2039	335,000	475,475	810,475
2040	370,000	457,050	827,050
2041	390,000	436,700	826,700
2042	425,000	415,250	840,250
2043	450,000	391,875	841,875
2044	490,000	367,125	857,125
2045	515,000	340,175	855,175
2046	560,000	311,850	871,850
2047	590,000	281,050	871,050
2048	635,000	248,600	883,600
2049	670,000	213,675	883,675
2050	725,000	176,825	901,825
2051	765,000	136,950	901,950
2052	1,725,000	94,875	1,819,875
	<u>\$ 11,900,000</u>	<u>\$ 15,545,656</u>	<u>\$ 27,445,656</u>

Granby Ranch Metropolitan District
Town of Granby, Colorado

SCHEDULE OF ASSESSED VALUATION, MILL LEVY,
AND PROPERTY TAXES COLLECTED

December 31, 2019

Year Ended December 31,	Prior Year Assessed Valuation for Current Year Property Tax Levy	Mills Levied			Property Taxes		Percent Collected to Levied
		GF	DS	Total	Levied	Collected	
2014	\$ 11,403,900	0.000	55.128	55.128	\$ 628,674	\$ 609,336	96.92%
2015	11,936,260	0.000	55.362	55.362	660,815	659,910	99.86%
2016	13,168,257	0.000	55.451	55.451	730,193	674,803	92.41%
2017	14,020,580	20.000	40.000	60.000	813,105	885,840	108.95% (a)
2018	14,185,740	0.000	63.203	63.203	939,139	921,490	98.12%
2019	14,277,530	24.534	40.000	64.534	887,841	887,695	99.98%

Estimated for
year ending
December 31,
2020

\$ 18,619,300	20.000	40.000	60.000	1,090,618
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Note:

Property taxes collected in any one year include collection of delinquent property taxes assessed in prior years, as well as reductions for property tax refunds or abatements. Information received from the County Treasurer does not permit identification of specific year of assessment.

Granby Ranch Metro District
 PAYABLES TRANSACTION POSTING JOURNAL
 Payables Management

Batch ID: Q2 2020
 Batch Comment:
 Trx Total Actual: 15
 Batch Total Actual: \$26,745.96
 Approved: No
 Batch Error Messages:

Trx Total Control: 0
 Batch Total Control: \$0.00
 Approved By:

Batch Frequency: Single Use
 Audit Trail Code: PMTRX00000024
 Approval Date: 0/0/0000
 Posting Date: 5/20/2020

Type	Voucher Number	Document Number	Document Date	Vendor	Document Total
NV	00000000000000041	15154418 2020-2023	6/5/2020	CNA Surety Description	\$255.00

Distribution Errors:

Work Errors:

General Ledger Distributions

Account	Account Description	Account Type	Debit Amount	Credit Amount
10-5111-000	Insurance	PURCH	255.00	0.00
10-2001-000	Accounts Payable	PAY	0.00	255.00
			255.00	255.00

Type	Voucher Number	Document Number	Document Date	Vendor	Document Total
INV	00000000000000042	02.29.20	2/29/2020	Community Resource Services Description	\$7,820.43

Distribution Errors:

Work Errors:

General Ledger Distributions

Account	Account Description	Account Type	Debit Amount	Credit Amount
10-5105-000	District Management	PURCH	3,209.93	0.00
10-2001-000	Accounts Payable	PAY	0.00	7,820.43
10-5106-000	Accounting	PURCH	3,766.50	0.00
10-5115-000	Elections	PURCH	844.00	0.00
			7,820.43	7,820.43

Type	Voucher Number	Document Number	Document Date	Vendor	Document Total
INV	00000000000000043	03.31.20	3/31/2020	Community Resource Services Description	\$3,097.00

Distribution Errors:

Work Errors:

General Ledger Distributions

Account	Account Description	Account Type	Debit Amount	Credit Amount
10-5105-000	District Management	PURCH	444.00	0.00
10-2001-000	Accounts Payable	PAY	0.00	3,097.00
10-5106-000	Accounting	PURCH	837.00	0.00
10-5115-000	Elections	PURCH	1,816.00	0.00
			3,097.00	3,097.00

Granby Ranch Metro District
 PAYABLES TRANSACTION POSTING JOURNAL
 Payables Management

Type	Voucher Number	Document Number	Document Date	Vendor	Document Total
NV	00000000000000044	04.30.20	4/30/2020	Community Resource Services	\$4,222.55

Distribution Errors:

Work Errors:

Account	Account Description	Account Type	Debit Amount	Credit Amount
0-5105-000	District Management	PURCH	246.00	0.00
0-2001-000	Accounts Payable	PAY	0.00	4,222.55
0-5106-000	Accounting	PURCH	703.00	0.00
0-5115-000	Elections	PURCH	3,273.55	0.00
			4,222.55	4,222.55

Type	Voucher Number	Document Number	Document Date	Vendor	Document Total
NV	00000000000000045	17770	2/29/2020	Icenogle Seaver Pogue	\$3,176.40

Distribution Errors:

Work Errors:

Account	Account Description	Account Type	Debit Amount	Credit Amount
10-5115-000	Elections	PURCH	776.37	0.00
10-2001-000	Accounts Payable	PAY	0.00	3,176.40
10-5112-000	Legal	PURCH	2,400.03	0.00
			3,176.40	3,176.40

Type	Voucher Number	Document Number	Document Date	Vendor	Document Total
INV	00000000000000046	17891	3/31/2020	Icenogle Seaver Pogue	\$2,135.50

Distribution Errors:

Work Errors:

Account	Account Description	Account Type	Debit Amount	Credit Amount
10-5115-000	Elections	PURCH	698.50	0.00
10-2001-000	Accounts Payable	PAY	0.00	2,135.50
10-5112-000	Legal	PURCH	1,437.00	0.00
			2,135.50	2,135.50

Type	Voucher Number	Document Number	Document Date	Vendor	Document Total
INV	00000000000000047	18004	4/30/2020	Icenogle Seaver Pogue	\$631.00

Distribution Errors:

Work Errors:

Account	Account Description	Account Type	Debit Amount	Credit Amount
10-5112-000	Legal	PURCH	631.00	0.00
10-2001-000	Accounts Payable	PAY	0.00	631.00

Granby Ranch Metro District
 PAYABLES TRANSACTION POSTING JOURNAL
 Payables Management

186.65 186.65

Type	Voucher Number	Document Number	Document Date	Vendor	Document Total
NV	00000000000000053	1469 REISSUE	4/1/2020	Patrick A & Christina L Severson	\$96.38
Description					

Distribution Errors:

Work Errors:

General Ledger Distributions

Account	Account Description	Account Type	Debit Amount	Credit Amount
10-5500-000	Refunds	PURCH	96.38	0.00
10-2001-000	Accounts Payable	PAY	0.00	96.38
			96.38	96.38

Type	Voucher Number	Document Number	Document Date	Vendor	Document Total
INV	00000000000000050	1057 REISSUE	4/1/2020	Aaron J & Allison M Stafford	\$8.11
Description					

Distribution Errors:

Work Errors:

General Ledger Distributions

Account	Account Description	Account Type	Debit Amount	Credit Amount
10-5500-000	Refunds	PURCH	8.11	0.00
10-2001-000	Accounts Payable	PAY	0.00	8.11
			8.11	8.11

Type	Voucher Number	Document Number	Document Date	Vendor	Document Total
INV	00000000000000055	1618 REISSUE	5/24/2020	Stenho Family Trust	\$180.71
Description					

Distribution Errors:

Work Errors:

General Ledger Distributions

Account	Account Description	Account Type	Debit Amount	Credit Amount
10-5500-000	Refunds	PURCH	180.71	0.00
10-2001-000	Accounts Payable	PAY	0.00	180.71
			180.71	180.71

Type	Voucher Number	Document Number	Document Date	Vendor	Document Total
INV	00000000000000049	746438	5/8/2020	UMB Bank, N.A.	\$3,500.00
Description					

Distribution Errors:

Work Errors:

General Ledger Distributions

Account	Account Description	Account Type	Debit Amount	Credit Amount
20-5440-000	Paying Agent Fees	PURCH	3,500.00	0.00
10-2001-000	Accounts Payable	PAY	0.00	3,500.00
			3,500.00	3,500.00

Granby Ranch - Mill Levy refund checks - Outstanding

Check Number	Check Date	Payee	Street Address	City	State	Zip code	Amount	
1120	4/1/2019	CCNJ, LLC	591 Canal View Dr	Grand Lake	CO	80447-8713	56.62	
1133	4/1/2019	CO Ski Condo, LLC	2701 McKeag Dr	Fort Collins	CO	80526-6296	218.21	
1162	4/1/2019	David P & Wendy Highfield	14118 Whitney Circle	Broomfield	CO	80023-4507	25.61	
1174	4/1/2019	Donald F & Sandra G Koienig	1258 Kendari Ter	Naples	FL	34113-8481	5.75	
1184	4/1/2019	Ellis, Julian & Joye & Julia	5091 Valentia St	Denver	CO	80238-3722	79.97	
1249	4/1/2019	Harrison, Kenneth & Elliette G	5091 Hidden Pond PL	Castle Rock	CO	80108-8850	14.32	
1275	4/1/2019	Jason N & Carl A Moga	6062 Bridle Path LN	Parker	CO	80134-5222	8.36	
1283	4/1/2019	Julianne Okeefe	14221 W Dartmouth Ave	Lakewood	CO	80228-5491	13.00	
1302	4/1/2019	KJW Investments LLC	124 Fairview LN	Granby	CO	80446	23.68	
1367	4/1/2019	McMahon, Thomas & Susan M	200 E Hornbeam Dr	Longwood	FL	32779-2531	78.88	
1415	4/1/2019	Paulonis, Daniel & Leslie	17082 W 85th Pl	Arvada	CO	80007-6722	112.26	
1511	4/1/2019	TGB Revocable Living Trust	PO Box 4183	Granby	CO	80446-4183	426.40	
1513	4/1/2019	Thorp, Jay &	11451 Switzer Park Pl	Parker	CO	80138-3009	42.46	
1528	4/1/2019	Veracochea, Nelson Saldivia &	Calle Maury, Edificio El Trapiche Apt 2A	Valle Arriba	Caracas		133.22	
1551	4/1/2019	Willeke, Jessica	24734 E Quarto Pl	Aurora	CO	80016-7167	90.28	
1552	4/1/2019	William & Tiffany Markey	160 Village Road Unit F201	Grandy	CO	80446-8749	4.97	
1557	4/1/2019	Winter, Daniel M Trust & Gretchen D Trust	160 Highview Pt	Council Grove	KS	66846-8426	102.18	
1579	5/24/2019	Anti Aging Yoga, LLC	1007 19th St	Golden	CO	80401-1854	53.99	
1594	5/24/2019	Hill Realty Enterprices LLC	24734 E Quarto PL	Aurora	CO	80016-7167	8.38	
1634	5/24/2019	Peter M & Fairfax N Blount	5496 Caminito Exquisito	San Diego	CA	92130-2824	35.82	
1628	5/24/2019	Timothy L Atencio	18207 W 3rd Ave Apt 2	Golden	CO	80401-6916	2.13	
1631	6/28/2019	Alexander J Pursley & Artemio Sanchez	Not sure what address this was sent to - can not find check copy				30.67	
							Total outstanding	<u>1,567.16</u>
Stop payments have been issued - new checks are being issued								
1057	4/1/2019	Aaron J & Allison M Stafford	165 Lounsbury Rd	Ridgefield	CT	06877-4712	8.11	
1289	4/1/2019	Nicholas & Joanne & Janet Kameron	2284 Autumn Ridge Blvd	Lafayette	CO	80026-8831	133.22	
1420	4/1/2019	Phillips, Barton L & Ingrid W	102 Innesbrook Court	New Bern	NC	28562	186.65	
1469	4/1/2019	Severson, Patrick A & Christina L	9000 Lightner Cir	Holland	NE	68372-9478	96.38	
1592	5/24/2019	Harlan R Logsdon & Christina R L Norris	6008 Brownsboro Park Blvd Ste H	Louisville	KY	40207-1295	93.01	
1618	5/24/2019	Stenho Family Trust	4785 W 107th Dr	Westminster	CO	80031-1997	180.71	
							698.08	
							Grand total	<u>2,265.24</u>

GRANBY RANCH METROPOLITAN DISTRICT

FINANCIAL STATEMENTS

April 30, 2020

GRANBY RANCH METROPOLITAN DISTRICT
CASH POSITION STATEMENT
For the Four Months Ended April 30, 2020
Adjusted as of May 22, 2020

Account Activity Item Description	CHECKING 1st Bank	INVESTMENT			TOTAL ALL ACCOUNTS
		CSAFE	UMB		
			Bond Fund	Bond Reserve	
Beginning balance per bank	\$ 2,439	\$ 453,534	\$ 169,976	\$ 904,944	\$ 1,530,893
YTD credits - Total deposits, wires and transfers	30,000	471,864	7,437	3,996	513,297
YTD debits - Total vouchers, wires and transfers	(24,787)	(30,000)	(45)	(6,931)	(61,763)
YTD balance	7,652	895,398	177,368	902,009	1,982,427
Less outstanding checks:	(2,079)				(2,079)
YTD book balance	5,573	895,398	177,368	902,009	1,980,348
Current activity					
Transfers	25,000	(175,000)	150,000	-	-
Deposits and interest	-	-	-	-	-
Current payables:	(26,746)	-	-	-	(26,746)
Bond payable	-	-	(324,375)	-	(324,375)
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
ADJUSTED BALANCE	3,827	720,398	2,993	902,009	1,629,227
Less restricted cash - debt service	-		(2,993)	(902,009)	(905,002)
Adjusted unrestricted cash balance	\$ 3,827	\$ 720,398	\$ -	\$ -	\$ 724,225

**GRANBY RANCH METROPOLITAN DISTRICT
FUND ALLOCATION OF AVAILABLE BALANCES
For the Four Months Ended April 30, 2020**

Account Activity Item Description	General	Debt Service	TOTAL ALL FUNDS
Beginning fund balance	\$ 116,348	\$ 1,402,371	\$ 1,518,719
YTD DEPOSITS			
Property taxes	155,507	311,187	466,694
Specific ownership taxes	6,344	12,868	19,212
Interest	965	7,077	8,042
Facility fees	-		0
Contribution from Sol Vista Metro District	-	-	0
Total deposits	162,816	331,132	493,948
Accrued deposits	-	-	-
Accrued prepaids and payables		-	-
YTD total payables	(9,840)	(16,253)	(26,093)
ADJUSTED FUND BALANCE	269,324	1,717,250	1,986,574
Less accruals	-	-	-
YTD ENDING FUND BALANCES	\$ 269,324	\$ 1,717,250	\$ 1,986,574
Less restricted cash		\$ (1,074,920)	\$ (1,074,920)
YTD ENDING ADJUSTED FUND BALANCES	\$ 269,324	\$ 642,330	\$ 911,654

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**GRANBY RANCH METROPOLITAN DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE
BUDGET AND ACTUAL
For the Four Months ending April 30, 2020
Unaudited**

	2020 Budget	YTD Actual	Variance Over (Under)	Percent of Budget (33% YTD)
REVENUES				
Property taxes	\$ 345,849	\$ 155,507	\$ (190,342)	45%
Specific ownership taxes	27,668	6,344	(21,324)	23%
Interest	-	965	965	0%
Facility fees	-	-	-	-
Total revenues	373,517	162,816	(210,701)	44%
EXPENDITURES				
<u>General</u>				
Audit	5,000	-	(5,000)	0%
District management	32,000	527	(31,473)	2%
Accounting	25,000	1,964	(23,036)	8%
County treasurer fees	17,292	1,547	(15,745)	9%
Dues and licenses	1,000	503	(497)	50%
Election	1,000	620	-	-
Insurance	5,000	2,910	(2,090)	58%
Legal	25,000	1,738	(23,262)	7%
Miscellaneous	1,000	31	(969)	3%
Operations reserve	100,000	-	(100,000)	0%
Emergency reserve	11,206	-	(11,206)	0%
Total expenditures	223,498	9,840	(213,278)	4%
NET CHANGE IN FUND BALANCE	150,019	152,976	(2,957)	
BEGINNING FUND BALANCE	116,348	116,348	-	
ENDING FUND BALANCE	\$ 266,367	\$ 269,324	\$ (2,957)	

GRANBY RANCH METROPOLITAN DISTRICT
DEBT SERVICE FUND
STATEMENT OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE
BUDGET AND ACTUAL
For the Four Months ending April 30, 2020
Unaudited

	<u>2020 Budget</u>	<u>YTD Actual</u>	<u>Variance Over (Under)</u>	<u>Percent of Budget (33% YTD)</u>
REVENUES				
Property taxes	\$ 744,772	311,187	\$ (433,585)	42%
Specific ownership taxes	55,858	12,868	(42,990)	23%
Interest	22,000	7,077	(14,923)	32%
Contribution from SolVista Metro District	35,000	-	(35,000)	0%
Total revenues	<u>857,630</u>	<u>331,132</u>	<u>(526,498)</u>	<u>39%</u>
EXPENDITURES				
Bond principal	70,000	-	(70,000)	0%
Bond interest	648,750	-	(648,750)	0%
County treasurer fees	37,239	15,561	(21,678)	42%
Paying agent fees	6,000	692	(5,308)	12%
Total expenditures	<u>761,989</u>	<u>16,253</u>	<u>(745,736)</u>	<u>2%</u>
NET CHANGE IN FUND BALANCE	95,641	314,879	(219,238)	
BEGINNING FUND BALANCE	<u>1,402,371</u>	<u>1,402,371</u>	<u>-</u>	
ENDING FUND BALANCE	<u>\$ 1,498,012</u>	<u>\$ 1,717,250</u>	<u>\$ (219,238)</u>	

GRANBY RANCH METROPOLITAN DISTRICT
COMBINED BALANCE SHEET - ALL FUND TYPES AND ACCOUNT GROUPS
April 30, 2020
Unaudited

	<u>General</u>	<u>Debt Service</u>	<u>Total</u>
<u>ASSETS AND OTHER DEBITS</u>			
Current Assets			
Cash in checking - 1st Bank	\$ 164	\$ 5,408	\$ 5,572
Cash in Csafe	267,049	628,349	895,398
Receivable with county treasurer	2,283	4,116	6,399
Property taxes receivable	345,849	744,772	1,090,621
Prepaid expenses	-	-	-
Total current assets	<u>615,345</u>	<u>1,382,645</u>	<u>1,997,990</u>
Other Debits			
UMB bond fund 2018	-	177,368	177,368
UMB reserve fund 2018	-	902,009	902,009
Total other debits	<u>-</u>	<u>1,079,377</u>	<u>1,079,377</u>
TOTAL ASSETS AND OTHER DEBITS	<u>\$ 615,345</u>	<u>\$ 2,462,022</u>	<u>\$ 3,077,367</u>
<u>LIABILITIES AND FUND BALANCES</u>			
Current Liabilities			
Accounts payable	\$ 172	\$ -	\$ 172
Payroll taxes payable	-	-	-
Deferred property taxes	345,849	744,772	1,090,621
Total current liabilities	<u>346,021</u>	<u>744,772</u>	<u>1,090,793</u>
FUND BALANCE			
Tabor emergency reserves	4,900	-	4,900
Unassigned	111,448	-	111,448
Debt service - beginning fund balance	-	1,402,371	1,402,371
Current earnings	152,976	314,879	467,855
Total fund balances	<u>269,324</u>	<u>1,717,250</u>	<u>1,986,574</u>
TOTAL LIABILITIES AND FUND BALANCES	<u>\$ 615,345</u>	<u>\$ 2,462,022</u>	<u>\$ 3,077,367</u>

Team,

Despite our efforts to ensure a smooth and equitable transition, we have not been able to negotiate terms with the incoming operator as selected by the Headwaters Metro District.

This is an extremely difficult and sad decision for us to make, we have tried everything we could in the last few weeks to open the operation again and welcome you all back, however, Due to the effects of COVID-19 and the subsequent loss of revenue we have no choice but to resign as the operator at Granby Ranch. It has been a great honor working with all of you and we wish you only the best moving forward.

Below is the letter we sent to the Headwaters Metro District terminating our contract and describing the events that have led to our very hard decision.


Marise Cipriani
Founder

Granby Ranch Amenities

GRANBY RANCH AMENITIES, LLC

Lance Badger
President
Headwaters Metro District

May 19, 2020

Dear Lance,

Over the past 25 years, the opportunity to work, live and grow with the wonderful people of Grand County has been one of the greatest professional and personal experiences of our lives. We have been able to survive through 9-11, 2008, and the worst snow year in 30 years. Every single person we have worked with has touched our hearts and minds, and for this, I will be forever grateful.

That being said, it is with a heavy heart that we must let the HWMD and the community know that Granby Ranch Amenities (GRA) will not be able to continue to serve as the operator of the Amenities after May 31, 2020. The impact of the COVID-19 pandemic on skiing and travel; hospitality; food and beverage; and related events at Granby Ranch at the local, regional, and national level has been devastating to our ability to move forward.

The ski industry (as well as others) have experienced significant increases in insurance cost and decreasing coverage. GRA's insurance cost increased 60% over last year and given the foreclosure on the property, the insurance company required 100% payment within 45 days of the beginning of the policy (2/1/20); this payment was made in full on March 13.

One day later, the governor ordered all ski resorts to close effective March 15, effectively closing the resort for two weeks. Those two weeks account for 20% of our annual revenue. More importantly, the revenue made during the spring break period is the revenue that most small seasonal businesses need to survive during the months without revenue (the shoulder season). Additionally, most ski areas sell

season passes and summer passes in April and May to help with cashflow; given the imminent management transition, we have been unable to sell season passes for the 2020/2021 summer and ski seasons.

On April 8, GRA sent notice of termination with a 180-day timeline (per the requirements of the current management contract with HWMD); in the same letter GRA indicated it was willing to an abbreviated timeline than stated on the termination letter. On April 14, GRA offered its assets (~\$1,400,000) in exchange for the new operator to take some of GRA's liabilities (~\$800,000). We believe the replacement value for the assets given far outweighs the liabilities (which will generate over \$1M in revenue and represent a cash outflow of 132k for inventory that the new operator will acquire) GRA has offered in exchange. As of today, May 19, 2020, Granby Ranch Amenities has not received a formal response from GPA or REG regarding our offer.

This pandemic is the worst economic recession since the Great Depression and will impact the social fabric of the community that we have been a part of for so many years. What is ahead is by no means insurmountable; however, GRA cannot continue to operate the amenities, and we feel it is best for GRA to give its assets to the Headwaters Metro District. We feel this action is the best course for the community we all serve and hope that a smooth management transition can occur with GPA/REG and the Headwaters Metro District—or with whoever HWMD chooses.

Between the date of this letter and May 31, 2020, GRA will be cancelling all leases and will be asking the lease companies to come pick up their collateral (the leased equipment). Those leases include Coca-Cola, Polar Ice, Ecolab, coffee equipment, Exchange Bank (Golf Carts & Snow guns), Lenovo (Computers and servers), vans, snowmobiles, snowcats, trucks, ATVs, and leased printers. There are several inventory items for which Granby Ranch will not be able to pay the balance owed and would like to ask HWMD if they are interested in paying the balance with those vendors. Otherwise, those items will be removed by the vendor; items include snow sports rental fleet items, snow guns, food and beverage items, and retail inventory items with a combined total of ~\$132,000.

GRA will also return all deposits and cancel weddings and events for 2020 and 2021. Unfortunately, due to the Governor's orders, we were forced to close the resort early and some of our guests were unable to visit Granby Ranch. GRA has a no refund policy for all pre-sale tickets; however, because of COVID and our related loss of revenue, we had anticipated breaking our no refund policy and offering vouchers by product type for all our guests that were unable to visit us between March 15 and March 29, 2020. Unfortunately, given we will not be the operator next ski season we could not send vouchers, therefore we will be reaching out to each of those guests to let them know we will not be issuing a voucher or a refund.

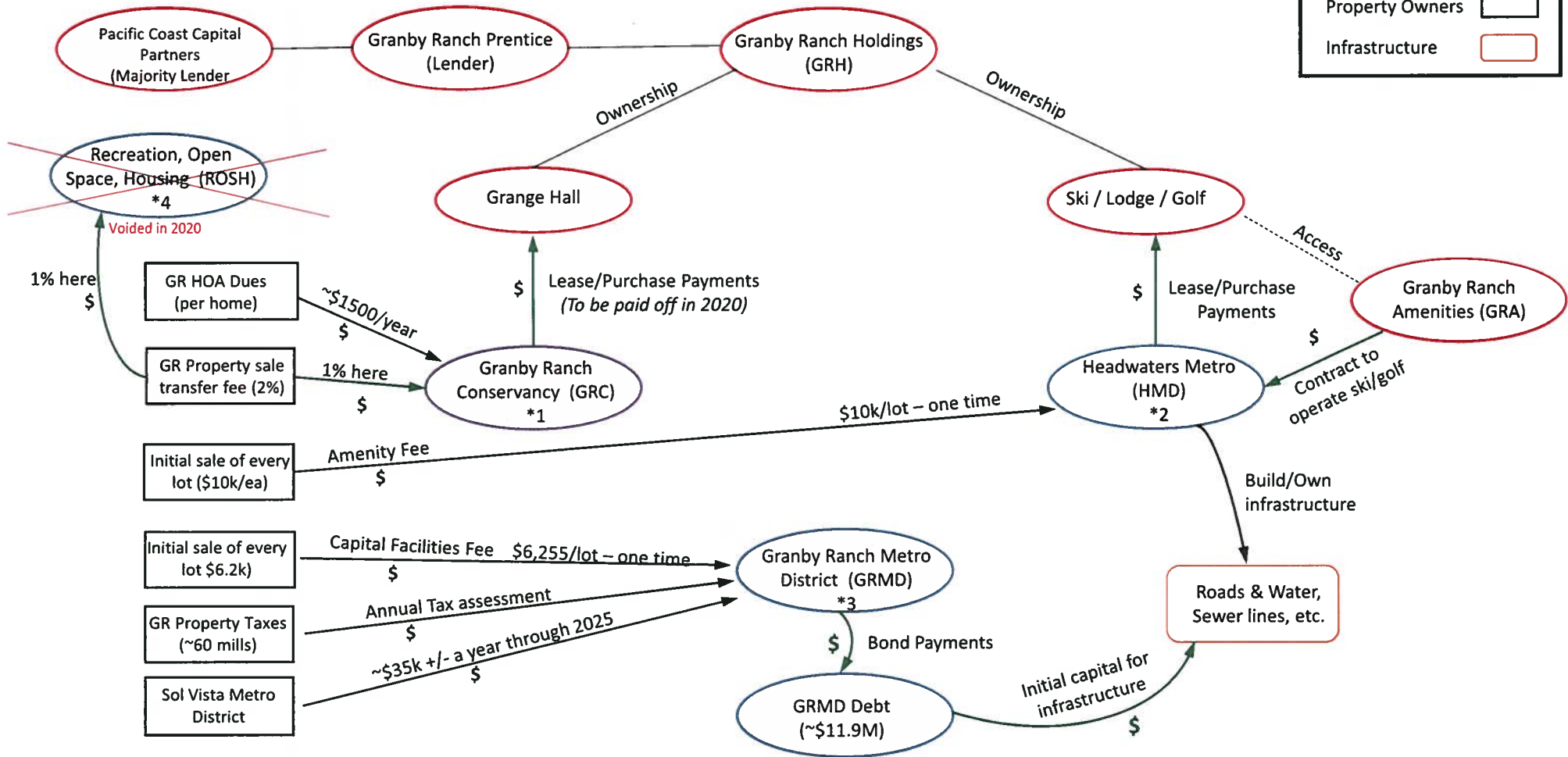
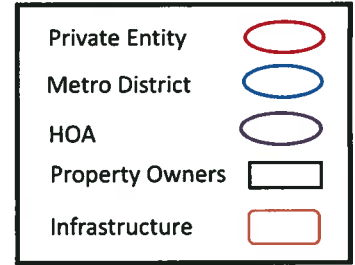
Prior to May 31, 2020, we are happy to work with HWMD to resolve any maintenance items related to the management contract and determine HWMD's desire and ability to pay for the inventory items for which Granby Ranch will not be able to pay. We also would like to ask HWMD to appoint a representative to work with us in order to transfer GRA's assets to HWMD between now and May 31. It is important to note, GRA's team is very interested in working with the new operator to maintain the golf course; we would highly recommend the new operator find a way to hire the existing team as they are very knowledgeable about the systems and operations.

Again, it has been one of the greatest chapters in my life to serve the residents and visitors of Granby Ranch and Grand County. While it is a difficult time for us all, we want to ensure families for generations will continue to enjoy the beautiful refuge that is Granby Ranch – a place they can call home.

Sincerely,

M. Cipriani
Marise Cipriani
Manager

Granby Ranch Metro Boards – GENERAL STRUCTURE CHART



Granby Ranch Metro Boards – GENERAL INFO

*1 – Granby Ranch Conservancy (GRC):

- Developer/Property owner controlled Board until 2062
- Payments to-date to GRH for Grange Hall = ~\$2.0m (of the total \$2.2m value)
- GRC attorney – Jim Weir
- Represents a “Master HOA”

*2 – Headwaters Metro District (HMD):

- This district is made up of 2 properties (Unit 400R in lodge, and Director’s parcel “Triangle”)
- Neither parcel generates tax revenue HMD
- Developer/Property owner controlled Board indefinite and at whim of parcel ownership
- Represents an “Operating District”
- GRMD electorate promised 1 Board seat in May 2018
- Payments to-date to GRH for Ski/Lodge/Golf = ~\$7.0m
- HMD Attorney – White, Bear, Ankle (Clint Waldron)
- Revenues from GR area homeowners are a pass-through for lease/purchase

*3 – Granby Ranch Metro District (GRMD):

- Homeowner/Property Owner controlled Board
- Represents a “Taxing District” having raised & owed debt to give to HMD to build infrastructure
- ~\$11.9M current debt
- GRMD attorney - Alan Pogue (Icenogle, Seaver, Pogue)
- ~60 mill tax levy currently; debt currently projected to be paid off in 2052

*4 – Recreational, Open Space, and Housing (ROSH):

- Created by Town of Granby
- Funded by 1% of transfer fee within GR and other Town communities
- Separate board upto 9 members and appointed by Town

Voided in 2020 by
ROSH & Town