

9TH AVENUE METROPOLITAN DISTRICT NOS. 1-3

450 E. 17th Avenue, Suite 400
Denver, Colorado 80203
Tel: (303) 592-4380

<https://9thavenuemetropolitandistricts.specialdistrict.net/>

NOTICE OF A REGULAR MEETING AND AGENDA

<u>District Nos. 1 & 2</u> <u>Board of Directors:</u>	<u>District Nos. 1 & 2</u> <u>Office:</u>	<u>District No. 3</u> <u>Board of Directors:</u>	<u>District No. 3</u> <u>Office:</u>	<u>Term/Expiration:</u>
Frank Cannon	President	Frank Cannon	President	2027/May 2027
Matthew Schartz	Secretary	Matthew Schartz	Asst. Secretary	2027/May 2027
Asher Werthan	Treasurer	Asher Werthan	Treasurer	2025/May 2025
Mark Falcone	Asst. Secretary	Mark Falcone	Asst. Secretary	2027/May 2027
Vacant	-	Jim Alexander	Secretary	2025/May 2025

DATE: November 21, 2024
TIME: 3:00 P.M.
LOCATION: VIA ZOOM

Join Zoom Meeting

<https://us02web.zoom.us/j/82824238570?pwd=bWt1c1ArWk8wSlpiYWJoN1JjL2I2UT09>

Meeting ID: 828 2423 8570

Passcode: 775772

Dial-In: 1-719-359-4580

I. ADMINISTRATIVE MATTERS

- A. Confirm quorum and present Disclosures of Potential Conflicts of Interest.
- B. Approve Agenda, confirm location of the meeting and posting of meeting notice.
- C. Acknowledge Annual Meeting and publication of notice of same as required by the Service Plan.
- D. Public Comment. Members of the public may express their views to the Board on matters that affect the District. Comments will be limited to three (3) minutes.
- E. Review and consider approval of minutes from the April 18, 2024 regular meeting (enclosure).
- F. Discuss business to be conducted in 2025 and location (virtual and/or physical) of meetings. Schedule regular meeting dates and consider adoption of Resolution Establishing Regular Meeting Dates, Time, and Location, and Designating Location for Posting of 24-Hour Notices (enclosure). [2024 meetings were third Thursday each month at 3:00 p.m. via Zoom]
- G. Discuss and authorize renewal of District's insurance and Special District Association (SDA) membership for 2025.

H. Website Accessibility Discussion

1. Discuss and consider proposals from Generation Web, Inc., Streamline Software, Inc. and A360 Enterprises, LLC (dba Allyant) related to website accessibility matters.
2. Establish Website Accessibility Committee to make final determinations regarding engagement and/or termination of service providers, if necessary.

II. FINANCIAL MATTERS

- A. Review unaudited financial statements and schedule of cash position through the period ending September 30, 2024 (enclosures).
- B. **District No. 1** - Review and ratify / approve the payment of claims (enclosure).
- C. Discuss and consider approval of reimbursement of 9th Avenue (Denver) Land, LLC (“Developer”) pursuant to Operation Funding Agreement between Developer and 9th Avenue Metropolitan District No. 1, as amended, and Facilities Funding and Acquisition Agreement between Developer and 9th Avenue Metropolitan District No. 1.
- D. Conduct Public Hearing on the 2024 Budget Amendment and consider adoption of Resolution Amending the 2024 Budget, if necessary.
- E. Conduct Public Hearing on the proposed 2025 Budget and consider adoption of Resolution to Adopt Budget and to Appropriate Sums of Money and Resolution to Set Mill Levies (enclosures – Preliminary AV, draft budget and Resolutions).
- F. **District Nos. 2 and 3** - Discuss and consider adoption of Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan, if necessary.
- G. Authorize District Accountant to prepare and sign the DLG-70 Certification of Tax Levies form and Mill Levy Public Information form (“Certification”), and direct District Accountant to file the Certification with the Board of County Commissioners and other interested parties.
- H. **District Nos. 1 and 2** - Discuss statutory requirements for an audit and consider the engagement of Hayne & Company to perform the 2024 Audit (enclosures).
- I. **District No. 3** - Discuss and consider the appointment of the District Accountant to prepare and file the Application for Exemption from Audit for 2024.

- J. Review and consider approval of Special Districts Preparation Statement of Work between the District and CliftonLarsonAllen LLP (CLA) for 2025 Accounting Services, including preparation of the 2026 Budget (to be distributed).

III. LEGAL MATTERS

- A. Discuss and consider acceptance of conveyance of Block 6 open space property and acknowledge Special Warranty Deed between 9th Avenue (Denver) Land, LLC (as Grantor) and 9th Avenue Metropolitan District No. 1 (as Grantee).
- B. Discuss and consider acceptance of Block 8 open space property and acknowledge Special Warranty Deed between 9th Avenue (Denver) Land, LLC (as Grantor) and 9th Avenue Metropolitan District No. 1 (as Grantee).
- C. Discuss status of easements for portions of Block 1, Block 7E Paseo Area, and Block 7S Plaza Area.
- D. Discuss and consider approval of a Facilities Funding, Construction and Operations Agreement by and among 9th Avenue Metropolitan District No. 1, 9th Avenue Metropolitan District No. 2 and 9th Avenue Metropolitan District No. 3 and authorize necessary actions associated therewith.
- E. May 6, 2025 Regular Director Election and consider adoption of Resolution Calling May 6, 2025 Election for Directors, appointing Designated Election Official (“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election. Self-Nomination Forms are due by February 28, 2025 (enclosure). Discuss the need for ballot issues and/or questions.
- F. Discuss requirements of Section 32-1-809, C.R.S., and direct staff regarding compliance for 2025 (District Transparency Notice).

IV. OPERATIONS AND MAINTENANCE [**District No. 1 only**]

- A. **District No. 1** - Review and ratify approval of Service Agreement for Landscape Maintenance Services with Keesen Landscape Management (enclosure).
- B. **District No. 1** - Review and ratify approval of Service Agreement for Snow Removal Services with Keesen Landscape Management (enclosure).
- C. **District No. 1** - Discuss 2025 property and facility management services
 - 1. Establish committee to make final determinations regarding engagement of property and facility management service providers and authorize all necessary actions associated therewith.

V. CONSTRUCTION MATTERS

- A. Report on status of development / construction.

VI. OTHER BUSINESS

- A. Discuss cancellation of December 19, 2024 regular Board meeting.

ADJOURNMENT

The next regular meeting is scheduled for December 19, 2024 at 3:00 p.m. via Zoom.