

**CASCADE METROPOLITAN DISTRICT NO. 1
NOTICE OF SPECIAL BOARD MEETING AND AGENDA**



**Tuesday, October 8, 2024, at 5:30 PM (MST)
614 N Tejon St, Colorado Springs, CO 80903**

This meeting will be held via teleconferencing and can be joined through the directions below:

Please join meeting from your computer, tablet or smartphone.

<https://video.cloudoffice.avaya.com/join/591798670>

You can also dial in using your phone.

United States: [+1 \(213\) 463-4500](tel:+12134634500)

Access Code: 591-798-670

Public Invited to Attend

Board of Director	Title	Term Expiration
Susan Soloyanis	President	May 2027
Mike Herr	Secretary/ Treasurer	May 2027
Karole Campbell	Secretary	May 2027
James Borden	Assistant Secretary	May 2025
Erin Sullivan	Assistant Secretary	May 2025

AGENDA

- 1. Call to Order**
- 2. Declaration of Quorum/Director Qualifications/Reaffirmation of Disclosures**
- 3. Approval of Agenda**
- 4. Consent Agenda Items** (These items are considered to be routine and will be approved by one motion. There will be no separate discussion of these items unless requested, in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda)
 - a. Approval of Board Meeting Minutes from the special meeting on July 23, 2024 (enclosure)
 - b. Acceptance of Unaudited Financial Statements as of September 30, 2024, the schedule of cash position updated as of September 30, 2024, and bank statements (enclosure)
 - c. Acceptance of Quarterly Report for Website Accessibility Matters (under separate cover)
 - d. Acceptance of Supplement to 2023 Annual Report (audit) (under separate cover)
- 5. Consideration of items removed from the Consent Agenda**
- 6. Financial Matters**
 - a. Review and consider approval of Resolution Certifying Delinquent Fees for Collection (enclosure)
 - b. Conduct a Public Hearing on 2024 Budget Amendments and Consider Adoption of Resolution Amending the 2024 Budget (enclosure)
 - c. Conduct a Public Hearing on 2025 Budget and Consider Adoption of Resolution Adopting and Appropriating Funds (enclosure)

7. Management Matters

- a. Review of payment status and collection
 - i. Current billings & Collections
- b. Update on Disposition of Assets
 - i. Remaining District-owned parcels

8. Insurance Matters

- a. Discuss and Review proposed General Liability Schedule and Limits and Property Schedule and Consider Approval and Authorization to Bind Coverage – Review property schedule (under separate cover)
- b. Consider Authorization of Renewal of Special District Association of Colorado Membership for 2025
- c. Consider Approval of Workers' Compensation Coverage with Colorado Special Districts Property and Liability Pool

9. Legal Matters

- a. Discuss 2025 Meeting Dates
- b. Discuss 2024 Legislative Session and Memorandum (under separate cover)
- c. Review and consider approval of 2025 Annual Administrative Resolution (enclosure)
- d. Review and consider approval of Resolution Calling the May 6, 2025, Election (enclosure)
- e. Review and consider approval of Resolution Amending the Public Records Request Policy (enclosure)
- f. Consider approval of Second Addendum to Management Agreement – Website Matters (under separate cover)
- g. Review and consider approval of WSDM Engagement letter (under separate cover)
- h. Review and consider approval of BiggsKofford 2023 Audit Engagement Letter (under separate cover)

10. Public Comment (Items not on the Agenda Only. Comments are limited to 3 minutes per person and taken in the order in which they appear)

11. Other Business

12. Adjourn



**MINUTES OF THE REGULAR MEETING OF THE
CASCADE METROPOLITAN DISTRICT NO. 1
HELD JULY 23, 2024
PURSUANT TO §32-1-903(6), C.R.S.**

The annual Regular Meeting of the Cascade Metropolitan District No. 1 (the "District") was duly held on Tuesday, the 23rd day of July 2024 at 5:30 p.m. The meeting was via teleconference. The meeting was open to the public.

Directors in Attendance Were:

Susan Soloyanis
Jim Borden
Mike Herr (excused absence)
Erin Sullivan (excused late arrival)
Karole Campbell

Also in Attendance Were:

Heather Hartung, Esq., White Bear Ankele Hartung & Waldron, Attorneys at Law
Rebecca Harris, WSDM District Managers
Beth Diana, WSDM District Managers
Chris Jorgensen, BiggsKofford

1. **Call to Order:** The meeting was called to order at 5:31 pm
2. **Declaration of Quorum/Director Qualifications/Reaffirmation of Disclosures:** Ms. Harris confirmed a quorum of the Board was present and that each Director had confirmed their qualifications to serve. Ms. Hartung confirmed the Directors' conflicts of interest were properly filed.
3. **Approval of Agenda:** Director Campbell moved to approve the agenda as presented; seconded by Director Borden. Motion passed unanimously.
4. **Consent Agenda Items** (These items are considered to be routine and will be approved by one motion.)
 - a. Approval of Board Meeting Minutes from the special meeting on October 3, 2023, and Town Hall meeting on October 3, 2023
 - b. Acceptance of Unaudited Financial Statements as of June 30, 2024, the schedule of cash position updated as of June 30, 2024, and bank statements
 - c. Ratification of Resolution Adopting a Digital Accessibility Policy and Designating a Compliance Officer
 - d. Ratification of July 1, 2024 Quarterly Report for Website Accessibility Matters
 - e. Acceptance of 2023 Annual Report on the Service Plan
 - f. Approval of Resolution Designating Meeting Notice Posting Location

Director Campbell moved to approve the consent agenda items; seconded by Director Borden. Motion passed unanimously.

5. **Consideration of items removed from the Consent Agenda:** None.

6. Financial Matters

- a. Review and consider approval of 2023 Audit Presentation and Financial Statements: Ms. Harris and Ms. Hartung began discussion on the 2023 Audit Presentation. Mr. Jorgensen joined the meeting and proceeded to present the 2023 Audited Financial Statements. After discussion Director Borden motioned to accept the 2023 Audited Financials subject to final legal revisions and a clean audit opinion and authorize Auditors to file for extensions if needed. Seconded by Director Campbell. Motion passed unanimously.
- b. Review and consider approval to waive late fees for 4580 Fox Rd: Ms. Harris presented to the Board this property owners request to waive late fees. After discussion, President Soloyanis motioned to approve the waiver in late fees because he is current and set up on auto-payment. Seconded by Director Campbell. Motion passed with a vote 3 in favor and Director Borden against.

7. Management Matters

- a. Discuss WSDM company matters: Ms. Harris noted to the Board that as of July 1 Ms. Harris is the new oner of WSDM and Mr. Walker has taken an interim position at the City as Director of City Planning.
- b. Review of payment status and collection
 - i. Current billings & Collections: Ms. Harris reviewed the billing and collection status with the Board. No action was taken.

Director Borden inquired that the new bank account was able to get completed. Ms. Harris confirmed.

- c. Update on Disposition of Assets
 - i. Remaining District-owned parcels: Ms. Harris informed the Board there are continued struggles in getting interested parties to take over these remaining parcels as they do not want to incur additional property taxes.
- d. Discuss Status of Website Accessibility and Document Remediation: Ms. Harris provided an update on the statutory requirements for making websites and documents ADA accessible.
- e. Discuss SIPA Grant for Document Remediation: Ms. Harris informed the Board they received a grant to help remediate documents for the website. The software is provided for free until June 2026. We will provide a better understanding on costs in January 2026.

8. Legal Matters

- a. Discuss 2024 Legislative Memorandum: Ms. Hartung provided the 2024 legislative update, highlighting the Website compliance changes.
- b. Discuss Addendum to Management Agreement Regarding Website Accessibility and Document Remediation Matters: Ms. Hartung, provided highlights on this addendum highlighting significant changes to the tasks that White Bear Ankele's office performs and shifting them to WSDM's office.
- c. Confirm Date for Town Hall and Budget Hearing (October 22, 2024): Board discussed the Annual Town Hall meeting and Budget Hearing meeting date and time. After discussion the Board agreed to schedule the Annual Town Hall meeting on October 8 at 5:00 pm and the Budget Hearing to follow at 5:30 pm.

9. Public Comment (Items not on the Agenda Only. Comments are limited to 3 minutes per person and taken in the order in which they appear)

10. Other Business

Director Campbell brought up concern on lights and activity occurring at the Tank and if the Board authorized work to be performed there. After discussion Director Soloyanis was authorized to obtain proper signage to keep trespasser out and Ms. Harris confirmed she will get in touch with Cascade Fire Protection District to confirm if they were performing work.

11. Adjourn: The Board unanimously adjourned at 6:27 pm.

Respectfully submitted,

By: _____
Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL JULY 23, 2024 MINUTES OF THE CASCADE METROPOLITAN DISTRICT NO. 1 BY THE BOARD OF DIRECTORS SIGNING BELOW:

Mike Herr

James Borden

Susan Soloyanis

Erin Sullivan

Karole Campbell



Cascade Metropolitan District No. 1

Balance Sheet

10/03/24

As of September 30, 2024

Accrual Basis

	<u>Sep 30, 24</u>
ASSETS	
Current Assets	
Checking/Savings	
ECB Checking	529,468.42
Total Checking/Savings	<u>529,468.42</u>
Accounts Receivable	
1-1200 · Accounts Receivable	68,130.56
1-1210 · Allowance for Doubtful Accounts	-5,000.00
Total Accounts Receivable	<u>63,130.56</u>
Total Current Assets	<u>592,598.98</u>
TOTAL ASSETS	<u>592,598.98</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	7,151.78
Total Accounts Payable	<u>7,151.78</u>
Other Current Liabilities	
Accrued Interest Series 2023	20,533.00
Current Portion Bond Payable	235,000.00
1-320 · Prepaid Charges	1,737.16
Total Other Current Liabilities	<u>257,270.16</u>
Total Current Liabilities	<u>264,421.94</u>
Long Term Liabilities	
Bonds Payable Series 2023	4,245,000.00
Bond Premium Series 2023	114,793.55
Total Long Term Liabilities	<u>4,359,793.55</u>
Total Liabilities	<u>4,624,215.49</u>
Equity	
3-3200 · Invested in Capital Assets	-4,192,805.87
30000 · Opening Balance Equity	-180,464.08
32000 · Retained Earnings	88,285.26
Net Income	253,368.18
Total Equity	<u>-4,031,616.51</u>
TOTAL LIABILITIES & EQUITY	<u>592,598.98</u>

Cascade Metropolitan District No. 1

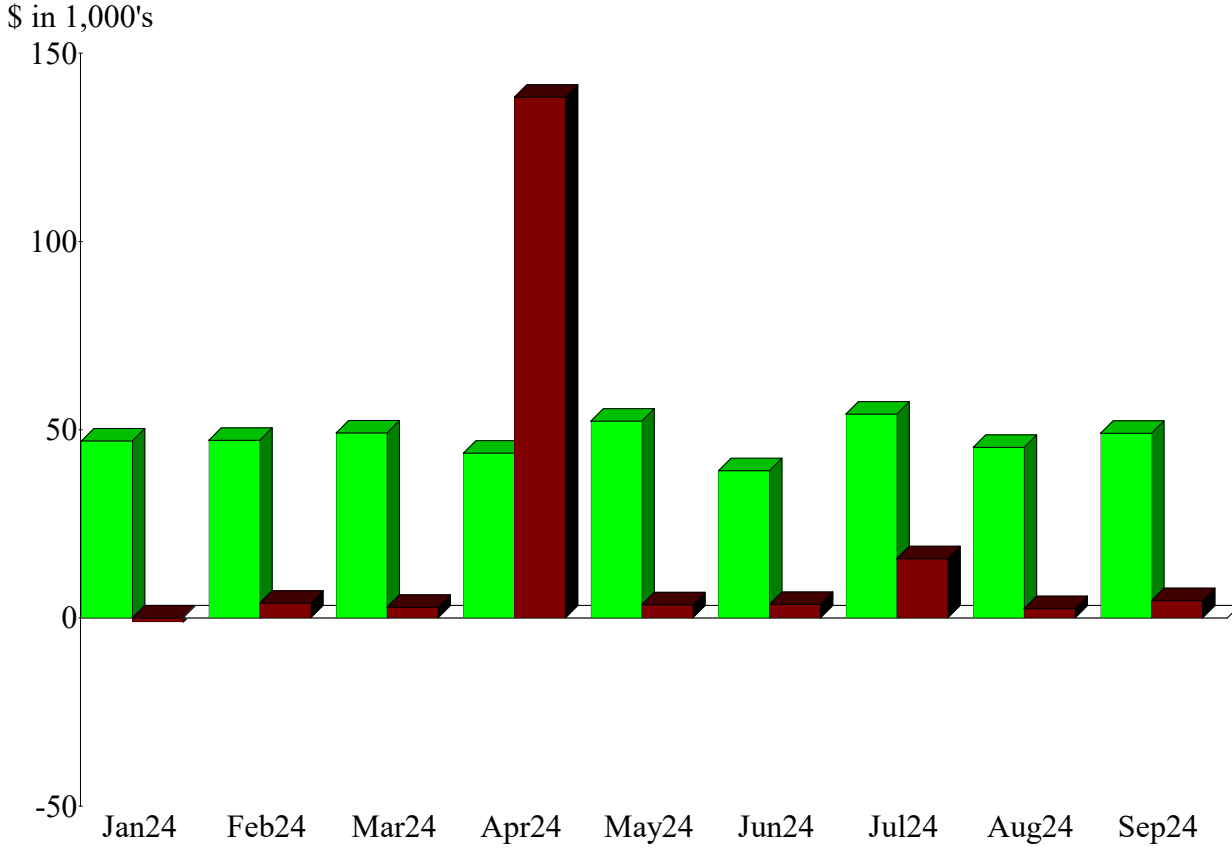
Profit & Loss Budget vs. Actual

January through September 2024

	TOTAL				
	Sep 24	Jan - Sep 24	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense					
Income					
1-506 · Operations Administrative Fee	5,883.30	49,782.82	42,000.00	7,782.82	118.53%
1-509 · Revenue-Collection Charges	0.00	0.00	1,000.00	-1,000.00	0.0%
1-510 · Late Fees	360.00	2,855.78	2,500.00	355.78	114.23%
1-560 · Interest Income	0.00	245.90	3,100.00	-2,854.10	7.93%
2-510 · Debt Service Fee	42,802.09	373,973.36	487,350.00	-113,376.64	76.74%
2-530 · Malcom Restitution	80.43	563.01			
Total Income	49,125.82	427,420.87	535,950.00	-108,529.13	79.75%
Expense					
1-614 · Billing and Customer Service	0.00	0.00	20,000.00	-20,000.00	0.0%
1-615 · Audit	0.00	11,350.00	10,000.00	1,350.00	113.5%
1-618 · Bank Fees	0.00	747.41	1,800.00	-1,052.59	41.52%
1-670 · Insurance/SDA Dues	2,041.00	2,041.00	3,000.00	-959.00	68.03%
1-672 · Dues, Fees & Subscriptions	137.32	811.43	500.00	311.43	162.29%
1-675 · Legal	0.00	9,059.76	10,000.00	-940.24	90.6%
1-680 · Management	2,000.00	18,000.00	2,000.00	16,000.00	900.0%
1-683 · Accounting/ Bookkeeping	0.00	0.00	2,000.00	-2,000.00	0.0%
1-684 · Expense-Collection Charges	0.00	0.00	1,500.00	-1,500.00	0.0%
1-685 · Miscellaneous	0.00	0.00	20,000.00	-20,000.00	0.0%
1-760 · Office Supplies/Postage	411.76	3,429.72	4,000.00	-570.28	85.74%
2-617 · Bank Fees - Debt Service	0.00	0.00	4,000.00	-4,000.00	0.0%
2-910 · Series 2023 Interest	0.00	134,400.00	242,396.00	-107,996.00	55.45%
2-618 · Bond Issuance Costs	0.00	-5,786.63			
Total Expense	4,590.08	174,052.69	321,196.00	-147,143.31	54.19%
Net Ordinary Income	44,535.74	253,368.18	214,754.00	38,614.18	117.98%
Net Income	44,535.74	253,368.18	214,754.00	38,614.18	117.98%

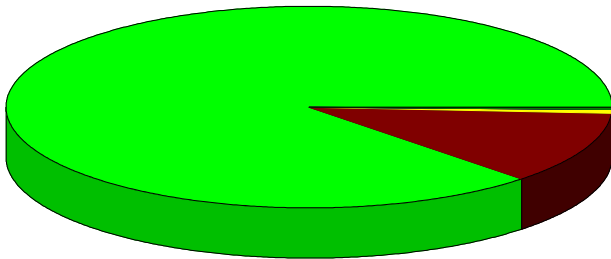
Income and Expense by Month
January through September 2024

Income
Expense



Income Summary
January through September 2024

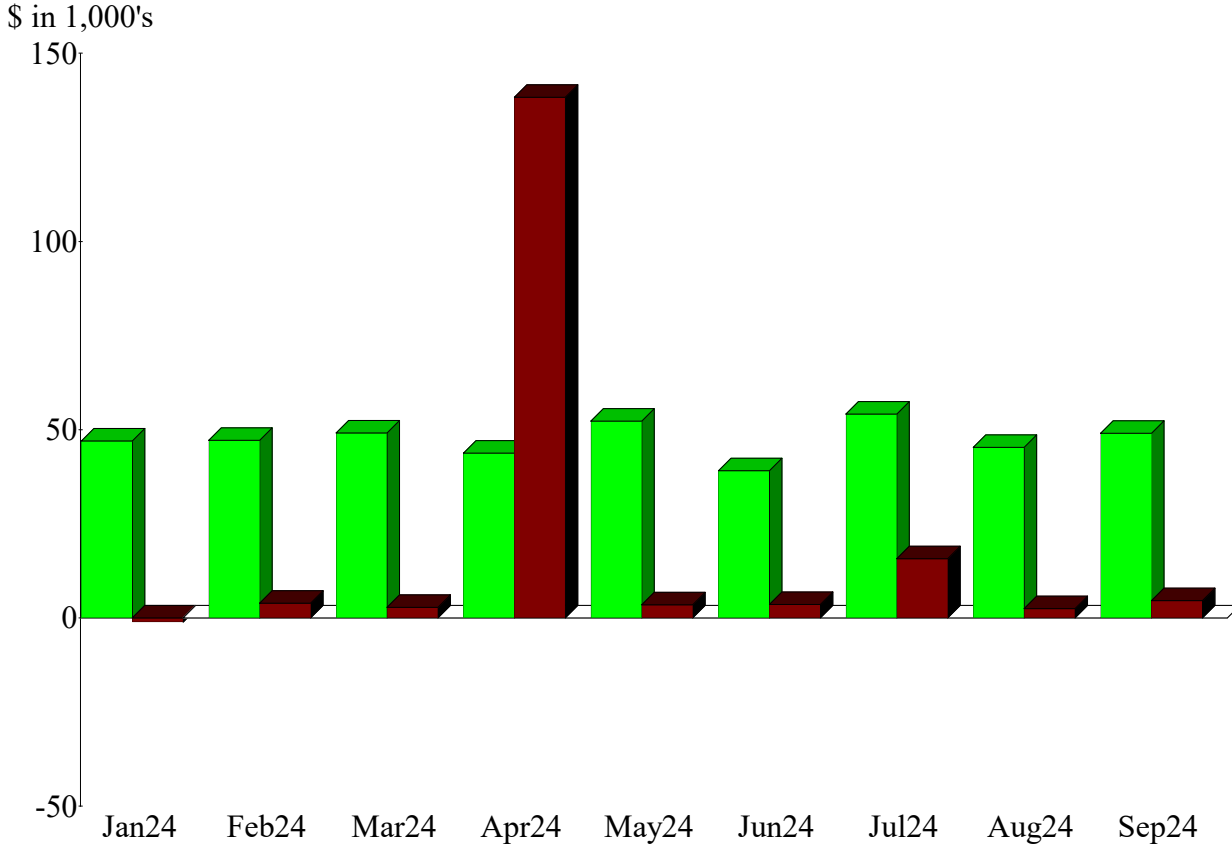
2-510 · Debt Service Fee	87.50%
1-506 · Operations Administrative Fee	11.65
1-510 · Late Fees	0.67
2-530 · Malcom Restitution	0.13
1-560 · Interest Income	0.06
Total	\$427,420.87



By Account

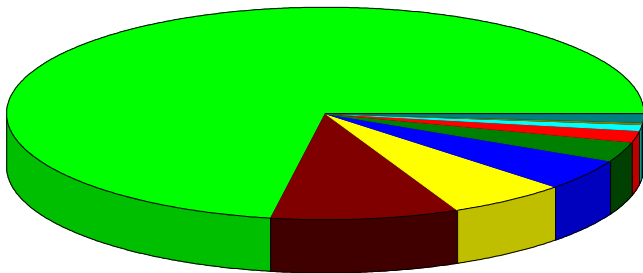
Income and Expense by Month
January through September 2024

Income
Expense



Expense Summary
January through September 2024

2-910 · Series 2023 Interest	74.73%
1-680 · Management	10.01
1-615 · Audit	6.31
1-675 · Legal	5.04
2-618 · Bond Issuance Costs	\$-5,786.63
1-760 · Office Supplies/Postage	1.91
1-670 · Insurance/SDA Dues	1.13
1-672 · Dues, Fees & Subscriptions	0.45
1-618 · Bank Fees	0.42
Sub-Total	\$174,052.69



By Account



Cascade Metropolitan District
PAYMENT REQUEST
7/23/2024
GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	Comments
Mailing Services Inc	19505	7/10/2024	\$ 262.52	
White Bear Ankele Tanaka & Waldron	35897	6/30/2024	\$ 1,125.97	
WSDM District Managers	8059	6/30/2024	\$ 2,100.65	
TOTAL			3,489.14	

TOTAL FOR ALL FUNDS

\$ 3,489.14

_____, President

ECB Checking Account Balance	\$ 382,528.38
Payables for this month	\$ (3,489.14)
Checking Balance After Draw	\$ 379,039.24

Cascade Metropolitan District
PAYMENT REQUEST
8/21/2024
GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	Comments
Biggs Kofford	116397	7/30/2024	\$ 11,350.00	
Mailing Services Inc	19615	8/9/2024	\$ 274.41	
White Bear Ankele Tanaka & Waldron	36387	7/31/2024	\$ 1,978.78	
WSDM District Managers	307	7/31/2024	\$ 2,159.45	
TOTAL			15,762.64	

TOTAL FOR ALL FUNDS

\$ 15,762.64

_____, President

ECB Checking Account Balance

\$ 473,603.65

Payables for this month

\$ (15,762.64)

Checking Balance After Draw

\$ 457,841.01

Cascade Metropolitan District
PAYMENT REQUEST
 9/17/2024
GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	Comments
Mailing Services Inc	19655	8/23/2024	\$ 62.42	
Mailing Services Inc	19741	9/11/2024	\$ 300.79	
White Bear Ankele Tanaka & Waldron	36871	8/31/2024	\$ 145.96	
WSDM District Managers	366	8/31/2024	\$ 2,000.00	
TOTAL			2,509.17	

TOTAL FOR ALL FUNDS

\$ 2,509.17

_____, President

ECB Checking Account Balance
 Payables for this month
 Checking Balance After Draw

\$ 515,715.92
\$ (2,509.17)
 \$ 513,206.75



**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
CASCADE METROPOLITAN DISTRICT NO. 1**

**CERTIFYING DELINQUENT DEBT SERVICE FEES, ADMINISTRATIVE FEES, RATES,
TOLLS, PENALTIES AND CHARGES TO EL PASO COUNTY TREASURER FOR
COLLECTION**

WHEREAS, the Cascade Metropolitan District No. 1 (the “District”) was duly organized and validly exists pursuant to and in accordance with the Special District Act, §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the Board of Directors of the District (the “Board”) is empowered to fix and from time to time increase or decrease certain fees, rates, tolls, penalties or charges for services, programs or facilities furnished by the District; and

WHEREAS, the District was the provider of water services to residents and owners within and outside of the District’s boundaries; and

WHEREAS, on June 9, 2015, the district issued bonds in the form of the *Water Enterprise Revenue Refunding and Improvement Bonds, Series 2015A and Series 2015B* (collectively, the “Bonds”); and

WHEREAS, the District utilized the Bonds to improve the District’s water distribution system, reduce water losses and to meet the construction standards required by Colorado Springs Utilities; and

WHEREAS, the District’s water distribution system was converted to Colorado Springs Utilities on December 1, 2020 (the “Conversion”); and

WHEREAS, the District did not dissolve with the Conversion and will not be permitted to do so until such time as the debt incurred for the required improvements to the infrastructure has been repaid in full; and

WHEREAS, to repay the debt, and for ongoing administration functions necessary to remain in compliance with Colorado law, the District is required to impose and collect ongoing monthly debt service fees (the “Debt Service Fee”) and monthly administrative fees (the “Administrative Fee”); and

WHEREAS, pursuant to §32-1-1101(1)(e), C.R.S., the District is permitted to have certain delinquent fees, rates, tolls, penalties, charges or assessments made or levied by the District certified to the El Paso County Treasurer (the “County Treasurer”) for collection in the same manner as taxes; and

WHEREAS, the properties reflected on **Exhibit A**, attached hereto and incorporated herein by this reference (the "Delinquent Properties"), are delinquent in their Debt Service and Administrative Fees by at least six (6) months and by more than One Hundred Fifty Dollars (\$150); and

WHEREAS, the Delinquent Properties have outstanding delinquent fees rates, tolls, penalties, charges or assessments in the amounts set forth in **Exhibit A** (the “Delinquent Fees”); and

WHEREAS, pursuant to §32-1101(1)(e), C.R.S., the District may elect, by resolution, at a public meeting held after receipt of notice by the Delinquent Properties, to certify the Delinquent Fees to the County Treasurer for collection; and

WHEREAS, on September 17, 2024, the District provided notice to the Delinquent Properties through written correspondence deposited in the United States mail; and

WHEREAS, the Board hereby considers the adoption of this Resolution at a public meeting, which meeting has been properly noticed in accordance with Colorado law; and

WHEREAS, the District, by this Resolution, desires to certify the Delinquent Fees to the County Treasurer for collection.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. CERTIFICATION OF DELINQUENT FEES. The Board hereby elects to have the Delinquent Fees certified to the County Treasurer to be collected and paid over by the County Treasurer in the same manner as taxes are authorized to be collected and paid over pursuant to § 39-10-107, C.R.S. The Board hereby directs the District’s Manager to certify to the County Treasurer the Delinquent Fees set forth in **Exhibit A**, attached hereto and incorporated herein by this reference (the “Certification”). Such Delinquent Fees shall be certified by no later than the deadline established by the County Treasurer in order to comply with State statutory and County certification deadlines.

[Remainder of Page Intentionally Left Blank].

ADOPTED THIS 8TH DAY OF OCTOBER, 2024.

**CASCADE METROPOLITAN DISTRICT
NO. 1**

By: _____
Officer of the District

ATTEST:

By: _____

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

EXHIBIT A
Delinquent Properties and Delinquent Fees

Street Address	Property Description	Past Due	Collection Fee	Total
4410 Martindale	Assessor Parcel # 8327103004	\$	\$	\$
4440 Prairie Street	Assessor Parcel # 8327102021	\$	\$	\$
8230 W. Highway 24	Assessor Parcel # 8323201009	\$	\$	\$
4620 Fountain Ave	Assessor Parcel # 8322403006	\$	\$	\$
4670 Fountain Ave / 4675 Fountain Ave	Assessor Parcel # 8323300078	\$	\$	\$
7865 W Highway 24	Assessor Parcel # 8326200043	\$	\$	\$
7889 W Highway 24	Assessor Parcel # 8326200046			
7940 Topeka Ave	Assessor Parcel # 8323303022	\$	\$	\$



**CASCADE METROPOLITAN DISTRICT NO. 1
ADOPTED 2025 BUDGET
GENERAL FUND**

	2023 Actual ACTUAL	2024 ACTUAL 9/20/2024	2024 PROJECTED	2024 BUDGET	2025 BUDGET
GENERAL FUND: BEGINNING BALANCE	\$ 178,188	\$ 170,139	\$ 170,139	\$ 200,531	\$ 179,070
REVENUES					
OPERATIONS ADMINISTRATIVE FEE (\$8.34/MONTH/ACCOU	\$ 62,758	\$ 42,824	\$ 62,000	\$ 42,000	\$ 36,129
COLLECTION CHARGES			\$ 854	\$ 5,000	\$ -
LATE FEES	\$ 4,956	\$ 3,195	\$ 4,800	\$ 2,500	\$ -
MISCELLANEOUS INCOME	\$ 1			\$ -	\$ -
GAIN ON SALE OF ASSETS				\$ -	\$ -
INTEREST INCOME	\$ 752	\$ 246	\$ 300	\$ 100	\$ -
TOTAL REVENUES	\$ 68,466	\$ 46,265	\$ 67,954	\$ 49,600	\$ 36,129
TOTAL FUNDS AVAILABLE	\$ 246,654	\$ 216,405	\$ 238,094	\$ 250,131	\$ 215,198
EXPENSES					
BILLING AND CUSTOMER SERVICE	\$ 16,200		\$ 20,000	\$ 20,000	\$ -
MANAGEMENT	\$ 12,456	\$ 16,000	\$ 2,000	\$ 2,000	\$ 24,000
ACCOUNTING AND BOOKKEEPING	\$ 1,350		\$ 2,000	\$ 2,000	\$ -
CSU SETTLEMENT			\$ -	\$ -	\$ -
COLLECTION CHARGES	\$ 3,164			\$ 1,500	\$ 1,000
AUDIT	\$ 9,325	\$ 11,350	\$ 11,350	\$ 10,000	\$ 10,500
BANK FEES	\$ 2,020	\$ 747	\$ 1,000	\$ 1,800	\$ 100
ELECTION	\$ 3,338		\$ -	\$ -	\$ 10,000
INSURANCE/SDA DUES	\$ 2,698		\$ 3,000	\$ 3,000	\$ 3,500
DUES, FEES, & SUBSCRIPTIONS		\$ 674	\$ 674	\$ 500	\$ 700
LEGAL	\$ 19,926	\$ 8,699	\$ 15,000	\$ 10,000	\$ 10,000
COST TO REMOVE PUMP HOUSE				\$ -	\$ -
OFFICE SUPPLIES & POSTAGE	\$ 4,334	\$ 3,319	\$ 4,000	\$ 4,000	\$ 5,000
CONTINGENCY	\$ 1,704		\$ -	\$ 10,000	\$ 10,000
TOTAL EXPENSES	\$ 76,515	\$ 40,789	\$ 59,024	\$ 64,800	\$ 74,800
OTHER					
TRANSFERS IN - GRANT CAPITAL PROJECT FUND					
TRANSFER OUT TO DEBT SERVICE FUND		\$ -			
GENERAL FUND: ENDING BALANCE	\$ 170,139	\$ 175,616	\$ 179,070	\$ 185,331	\$ 140,398
EMERGENCY RESERVE: State Required at 3%	\$ 2,295	\$ 1,224	\$ 1,771	\$ 1,944	\$ 2,244

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**CASCADE METROPOLITAN DISTRICT NO. 1
ADOPTED 2025 BUDGET
DEBT SERVICE FUND**

	2023 ACTUAL	2024 ACTUAL	2024 PROJECTED	2024 BUDGET	2025 BUDGET
DEBT SERVICE FUND: BEGINNING BALANCE	\$ 361,317	\$ 57,726	\$ 57,726	\$ 499,931	\$ 10,388
REVENUE					
TRANSFER IN - GENERAL FUND	\$ -				
DEBT SERVICE WATER FEE (2024 \$125/MONTH)	\$ 368,945	\$ 345,726	\$ 421,884	\$ 487,350	\$ 514,425
MALCOM RESTITUTION	\$ 1,270	\$ 563	\$ 600	\$ -	\$ -
RECOVERY PREVIOUS OBLIGATIONS CSU	\$ 41,108				
INTEREST INCOME	\$ 48,494			\$ 3,000	\$ -
SERIES 2023 BOND PROCEEDS	\$ 4,480,000				
SERIES 2023 PREMIUM	114,794				
TOTAL REVENUE	\$ 5,054,611	\$ 346,289	\$ 422,484	\$ 490,350	\$ 514,425
EXPENSES					
SERIES 2015A INTEREST	\$ 172,608				
SERIES 2015B INTEREST	\$ 71,340				
SERIES 2015 A & B PRIN & INT PAYOFF	\$ 4,733,063				
SERIES 2015 BANK FEES			\$ 4,000	\$ 4,000	\$ 4,000
COST OF ISSUANCE	\$ 354,431	\$ (5,787)	\$ (5,787)		
BANK FEES	\$ 6,227				
BOND INSURANCE			\$ (5,787)		
SERIES 2023 PRINCIPAL			\$ 235,000	\$ 235,000	\$ 265,000
SERIES 2023 INTEREST	\$ 20,533	\$ 134,400	\$ 242,396	\$ 242,396	\$ 212,250
CONTINGENCY		\$ -	\$ -	\$ 10,000	\$ 10,000
TOTAL EXPENSES	\$ 5,358,202	\$ 128,613	\$ 469,822	\$ 491,396	\$ 491,250
DEBT SERVICE: ENDING BALANCE	\$ 57,726	\$ 275,402	\$ 10,388	\$ 498,885	\$ 33,563
OTHER FINANCING SOURCES (USES)					
SERIES 2015A DEBT SERVICE RESERVE FUND					

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CASCADE METROPOLITAN DISTRICT NO. 1

2025 BUDGET MESSAGE

(Pursuant to § 29-1-103(1) (e), C.R.S.)

Services Provided

The Cascade Metropolitan District No. 1 (“District”), a quasi-municipal corporation and a political subdivision of the State of Colorado. On September 2, 2004, the Board of County Commissioners of El Paso County, Colorado (the "County") approved the Consolidated Service Plan (the "Original Service Plan") for the Cascade Metropolitan District Nos. 1 & 2.

The District was formed in 2004 with the primary purpose of providing water for domestic and other public and private purposes by any available means.

As of January 2021, the District upgraded the infrastructure to hand over the primary purpose to Colorado Springs Utilities. In October of 2023, the District refinanced the debt.

The attached 2025 Budget for Cascade Metropolitan District No. 1 includes these important features:

- The 2024 Budget reflects the refinance of debt service using a fee established to repay debt issued in 2015 (refinanced in 2023) and the costs to administer the billing, collection and payment to facilitate this scope of work.
- The primary sources of revenue for the District are fees, penalties, and charges.

The Budgetary basis of the accounting timing measurement method used is:

- Cash basis
- Modified accrual basis
- Encumbrance basis
- Accrual basis

The District uses funds to budget and report on the financial position and results of operations. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain governmental functions. The various funds determine the total District budget. All of the district’s funds are considered Governmental Funds and are reported using the current financial resources and the modified accrual basis of accounting. Revenues are recognized when they are measurable and available. Revenues are considered available when they are collectible within the current period. For this purpose, the District considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Other than the interest on long-term obligations, expenses are recorded when the liability is incurred or the long-term obligation is paid.

The contracted services to be provided/ delivered during the budget year are the following:

- Contracted legal and management services, including state-required reporting, financial and accounting reports, billing, and other services.
- Accounting and bookkeeping, billing, collection, and related services.



**CASCADE METROPOLITAN DISTRICT NO. 1
ANNUAL ADMINISTRATIVE RESOLUTION
(2025)**

WHEREAS, Cascade Metropolitan District No. 1 (the “District”), was organized as a special district pursuant to an Order and Decree of the District Court in and for the County of El Paso Colorado (the “County”) and

WHEREAS, the Board of Directors (the “Board”) of the District has a duty to perform certain obligations in order to assure the efficient operation of the District and hereby directs its consultants to take the following actions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. The Board directs the District’s Manager to cause an accurate map of the District’s boundaries to be prepared in accordance with the standards specified by the Division of Local Government (“Division”) and to be filed in accordance with § 32-1-306, C.R.S.

2. The Board directs the District’s Manager to notify the Board of County Commissioners, the County Assessor, the County Treasurer, the County Clerk and Recorder, the governing body of any municipality in which the District is located, and the Division of the name of the chairman of the Board, the contact person, telephone number, and business address of the District, as required by § 32-1-104(2), C.R.S.

3. The Board directs the District’s Manager to prepare and file with the Division, within thirty (30) days of a written request from the Division, an informational listing of all contracts in effect with other political subdivisions, in accordance with § 29-1-205, C.R.S.

4. The Board directs the District’s accountant to cause the preparation of and to file with the Department of Local Affairs the annual public securities report for nonrated public securities issued by the District within sixty (60) days of the close of the fiscal year, as required by §§ 11-58-101, et seq., C.R.S.

5. The Board directs the District’s Manager to: (a) obtain proposals for auditors to be presented to the Board; (b) cause an audit of the annual financial statements of the District to be prepared and submitted to the Board on or before June 30; and (c) cause the audit to be filed with the State Auditor by July 31, or by the filing deadline permitted under any extension thereof, all in accordance with §§ 29-1-603(1) and 606, C.R.S. Alternatively, if warranted by § 29-1-604, C.R.S., the Board directs the District’s accountant to apply for and obtain an audit exemption from the State Auditor on or before March 31 in accordance with § 29-1-604, C.R.S.

6. The Board directs the District’s Manager, if the District has authorized but unissued general obligation debt as of the end of the fiscal year, to cause to be submitted to the Board of County Commissioners or the governing body of the municipality that adopted a resolution of approval of the District the District’s audit report or a copy of its application for exemption from audit in accordance with § 29-1-606(7), C.R.S.

7. The Board directs the District's accountant to submit a proposed budget to the Board by October 15 and prepare the final budget and budget message, including any amendments thereto, if necessary. The Board also directs the District's accountant to perform the property tax limit calculation, if required by §§ 29-1-306, *et seq.*, C.R.S., and to inform the Board of the result of such calculation. The Board directs the District's Manager to schedule a public hearing on the proposed budget or amendments, as applicable, and to post or publish notices thereof. The Board directs the District's Manager to prepare all budget resolutions. The Board directs the District's Manager to file the budget, budget resolution, and budget message with the Division on or before January 30th, all in accordance with §§ 29-1-101, *et seq.*, C.R.S.

8. The Board directs the District's accountant to monitor all expenditures and, if necessary, to notify the District's legal counsel, the District's Manager, and the Board when expenditures are expected to exceed appropriated amounts. The Board directs the District's Manager to prepare all budget amendment resolutions. The Board directs the District's Manager to schedule a public hearing on a proposed budget amendment and post or publish notices thereof in accordance with § 29-1-106, C.R.S. The Board directs the District's Manager to file the amended budget with the Division on or before the date of making such expenditure or contracting for such expenditure, all in accordance with §§ 29-1-101, *et seq.*, C.R.S.

9. The Board directs legal counsel to cause the preparation of the Unclaimed Property Act report and submission of the same to the State Treasurer by November 1st if there is property presumed abandoned and subject to custody as unclaimed property, in accordance with § 38-13-110, C.R.S.

10. The Board directs the District's accountant to prepare the mill levy certification form and directs the District's accountant to file the mill levy certification form with the Board of County Commissioners on or before December 15th, in accordance with § 39-5-128, C.R.S.

11. The Board directs that all legal notices shall be published in accordance with § 32-1-103(15), C.R.S.

12. The Board hereby determines that each member of the Board shall, for any potential or actual conflicts of interest, complete conflicts of interest disclosures and directs legal counsel to file the conflicts of interest disclosures with the Board and with the Colorado Secretary of State at least seventy-two (72) hours prior to every regular and special meeting of the Board, in accordance with § 32-1-902(3)(b) and § 18-8-308, C.R.S. Written disclosures provided by Board members required to be filed with the governing body in accordance with § 18-8-308, C.R.S., shall be deemed filed with the Board when filed with the Secretary of State. Additionally, at the beginning of each year, each Board member shall submit information to legal counsel regarding any actual or potential conflicts of interest and, throughout the year, each Board member shall provide legal counsel with any revisions, additions, corrections, or deletions to said conflicts of interest disclosures.

13. The Board confirms its obligations under § 24-10-110(1), C.R.S., with regards to the defense and indemnification of its public employees, which, by definition, includes elected and appointed officers.

14. The Board hereby appoints the District's Manager as the official custodian for the maintenance, care, and keeping of all public records of the District, in accordance with §§ 24-72-202, et seq., C.R.S. The Board hereby directs its legal counsel, accountant, manager, and all other consultants to adhere to the Colorado Special District Records Retention Schedule as adopted by the District.

15. The Board directs the District's Manager to post notice of all regular and special meetings in accordance with § 32-1-903(2) and § 24-6-402(2)(c), C.R.S. The Board hereby designates <https://cascademl.colorado.gov/> as the District's website for the posting of its regular and special meeting notices. The Board also hereby designates, unless otherwise designated by the Board, Ute Pass Library as the location the District will post notices of meetings in the event of exigent or emergency circumstances which prevent the District from posting notice of the meeting on the District's website. The Board directs the District's Manager to provide the website address set forth above to the Department of Local Affairs for inclusion in the inventory maintained pursuant to § 24-32-116, C.R.S.

16. The Board determines to hold regular meetings on date, at time at location and by telephone, electronic, or other means not requiring physical presence. All notices of meetings shall designate whether such meeting will be held by electronic means, at a physical location, or both, and shall designate how members of the public may attend such meeting, including the conference number or link by which members of the public can attend the meeting electronically, if applicable.

Commented [HH1]: Dates and times of meetings need to be added to the agenda once they are set at the October meeting.

17. The Board determines to hold an annual meeting, pursuant to § 32-1-903(6), on date, at time at location, and by telephone, electronic, or other means not requiring physical presence, subject to change by action of the Board. Notice of the annual meeting shall designate whether such meeting will be held by electronic means, at a physical location, or both, and shall designate how members of the public may attend such meeting, including the conference number or link by which members of the public can attend the meeting electronically, if applicable. The District's Manager shall be responsible for coordinating the required presentations for the annual meeting.

18. In the event of an emergency, the Board may conduct a meeting outside of the limitations prescribed in § 24-6-402(2)(c), C.R.S., provided that any actions taken at such emergency meeting are ratified at the next regular meeting of the Board or at a special meeting conducted after proper notice has been given to the public.

19. The Board directs the District's Manager to maintain the District's website in compliance with state and federal requirements and to make such documents and information required by § 32-1-104.5, C.R.S. available to the public on the District's website.

20. For the convenience of the electors of the District, and pursuant to its authority set forth in § 1-13.5-1101, C.R.S., the Board hereby deems that all regular and special elections of the District shall be conducted as independent mail ballot elections in accordance with §§ 1-13.5-1101, et seq., C.R.S., unless otherwise deemed necessary and expressed in a separate election resolution adopted by the Board.

21. Pursuant to the authority set forth in § 1-1-111, C.R.S., the Board hereby appoints the District's Manager, Rebecca Hardekopf, as the Designated Election Official (the "DEO") of the District for any elections called by the Board, or called on behalf of the Board by the DEO, and hereby authorizes and directs the DEO to take all actions necessary for the proper conduct of the election, including, if applicable, cancellation of the election in accordance with § 1-13.5-513, C.R.S.

22. In accordance with § 1-11-103(3), C.R.S., the Board hereby directs the DEO to certify to the Division the results of any elections held by the District and, pursuant to § 32-1-1101.5(1), C.R.S., to certify results of any ballot issue election to incur general obligation indebtedness to the Board of County Commissioners or the governing body of the municipality that adopted a resolution of approval of the District and file a copy of such certification with the Division of Securities.

23. The Board directs legal counsel to cause a notice of authorization of or notice to incur general obligation debt to be recorded with the County Clerk and Recorder within thirty (30) days of authorizing or incurring any indebtedness, in accordance with § 32-1-1604, C.R.S.

24. Pursuant to the authority set forth in § 24-12-103, C.R.S., the Board hereby designates, in addition to any officer of the District, Tiffany L. McDaniel of the law firm of White Bear Ankele Tanaka & Waldron, Attorneys at Law, as a person with the power to administer all oaths or affirmations of office and other oaths or affirmations required to be taken by any person upon any lawful occasion.

25. The Board directs the District's Manager to cause the preparation of and filing with the Board of County Commissioners or the governing body of the municipality that adopted a resolution of approval of the District, if requested, the application for quinquennial finding of reasonable diligence in accordance with § 32-1-1101.5(1.5), (2), C.R.S.

26. The Board directs the District's Manager to cause the preparation of and the filing with the Board of County Commissioners or the governing body of any municipality in which the District is located, the Division, the State Auditor, the County Clerk and Recorder, and any interested parties entitled to notice pursuant to § 32-1-204(1), C.R.S., an annual report in accordance with § 32-1-207(3)(c), C.R.S.

27. The Board directs the District's Manager to obtain proposals and/or renewals for insurance, as applicable, to insure the District against all or any part of the District's liability, in accordance with §§ 24-10-115, *et seq.*, C.R.S. The Board directs the District's Manager to review and update the District's property schedule as needed, and no less than annually. The Board directs the District's accountant to pay the annual SDA membership dues, agency fees, and insurance premiums, as applicable, in a timely manner. The Board appoints the District's Manager as its proxy for the SDA Annual meeting for voting and quorum purposes.

28. The Board hereby opts to exclude elected or appointed officials as employees within the meaning of § 8-40-202(1)(a)(I)(A), C.R.S., and hereby directs the District's Manager to file a statement with the Division of Workers' Compensation in the Department of Labor and

Employment not less than forty-five (45) days before the start of the policy year for which the option is to be exercised, in accordance with § 8-40-202(1)(a)(I)(B), C.R.S.

29. The Board hereby directs the District's Manager to prepare the disclosure notice required by § 32-1-809, C.R.S., and to disseminate the information to the electors of the District accordingly. Further, the Board hereby designates the following website as the District's official website for the purposes thereof: <https://cascademd1.colorado.gov/>.

30. The Board hereby directs legal counsel to prepare and record with the County Clerk and Recorder updates to the disclosure statement notice and map required by § 32-1-104.8, C.R.S., if additional property is included within the District's boundaries.

31. In accordance with § 38-35-109.5(2), C.R.S., the District hereby designates the President of the Board as the official who shall record any instrument conveying title of real property to the District within thirty (30) days of any such conveyance.

32. The Board hereby affirms the adoption of the corporate seal in substantially the form appearing on the signature page of this resolution in accordance with § 32-1-902, C.R.S., regardless of whether initially produced electronically or manually. The requirement of any District resolution, proceeding or other document to "affix" the District seal thereto, including for the purpose of satisfying any applicable State law, shall be satisfied by manual impression or print, facsimile reproduction or electronic reproduction, or inclusion of the image of such seal. Without limiting the foregoing, any electronic production or reproduction of the image of the seal shall constitute an electronic record of information, as defined in the Uniform Electronic Transactions Act, and the Board hereby authorizes its use in accordance with the authority provided by § 24-71.3-118, C.R.S.

33. The Board directs the District's Accountant to prepare and submit the documentation required by any continuing disclosure obligation signed in conjunction with the issuance of debt by the District.

34. The Board directs legal counsel to monitor, and inform the Board of, any legislative changes that may occur throughout the year.

35. In the event the District has not engaged an accountant or a manager, the Board hereby directs legal counsel to undertake all actions designated in this Resolution to the District accountant or the District's Manager until such time as an accountant or manager, as applicable, is engaged by the District.

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ADOPTED OCTOBER 8, 2024

(SEAL)

DISTRICT:

**CASCADE METROPOLITAN DISTRICT
NO. 1**, a quasi-municipal corporation and
political subdivision of the State of Colorado

By: _____
Officer of the District

Attest:

By: _____

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District



**RESOLUTION OF BOARD OF DIRECTORS
CALLING ELECTION**

CASCADE METROPOLITAN DISTRICT NO. 1

§§ 32-1-804, 1-1-111(2), 1-13.5-1101, and 1-13.5-513(1), C.R.S.

At a meeting of the Board of Directors (the “**Board**”) of the Cascade Metropolitan District No. 1 (the “**District**”), it was moved to adopt the following Resolution:

WHEREAS, the District was organized as a special district pursuant to §§ 32-1-101, *et seq.*, C.R.S. (the “**Special District Act**”); and

WHEREAS, the District is located entirely within El Paso County, Colorado (the “**County**”); and

WHEREAS, pursuant to § 32-1-804, C.R.S., the Board governs the conduct of regular and special elections for the District; and

WHEREAS, the Board anticipates holding a regular election on May 6, 2025, for the purpose of electing directors and desires to take all actions necessary and proper for the conduct thereof (the “**Election**”); and

WHEREAS, the Election shall be conducted pursuant to the Special District Act, the Colorado Local Government Election Code and the Uniform Election Code of 1992, to the extent not in conflict with the Colorado Local Government Election Code, including any amendments thereto; and

WHEREAS, pursuant to § 1-1-111(2), C.R.S., the Board is authorized to designate an election official (the “**Designated Election Official**”) to exercise authority of the Board in conducting the Election; and

WHEREAS, pursuant to § 1-13.5-513(1), C.R.S., the Board can authorize the Designated Election Official to cancel the Election upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby calls the Election for the purpose of electing directors. The Election shall be conducted as an independent mail ballot election in accordance with §§ 1-13.5-1101, *et seq.*, C.R.S.

2. The Board names Rebecca Hardekopf as the Designated Election Official for the Election. The Designated Election Official shall act as the primary contact with the County and shall be primarily responsible for ensuring the proper conduct of the Election.

3. Without limiting the foregoing, the following specific determinations also are made:
 - a. The Board hereby directs general counsel to the District to approve the final form of the ballot to be submitted to the eligible electors of the District and authorizes the Designated Election Official to certify those questions and take any required action therewith.
 - b. The Board hereby determines that: in addition to emailing to each registered elector at the email address provided by the county (or if no email is provided, by mailing to the household of each registered elector), notice of the call for nominations will be provided by posting on the District's website;
 - c.
4. The District shall be responsible for the payment of any and all costs associated with the conduct of the Election, including its cancellation, if permitted.
5. The Board hereby ratifies any and all actions taken to date by general counsel and the Designated Election Official in connection with the Election.
6. The Board hereby authorizes and directs the Designated Election Official to cancel the Election and to declare the candidates elected if, at the close of business on the sixty-third day before the Election, or at any time thereafter, there are not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, and so long as the only ballot questions are for the election of candidates. The Board further authorizes and directs the Designated Election Official to publish and post notice of the cancellation as necessary and file such notice and cancellation resolutions with the County Clerk and Recorder and with the Division of Local Government, as required. The Designated Election Official shall also notify the candidates that the Election was canceled and that they were elected by acclamation.
7. This Resolution shall remain in full force and effect until repealed or superseded by subsequent official action of the Board.

[Remainder of Page Intentionally Left Blank]

ADOPTED OCTOBER 8, 2024

DISTRICT:

**CASCADE METROPOLITAN DISTRICT
NO. 1**, a quasi-municipal corporation and
political subdivision of the State of Colorado

By: _____
Officer of the District

Attest:

By: _____

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

Signature Page to Resolution Calling Election



CASCADE METROPOLITAN DISTRICT NO. 1
AMENDED AND RESTATED PUBLIC RECORDS REQUEST POLICY
Adopted October 8, 2024

I. Purposes of the District’s Public Records Request Policy

This Public Records Request Policy of the Cascade Metropolitan District No. 1 (the “**District**”) shall be applied and interpreted with the following purposes in mind:

- A. To adopt a Public Records Request Policy pursuant to § 24-72-203(1), C.R.S.;
- B. To provide access to and the protection and integrity of Public Records in the custody of the District;
- C. To prevent unnecessary interference with the regular discharge of the duties of the District and its manager in compliance with the Colorado Open Records Act, §§ 24-72-200.1 to 24-72-206, C.R.S. (“**CORA**”);
- D. To establish reasonable and standardized fees for producing copies of and information from records maintained by the District as authorized by CORA; and
- E. To set forth a general procedure for providing consistent, prompt and equitable service to those requesting access to Public Records.

II. Public Records Requests

A. Applicability.

This Public Records Request Policy applies to requests submitted to the Districts for the inspection of Public Records pursuant to CORA, and shall supersede any previously adopted CORA policies of the Districts.

B. Definitions.

1. “**Custodian**”: Except as otherwise provided in this policy, the term “**Custodian**” shall mean Walker Schooler District Managers, or any successor that has been designated by the Board of Directors of the District to oversee the collection, retention, and retrieval of Public Records of the District.

2. “**Public Records**”: As defined in § 24-72-202(6), C.R.S.

C. Submission of Requests

1. Requests for inspection of Public Records are to be submitted in writing on an official request form to the Custodian, and must be sufficiently specific as to enable the Custodian to locate the information requested with reasonable effort. The official request form is attached hereto as **Exhibit A** and incorporated herein by this reference, as may be modified from time to time by the District. The District has determined that the use of an official request form is necessary for the efficient handling of Public Records requests.

2. Requests may be submitted by mail, fax, e-mail, or hand-delivery.
3. A request shall be considered made when the request is actually received by the Custodian:
 - a. A letter is received when it is opened in the usual course of business by the recipient or a person authorized to open the recipient's mail;
 - b. A fax is received when it is printed during regular business hours, or, if received after hours, at 8:30 a.m. on the following business day; and
 - c. An e-mail is received when it is received and opened during regular business hours, or, if received after hours, at 8:30 a.m. on the following business day.
4. If a deposit is required, the request is not considered received until the deposit is paid.

D. Inspection.

1. The Custodian or the Custodian's designee shall make the requested Public Records available for inspection during regular business hours, deemed to be from 8:30 a.m. to 4:30 p.m., Monday through Friday, except for times the Custodian's office is closed. During the inspection of Public Records, the Custodian may ask that the requestor follow certain procedures to protect the integrity of the Public Records.
2. If a Public Record is not immediately or readily available for inspection, the Custodian or the Custodian's designee shall make an appointment or other arrangements with the applicant concerning the time at which the requested record will be available. The Public Records shall be made available for inspection within a reasonable time, which is presumed to be three (3) working days or less from the date of receipt of the request. Such three (3) day period may be extended by an additional seven (7) working days if extenuating circumstances, as described in § 24-72-203(3)(b), C.R.S., exist. Responding to applications for inspection of Public Records need not take priority over the previously scheduled work activities of the Custodian or the Custodian's designee.
3. All Public Records to which the request applies shall be preserved from the date of the request until such time as set forth in the District's records maintenance, retention, or deletion policy or practices utilized by the Custodian.
4. No one shall remove a Public Record from the Custodian's offices without the permission of the Custodian. Public Records may be removed from file folders or places of storage for photocopying by the Custodian or the Custodian's designee. The Custodian may allow a person to use his or her own portable electronic equipment to make copies of Public Records.
5. As a general practice, in response to a Public Records request:
 - a. Public Records will be made available for inspection in the format in which they are stored. If the Custodian is unable to produce the Public Record in its stored format for any reason set forth in § 24-72-203(3.5)(b) C.R.S., an alternate format may be produced or a denial issued under § 24-72-204, C.R.S.

b. The person making the request shall not be allowed to access the Custodian's computer or any other computer for purposes of inspecting any Public Records;

c. Any portion of a Public Record containing non-public information that is not subject to inspection may be redacted by the Custodian prior to making the record available for inspection. The Custodian is not required to redact information from a writing that is not a Public Record in order to make the writing available for inspection. *Denver Publishing Co. v. Bd. Of County Comm'rs of the County of Arapahoe*, 121 P.3d 190 (Colo. 2005); *Colorado Republican Party v. Benefield, et al.*, Court of Appeals No. 07CA1216, Oct. 23, 2008 (Unpublished).

d. The Custodian, in consultation with the District's general counsel, will determine which information is no longer considered "work-in-progress" subject to the deliberative process or work product privilege and therefore eligible for release.

e. Altering an existing Public Record, or excising fields of information that the Custodian is either required or permitted to withhold does not constitute the creation of a new Public Record. Section 24-72-203(3.5)(d), C.R.S.

f. Upon request, the Custodian will produce a public record in a format accessible to individuals with disabilities. Section 24-72-203(3.5)(e), C.R.S.

g. A document will not ordinarily be created in order to respond to a request.

6. Where a request seeks in excess of twenty-five (25) electronically-stored Public Records, the following procedure shall apply in responding to such a request:

a. The Custodian shall solicit the comments of the requestor regarding any search terms to be used to locate and extract such records, and, in doing so, will seek to have the request refined so that it does not result in an inordinate number of irrelevant or duplicative documents, it being understood that the Custodian will make the final determination regarding search terms;

b. The Custodian shall designate an employee or another person with experience in performing electronic searches to locate and extract responsive records;

c. The person who is designated to perform the searches shall consult, as appropriate, with legal counsel to identify privileged records that should not be produced; and

d. Where appropriate, legal counsel shall conduct a final review to identify and withhold privileged records.

7. The Custodian or the Custodian's designee shall deny the inspection of the records if such inspection would be contrary to federal or state law or regulation, or would violate a court order. In special circumstances, a Custodian shall deny inspection of the Public Records if such inspection would cause substantial injury to the public interest. Such a denial shall be made in writing by the Custodian to the person making the request and shall set forth with specificity the grounds of the denial. It is not necessary to state a ground for denial of access for each document if a specific ground is applicable to a group of documents.

8. If the Public Records requested are not in the custody or control of the Custodian, the Custodian shall notify the requestor of this fact in writing. In such notification, the Custodian shall state in detail to the best of his/her knowledge and belief the reason for the absence of the Public Records, the location of the Public Records, and what person then has custody or control of the Public Records.

9. All Public Records, regardless of storage format, will be administered in accordance with approved retention schedules. The District reserves the right to adopt the records retention policy that has been promulgated by the Custodian.

E. Fees for All Record Requests.

1. Fees for Standard Reproductions. The Custodian or the Custodian's designee shall charge a fee not to exceed twenty-five cents (\$.25) per page for any photocopies or printed copies of electronic records that are required to make a Public Record available. Other reproductions of Public Records shall be provided at a cost not to exceed the actual cost of the reproduction. Such fees shall be paid by the applicant prior to the receipt of copies of any Public Records. Requests expected to exceed a total charge of ten dollars (\$10.00) or more must be accompanied by a deposit equal to the reasonably-estimated reproduction costs. This deposit will be credited toward the total fee, and the total fee shall be paid prior to release of the requested records. In the event the deposit amount exceeds the actual costs, the balance will be refunded.

2. Transmission Fees. No fees related to transmission shall be charged for transmitting public records via electronic mail. Within the period specified in § 24-72-203, C.R.S., the Custodian shall notify the record requester that a copy of the record is available, but will only be sent to the requester once the custodian receives payment for postage if the copy is transmitted by United States mail, or payment for the cost of delivery if the copy is transmitted other than by United States mail, and payment for any other supplies used in the mailing, delivery, or transmission of the record and for all other costs associated with producing the record. Upon receiving such payment, the custodian shall send the record to the requester as soon as practicable but no more than three business days after receipt of such payment.

3. Fees for Search, Retrieval and Legal Review:

a. In the case of any request requiring more than one (1) hour of time for search, retrieval, supervision of inspection, copying, manipulation, redaction or legal counsel review to identify and withhold privileged records, the Custodian or the Custodian's designee may charge an hourly fee not to exceed the maximum amount allowed under § 24-72-205(6)(a), C.R.S., which can be found at <https://leg.colorado.gov/node/1669596/>. Prior to performing any services necessary to respond to a request, the Custodian or the Custodian's designee shall require the applicant to pay a deposit equal to the reasonably estimated fees that will be charged by the Custodian for such staff time. Before receiving any records, the applicant shall also pay the amount by which the cost of any open records services exceeds the deposit. The Districts shall promptly refund the amount by which the deposit exceeds the cost of any open records services.

b. To the extent possible, the Custodian shall utilize administrative or clerical staff for search and retrieval of Public Records who are ordinarily responsible for such duties to ensure that the fees charged for staff time in connection with the request represent costs

incurred in the ordinary course of business and not extraordinary charges, but in any case, such charges shall be consistent with § 24-72-205(6), C.R.S.

[Remainder of Page Intentionally Left Blank. Signature page follows]

ADOPTED OCTOBER 8, 2024.

DISTRICT:

CASCADE METROPOLITAN DISTRICT NO. 1,
a quasi-municipal corporation and political
subdivision of the State of Colorado

By: _____
Officer of the District

ATTEST:

By: _____

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

Signature Page to Public Records Request Policy

EXHIBIT A
OFFICIAL REQUEST FORM

CASCADE METROPOLITAN DISTRICT NO. 1

Request for Inspection/Copy of Public Records

For Internal Use Only

Date of Request: _____

Time of Request: _____ AM/PM

Applicant Name: _____

Applicant Address: _____

City/State: _____ Zip: _____

Daytime Phone #:() _____ Alt./Cell: () _____

Email: _____

Detailed description of the records requested: (Please use additional sheets if necessary)

Select a preferred format for the materials: Hard Copies _____ Electronic _____ View Hard Copy Only _____

I request the records described and agree to pay all charges incurred in processing this request at or before the time the records are made available. If over \$10, I understand I must provide a deposit to pay for the cost incurred to obtain the records. I understand that the Estimated Charges are estimates only, and that the actual cost may vary. This request will be considered received when this form is complete and received by the Custodian and any required deposit is paid.

Signature: _____ Date: _____

Submit Request Form To:
Walker Schooler District Managers
614 N. Tejon Street
Colorado Springs, Colorado 80903

If the records are available pursuant to §§ 24-72-201, *et seq.*, C.R.S., the records shall be made available for viewing within three (3) working days. The date of receipt is not included in calculating the response date. If extenuating circumstances exist so that the Custodian cannot reasonably gather the records within the three (3)-day period, the Custodian may extend the period by up to seven (7) working days. The requestor shall be notified of the extension within the three (3)-day period. Public records shall be viewed at the District's offices during regular business days at prearranged times.

For Internal Use Only

Estimated Charges

Number of Pages _____ at \$.025/page _____
Postage/Delivery Costs: \$ _____

Research & Retrieval _____ Hours at \$41.37/hr
See § 24-72-205(6), C.R.S. for hourly fee

Research & Retrieval Total: \$ _____

Deposit Required: \$ _____

Total Estimated Costs: \$ _____

Note: Non-standard and special requests will be billed at cost and charged in addition to any other fees.

Administrative Matters

Date Request Completed: _____

Amount Prepaid: \$ _____

Approved: _____ Denied: _____

Balance Due Before Release: \$ _____

Total Amount Paid: \$ _____

If Denied, Provide Reason(s)



**SECOND ADDENDUM TO
AGREEMENT FOR DISTRICT MANAGEMENT AND ACCOUNTING SERVICES
(District Website Management)**

This **SECOND ADDENDUM TO INDEPENDENT CONTRACTOR AGREEMENT** (the “**Second Addendum**”) is entered into the 8th day of October, 2024, by and between Cascade Metropolitan District No. 1, (the “**District**”), a quasi-municipal corporation and political subdivision of the State of Colorado, and **Walker Schooler District Managers**, a/k/a WSDM and p/k/a/ Schooler & Associates, a Colorado limited liability company (the “**Contractor**”), collectively referred to herein as the “**Parties**.”

RECITALS

WHEREAS, the Parties entered into the *Independent Contractor Agreement for District Management and Accounting Services*, dated the 15th day of January, 2015, as amended by that *First Addendum to Independent Contractor Agreement* on July 23, 2015 services (collectively, the “**Agreement**”); and

WHEREAS, the Agreement sets forth the services to be performed under the Agreement and provides a compensation schedule for the performance of such services; and

WHEREAS, the Parties wish to amend the Agreement to include additional services concerning website accessibility in order to remediate the District’s website platform to meet required WCAG 2.1, level AA guidelines, and to appoint the Contractor as the District’s compliance officer (collectively, the “**Additional Services**”); and

WHEREAS, the Contractor is willing to perform the Additional Services noted herein; and

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and value consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties covenant and agree as follows:

AGREEMENT

1. ADDENDUM FOR ADDITIONAL SERVICES. The Contractor and the District hereby supplement, the scope of services as set forth in Exhibit A of the Agreement with the Additional Services set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

2. INDEMNIFICATION. The Contractor and District agree that the Contractor shall defend, indemnify and hold harmless the District and each of its directors, officers, contractors,

employees, agents and consultants, from and against any and all claims, demands, losses, liabilities, actions, lawsuits, damages, and expenses, including legal expenses and attorneys' fees, arising directly or indirectly out of the errors or omissions, negligence, willful misconduct, or any criminal or tortious act or omission of the Contractor or any of its subcontractors, officers, agents or employees in connection with these Additional Services. The Contractor is not obligated to indemnify the District for the District's own negligence. This indemnification obligation will not be limited in any way by any limitation on the amount or types of damages, compensation or benefits payable by or for the Contractor under worker's compensation acts, disability acts or other employee benefit acts. Such indemnity shall survive the expiration or termination of this Agreement. To the extent the District is or may be obligated to indemnify, defend, or hold Contractor harmless under the terms of the Agreement, any such indemnification obligation shall arise only to the extent permitted by applicable law. This indemnification language supersedes any indemnification language in the Agreement as it pertains to the Additional Services.

3. PRIOR PROVISIONS EFFECTIVE. Except as expressly modified by this Second Addendum, all terms and provisions of the Agreement shall remain in full force and effect.

4. COUNTERPART EXECUTION. This Second Addendum may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. Executed copies of this Second Addendum may be delivered by facsimile or email of a PDF document, and, upon receipt, shall be deemed originals and binding upon the signatories to this Second Addendum.

[Remainder of Page Intentionally Left Blank. Signature Page Follows.]

IN WITNESS WHEREOF, the Parties have executed this Second Addendum as of the date set forth above. By the signature of its representative below, each Party affirms that it has taken all necessary action to authorize said representative to execute this Second Addendum.

DISTRICTS:
CASCADE METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and political subdivision of the State of Colorado

Officer of the District

Attest

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

District's Signature Page to Second Addendum to the Independent Contractor Agreement (District Website Management) with WSDM, dated October 8, 2024

CONTRACTOR:

WSDM, a Colorado limited liability company

Printed Name

Title

*Contractor's Signature Page to Second Addendum to the Independent Contractor Agreement
(District Website Management) with Cascade Metropolitan District No. 1, dated October 8,
2024*

EXHIBIT A
ADDITIONAL SERVICES

1) Website Platform and Digital Content Remediation. The Contractor shall maintain the District’s website and documents provided on the website (collectively, the “Website Platform”) in compliance with the Colorado Governor’s Office of Information Technology “Rules Establishing Technology Accessibility Standards: 8 CCR 1501-11” (The “Accessibility Rules”), as amended. Services include:

- Propose and implement, or cause to be implemented, alterations to the District’s website template, page and navigation structure, number of pages, content and design, and any other element necessary to bring the Website Platform into compliance with the Accessibility Rules.
- Ensure the District’s accessibility statement and at least two contact methods that are not both reliant on web accessibility are posted to the District’s website.
- Collaborate with the District’s legal counsel on best practices for updating website content while maintaining compliance.
- Monitor and improve accessibility through automated scans, identification of non-conforming website elements, and prepare reports of the same quarterly or as frequently as the District requires.
- Remediate, or cause to be remediated, non-conforming webpage elements and existing digital content in a timely manner, as determined by the District’s board of directors.
- Remediate, or cause to be remediated, all digital content, including but not limited to Word, PDF, PowerPoint, Excel, videos, audio, and any other digital content prior to posting on the District’s website.

2) Compliance Officer. The Contractor agrees to be the District’s Compliance Officer as defined by the Resolution Adopting a Digital Accessibility Policy and Designating a Compliance Officer, dated June 6, 2024. Services include:

- Collaborate with the District’s legal counsel to implement the District’s digital accessibility plan.
- Respond to requests for inaccessible web pages and digital content and provide accommodations and modifications pursuant to the District’s digital accessibility plan.
- Collaborate with the District’s legal counsel to develop and post an accessibility statement to the District’s website.
- Complete, or cause to be completed, an inventory of all digital content on the website.
- Review current compliance level status, monitor progress of remediation, and prepare a report of the same quarterly or as frequently as the District requires for legal counsel review.

- Facilitate the remediation of the website and all digital content, including but not limited to Word, PDF, PowerPoint, Excel, videos, audio, and any other digital content on and posted to the Website Platform.