

[This Hybrid Meeting Held in Person and via Zoom: CLICK HERE TO ATTEND](#)

How the District Works Presentation – 12:45 – 1:00 pm

- 1. Call to Order and Pledge of Allegiance – 1:00 pm**
- 2. Introductions**
 - a. Visitors/Guests
 - b. Awards/Recognitions
 - i. Bao Chongtoua – Professional Manager of the Year – Water Resources
 - ii. Merit Award for 2021 Colorado Chapter of American Society of Landscape Architects – River Run
- 3. Roll Call – Determination of Quorum**
- 4. Approval of August 19, 2021 Meeting Minutes**

(If there are no corrections “Minutes stand approved”, or with corrections “Minutes stand approved as corrected”)
- 5. Committee Reports**
 - a. Executive Committee
 - b. Audit & Finance Committee
- 6. Public Hearing**
 - a. 2022 Budget
 - b. 2021 – 2025 Five-Year Capital Improvement Plan (CIP)
 - c. Adoption of Floodplain Map – Plum Creek, East Plum Creek, West Plum Creek, Sulphur Gulch, and Third Creek (Upper)
- 7. Presentation Agenda**

(Each resolution will, after introduction and presentation from District staff, be placed on the Consent Agenda unless a request is made by a Board Member for action upon the resolution separately)

 - a. Certification of Tax Levy
(Resolution No. 75, Series of 2021)
 - b. Adoption of 2022 Budget
(Resolution No. 76, Series of 2021)
 - c. Appropriation of Funds for 2022
(Resolution No. 77, Series of 2021)
 - d. Adoption of 2022 Work Program and Authorization of Expenditures
(Resolution No. 78, Series of 2021)
 - e. Adoption of Five-Year Capital Improvement Plan (CIP) 2021 – 2025
(Resolution No. 79, Series of 2021)
 - f. Modifications to Bylaws and Rules of Procedure
(Resolution No. 80, Series of 2021)
 - g. Authorization to Lobby the Colorado State Legislature to Modify 32-11-204 CRS: Regular Appointments
(Resolution No. 81, Series of 2021)
 - h. Authorization to Agree in Writing to Accept the Use of Property Tax Increment Financing for the Proposed Fox Park Urban Redevelopment Area
(Resolution No. 82, Series of 2021)

- i. Adoption of Floodplain Maps for Plum Creek, East Plum Creek, West Plum Creek, Sulphur Gulch, and Third Creek (Upper)
(Resolution No. 83, Series of 2021)

8. Consent Agenda

(Consent items are considered routine and will be approved by one motion unless a request is made by a Board Member for removal of a specific resolution for a presentation by District staff or discussion)

- a. Review of Cash Disbursements
- b. Additional Authorization to Participate in Drainage and Flood Control Improvements on Coal Creek from 2nd Avenue to McCaslin Boulevard, Town of Superior, Boulder County
(Resolution No. 84, Series of 2021)
- c. Additional Authorization to Participate in Drainage and Flood Control Improvements on South Boulder Creek Upstream of US Highway 36, City of Boulder, Boulder County
(Resolution No. 85, Series of 2021)

9. Vote on Approval of the Consent Agenda

(Motion and roll call vote required)

10. Other Business

- a. Call for Volunteers: Nominating Committee for 2022 Officers
- b. Call for Volunteers: 2022 Legislative Committee

11. Reports/Discussions

- a. Executive Director's Report

12. Executive Session

- a. Executive Committee Report of Executive Director's Annual Review
(Pursuant to 24-6-402(4)(f)(1) CRS)
- b. Update on search for New Executive Director

13. Announcements

- a. Next Meeting: **Thursday, November 18, 2021**

14. Adjournment



This Meeting Was Held via Hybrid In-Person and Video Conference

Board Members Present:

Lynn Baca	Commissioner, Adams County (<i>virtual attendee</i>)
Françoise Bergan	Mayor Pro Tem, City of Aurora (<i>virtual attendee</i>)
Guyleen Castriotta	Mayor, City/County of Broomfield (<i>virtual attendee</i>)
Matt Jones	Commissioner, Boulder County (<i>virtual attendee</i>)
Junie Joseph	Mayor Pro Tem, City of Boulder (<i>virtual attendee</i>)
Tracy Kraft-Tharp	Commissioner, Jefferson County (<i>virtual attendee</i>)
Jan Kulmann	Mayor, City of Thornton (<i>virtual attendee</i>)
Meredith Leighty	Mayor, City of Northglenn
Adam Paul	Mayor, City of Lakewood
Stephanie Piko	Mayor, City of Centennial
Anita Seitz	Mayor, City of Westminster
Dave Sellards	Engineer
Ashley Stolzmann	Mayor, City of Louisville
Jerry Valdes	Mayor, City of Littleton (<i>virtual attendee</i>)
Marc Williams	Mayor, City of Arvada (<i>virtual attendee</i>)

Board Members Absent:

Jolon Clark	Council Member, City/County of Denver
Stacie Gilmore	Council President, City/County of Denver
Mark Hunter	Engineer
Paul Kashmann	Council Member, City/County of Denver
Murphy Robinson	Deputy Mayor, City/County of Denver
Nancy Sharpe	Commissioner, Arapahoe County
Bud Starker	Mayor, City of Wheat Ridge
Lora Thomas	Commissioner, Douglas County

MHFD Staff Present:

Ken MacKenzie	Executive Director
Jeff Battiste	Staff Engineer
David Bennetts	Government Relations Manager
Ritzwi Chapagain	Student Intern
Margaret Corkery	Sr. Administrative Assistant
David Crooks	Student Intern
Sara DeGroot	Project Manager
Amelia Deleon	Human Resources Director
Katie Evers	GIS Administrator
Colin Haggerty	Watershed Manager
Dan Hill	Watershed Manager
Laura Hinds	Project Engineer
Hung-Teng Ho	Hydraulic Modeler
Bryan Kohlenberg	Watershed Manager
Laura Kroeger	Engineering Director
Chad Kudym	IT Director
Morgan Lynch	Watershed Manager
Kelsey Mehan	Office Coordinator
Jon Orozco	GIS Analyst
Charlie Pajares	Project Engineer

Ellie Paulsen	Administrative Assistant
Teresa Patterson	Watershed Manager
Holly Piza	Engineering Services Manager
Drew Roberts	Staff Engineer
Wanda Salazar	Accountant
Terri Schafer	Finance & Accounting Director
Derrick Schauer	Network Administrator
Brooke Seymour	Watershed Manager
Brenna Shuttleworth	Student Intern
Dave Skuodas	Watershed Manager
Jason Stawski	Senior Construction Manager
Josie Steffens	Student Intern
Kevin Stewart	Flood Warning & Information Services Manager
Stacey Thompson	Floodplain Manager
Pieter Van Leeuwen	Student Intern
Jon Villines	Watershed Manager
Jim Watt	Watershed Manager
Joe Williams	Senior Construction Manager
Brik Zivkovich	Staff Engineer

Others Present:

Lukasz Dubaj	Mortenson
Andrew Hawthorne	City of Westminster
Jim Kaiser	City of Thornton
Ed Krisor	Legal Counsel
David Rausch	Adams County
Melanie Walter	City of Westminster

How the District Works:

Mrs. Laura Kroeger gave a presentation on the MHFD Work Plan process.

1. Call to Order and Pledge of Allegiance – 1:00 pm

Mayor Adam Paul called the meeting to order at 1:00 pm.

2. Introductions

a. Visitors/Guests

Mr. Ken MacKenzie introduced Jim Kaiser with the City of Thornton, David Rausch with Adams County, and Andrew Hawthorne and Melanie Walter with the City of Westminster.

3. Roll Call – Determination of Quorum

Roll was called and a quorum was declared present.

4. Committee Reports

a. Executive Committee

The Executive Committee met on Thursday, August 5, 2021 at 1:00 pm to discuss the following topics:

- Update to the MHFD Bylaws
- Douglas County representation on the Board
- Personnel Matter

Mayor Paul noted that there would be more discussion on all three topics later in the meeting.

5. Approval of May 20, 2021 Meeting Minutes

(If there are no corrections “Minutes stand approved”, or with corrections “Minutes stand approved as corrected”)

Mayor Paul asked if there were any corrections to the May 20, 2021 minutes. Hearing none, the minutes were approved as submitted.

6. **The following public hearing has been rescheduled and will be held at the September 16th Board Meeting:**

a. **Adoption of Floodplain Map - Plum Creek and Sulphur Gulch***

**It was later identified that the public hearing would take place at the October 21st Board Meeting.*

7. **Presentation Agenda**

(Each resolution will, after introduction and presentation from District staff, be placed on the Consent Agenda unless a request is made by a Board Member for action upon the resolution separately.)

a. **Acceptance of Flood Hazard Area Delineation Report for Weaver Creek (Resolution No. 64, Series of 2021)**

Resolution No. 56, Series of 2015 authorized the Work Plan for 2016 which included flood hazard area delineations (FHAD). The Weaver Creek FHAD was developed in conjunction with the Weaver Creek Major Drainageway Plan, which was authorized by Resolution No. 64 of 2015, and accepted with Resolution No. 15 of 2018. The District funded the FHAD fully, but partnered with the City of Lakewood and Jefferson County to prepare the study. Olsson was selected to perform the study. Weaver Creek is a right-bank tributary to Bear Creek, draining a watershed that is 7.2 square miles in area. The effective floodplain map is based on the delineation produced in the "Flood Hazard Area Delineation of Weaver Creek," (Leonard Rice, 1981) along with any Letters of Map Change that have occurred since that time. This study updated the delineation using the latest topography, more detailed survey information, and the most up-to-date hydraulic modeling software. There are 17 insurable structures within the newly mapped high hazard area, which is less than the 92 structures identified on the current FEMA maps.

Resolution No. 64 accepts the FHAD report for Weaver Creek. Upon acceptance, the report will be submitted to the Colorado Water Conservation Board (CWCB) for designation and approval. At that point, the City of Lakewood and Jefferson County will be able to regulate to the new floodplains.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 64 on the Consent Agenda.

b. **Acceptance of Flood Hazard Area Delineation Report of Niver Creek, Tributary L and Tributary M (Resolution No. 65, Series of 2021)**

Resolution No. 53, Series of 2013 authorized the Work Plan for 2014 which included FHAD's. The Niver Creek, Tributary L, and Tributary M FHAD was developed in conjunction with the "Niver Creek and Tributaries Major Drainageway Plan," which was authorized by Resolution No. 33 of 2014, and accepted with Resolution No. 73 of 2016. The District funded the FHAD fully, but partnered with the City of Thornton, the City of Federal Heights, and Adams County to prepare the study. Jacobs was selected to perform the study. Niver Creek is a left-bank tributary to the South Platte River, draining a watershed that is 6.7 square miles in area including Tributary L and Tributary M. The effective floodplain map is based on the delineation produced in the "Water and Drainage at Niver Creek Phase B Report," (ECI, 1974) along with any Letters of Map Change that have occurred since that time. This study updated the delineation using the latest topography, more detailed survey information, and the most up-to-date hydraulic modeling software. There are 304 insurable structures within the newly mapped high hazard area, which is more than the 212 structures identified on the current FEMA maps.

Resolution No. 65 accepts the FHAD report for Niver Creek, Tributary L, and Tributary M. Upon acceptance, the report will be submitted to the CWCB for designation and approval. At that point, the City of Thornton, the City of Federal Heights, and Adams County will be able to regulate to the new floodplains.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 65 on the Consent Agenda.

c. **Authorization to Participate in Drainage and Flood Control Improvements on Third Creek from O'Brian Canal to Buckley Road, Commerce City, Adams County (Resolution No. 66, Series of 2021)**

Commerce City and the District cooperated in the preparation of "Third Creek Major Drainageway Plan," dated November 2018; which recommends improvements on Third Creek from the O'Brian Canal to Buckley Road. SWIG Cutler JV is developing the area along Third Creek from O'Brian Canal to Buckley

Road in Commerce City. The development is called Cutler Farms and consists of approximately 176 acres. The site is being developed for residential and commercial use. Commerce City, as part of their land development approval process, requires the master planned improvements to be implemented. The improvements include Third Creek from O'Brian Canal to Buckley Road. Commerce City and SWIG Cutler JV have requested that the District manage the design and construction of improvements required by Commerce City as a result of a development in lieu of SWIG Cutler JV designing and constructing those improvements along Third Creek from O'Brian Canal to Buckley Road. Preliminary project costs are estimated to be \$3,000,000.

Resolution No. 66 authorizes the District to collect funds from SWIG Cutler JV into the Development Services Enterprise for the design and construction of the drainage elements of the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 66 on the Consent Agenda.

d. Authorization to Participate in Drainage and Flood Control Improvements on Ralston Creek at Ward Road, City of Arvada, Jefferson County (Resolution No. 67, Series of 2021)

This is a joint project with the City of Arvada. The City of Arvada desires to design, acquire right-of-way, and construct improvements along Ralston Creek at Ward Road in accordance with the "Ralston / Leyden Creek Major Drainageway Plan," dated September 1977. The project includes improvements to Ralston Creek from Danny Kendrick Park West to Danny Kendrick Park East. Easement and right-of-way acquisition will be included in the project costs. The District will be administering the design once a consulting engineering firm is selected. The District and the City of Arvada desire to construct the improvements which will be managed by the District. Construction is anticipated in 2023. The District and the City of Arvada have identified \$1,300,000 in initial project costs for the design, right-of-way acquisition, and partial funding of construction with the District's participation being \$650,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future.

Resolution No. 67 authorizes \$650,000 of District funds from the Special Revenue Fund – Construction to be at least matched by the City of Arvada for the design, acquisition of right-of-way, and construction of the drainage elements of the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 67 on the Consent Agenda.

e. Authorization to Participate in Drainage and Flood Control Improvements on Dry Gulch from Yale Avenue to University Boulevard, City of Englewood, Arapahoe County (Resolution No. 68, Series of 2021)

This is a joint project with the City of Englewood. The City of Englewood desires to design, acquire right-of-way, and construct improvements along Dry Gulch from Yale Avenue to University Boulevard in accordance with the "Harvard Gulch and Dry Gulch Major Drainageway Plan," dated December 2016. The project includes improvements to Dry Gulch from Yale Avenue to University Boulevard. The initial phase of the project will involve revisiting the flood control recommendations for the Dry Gulch tributary to Harvard Gulch within the City of Englewood and developing a preliminary design for the recommended improvements (or developing/advancing potential alternatives, as necessary). Easement and right-of-way acquisition will be included in the project costs. The District will be administering the design once a consulting engineering firm is selected. The District and the City of Englewood desire to construct the improvements which will be managed by the District. Construction is anticipated in 2023. The District and the City of Englewood have identified \$200,000 in initial project costs for the design, right-of-way acquisition, and partial funding of construction with the District's participation being \$100,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future.

Resolution No. 68 authorizes \$100,000 of District funds from the Special Revenue Fund – Construction to be at least matched by the City of Englewood for the design, acquisition of right-of-way, and construction of the drainage elements of the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 68 on the Consent Agenda.

f. Authorization to Participate in Drainage and Flood Control Improvements on South Englewood Basin, City of Englewood, Arapahoe County (Resolution No. 69, Series of 2021)

This is a joint project with the City of Englewood. The City of Englewood desires to design, acquire right-of-way, and construct improvements along South Englewood Basin in accordance with the ongoing "City of Englewood Major Drainageway Plan." The project includes improvements to the South Englewood Basin. Due to the tragic flooding in 2018 that resulted in the death of a young woman, along with longstanding flooding issues in the watershed, the City of Englewood desires to construct flood control improvements in the South Englewood Basin to enhance undersized minor and major storm sewer infrastructure to help protect life and property. Enhancements, which are currently being studied as part of the "City of Englewood Major Drainageway Plan," could include converting piped major drainageways to open channel, increasing storm sewer capacity, increasing inlet capacity, providing or expanding detention, acquiring flood-prone properties, a combination of these options, or other alternatives not yet considered. Easement and right-of-way acquisition will be included in the project costs. The District will be administering the design once a consulting engineering firm is selected. The District and the City of Englewood desire to construct the improvements which will be managed by the District. Construction is anticipated in 2024. The District and the City of Englewood have identified \$1,450,000 in initial project costs for the design, right-of-way acquisition, and partial funding of construction with the District's participation being \$725,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future.

Resolution No. 69 authorizes \$725,000 of District funds from the Special Revenue Fund – Construction to be at least matched by the City of Englewood for the design, acquisition of right-of-way, and construction of the drainage elements of the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 69 on the Consent Agenda.

g. Authorization to Participate in Drainage and Flood Control Improvements on Boulder Creek at 95th Street, Boulder County (Resolution No. 70, Series of 2021)

This is a joint project with Boulder County. Boulder County desires to design, acquire right-of-way, and construct improvements along Boulder Creek at 95th Street in accordance with the "Boulder Creek Restoration Master Plan," dated December 2015. The project includes improvements to Boulder Creek at 95th Street. The goal of the improvements will be to add additional capacity for minor flood flows to pass under 95th Street, while also incorporating improvements to the 95th Street corridor to add resiliency to the roadway. These resiliency improvements will allow major storm events to overtop the roadway with minor long-term impacts. The project will work very closely with the City of Boulder to mitigate impacts and improve riparian corridors on open space adjacent to the roadway. Easement and right-of-way acquisition will be included in the project costs. Boulder County is administering the design with J-U-B Engineers and Anderson Consulting Engineers. Boulder County and the District have identified \$300,000 in initial project costs for the design, right-of-way acquisition, and partial funding of construction with the District's participation being \$150,000 in 2021 funds. It is anticipated that additional funds may be required for this project in the future.

Resolution No. 70 authorizes \$150,000 of District funds from the Special Revenue Fund – Construction to be at least matched by Boulder County for the design, acquisition of right-of-way, and construction of the drainage elements of the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 70 on the Consent Agenda.

h. Authorization to Participate in Drainage and Flood Control Improvements on Cherry Creek at Arapahoe Road, City of Aurora, Arapahoe County (Resolution No. 71, Series of 2021)

This is a joint project with the City of Aurora, Southeast Metro Stormwater Authority (SEMSWA), and the Cherry Creek Basin Water Quality Authority (CCBWQA). The City of Aurora, SEMSWA, and CCBWQA desire to design, acquire right-of-way, and construct improvements along Cherry Creek in accordance with the "Cherry Creek Corridor – Reservoir to Scott Road Major Drainageway Plan," dated 2004. The project includes improvements to Cherry Creek at Arapahoe Road. The District will be administering the design once a consulting engineering firm is selected. The District, the City of Aurora, SEMSWA, and CCBWQA desire to construct the improvements which will be managed by the District. Construction is anticipated to begin in late 2022. The District, the City of Aurora, SEMSWA, and CCBWQA have identified \$540,000 in initial project costs for the design and partial funding of construction with the District's participation being \$100,000 in 2021 funds. It is anticipated that additional funds will be required for this project in the future. Funds in amount of \$115,276.50 will also be transferred from an existing project that funded prior phases to this new effort.

Resolution No. 71 authorizes \$100,000 of additional District funds from the Special Revenue Fund – Construction along with the transfer of \$115,276.50 District funds from the Cherry Creek at Arapahoe Road project to be at least matched by the City of Aurora, SEMSWA, and CCBWQA for the design, acquisition of right-of-way, and construction of the drainage elements of the project.

There being no further comments or questions, it was the consensus of the Board to place Resolution No. 71 on the Consent Agenda.

8. Consent Agenda

Mr. MacKenzie briefly described each of the following agenda items on the Consent Agenda, and asked the Board if they had any questions regarding any of the items. There were no further comments or questions.

a. Review of Cash Disbursements

The Cash Disbursement list, dated May, June, July, and August 2021, has been distributed to the Board for review.

b. Additional Authorization to Participate in Drainage and Flood Control Improvements on Clear Creek at Burlington Northern Santa Fe (BNSF) Railway Crossing Between Pecos Street and Federal Boulevard, Adams County (Resolution No. 72, Series of 2021)

c. Additional Authorization to Participate in Drainage and Flood Control Improvements on Niver Creek Tributary M from Thornton Parkway to Huron Street, City of Thornton, Adams County (Resolution No. 73, Series of 2021)

d. Additional Authorization to Participate in Drainage and Flood Control Improvements on Coal Creek at Centaur Village, City of Lafayette, Boulder County (Resolution No. 74, Series of 2021)

9. Vote on Approval of the Consent Agenda

(Motion and roll call vote required)

Mayor Stephanie Piko moved and Mayor Meredith Leighty seconded the motion to adopt the Consent Agenda. Upon a roll call vote, the motion was passed unanimously.

10. Reports/Discussions

a. Executive Director's Report

Budget Summary

Mr. MacKenzie provided the Board with an update on the District's budget to date, which included a chart depicting total expenditures versus actual budget as of July 31st, 2021. Mr. MacKenzie noted that the District has collected about \$76.5M of the budgeted \$113M in revenue. The District has earned \$387,000 on investments so far this year in money market accounts, government pools, treasury and agency notes, and certificates of deposit.

Annual Symposium

The District's annual symposium took place on July 21st with over 400 attendees from both the public and private sectors. Special thanks to Mayor Paul for opening the Symposium and Deputy Mayor Murphy Robinson for introducing the Five Points Youth Ambassadors, a program we are proud to support at the District. Mr. Dave Sellards and Mayor Ashley Stolzmann were also in attendance representing our board and we are very grateful for the support.

Proposed Changes to MHFD Bylaws

A draft Bylaws resolution was sent to the Board on August 10th for review and comment. In addition to minor clean-up, edits include:

- Proposed change to Board Officer Term limits: Extend limits to two 1-year terms in succession in the same office.
- Proposed change to Nominating Committee Structure: Remove requirement for outgoing Chair to serve on this committee. Nominating committee members are disqualified from being nominated.
- Other house-keeping changes include updating the Annual Meeting reference and the Secretary duties.

A redline draft of the bylaws was emailed to each of the Directors on August 10th. There were no comments received from the board from either the review email or during the Board Meeting. Mr. MacKenzie will present this to the board at the next Board Meeting in the form of a resolution.

Proposed New State Legislation

Upon Commissioner Lora Thomas request, Mr. MacKenzie proposes that the District pursue a legislative act that would provide Douglas County representation on the MHFD board equal to Adams, Arapahoe, Boulder, and Jefferson County. As city-counties, Broomfield and Denver have specific statutory appointments. Adams, Arapahoe, Boulder, and Jefferson Counties are treated equally with regard to large and small municipal representation, but Douglas County was not afforded small municipal representation opportunity when the legislation was originally passed in 1969. It is assumed this was an acknowledgement of the rural and agrarian nature of northern Douglas County at that time. Today, Douglas County provides 8% of the District's property tax revenue.

Mr. MacKenzie will present this to the board at the next Board Meeting in the form of a resolution.

Colorado Water Quality Control Commission (CWQCC) Update

Adams County Commissioner Lynn Baca was made aware of CWQCC's proposed change to Colorado's anti-degradation rule, Section 31.8(2)(b)(ii). The proposed change related to how stream standards are established.

Mrs. Holly Piza, MHFD water quality subject-matter expert, gave a brief presentation about the role of CWQCC with regard to water policy and the triennial review process of Water Quality Regulations. The presentation included an understanding of:

- Regulation 31;
- How stream standards are established; and
- Antidegradation

Mrs. Piza concluded that the end-result of the rulemaking was that the current discretionary provision remain as is and Section 31.8(2)(b)(ii) will be sunset on December 31, 2031.

Images and Videos of MHFD Infrastructure at Work

In lieu of a project highlight, Mr. MacKenzie showed imagery of MHFD infrastructure functioning during high flow conditions during the June 25th storm event.

11. Executive Session

a. Personnel Matter - [24-6-402(4)(f)(I) CRS]

Mayor Stephanie Piko, at 2:15 pm, moved to go into executive session to discuss a personnel matter. The motion was seconded by Mayor Anita Seitz and the motion passed unanimously. The executive session was closed at 2:52 pm.

12. Announcements

a. **Next Meeting: Thursday, September 16, 2021 (Hybrid Meeting)***

13. Adjournment

Mayor Paul adjourned the meeting at 2:52 pm.

The September Board Meeting has been cancelled; the next meeting will take place on **Thursday, October 21, 2021.*

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 75, SERIES OF 2021
(Certification of Tax Levy)

WHEREAS, authority for the Board of Directors to levy and cause to be collected taxes on and against all taxable property within the District by certifying to the body having authority to levy taxes within each county wherein the District has any territory, the rate so fixed with directions that such body having authority to levy taxes shall levy such taxes upon the assessed valuation of all taxable property within the District in addition to such other taxes as may be levied by such body as contained in 32-11-217(1)(c)(I) and (I.5) CRS; and

WHEREAS, the net assessed valuation of all property subject to taxation for the year 2022 for all territories within the District and the individual totals for each county wherein the District has territory are estimated to be as follows:

County	Assessed Valuation
Adams	\$9,108,762,850
Arapahoe	\$12,963,779,618
Boulder	\$6,939,927,488
Broomfield	\$1,695,134,347
Denver	\$21,850,000,338
Douglas	\$6,083,715,031
Jefferson	\$10,595,256,625
Main Mill Levy Service Area Total	\$69,236,576,297
South Platte River Mill Levy Service Area Total (excludes Boulder and Broomfield Counties)	\$60,601,514,462

WHEREAS, authority for the Board of Directors to levy a rate not in excess of one mill for those portions of Adams, Arapahoe, Denver, Douglas, and Jefferson counties lying within the District is contained in 32-11-217(1)(c)(I) and 32-11-217(1)(c)(I.5) CRS, with the further provision that one-tenth of a mill shall be used for engineering and operations of the District; four-tenths of a mill shall be used for capital construction; four-tenths of a mill shall be used for maintenance and preservation of floodways and floodplains; and one-tenth of a mill shall be used for the maintenance of and improvements on that portion of the South Platte River and its tributaries, which lie within the District; and

WHEREAS, authority for the Board of Directors to levy a rate not in excess of nine-tenths of a mill for that portion of Boulder County and the City and County of Broomfield lying within the District is contained in 32-11-217(1)(c)(I) CRS, with the further provision that one-tenth of a mill shall be used for engineering and operations of the District, four-tenths of a mill shall be used for capital construction, and four-tenths of a mill shall be used for maintenance and preservation of floodways and floodplains.

IN ADDITION:

WHEREAS, the District, for the fiscal year 2022 (2021 taxes are collected in 2022; hereinafter referred to as "fiscal year 2022"), has determined to levy 1.000 mill on all taxable property within the District in the counties of Adams, Arapahoe, Denver, Douglas, and Jefferson and levy 0.900 mill on all taxable property within the District in the County of Boulder and the City and County of Broomfield.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the District does hereby adopt the following:

SECTION 1: In Adams, Arapahoe, Denver, Douglas, and Jefferson Counties, the levy of taxes by the District shall be set at the net rate of 1.000 mill (see Exhibit A) on and against all taxable property within the District subject to taxation for the year 2021.

SECTION 2: In Boulder and Broomfield Counties, the levy of taxes by the District shall be set at the net rate of 0.900 mill (see Exhibit B) on and against all taxable property within the District subject to taxation for the year 2021.

SECTION 3: These levies shall be certified to the body having authority to levy taxes within each county wherein the District has any territory, to wit: the City Council of the City and County of Denver, the City Council of the City and County of Broomfield, and the separate Boards of County Commissioners of Adams, Arapahoe, Boulder, Douglas, and Jefferson Counties.

SECTION 4: The person whom the Board of Directors authorizes to receive the funds collected by the separate counties within the District shall be the Executive Director.

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT d/b/a
MILE HIGH FLOOD DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 75, SERIES OF 2021
(Certification of Tax Levy)

Exhibit A

2022 Mill levy for Adams, Arapahoe, Denver, Douglas, and Jefferson Counties:

MHFD Mill Levy	Gross Mill Levy	Temporary Mill Levy Reduction	Net Mill Levy
Main Mill Levy	0.900	0.000	0.900
South Platte River Mill Levy	0.100	0.000	0.100
TOTAL	1.000	0.000	1.000

Net Mill Levy is 1.000 Mill

Exhibit B

2022 Mill levy for Boulder and Broomfield Counties:

MHFD Mill Levy	Gross Mill Levy	Temporary Mill Levy Reduction	Net Mill Levy
Main Mill Levy	0.900	0.000	0.900
South Platte River Mill Levy	0.000	0.000	0.000
TOTAL	0.900	0.000	0.900

Net Mill Levy is 0.900 Mill

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 76, SERIES OF 2021
(Adoption of 2022 Budget)

WHEREAS, budgets for the following funds have been considered by the Board of Directors of the Mile High Flood District:

- I. General Fund
- II. Special Revenue Fund – Construction
- III. Special Revenue Fund – Maintenance
- IV. Special Revenue Fund – South Platte River
- V. Development Services Enterprise

WHEREAS, the Board of Directors of the Mile High Flood District considers all unreserved fund balances as of January 1, 2022 and December 31, 2022 to be “reserves” for future operations or capital replacement as defined in Section 20 of Article X of the Constitution of the State of Colorado; and

WHEREAS, the District scheduled a public hearing for October 21, 2021 and published notice of same; and

WHEREAS, said hearing has been held as provided by law.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Mile High Flood District approves and adopts the following budgets for Fiscal (Calendar) Year 2022 as hereinafter set forth.

I. GENERAL FUND

A. FUND BALANCE: 1/1/2022	
- Restricted - TABOR Emergency Reserve	313,900
- Committed - Future Base of Operations Reserve	2,000,000
- Reserve for Future Operations	2,108,727
B. REVENUE:	
- Taxes	10,367,746
- Investment Interest	15,000
- Seminars and Conferences	25,000
Total Revenue	10,407,746
C. TRANSFERS FROM OTHER FUNDS	-
D. TOTAL FUNDS AVAILABLE:	12,716,473
E. EXPENDITURES:	
- Salaries and Services	8,358,915
- Operating Costs	1,701,000
Total Expenditures	10,059,915
F. TRANSFERS TO OTHER FUNDS	-
G. TRANSFERS TO BASE OF OPERATIONS RESERVE	2,000,000
H. TRANSFERS TO TABOR EMERGENCY RESERVE	(1,700)

I. FUND BALANCE: 12/31/2022

- Committed - Future Base of Operations Reserve	4,000,000
- Restricted - TABOR Emergency Reserve	312,200
- Reserve for Future Operations	458,258

II. SPECIAL REVENUE FUND: CONSTRUCTION

A. FUND BALANCE: 1/1/2022

- Restricted - TABOR Emergency Reserve	755,300
- Reserve for Future Operations	659,545

B. REVENUE:

- Taxes	27,117,982
- Investment Interest	54,000

Total Revenues 27,171,982

C. TRANSFERS FROM OTHER FUNDS

-

D. TOTAL FUNDS AVAILABLE:

27,831,527

E. EXPENDITURES:

- Operating Costs	367,000
- Drainage Master Plans	1,240,000
- Floodplain Management Activities	1,370,000
- Construction Projects	24,760,000

Total Expenditures 27,737,000

F. TRANSFERS TO OTHER FUNDS

-

G. TRANSFERS TO TABOR EMERGENCY RESERVE

59,800

H. FUND BALANCE: 12/31/2022

- Restricted - TABOR Emergency Reserve	815,100
- Reserve for Future Operations	34,727

III. SPECIAL REVENUE FUND: MAINTENANCE

A. FUND BALANCE: 1/1/2022

- Restricted - TABOR Emergency Reserve	755,100
- Restricted - Floodplain Preservation Reserve	2,000,000
- Reserve for Future Operations	2,775,510

B. REVENUES:

- Taxes	27,117,982
- Investment Interest	54,000

Total Revenues 27,171,982

C. TRANSFERS FROM OTHER FUNDS

-

D. TOTAL FUNDS AVAILABLE:

31,947,492

E. EXPENDITURES:	
- Operating Costs	367,000
- Operations and Development Projects	3,000,000
- Flood Warning and Information Services Projects	1,200,000
- Stream Management Projects	22,128,000
- Floodplain Preservation Projects	2,000,000
Total Expenditures	<u>28,695,000</u>

F. TRANSFERS TO OTHER FUNDS -

G. TRANSFERS TO FLOODPLAIN PRESERVATION RESERVE 2,000,000

H. TRANSFERS TO TABOR EMERGENCY RESERVE 60,000

I. FUND BALANCE: 12/31/2022	
- Restricted - Floodplain Preservation Reserve	2,000,000
- Restricted - TABOR Emergency Reserve	815,100
- Reserve for Future Operations	1,192,492

IV. SPECIAL REVENUE FUND: SOUTH PLATTE RIVER

A. FUND BALANCE: 1/1/2022	
- Restricted - TABOR Emergency Reserve	187,500
- Reserve for Future Operations	205,212

B. REVENUE:	
- Taxes	6,605,630
- Investment Interest	11,000
Total Revenues	<u>6,616,630</u>

C. TRANSFERS FROM OTHER FUNDS -

D. TOTAL FUNDS AVAILABLE: 6,821,842

E. EXPENDITURES:	
- Operating Costs	85,000
- Construction and Maintenance Projects	6,270,000
Total Expenditures	<u>6,355,000</u>

F. TRANSFERS TO TABOR EMERGENCY RESERVE 11,000

G. TRANSFERS TO OTHER FUNDS (GENERAL) -

H. FUND BALANCE: 12/31/2022	
- Restricted - TABOR Emergency Reserve	198,500
- Reserve for Future Operations	455,842

V. DEVELOPMENT SERVICES ENTERPRISE

A. FUND BALANCE: 1/1/2022

- Reserved for Future Operations 524,008

B. REVENUE:

- Voluntary Developer Fees 20,000,000

- Administrative Fees 200,000

Total Revenues 20,200,000

C. TOTAL FUNDS AVAILABLE:

20,724,008

D. EXPENDITURES:

- Design and Construction of Regional Infrastructure 20,000,000

- Development Services Projects 500,000

- Transfer to other Funds -

Total Expenditures 20,500,000

E. FUND BALANCE: 12/31/2022

- Reserve for Future Operation 224,008

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT d/b/a
MILE HIGH FLOOD DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 77, SERIES OF 2021
(Appropriation of Funds for 2022)

WHEREAS, the Board has duly adopted a budget for the fiscal (calendar) year of 2022 based on 2021 property tax revenues received in 2022 (hereinafter referred to as "Fiscal Year 2022") as provided by law; and

WHEREAS, the Statutes of the State of Colorado require that a resolution appropriating 2021 property tax revenue funds for use in Fiscal Year 2022 be adopted prior to making expenditures; and

WHEREAS, the Board of Directors of the Mile High Flood District considers all unreserved fund balances as of January 1, 2022 and December 31, 2022 to be "reserves" for future operations or capital replacement as defined in Section 20 of Article X of the Constitution of the State of Colorado.

NOW, THEREFORE, BE IT RESOLVED THAT:

The following sums of money are hereby appropriated as of this date, October 21, 2021, to the uses and purposes hereinafter indicated for the operation of the Mile High Flood District during Fiscal Year 2022.

I. GENERAL FUND

EXPENDITURES:

- Salaries and Services	8,358,915
- Operating Costs	1,701,000
Total Expenditures	<u>10,059,915</u>

II. SPECIAL REVENUE FUND: CONSTRUCTION

EXPENDITURES:

- Operating Costs	367,000
- Drainage Master Plans	1,240,000
- Floodplain Management Activities	1,370,000
- Construction Projects	24,760,000
Total Expenditures	<u>27,737,000</u>

III. SPECIAL REVENUE FUND: MAINTENANCE

EXPENDITURES:

- Operating Costs	367,000
- Operations and Development Projects	3,000,000
- Flood Warning and Information Services Projects	1,200,000
- Stream Management Projects	22,128,000
- Floodplain Preservation Projects	2,000,000
Total Expenditures	<u>28,695,000</u>

IV. SPECIAL REVENUE FUND: SOUTH PLATTE RIVER

EXPENDITURES:

- Operating Costs	85,000
- Construction and Maintenance Projects	6,270,000
Total Expenditures	<u>6,355,000</u>

V. DEVELOPMENT SERVICES ENTERPRISE

EXPENDITURES:

- Design and Construction of Regional Infrastructure	20,000,000
- Development Services Projects	500,000
Total Expenditures	<u>20,500,000</u>

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT d/b/a
MILE HIGH FLOOD DISTRICT
Date: _____

ATTEST:

Secretary

Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 78, SERIES OF 2021
(Adoption of 2022 Work Program and Authorization of Expenditures)

WHEREAS, the 2022 Budget anticipated a work plan emphasizing the planning, design, and construction of solutions to flood control problems along the South Platte River and the maintenance of existing facilities on the River; and

WHEREAS, the 2022 Budget anticipated a work plan emphasizing maintenance and preservation of major drainageways in the District; and

WHEREAS, the 2022 Budget anticipated a work plan recognizing the need for floodplain management activities; and

WHEREAS, the 2022 Budget anticipated a work plan recognizing the need for information services and local flood warning enhancements; and

WHEREAS, the 2022 Budget anticipated a work plan recognizing the need for improvements and upgrades in technology to the District's project management system, as well as records and document management systems; and

WHEREAS, the 2022 Budget anticipated a work plan which includes District assistance to local governments within the District in complying with and applying for National Pollutant Discharge Elimination System (NPDES) storm sewer system permits and refining stormwater best management practices (BMP) technology for this semi-arid region; and

WHEREAS, the Board has considered the damage potential; local participation; work already completed by local governments, Corps of Engineers, and others; and the feasibility of defining and accomplishing solutions to drainage and flood control problems in 2022.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The following 2022 Work Programs are hereby adopted:

A. Stream Services

Continue the design, construction, and maintenance activities, which include work to be accomplished under the following funds:

- I. South Platte River Fund – Construction and Maintenance Services: \$ 6,270,000
 - a. Construct and maintain public drainage facilities along the South Platte River pursuant to the accepted South Platte River Work Plan.
 - b. Implement flood control, maintenance access, river stabilization improvements, and other measures along the South Platte River in cooperation with public and private local sponsors.
 - c. Maintain and continue development of information related to facilities, right-of-way, and geomorphology that is beneficial for the management of the South Platte River and for understanding its behavior.
- II. Maintenance Fund – Maintenance Services: \$ 22,128,000
 - a. Maintain public drainage facilities along drainageways in accordance with the Maintenance Work Plan.
 - b. Continue floodplain and floodway preservation efforts.
 - c. Cooperate with local jurisdictions in the preparation of the Maintenance Work Plan.

B. Watershed Services

Continue floodplain management activities, which include work to be accomplished under the following funds:

- I. Construction Fund – Floodplain Management Services: \$ 1,370,000
 - a. Continue assisting local entities in preparing, adopting, and administering floodplain regulations, and implementing District regulations in those local jurisdictions that do not adopt and enforce floodplain regulations.
 - b. Delineate flood hazard areas.
 - c. Coordinate Federal Emergency Management Agency (FEMA) efforts within the District.
 - d. Review drainage and flood control proposals for proposed development affecting major drainageways upon request from local entities.
 - e. Continue notification to property owners of flood hazards.
 - f. Continue the District's program of determining maintenance eligibility of drainage and flood control facilities constructed by others.
 - g. Continue the District's program to bring non-flood control reservoirs into compliance with District policy.
 - h. Continue development of the Cooperating Technical Partners (CTP) Program with FEMA.
 - i. Assist local governments and developers in the implementation of drainage and flood control master plans.
 - j. Provide contingencies for planning studies.

C. Operations and Development Services

Continue operations and development activities, which include work to be accomplished under the following funds:

- I. Maintenance Fund – Operations and Development Projects: \$ 3,000,000
 - a. Lead and participate in efforts to improve methodologies for planning and design of drainage and flood control facilities, stormwater control measures (SCMs), vegetation management, and delineation of floodplains in the Denver region.
 - b. Conduct research and develop tools to advance methods and practices for managing environmental resources critical for stream function.
 - c. Ensure compliance with the Clean Water Act including permit requirements for MHFD projects.
 - d. Provide coordination and assistance to local governments in the Denver metro area in their efforts to prepare National Pollutant Discharge Elimination System (NPDES) permit applications and to comply with issued municipal NPDES stormwater discharge permits.
 - e. Continue development and updating of the District's Urban Storm Drainage Criteria Manual and continue administration of manual.
 - f. Establish methods and agreements for financing and implementing regional drainage and flood control facilities.
 - g. Develop, compile, publish, and distribute appropriate information, guidance, and data to assist local jurisdictions in drainage and flood control efforts.
 - h. Continue educational and information dissemination efforts to industry professionals, partners and policy makers, and the public related to stormwater and flood management issues.
 - i. Continue development of District's data and records management and geographic information system (GIS) capability, including MHFD Confluence, the Districts proprietary data sharing platform.
 - j. Continue development, implementation, and management of external communications efforts, including the District's website, annual symposium, community learning center, and annual materials such as the annual report and summary of services.

D. Flood Warning and Information Services

Continue flood warning and information services activities, which include work to be accomplished under the following funds:

- I. Maintenance Fund – Flood Warning and Streamflow Monitoring Projects: \$ 1,200,000
 - a. Continue development of the District’s early flood warning system.
 - b. Continue documentation of floods.
 - c. Continue providing meteorological services to local governments.
 - d. Continue development of data and communication networks.
 - e. Continue developing and supporting ALERT system applications.
 - f. Continue training, education, and evaluation activities.
 - g. Review and revise, as necessary, the Standard Operating Procedure (SOP) for implementing the District’s Flood Emergency Support Plan.
 - h. Continue to support a rainfall/runoff data collection program including cooperative efforts with the U.S. Geology Survey (USGS) and others and provide data analysis as appropriate.
 - i. Assist local governments in developing, updating, exercising, and maintaining flood detection networks and flood warning plans.
 - j. Continue other data collection and flood documentation activities.

E. Development Services Enterprise Services

Continue Development Services Enterprise (DSE) activities which include work that is funded by the DSE administrative fees, to be accomplished under the following funds:

- I. Development Services Enterprise Fund: \$ 500,000
 - a. Assist local governments and developers in the implementation of drainage and flood control improvements related to land development.
 - b. Review planning and engineering of drainage and flood control proposals related to land development.
 - c. Construct drainage and flood control improvements for proposed development upon request by the local governments and developers.
 - d. Inspect construction of drainage and flood control improvements related to development.
 - e. Provide permit compliance and vegetation management following the construction of drainage and flood control improvements related to development.

- 2. The Executive Director is authorized to negotiate and execute necessary agreements to administer the District’s 2022 Work Program.
- 3. The costs of these services shall not exceed those amounts listed above for each service category for calendar year 2022.

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT d/b/a
MILE HIGH FLOOD DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 79, SERIES OF 2021
(Adoption of Five-Year Capital Improvement Plan [CIP]: 2021 – 2025)

WHEREAS, by Resolution No. 11, Series of 1973, the Board of Directors adopted a capital improvements expenditure policy; and

WHEREAS, by Title 32-11-214, CRS, it is stated:

- "(1) The District, acting by and through the board, may acquire, improve, equip, relocate, maintain, and operate the facilities, any project, or any part thereof, for the benefit of the district and the inhabitants thereof, after the board has made such preliminary studies and otherwise taken such action as it determines to be necessary or desirable as preliminaries thereto."
- "(2) When a comprehensive program for the acquisition of facilities for the district satisfactory to the board is available, such program shall be tentatively adopted. The program need only describe the proposed facilities in general terms and not in detail."
- "(3) A public hearing on the proposed program shall be scheduled, and notice of the hearing shall be given by publication. After the hearing and any adjournments thereof which may be ordered, the board may either require changes to be made in the program as the board shall consider desirable, or the board may approve the program as prepared."; and

WHEREAS, by Resolution No. 67, Series of 2020, the Board set forth projects that were adopted as a part of the comprehensive program for the years 2020 through 2024; and

WHEREAS, the Board desires to revise the comprehensive five-year capital improvement plan (CIP) (Exhibit A) on an annual basis; and

WHEREAS, by Resolution No. 11, Series of 1973, key policies set by the Board to guide the selection of projects were considered in determining the 2021 – 2025 CIP; and

WHEREAS, the Board of Directors adopted a budget for 2022 (Resolution No. 76, Series of 2021) which includes \$24,760,000 for CIP projects within the District; and

WHEREAS, a public hearing on the proposed plan was held on October 21, 2021 pursuant to published notice, and testimony was taken and data provided describing the comprehensive program in general terms to the satisfaction of the Board.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The improvements described herein are necessary for the health, comfort, safety, convenience, and welfare of all the people in the State and are of special benefit to the inhabitants of the District and the property therein.
2. The list of projects is adopted as a part of the comprehensive five-year program for the years 2021 through 2025 for the implementation of projects. Such projects are described in general, and not in detail, and individual projects and authorizations therefore shall be approved by the Board on a project-by-project basis.
3. Individual projects on the capital improvement plan (CIP) may be added, removed, or moved from one year to another in the CIP based on requests from the local governments and shifting priorities.
4. The following guidelines will be followed as the CIP is administered; or projects on the CIP are added, deleted, or moved from one year to another in the CIP:
 - a. Proposed improvements must be requested by local government.
 - b. Proposed projects must be master planned.
 - c. Local governments must provide at least a 50 percent match to District funds.
 - d. Local governments must agree to maintain the facilities.
 - e. The District shall allocate funds such that revenues from counties will be spent for improvements within those counties over a five-year time period.

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT d/b/a
MILE HIGH FLOOD DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 79, SERIES OF 2021
(Adoption of Five-Year Capital Improvement Plan [CIP]: 2021 – 2025)

EXHIBIT A

Summary					
MILE HIGH FLOOD DISTRICT					
Five-Year Capital Improvement Plan 2021 - 2025					
	2021	2022	2023	2024	2025
COUNTY					
ADAMS COUNTY TOTALS	3,000,000	3,100,000	3,400,000	3,400,000	3,800,000
ARAPAHOE COUNTY TOTALS	5,665,000	4,730,000	5,200,000	5,300,000	5,400,000
BOULDER COUNTY TOTALS	2,720,000	2,700,000	2,700,000	2,700,000	2,700,000
BROOMFIELD COUNTY TOTALS	790,000	580,000	610,000	610,000	700,000
DENVER COUNTY TOTALS	7,800,000	7,600,000	8,000,000	8,600,000	10,400,000
DOUGLAS COUNTY TOTALS	1,950,000	2,250,000	2,560,000	2,365,000	1,045,000
JEFFERSON COUNTY TOTALS	3,420,000	3,800,000	4,700,000	4,600,000	4,400,000
UNALLOCATED					
MHFD TOTAL CIP PARTICIPATION	25,345,000	24,760,000	27,170,000	27,575,000	28,445,000

MILE HIGH FLOOD DISTRICT									
Five-Year Capital Improvement Plan 2021 - 2025									
Project Number	Project Name	2021	2022	2023	2024	2025	Total Contribution	Watershed Area	Benefiting Entities
	ADAMS COUNTY								
100252	Grange Hall Creek - at Washington Street	0				500,000	500,000	North	Northglenn
101698	Niver Creek - at Zuni Street	400,000					400,000	North	Federal Heights
107146	22nd Avenue Outfall to Westerly Creek		525,000	575,000	700,000		1,800,000	Sand	Aurora
106191	Second Creek - I-76 to 112th Avenue			475,000			475,000	North	Commerce City
106259	Clear Creek at BNSF Railroad	1,250,000	1,000,000				2,250,000	West	Adams County
107900	Niver Creek Trib M - Thornton Parkway to Huron	1,075,000	300,000				1,375,000	North	Thornton
*107303	Irontdale Gulch - at Highway 2	100,000	300,000	300,000	300,000		1,000,000	Northeast	Commerce City
108533	Shaw Heights Tributary - Lowell to Little Dry Creek	175,000	225,000	875,000			1,275,000	West	Westminster
108256	Baseline Outfall - 19th Avenue to the Preserve		750,000				750,000	North	Brighton
New	Fairfax Park Detention and Outfall			275,000	550,000	1,425,000	2,250,000	Northeast	Commerce City
New	Page Gulch - 70th Avenue to Clear Creek					250,000	250,000	West	Adams County
New	Grange Hall Creek Tributary South - Grant to Washington			400,000	1,000,000		1,400,000	North	Thornton
New	80th Avenue Pond Outfall					500,000	500,000	Northeast	Adams County
New	Niver Creek - Washington Street to Nueva Vista Drive				150,000	250,000	400,000	North	Adams County
New	Ragweed Drain - O'Brian Canal Crossing			500,000	500,000		1,000,000	North	Commerce City
New	Unidentified Project				200,000	875,000	1,075,000		
	ADAMS COUNTY TOTALS	3,000,000	3,100,000	3,400,000	3,400,000	3,800,000	16,700,000		

MILE HIGH FLOOD DISTRICT
Five-Year Capital Improvement Plan 2021 - 2025

Project Number	Project Name	2021	2022	2023	2024	2025	Total Contribution	Watershed Area	Benefiting Entities
	ARAPAHOE COUNTY								
100260	First Creek Detention	400,000	400,000	400,000	400,000	400,000	2,000,000	NE	Aurora
100407	Cherry Creek - At Arapahoe Road	100,000	225,000				325,000	Cherry	Aurora
105908	Little's Creek at Gallup	400,000					400,000	South	Littleton
New	Easterly Creek-11th Ave and Havana	475,000					475,000	Sand	Aurora
New	Virginia stormsewer		100,000	530,000			630,000	Sand	Aurora
New	Westerly Creek at Kenton Way	450,000					450,000	Sand	Aurora
106050	Goldsmith Gulch-Silo Park		800,000				800,000	Cherry	Greenwood Village
New	Goldsmith Gulch Caley Pond			50,000	325,000		375,000	Cherry	Greenwood Village
New	Goldsmith Gulch downstream of Berry Ave		130,000				130,000	Cherry	Greenwood Village
107351	Big Dry Creek (ARAPCO) at South Suburban Golf Course	250,000	250,000	250,000	250,000		1,000,000	South	SEMSWA/Centennial
New	Happy Canyon - Jordan Rd to Broncos Pkwy.	100,000	250,000	200,000	200,000	300,000	1,050,000	Cherry	SEMSWA/Centennial
New	Willow Creek Countyline to Quebec	100,000	100,000	300,000	300,000	300,000	1,100,000	South	SEMSWA/Centennial
106922	Greenwood Gulch-At Quincy						0	South	Cherry Hills Village
*107346	Dry Gulch-Yale Ave to University Blvd.	100,000	375,000	375,000	375,000	375,000	1,600,000	South	Englewood
*107336	Little Dry Creek at Broadway	740,000					740,000	South	Englewood
108702	South Englewood Basin Project	725,000	500,000	500,000	500,000	500,000	2,725,000	South	Englewood
*107337	Jackass Gulch at Highline Canal (old name Dad Clark at Mineral)	450,000	600,000	675,000			1,725,000	South	Littleton
*107338	Rangeview at Santa Fe (old name Dad Clark Gulch)				500,000		500,000	South	Littleton
*107339	West Toll Gate Creek at Himalaya						0	Sand	SEMSWA/Arapahoe Co & Centennial
*107347	No Name Creek at Quincy to Shawnee Way	775,000	400,000				1,175,000	Sand	SEMSWA/Arapahoe Co & Centennial
100265	Cherry Creek Stabilization (Monaco to Illiff)						0	Cherry	SEMSWA/Arapahoe Co
New	Murphy Creek Yale to Jewell	300,000					300,000	Sand	Aurora
New	Little Dry Creek Easter Place to Holly Dam		100,000	200,000	300,000	300,000	900,000	South	SEMSWA
New	Westerly Creek at Alameda and Dakota Ave	300,000	500,000	500,000			1,300,000	Sand	
New	Unidentified Project			1,220,000	2,150,000	3,225,000	6,595,000		
	ARAPAHOE COUNTY TOTALS	5,665,000	4,730,000	5,200,000	5,300,000	5,400,000	26,295,000		

MILE HIGH FLOOD DISTRICT									
Five-Year Capital Improvement Plan 2021 - 2025									
Project Number	Project Name	2021	2022	2023	2024	2025	Total Contribution	Watershed Area	Benefiting Entities
	BOULDER COUNTY								
100420	Fourmile Canyon Creek Restoration	200,000		200,000			400,000	Boulder	City of Boulder
105956	South Boulder Creek Upstream of HWY 36	1,000,000	700,000	1,300,000	1,400,000	1,500,000	5,900,000	Boulder	City of Boulder
107151	Gregory Canyon Creek - Arapahoe to Pennsylvania	500,000	500,000	500,000	500,000		2,000,000	Boulder	City of Boulder
New	Goose Creek			100,000	500,000	500,000	1,100,000	Boulder	City of Boulder
101684	Coal Creek - County Line to Kenosha Rd	250,000					250,000	Boulder	Erie
108124	Coal Creek at Centaur Village	220,000	200,000				420,000	Boulder	Lafayette
107315	Drainageway A-1 at Garfield Avenue		150,000				150,000	Boulder	Louisville
108013	Coal Creek Drainageway No. 7-1 at HWY 42						0	Boulder	Louisville
108400	Coal Creek - 2nd to McCaslin	400,000	150,000				550,000	Boulder	Superior
107771	Dry Creek at Baseline		520,000				520,000	Boulder	Boulder County
107316	95th Street at Boulder Creek	150,000	480,000	300,000			930,000	Boulder	Boulder County
New	Unidentified Project			300,000	300,000	700,000	1,300,000	Boulder	Unidentified
	BOULDER COUNTY TOTALS	2,720,000	2,700,000	2,700,000	2,700,000	2,700,000	13,520,000		

**MILE HIGH FLOOD DISTRICT
Five-Year Capital Improvement Plan 2021 - 2025**

Project Number	Project Name	2021	2022	2023	2024	2025	Total Contribution	Watershed Area	Benefiting Entities
	BROOMFIELD CITY & COUNTY								
101660	Nissen Reservoir Drainageway - Lowell to Tennyson	790,000	580,000	610,000	610,000	300,000	2,890,000	West	Broomfield
107831	City Park South Tributary - 3rd Ave. Storm Sewer					200,000	200,000	West	Broomfield
New	Unidentified Project(s)					200,000	200,000		Broomfield
	BROOMFIELD COUNTY TOTALS	790,000	580,000	610,000	610,000	700,000	3,290,000		

MILE HIGH FLOOD DISTRICT									
Five-Year Capital Improvement Plan 2021 - 2025									
Project Number	Project Name	2021	2022	2023	2024	2025	Total Contribution	Watershed Area	Benefiting Entities
	DENVER CITY & COUNTY								
107056	Bowles Ditch Separation	1,250,000	1,000,000	500,000			2,750,000	Southwest	Denver
107344	Irondale Gulch	1,150,000	1,150,000	1,150,000	1,150,000	2,500,000	7,100,000	Northeast	Denver
107473	Weir Gulch Reach 1 (8th Avenue to SPR)	2,200,000	2,500,000	3,300,000	3,300,000	3,300,000	14,600,000	Southwest	Denver
108100	Goldsmith Gulch (Evans and Monaco)	500,000				1,250,000	1,750,000	Cherry	Denver
107603	Harvard Gulch	100,000					100,000	South	Denver
108126	Globeville Levee Project	2,550,000	2,650,000	2,500,000	2,500,000		10,200,000	SPR	Denver
108461	SPR Outfalls	50,000					50,000		
NEW	Sanderson Gulch From Florida Avenue to Arkansas Avenue		300,000	300,000	300,000		900,000		
	Unidentified			250,000	1,350,000	3,350,000	4,950,000		Denver
	DENVER COUNTY TOTALS	7,800,000	7,600,000	8,000,000	8,600,000	10,400,000	42,400,000		

**MILE HIGH FLOOD DISTRICT
Five-Year Capital Improvement Plan 2021 - 2025**

Project Number	Project Name	2021	2022	2023	2024	2025	Total Contribution	Watershed Area	Benefiting Entities
	DOUGLAS COUNTY								
New	Happy Canyon Creek at Monarch Blvd d/s of Pond 12			100,000			100,000	Cherry	Castle Pines
108722	Cherry Creek at KOA						0	Cherry	Parker
108741	Lemon Gulch d/s Crowfoot Valley Road						0	Cherry	Parker
*107328	Newlin Gulch @ Recreation Drive	100,000		550,000			650,000	Cherry	Parker
100303	Cherry Creek at Main Street			120,000	400,000		520,000	Cherry	Parker
*107327	Cherry Creek at Lincoln			40,000	40,000	600,000	680,000	Cherry	Parker
108730	Cherry Creek at Dransfeldt Drive	60,000	300,000	300,000			660,000	Cherry	Parker
108622	Jordan Creek at Bradbury Ranch	300,000	130,000	150,000			580,000	Cherry	Parker
108731	Cottonwood Meadows Tributary	170,000	255,000				425,000	Cherry	Parker
	Cherry Creek d/s of Lincoln				40,000	40,000	80,000	Cherry	Parker
	Cherry Creek d/s of Newlin Gulch					30,000	30,000	Cherry	Parker
	Cherry Creek at E470						0	Cherry	Parker
107751	Cherry Creek w/s of Scott Road	500,000	925,000	300,000			1,725,000	Cherry	Douglas County
108677	Timbers Creek d/s Fox Sparrow	150,000		100,000	50,000		300,000	Cherry	Douglas County
101697	Happy Canyon Creek North of Lincoln	70,000	175,000	200,000	300,000		745,000	Cherry	Douglas County
101374	N Finery Creek w/s of N Finery Pkwy				85,000		85,000	Cherry	Douglas County
100484	Happy Canyon Creek w/s I25	200,000	165,000				365,000	Cherry	Douglas County
*107321	Plum Creek (Sedalia to Chatfield)			400,000			400,000	South	Douglas County
*107320	Little Willow Creek at Roxborough Road						0	South	Douglas County
100348	Willow Creek Along Rampart Range Road						0	South	Douglas County
106874	Dad Clark Gulch, Wild Iris Run						0	South	Highlands Ranch
New	Marcy Gulch, Mountain Vista HS to Wildcat	400,000					400,000	South	Highlands Ranch
New	West Fork Big Dry Creek - Cresthill DS for 1100' DIP Outfall BDW 1.0 c,d		300,000	300,000			600,000	South	Highlands Ranch
New	Dad Clark Gulch, HRP to Toepfer Park DC 3.0b				1,100,000		1,100,000	South	Highlands Ranch
New	Dad Clark Gulch, Summit View to Wildcat DC 5.0W				350,000		350,000	South	Highlands Ranch
New	Marcy Gulch - Santa Fe US 1200' M0.5					375,000	375,000	South	Highlands Ranch
New	Dad Clark Gulch HRP to Summitview - Historic Park DCM 2.0-3.0						0	South	Highlands Ranch
New	Marcy Gulch Confluence MVHS 500' M5.1E						0	South	Highlands Ranch
	Unidentified Project						0	South	County Wide
	DOUGLAS COUNTY TOTALS	1,950,000	2,250,000	2,560,000	2,365,000	1,045,000	10,170,000		

MILE HIGH FLOOD DISTRICT									
Five-Year Capital Improvement Plan 2021 - 2025									
Project Number	Project Name	2021	2022	2023	2024	2025	Total Contribution	Watershed Area	Benefitting Entities
	JEFFERSON COUNTY								
100444	North Dry Gulch - Lamar to Teller	775,000	775,000	775,000	775,000	775,000	3,875,000	Southwest	Lakewood
*107329	Dutch Ck Culvert at Coal Mine Road	300,000					300,000	Southwest	Jefferson County
107838	Weaver Creek at Bellevue Ave	345,000	500,000	500,000			1,345,000	Southwest	Jefferson County
*107330	Dutch Ck Culvert at Yukon Street		300,000		700,000		1,000,000	Southwest	Jefferson County
NEW	Weaver Creek Channel Improvements			300,000			300,000	Southwest	Jefferson County
NEW	South Weir Gulch downstream of Union Blvd						0	Southwest	Jefferson County
NEW	Lena Gulch at Youngfield		200,000			800,000	1,000,000	West	Jefferson County
107331	Lena Gulch at Zeta Street and Upstream	200,000	800,000	500,000			1,500,000	West	Golden
NEW	Kenneys Run - Upstream Clear Creek			600,000	1,250,000	1,500,000	3,350,000	West	Golden
106454	Big Dry Creek (ADCO) & Hylands Creek - u/s Sheridan Blvd	500,000	500,000	500,000	500,000		2,000,000	West	Westminster
107332	Walnut Creek - US36 to Simms St	150,000	400,000	400,000	400,000		1,350,000	West	Westminster
101477	Ralston Creek at Croke Canal	500,000					500,000	West	Anvada
108714	Ralston Creek at Ward Road	650,000	325,000				975,000	West	Anvada
NEW	Bates Lake Watershed Improvements			750,000	750,000	750,000	2,250,000	West	Anvada Lakewood, Consolidated Mutual
108736	Lena Gulch - Maple Grove Reservoir Spillway						0	West	County Wide
	Unidentified Project(s)			375,000	225,000	575,000	1,175,000		
	JEFFERSON COUNTY TOTALS	3,420,000	3,800,000	4,700,000	4,600,000	4,400,000	20,920,000		

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 80, SERIES OF 2021
(Modifications to Bylaws and Rules of Procedure)

WHEREAS, Section 32-11-208(I)(b), CRS provides that "The Board, on behalf and in the name of the district, has the following powers ... To adopt and amend or otherwise modify bylaws and rules of procedure;" and

WHEREAS, in 1969, shortly after formation of the District, certain bylaws were adopted by the Board; and

WHEREAS, in the ensuing twelve years the Board was in operation in accordance with the statute forming the District and such bylaws, a resolution was passed updating the Board's previously adopted bylaws (Resolution No. 35, Series of 1981); and

WHEREAS, modifications to the Bylaws and Rules of Procedure were made in 1981 (Resolution No. 35, Series of 1981) and 2018 (Resolutions No. 33 and 72, Series of 2018); and

WHEREAS, the Board now desires to revise the Bylaws and Rules of Procedure to reflect current procedures.

NOW, THEREFORE, BE IT RESOLVED THAT:

The following are hereby adopted as the Bylaws and Rules of Procedure for the Board in the place and stead of any previous bylaws adopted by the Board.

I. PURPOSE, POWERS and DUTIES

Section 1. Purpose. The Urban Drainage and Flood Control District d/b/a Mile High Flood District (MHFD) was established by the Colorado legislature in 1969, for the purpose of assisting local governments in the Denver metropolitan area with multi-jurisdictional drainage and flood control problems. MHFD covers an area of 1,608 square miles and includes Denver, parts of the 6 surrounding counties, and all or parts of 35 incorporated cities and towns.

Section 2. Powers and Duties. MHFD shall promote regional cooperation and coordination among local governments and between levels of governments, shall perform regional activities, services and functions for the region as authorized by statute. MHFD shall serve as a forum where local officials work together to provide a systematic and uniform approach of preventive maintenance administered by the Board of Directors of MHFD and not by local governments.

II. MEETINGS OF BOARD (Including Notice)

Section 1. Annual Meeting. The Board shall meet on the third Thursday in January in each year at a regular place of meeting of the Board within the District for the qualification of new Directors and for the election of new officers. (32-11-206(1))

Section 2. Regular Meetings. The Board shall meet on the third Thursday of January, February, April, May, August, September, October, and November at 1:00 p.m. in the Board Room of the District unless the Board decides otherwise. (32-11-208(a))

Section 3. Special Meetings. Special meetings of the Board may be called by the Chair of the Board whenever, in the Chair's opinion, such meetings are necessary or desirable. The Chair shall call a special meeting within seven days of being requested to do so in writing by five or more Members of the Board. Such meetings shall be held in the Board Room of the District unless the Board decides otherwise. (32-11-208(I)(a))

Section 4. Open Meetings. All meetings of the Board shall be open to the public. (32-11-211(1))

Section 5. Notice and Agenda. Notice of special meetings shall be in writing, contain the date and time of the meeting, and be sent to each Member of the Board at the most recent email address as shown on the records of the District. (32-11-208(1)(a))

At least five days prior to the day of any meeting, the Agenda for such meeting, or the purpose for which it is called, shall be sent to each Member of the Board in like manner set forth in the first paragraph of this

Section 5. Meetings shall be limited to the Agenda or purposes set forth in the notice or call therefore, except that a majority of the Members of the Board present at the meeting may vote to suspend this rule.

III. **CONDUCT OF BUSINESS OF BOARD**

Section 1. Quorum. No business of the Board shall be transacted except at a regular or special meeting at which a quorum consisting of at least a majority of the total membership of the Board is present. (32-11-211(2))

The annual meeting (32-11-206(1)) for the conduct of District business and a regular meeting or special meeting for the conduct of Board and District business may be held at the same time and place within the District. (32-11-208(l)(a) & 32-11-211)

Section 2. Order of Business. The business of all meetings of the Board shall be conducted in the following order, unless the Board decides otherwise.

- A. Roll call of Members.
- B. Reading and approval of the minutes of the previous meeting.
- C. Reports of officers and committees.
- D. Election of officers.
- E. General business.
- F. Other Business
- G. Adjournment.

The Agenda, as provided for in III, Section 2, paragraph 2, shall set forth the order of business of the Board. (32-11-208(l)(b))

Section 3. Rules of Order. Except as otherwise required by these Bylaws, the rules of order of the District shall generally adhere to the latest edition of Robert's Rules of Order (32-11-208(l)(c)) or as amended by the Board of Directors.

IV. **BOARD OF DIRECTORS – RULES OF CONDUCT**

Section 1. Director's Ethical Conduct. Directors are expected to comply with applicable laws governing ethical conduct, including those requiring avoidance of conflicts of interest, prohibiting receipt of unauthorized gifts, and prohibiting unauthorized use or disclosure of confidential information belonging to MHFD. Directors shall not engage in any activities constituting malfeasance or misfeasance in appointed office.

Section 2. Director's Conduct in Public Meetings. Directors are individuals who, with their jurisdictions, hold a wide variety of values, positions, and goals. Despite this diversity, all have been appointed as MHFD Directors to serve their respective jurisdictions' interests in furthering mutual, regional cooperation. In all cases, this common goal should be acknowledged even though individuals and jurisdictions may not agree on every issue.

1. **Honor the role of the Chair in maintaining order.** It is the role of the chairs of the MHFD Board and committees to keep the comments of Directors on track during meetings. Directors should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following MHFD's parliamentary procedures.
2. **Practice civility and decorum in discussions and debates.** Difficult questions, rigorous challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate. However, free debate does not require or justify, and Directors are expected to avoid making, any intentionally intimidating, slanderous, threatening, abusive, or disparaging comments or attacks.

3. **Avoid personal comments that could offend other Directors.** If a Director is personally offended by the remarks of another Director, the offended Director should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Director to justify or apologize for the language used. The Chair controls the discussion.

Section 3. Director's Conduct with the Public in Public Meetings. Making the public feel welcome is an important part of the public meeting process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Directors toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

1. **Be welcoming to speakers.** While questions of clarification may be asked, the Director's primary role during public comments is to listen.
2. **Respect for speaker's testimony.** Directors should be conscious of their activity while others are speaking and avoid facial expressions, comments or other actions that could be interpreted as smirking, disbelief, anger, or boredom.
3. **Ask for clarification, but avoid debate and argument with the public.** Only the Chair – not individual Directors – can interrupt a speaker during a presentation. However, a Director can ask to be recognized to pose questions of clarification and can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Director finds disturbing.

Section 4. Director's Conduct with MHFD Staff. Governance of MHFD relies on the cooperative efforts of Directors, who set policy, and MHFD staff, who advise the Board and MHFD committees and implement and administer MHFD's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual.

1. **Treat all MHFD Staff as professionals.** Clear, honest, communication that respects the abilities, experience, and dignity of each individual is expected. Unprofessional behavior towards MHFD staff is not acceptable.
2. **Never publicly criticize an individual MHFD staff member.** Directors should never express concerns about the performance of an individual MHFD staff member in public, to the staff member directly, or to the staff member's manager. Comments about MHFD staff performance should only be made to the Executive Director through private correspondence or conversation. If the concern regards the Executive Director, it should be expressed within and through the established Executive Director performance evaluation meetings and procedures, or within appropriate Board or committee discussions, or to the Board Chair.
3. **Avoid individual involvement in administrative functions.** Directors acting in their individual capacity must not attempt to unduly influence MHFD staff on the making of appointments, awarding of contracts, hiring of employees, selecting of consultants, processing of applications, or granting of MHFD approvals or authorizations.
4. **Do not solicit political support from MHFD staff.** Directors should not solicit any type of political support from MHFD staff. MHFD staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Section 5. Non-discrimination and Workplace Safety. MHFD is committed to providing a workplace free from discrimination, harassment, and retaliation. It is also MHFD's policy and practice to assure equal employment opportunity in all personnel transactions, without regard to age, race, sex, color, religion, creed, veteran status, national origin, ancestry, disability, genetic information, sexual orientation, gender identity, or any other status protected by applicable federal, state or local law, and to promote a safe working environment free from workplace violence. All MHFD officials and staff, including Directors, are responsible for and expected to conduct themselves in accordance with MHFD's policies prohibiting discrimination, harassment, retaliation, and workplace violence. Directors shall not engage in harassing, hostile, or threatening behavior that violates such policies. Violations of these policies are subject to compliance actions under these Rules.

Section 6. Compliance

1. **Behavior and Conduct.** These Rules express standards of appropriate conduct expected of Directors, and Directors themselves have the primary responsibility to assure that expectations for appropriate conduct are understood and met. The Chairs of the Board and committees have the additional role of intervening when actions of Directors that appear to be in violation of the Rules are brought to their attention.

Directors who intentionally and repeatedly disregard the Rules, or who commit a serious infraction of the Rules, may be reprimanded, censured, have the matter reported to the designating governing body or elected official that appointed the Director to the MHFD Board. This can happen with or without a request that the Director be replaced or be subject to other sanctions.

Individual Directors should point out to the offending Director the perceived infractions of the Rules. If the offenses continue or if an offense constitutes a serious infraction, then the matter should be referred to the Chair Pro Tem of the Board in private, except that if such Chair Pro Tem is unavailable or is the individual whose actions are being questioned, then the matter should be referred to the Chair of the Board.

2. **Review of Complaints.** It is the responsibility of the Chair Pro Tem of the Board, upon his or her receipt of a written complaint of violation, to promptly notify the Chair of the Board of the filing of the complaint, and to initiate the process for review of such complaint.

In accordance with the Bylaws of MHFD, the Chair Pro Tem of the Board, along with two members of such Committee selected by the Chair Pro Tem, shall comprise a review panel to review the complaint. Members of the Committee shall be selected for the review panel on an ad-hoc basis for each complaint, and may serve on more than one panel. However, if the complaint concerns the Chair Pro Tem or the Chair Pro Tem is unavailable, the Chair of the Board shall initiate the process for review of such complaint and shall select three Members of the Executive Committee, who shall comprise the review panel for such complaint.

The panel shall promptly review the complaint and upon completion of its review, the panel shall provide a recommendation to the Chair of the Board of MHFD for review and action, which may include, without limitation, issuing a letter of reprimand, reporting the matter to the appointing governing body or Governor, with or without a request that the Director be replaced, or adopting a finding of no violation. All actions taken will require a majority vote of the entire Membership of the Executive Committee. Anonymous complaints will not be considered, but the review panel and Executive Committee shall have the power to maintain information relating to a complaint as confidential to the extent possible and to the extent appropriate under applicable laws. If the recommendation is issuing a letter of reprimand or reporting the matter to the appointing governing body or elected official, with or without a request that the director be replaced, the Chair of the Executive Committee shall bring the recommendation to the full board of directors for its consideration and action.

3. **Investigation, Voting, and Other Reporting.** When deemed warranted, the Board Chair or the Chair Pro Tem may call for an investigation of Director conduct, and may obtain the assistance of the MHFD Executive Director or the MHFD attorney, or with the consent of the Board Chair or MHFD Executive Director, the assistance of third parties, to investigate the allegations and report the findings. The matter will then be submitted to the Executive Committee for investigation and action.

No Director may exercise a vote or grant or withhold any consent pursuant to these Rules for any matter concerning the Director's own conduct.

The compliance provisions herein are not a substitute for any remedies for violations of state or federal law, and nothing herein prohibits the reporting of violations of state or federal law to the appropriate governmental authorities.

Section 7. Implementation. The Rules are intended to be self-enforcing and an expression of the standards of conduct for Directors expected by MHFD. It therefore becomes most effective when Directors are thoroughly familiar with these Rules and embrace their provisions.

For this reason, the Bylaws are distributed to Directors at orientation and other training opportunities, and are included in the regular Director resource materials. By accepting appointment as a Director, Directors are expected to adhere to the Rules of Conduct. In addition, the Rules of Conduct shall be periodically reviewed and updated by MHFD Board, after review by the Executive Committee.

V. BOARD OFFICERS

Section 1. Number and Title of Board Officers. The officers shall be a Chair, Chair Pro Tem, Secretary, and Treasurer. Each of which two positions (Secretary and Treasurer) may be filled by a person who is a Director, and both of which positions may be filled by one person. (32-11-208(l)(c))

Section 2. Duties of Board Officers.

- 1. Chair.** The Chair shall preside at all meetings and shall be the chief executive officer of the Board and of the District. Except as otherwise authorized by resolution, the Chair shall sign all contracts, deeds, notes, debentures, warrants, and other instruments on behalf of the Board and of the District. (32-11-208(l)(d))
- 2. Chair Pro Tem.** The Chair Pro Tem shall act as presiding officer during the absence of the Chair; and, in the case of a vacancy in the office of the Chair, shall serve as Chair until such time as the Board shall elect a new Chair. (32-11-208(l)(d))
- 3. Secretary.** The Secretary shall review for accuracy the minutes of each meeting and the recording of all votes. The secretary shall serve as the Chair's co-signer on the adoption of all resolutions. If the Secretary is absent from any meeting the Chair may appoint a Secretary Pro Tem for said meeting. (32-11-208(l)(d))
- 4. Treasurer.** The Treasurer shall serve on the Audit & Finance Committee and supervise the financial records of the District and perform such other duties as are normally performed by treasurers and those duties specifically assigned or delegated by the Board of Directors. (32-11-208(l)(d))

Section 3. Election of Board Officers.

- 1. Officers and Terms.** Each year, the Board, at its annual meeting (32-11-206(1)) shall elect a Chair and Chair Pro Tem of the Board and of the District and shall choose a Secretary and a Treasurer of the Board and of the District, each of which two positions (Secretary and Treasurer) may be filled by a person who is a Director, and both of which positions may be filled by one person. (32-11-208(l)(c)) To be eligible to serve as an officer, a Board Member must first serve one year on the District Board of Directors.

A notice of election of officers shall appear on the agenda. Each officer shall serve a one-year term, or until the next election of officers and his/her successor is elected. No officer may serve more than two terms in succession in the same office. Unless otherwise authorized by resolution, the Chair Pro Tem shall succeed the preceding Chair as the Chair of the Board of Directors.

- 2. Executive Committee.** The incumbent Board officers shall constitute the Executive Committee of the District. The Executive Committee shall be the primary executive leadership of the District, providing leadership to the Board and guidance to the Executive Director. The Executive Committee has no policy-making authority. The Executive Committee helps set Board meeting agendas; provides guidance from and assures the progress of committees of the District; and takes action on complaints of violations of the Rules of Conduct for board members as adopted by the Board from time to time.
- 3. Nominating Committee for Board Officers.** At the last meeting of each year, the Nominating Committee shall present to the Board nominations for Board officers to be elected at the annual meeting. Board officer nominations may be made from the floor, provided that the consent of each nominee is obtained in advance.

Section 4. Board Officer Vacancies. Any vacancy occurring in an office shall be filled for the unexpired term by:

- Appointment by a majority of the remaining Board officers; or
- Referral of the vacancy to the Nominating Committee to present to the Board at least one nominee to fill the vacancy if called for by a majority of the remaining Board officers. No later than the meeting held on the month following the month in which the Nominating Committee was referred the vacancy, the Nominating Committee shall present to the Board at least one nominee for an officer to be elected by the Board at that meeting to fill such vacancy. (32-11-208(l)(c))
- Nominations may be made from the floor, provided that the consent of each nominee is obtained in advance.

VI. AUDIT & FINANCE COMMITTEE

Section 1. Membership on the Finance & Audit Committee. The administrative business of the District concerning finances, contracts, and related matters shall be managed by the Audit & Finance Committee. The Committee membership shall consist of no fewer than three Board Members and shall include the incumbent Treasurer of the Board of Directors. Members of the Audit & Finance Committee shall be appointed by the Board upon recommendation of the Nominating Committee.

Section 2. Audit & Finance Committee Officer. The incumbent Treasurer of the Board of Directors shall serve on the Audit & Finance Committee. The chair of the Audit & Finance Committee is selected by its own members before or at their first meeting of the year.

Section 3. Powers and Duties. The following powers and duties are vested in the Audit & Finance Committee:

1. The Committee shall be responsible for the administration of the District's Auditor Selection and Retention Policy in accordance with Resolution No. 50, Series of 2009.
2. Act in an advisory capacity to the Board on matters related to the District's annual financial records and statements and the opinion of the independent auditors, the District's annual budget, the implementation of internal controls, procedures, and practices for financial, accounting, and legal compliance.
3. Report to the Board at the next regularly scheduled Board meeting any recommendations of the Committee along with a summary of activities that have come to the attention of the Committee that may affect the District. Such report may include any recommendations to ensure that the District's financial records and statements are fairly and appropriately presented and are in accordance with Generally Accepted Accounting Principles.

Section 4. Meetings of the Audit & Finance Committee. The Audit & Finance Committee shall meet no less than three times a year, as follows:

1. Once to meet with the previous year's selected auditor and District staff to review the audit results and financial records and statements before the auditor presents its findings to the Board. This meeting will typically occur in the first quarter of the year.
2. Once to meet with District staff for the purpose of selecting or retaining an auditor for the following year. This meeting will typically occur in second quarter of the year.
3. Once to meet with District staff to review the District's proposed annual budget for the following year before this is presented to the Board. This meeting will typically occur in the third quarter of the year.

The Committee's authority and powers shall be limited to these specified tasks unless additional authority and powers are granted by amendment to Resolution No. 30, Series of 2017. Members of the Audit & Finance Committee may attend meetings of the Committee by telephone if they cannot attend in person.

Section 5. Quorum. A quorum for the transaction of Audit & Finance Committee business shall be the greater of one-half of its members, plus one, or three members.

Section 6. Voting. A majority of those present and voting shall decide any question brought before the meeting.

VII. LEGISLATIVE COMMITTEE

Section 1. Membership on the Legislative Committee. The administrative business of the District concerning state and federal legislation shall be managed by the Legislative Committee. The Committee membership shall consist of no fewer than three Board Members. Members of the Legislative Committee shall be appointed by the Board upon recommendation of the Nominating Committee. 32-11-220(1)(l)

Section 2. Legislative Committee Officers. The Chair of the Legislative Committee is selected by its own members before or at their first meeting of the year.

Section 3. Powers and Duties. The following powers and duties are vested in the Legislative Committee:

1. Review and evaluate from time to time, on behalf of the Board, pending state and federal legislation which would affect the operations of the District. Actions of the Legislative Committee shall include, but not be limited to; review and evaluate pending legislation, both state and federal; direct the District's lobbyists and /or Executive Director to advocate, oppose or monitor individual bills; and to receive updates and advice on activities at the city and county level which are applicable to the District.
2. Report to the Board at the next regularly scheduled Board meeting any actions taken by the Committee along with a summary of any bills or activities that may affect the District.

Section 4. Meetings of the Legislative Committee. The Legislative Committee shall meet as needed or at the call of its Chair or by request of the Board of Directors. Members of the Legislative Committee may attend meetings of the Committee by telephone if they cannot attend in person.

Section 5. Quorum. A quorum for the transaction of Legislative Committee business shall be one-half of its members, plus one.

Section 6. Voting. A majority of those present and voting shall decide any question brought before the meeting.

VIII. NOMINATING COMMITTEE

Section 1. Membership on the Nominating Committee. The Nominating Committee shall be appointed in October of each year and consist of board members herein designated:

1. One Board Member representing the City and County of Denver;
2. One Board Member representing the county commissioner appointments; (32-11-204 (4)(a))
3. One Board Member representing a non-Denver municipality with a population in excess of one hundred thousand; and (32-11-204 (5.5))
4. One Board Member representing a municipality with a population one hundred thousand or less; and (32-11-204 (5) (b))
5. One Board-appointed professional engineer (32-11-204 (6) (b)).

Section 2. Member Qualifications. The Nominating Committee qualifications include:

1. Members of the Nominating Committee shall have served not less than one year on the Board before being eligible to serve on the Nominating Committee.
2. In the appointment of the Nominating Committee, consideration shall be given to providing representation of a broad cross-section of the Board, taking into account community size, geographic location, the rate of growth, county and municipality, rural and suburban and other factors.

Section 3. Nominating Committee Officer. At its first meeting, upon annual appointment of its members, the Nominating Committee shall elect its chair.

Section 4. Powers and Duties. The following powers and duties are vested in the Nominating Committee:

1. To make recommendations regarding nominations for Board Officers and Board Officer vacancies as provided in these Bylaws. A Nominating Committee Member may not be a nominee for Board Officer.
2. To recommend board members for appointment by the Board to the Audit & Finance Committee and the Legislative Committee.

Section 5. Meetings of the Nominating Committee. The Nominating Committee shall meet as needed to exercise the powers and duties vested herein in the Committee. The Nominating Committee may hold meetings at the call of its chair or by request of at least two of its members. Members of the Nominating Committee may attend meetings of the Committee by telephone if they cannot attend in person.

Section 6. Quorum. A quorum for the transaction of Nominating Committee business shall be one-half of its members, plus one.

Section 7. Voting. A majority of those present and voting shall decide any question brought before the meeting.

IX. MHFD EXECUTIVE DIRECTOR

The Board, after receiving a recommendation of the Executive Committee and by the affirmative vote of a majority of the Board of Directors, shall appoint an Executive Director hereinafter referred to as the "Director," who shall serve at the pleasure of the Board. The Executive Committee shall develop the process for, and execute and document, an annual performance evaluation for the Executive Director.

The Director shall be the Chief Administrative Officer and authorized recording officer of the District. The Executive Director shall administer and execute all other functions and duties determined by the Board, including but not limited to:

1. Hiring, terminating, compensation, and establishment of the number and duties of MHFD Staff;
2. Establish and implement policies and procedures for the efficient administration of personnel matters;
3. Serve, or designate personnel to serve, as recording secretary of the District and be responsible for preparing and maintaining all records and information required by law;
4. Designate personnel to provide staff services to committees; and
5. Serve as the registered agent for MHFD.

X. FINANCIAL PROVISIONS.

Section 1. Budget Submission to the Audit & Finance Committee. Each year, no later than the regular October meeting, the Executive Director shall submit an estimate of the budget required for the operation of the District during the ensuing calendar year to the Audit & Finance Committee.

Section 2. Budget Approval by the Board. Each year, no later than the regular November meeting of the Board, the budget recommendation by the Audit & Finance Committee shall be presented for approval by the Board.

Section 3. Records and Audit. The District shall arrange for a systematic and continuous recordation of its financial affairs and transactions and shall obtain an annual audit of its financial transactions and expenditures.

XI. MODIFICATION OF BY-LAWS

These bylaws may be altered, amended, or repealed by presentation of a proposed modification at a meeting of the Board of Directors and Board action by a majority of Board Members on such proposed modifications at the next meeting.

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT d/b/a
MILE HIGH FLOOD DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 81, SERIES OF 2021
(Authorization to Lobby the Colorado State Legislature
to Update 32-11-204 CRS: Regular Appointments)

WHEREAS, the Urban Drainage and Flood Control District Act contains language in 32-11-204 CRS “Regular Appointments,” defining the makeup of the District’s board of directors; and

WHEREAS, 32-11-204(5)(a) states that “A director shall be appointed to the board by the governor from each of the counties of Arapahoe and Jefferson after the second Tuesday in January in each odd-numbered year and by the twentieth day of January in such year. A director shall be appointed to the board by the governor from each of the counties of Adams and Boulder during such part of January in each even-numbered year;” and

WHEREAS, 32-11-204(5)(b) states that “Each director appointed pursuant to this subsection (5) shall be an executive officer of a municipality with a population of one hundred thousand or less, as determined by the latest Denver regional council of governments’ estimate, which is located wholly or in part in the county from which he is appointed, shall be a resident of such county, and shall remain as such an executive officer and such a county resident during his term of office as director;” and

WHEREAS, of the five counties within the District boundaries, Adams, Arapahoe, Boulder, and Jefferson are included in 32-11-204(5)(a) but Douglas is not; and

WHEREAS, the Board agrees that Douglas County should have representation equal to that afforded to Adams, Arapahoe, Boulder, and Jefferson counties; and

WHEREAS, the Board desires to lobby the Colorado State Legislature for changes to the District’s Board makeup provisions to allow Douglas County a governor-appointed director who is an executive officer of a municipality with a population of one hundred thousand or less and who meets all other requirements detailed in 32-11-204(5)(a) and 32-11-204(5)(b).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Director is authorized to lobby the Colorado State Legislature for changes to the District’s director makeup provisions to add a governor-appointed Douglas County director who is an executive officer of a municipality with a population of one hundred thousand or less and meets all other requirements detailed in 32-11-204(5)(a) and 32-11-204(5)(b).
2. The proposed change to 32-11-204(5)(a) is shown in bold red font in Exhibit A of this resolution.
3. No expenditures are authorized for this effort beyond the Executive Director’s current authority as described in Resolution No. 3, Series of 2020.

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT d/b/a
MILE HIGH FLOOD DISTRICT
Date: _____

ATTEST:

Secretary

Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 81, SERIES OF 2021
(Authorization to Lobby the Colorado State Legislature
to Update 32-11-204 CRS: Regular Appointments)

Exhibit A

A BILL FOR AN ACT

CONCERNING THE APPOINTMENT BY THE GOVERNOR OF A DIRECTOR
TO THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT FROM
DOUGLAS COUNTY.

Bill Summary

The bill authorizes the governor to appoint a director to the Urban Drainage and Flood Control District from Douglas County who is an executive officer of a municipality in Douglas County with a population of one hundred thousand or less, as is provided by statute for other counties within the District.

SECTION 1. In Colorado Revised Statutes, 32-11-204, amend (5)(a) as follows:

32-11-204. Regular appointments.

(5)(a) A director shall be appointed to the board by the governor from each of the counties of Arapahoe, **DOUGLAS** and Jefferson by the second Thursday of January in each odd-numbered year. A director shall be appointed to the board by the governor from each of the counties of Adams and Boulder by the second Thursday of January in each even-numbered year.

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 82, SERIES OF 2021
(Authorization to Agree in Writing to Accept the Use of Property Tax Increment Financing for the
Proposed Fox Park Urban Redevelopment Area)

WHEREAS, the Board of Directors of the Mile High Flood District (District) amended Resolution No. 38, Series of 2011 with Resolution No. 21, Series of 2016 to expand its policy regarding its agreement to accept the use of property tax increment financing to include urban redevelopment areas; and

WHEREAS, the District understands that the Denver Urban Renewal Authority (DURA) and the City and County of Denver (Denver) intend to adopt the Fox Park Urban Redevelopment Plan and to create the Fox Park Urban Redevelopment Property Tax Increment and Sales Tax Increment Area; and

WHEREAS, DURA and Denver have made a written request of the District to accept the use of property tax increment financing for the Fox Park Urban Redevelopment Area (Exhibit A); and

WHEREAS, an aerial image outlining the location of the redevelopment area is attached hereto as Exhibit B; and

WHEREAS, DURA has fully complied with all requirements of the District that are contained in amended Resolution No. 38, Series of 2011; and

WHEREAS, no extraordinary circumstances have been brought to the attention of the Board of Directors of the District by a Board Member that would prevent the District agreeing in writing to accept the use of property tax increment financing for the proposed Fox Park Urban Redevelopment Area; and

WHEREAS, the fiscal impact to the District resulting from this resolution is a property tax revenue reduction of approximately \$6,617,755 over the 25-year term of the property tax increment financing; and

WHEREAS, the District has prepared a letter to DURA setting forth the terms of the District's agreement to accept the use of property tax increment financing for the Fox Park Urban Redevelopment Area, which letter is attached hereto as Exhibit C; and

WHEREAS, the attached Exhibit C letter, in order for the District's approval to be binding, requires the acknowledgement and agreement of DURA.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the Urban Drainage and Flood Control District d/b/a Mile High Flood District hereby agrees to accept the use of property tax increment financing for the proposed Fox Park Urban Redevelopment Area.
2. The Executive Director of the Mile High Flood District is authorized to execute the attached Exhibit C letter and forward it to Ms. Patricia Gage, Chair, Denver Urban Renewal Authority (DURA).
3. The agreement of the District contained in the attached Exhibit C letter will become effective upon the District's receipt of a copy of the letter bearing the signature of Ms. Gage, Chair, DURA, acknowledging and agreeing to the terms of the letter.
4. The agreement of the District contained in the attached Exhibit C letter will expire by its own terms if the Fox Park Urban Redevelopment Area Project is not commenced by December 31, 2023.

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT d/b/a
MILE HIGH FLOOD DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 82, SERIES OF 2021
(Authorization to Agree in Writing to Accept the Use of Property Tax Increment Financing for the
Proposed Fox Park Urban Redevelopment Area)

EXHIBIT A: DURA Request Letter

September 23, 2021

Mile High Flood District
2480 W. 26th Ave., Suite 156-B
Denver, CO 80211

Attn: Ken MacKenzie, Executive Director

Dear Mr. MacKenzie:

The Denver Urban Renewal Authority (“DURA”) is currently working with the City and County of Denver to approve an Urban Redevelopment Plan to support the redevelopment of the former Denver Post newspaper printing facility and surrounding property located at 4400 Fox Street in the Globeville neighborhood of the City. The now-closed facility, which used to house printing and distribution operations for the Denver Post newspaper until 2008, is located just north of Denver’s downtown area on a 40-acre site at the southwest corner of the Interstate 25 & Interstate 70 interchange. The Fox Park Urban Redevelopment Plan (“Plan”) would create the Fox Park Urban Redevelopment Area (“Area”) and a sales and property tax increment area coterminous with the Area.

Vita Fox North LP (the “Redeveloper”) is proposing to be the horizontal developer of the site and will sell pad sites to vertical developers. Land sales and reimbursement for private parking costs will be used to repay developer advances or developer debt used to front the costs of the private parking spaces, the offsite infrastructure, the TIF-related onsite infrastructure that will be constructed to support all the Phase 1 infrastructure, and portions of Phases 2-4 infrastructure as needed. DURA’s proposed role will be to use incremental sales and property taxes to reimburse costs related to certain components of the horizontal development program including demolition, both local and regional infrastructure, parks and open space and public parking, all of which will support future vertical development of the site. The horizontal development collectively and together with the proposed vertical development plan define the “Project” for purposes of this notification.

Under Colorado Revised Statutes C.R.S. 31-25-101 (Urban Renewal Law), DURA is required to notify Mile High Flood District (“Flood District”) on the establishment of any tax increment areas and enter into an agreement regarding the use of property tax increment.

Pursuant to C.R.S. 31-25-107(9.5)(a), before any urban renewal plan utilizing property tax increment may be approved by the Denver City Council, the governing boards of each other public body whose property tax revenues would be allocated through the use of tax increment financing must be notified. Following this notification, representatives of DURA and the Flood District will meet to negotiate an agreement governing the types and limits of tax revenues to be allocated to the Project. The agreement must address, without limitation, estimated impacts of the Project on Flood District services associated solely with the urban renewal plan.

Therefore, please accept this letter as notification of our intent to request the Denver City Council to approve the Fox Park Urban Redevelopment Plan and to establish a sales and property tax increment area.

Description of the Project

Transportation Access Constraints and Off-site Infrastructure

At present there are only two vehicular access points in and out of the area, the bridge over I-25 along 44th Avenue to the east, and the Park Avenue / 38th Avenue / I-25 interchange to the south. Both access points are challenging for vehicles, and especially for pedestrians and bicycles attempting to enter Globeville to the east, or downtown Denver to the south.

A number of ways to increase vehicular capacity and pedestrian/bicycle mobility have been discussed, including, but are not limited to:

- Improve vehicular/pedestrian/bicycle access to the site by reconfiguring the interchange of Fox Street to the south, with 38th Avenue, Park Avenue, and the I-25 access ramp.
- Improve 44th Avenue at the east, which crosses over I-25 to become 45th Avenue in Globeville.
- Add a vehicular bridge, with pedestrian and bicycle access over the rail tracks and connect the site to 47th Avenue, 44th Avenue, or 43rd Avenue.

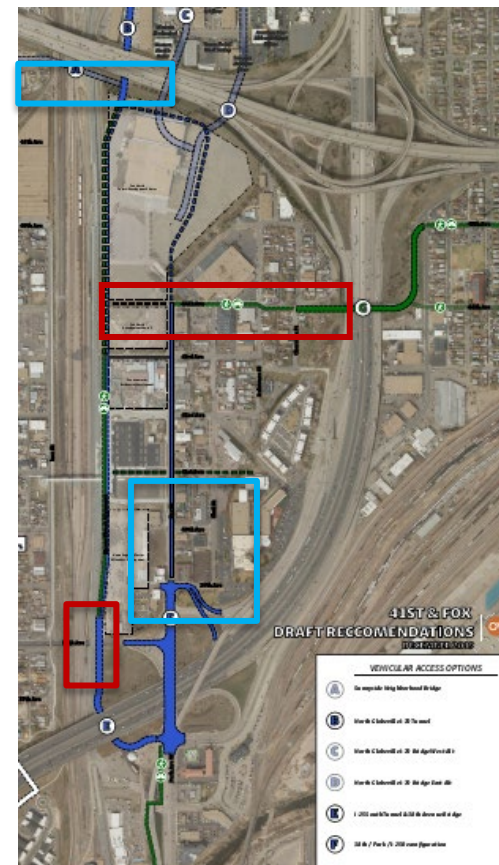
The City is requiring all large development projects in this area to add infrastructure that increases the vehicular access into the area. As this is the largest project in the area, the City is requesting a significant amount of offsite infrastructure to be designed and built. The Redeveloper has proposed completing approximately \$47 million of offsite infrastructure design and construction:

- Design and construct 47th Avenue bridge over rail tracks (vehicular/bike/ped)
- Design and construct southern access solution for 38th Avenue, I-25, Park Avenue, Fox Street interchange
- Design 38th & Huron bike/ped/EVA bridge and 43rd Avenue intersection
- Design improvements to 44th Avenue improvements from Fox Street to 44th Avenue bridge

At this time, the City has not determined if the 47th Avenue bridge over the rail tracks connecting to the Sunnyside neighborhood will be full modal or limited to bikes and pedestrians. **For purposes of your evaluation please either assume a full-modal bridge or, alternatively evaluate for both a full-modal or bike/ped connection.**

In addition to the above noted regional infrastructure improvements, the proposed Project would include:

- Approximately 235 affordable residential apartment units at 60%-80% AMI as further described below:
 - ~ 59 Studio units
 - ~118 1-Bedroom units
 - ~ 56 2-Bedroom units
 - ~ 2 3-Bedroom units
- Approximately 3,126 market rate residential apartment units as further described below:
 - ~ 781 Studio units
 - ~1,563 1-Bedroom units
 - ~ 751 2-Bedroom units
 - ~ 32 3-Bedroom units
- Approximately 2.27 million square feet of commercial, restaurant, and retail space
- Two hotels providing approximately 420 keys
- Approximately 182,953 square feet of Cultural and Educational Space
- Approximately 217,801 square feet of Open Space
- Approximately 5,556 below grade parking stalls



The Project is expected to be constructed in four phases with a final completion in 2030. Below is a summary of the projected unit delivery by phase, bedroom count and affordability:

Fox Park - Preliminary Bedroom Count and Affordability

BEDROOMS	≤ 80% AMI	≤ 60% AMI	TOTAL
Studio	19%	6%	25%
1 bedroom	37%	13%	50%
2 bedrooms	18%	6%	24%
3 bedrooms	1%	0%	1%
TOTAL	75%	25%	100%

Phase	Total Mkt Rate	Total Affordable	Affordable - 80% AMI	Affordable - 60%AMI	Total	Completion Year
Phase 1	1,113	84	84	0	1,197	2025 & 2026
Studio	278	21	21	0	299	
1BR	557	42	42	0	599	
2BR	267	20	20	0	287	
3BR	11	1	1	0	12	
Phase 2	1,060	80	49	31	1,140	2025 & 2026
Studio	265	20	12	8	285	
1BR	530	40	24	16	570	
2BR	255	19	12	7	274	
3BR	10	1	1	0	11	
Phase 3	335	25	13	12	360	2029
Studio	84	6	3	3	90	
1BR	167	13	7	6	180	
2BR	80	6	3	3	86	
3BR	4	0	0	0	4	
Phase 4	618	46	30	16	664	2030
Studio	154	12	8	4	166	
1BR	309	23	15	8	332	
2BR	148	11	7	4	159	
3BR	7	0	0	0	7	
Total	3,126	235	176	59	3,361	2025 - 2030
Studio	781	59	44	15	840	
1BR	1563	118	88	30	1681	
2BR	751	56	42	14	807	
3BR	32	2	2	0	34	

In addition to the on-site units, the Project is expected to invest approximately \$6.25 million in the broader Globeville neighborhood to support additional affordable housing and mitigate the potential involuntary displacement impact resultant from the Project. The use of these funds and the potential residential impact is unknown at this time.

TIF Capacity

Please see the attached schedule which summarizes the projected sales and property tax increment to be generated by the combined horizontal and vertical development.

Timing and Next Steps

The Plan is expected to be considered by the DURA Board of Commissioners in advance of a public hearing before Denver City Council prior to November 30, 2021.

Upon review of the information provided herein, please provide a Tax Increment Impact Analysis or other documentation to allow for the negotiation of an agreement governing the types and limits of tax revenues to be allocated to the Project. Please provide the requested documentation at your earliest convenience but no later than 30 days from receipt of this notification.

Thank you for your assistance as we work to implement the statutory requirements and please do not hesitate to contact me for any additional information you may require.

Sincerely,



Tracy Huggins
Executive Director

EXHIBIT B: LOCATION

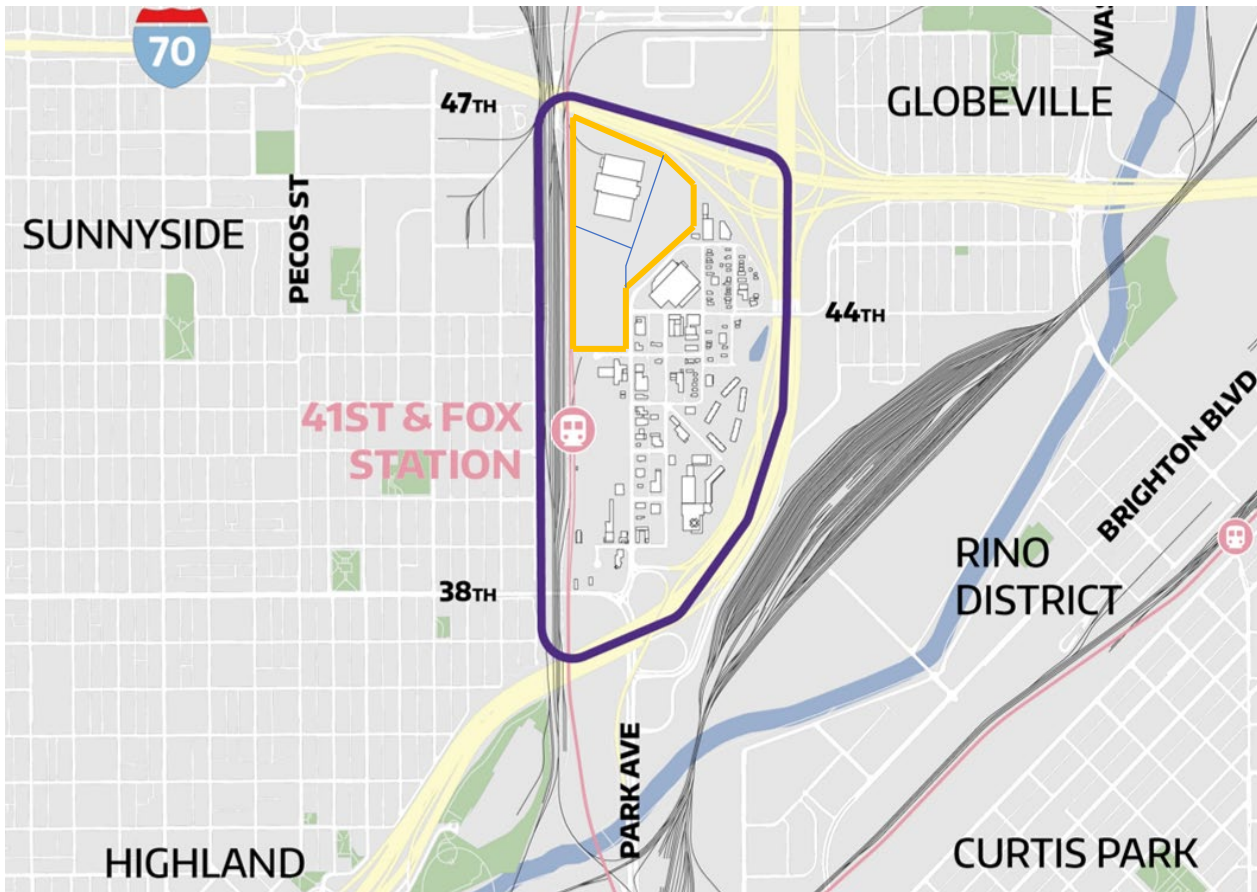


EXHIBIT C: LETTER AGREEMENT



2480 W. 26th Ave Suite 156-B | Denver, CO 80211
TEL 303 455 6277 | FAX 303 455 7880



October 21, 2021

Patricia Gage, Chair
Tracy Huggins, Executive Director
Denver Urban Renewal Authority
1555 California Street, Suite 200
Denver, CO 80202

RE: Fox Park Urban Redevelopment Plan

Dear Ms. Gage and Ms. Huggins:

This letter agreement (“Agreement”) is entered into pursuant to Section 31-25-107(9.5), C.R.S. The Urban Drainage and Flood Control District (“District”) understands that the Denver Urban Renewal Authority (“Authority”) and the City and County of Denver (“Denver”) intend to adopt the Fox Park Urban Redevelopment Plan (the “Urban Redevelopment Plan”) and to create the Fox Park Property Tax Increment and Sales Tax Increment Area (the “Tax Increment Area”).

The Urban Drainage and Flood Control District (the “District”) is in receipt of the Urban Redevelopment Plan creating the Fox Park Urban Redevelopment Area as proposed to the City Council of Denver and, the proposed Ordinance establishing the Tax Increment Area and authorizing the use of property tax increment and sales tax increment for redevelopment of the Urban Redevelopment Area.

The District agrees that in accordance with C.R.S. § 31-25-107(9.5), that the District has received proper notice of the proposed Urban Redevelopment Plan and that the Authority and the District are entering into this agreement to address the estimated impacts of the Urban Redevelopment Plan on District services associated solely with the Urban Redevelopment Plan. The District has determined that there are no material impacts to District services caused by the proposed Urban Redevelopment Plan and the creation of the Tax Increment Area and therefore the tax increment derived from the District’s mill levy shall be allocated to the Authority. The parties agree that this Agreement satisfies the requirements of C.R.S. § 31-25-107(9.5)(a).

The District further agrees that, as permitted under C.R.S. § 31-25-107(9.5)(b)(i), the District waives the requirements of (i) any future notice, except for substantial modifications or amendments to the Urban Redevelopment Plan, including the addition of a project or regarding the modification of the Tax Increment Area under the Urban Redevelopment Plan, (ii) any future filings with or by the District, (iii) any requirement for future consent by the District, except consent to any substantial modifications or amendments to the Urban Redevelopment Plan, including the addition of a project or regarding the modification of the Tax Increment Area under the Urban Redevelopment Plan and (iv) any enforcement right regarding the Urban Redevelopment Plan, or matters contemplated under the Urban Redevelopment Plan, except that the District shall have the right to take any actions necessary to enforce this Agreement.

If the City and County of Denver and the Authority desire that the drainage and flood control facilities constructed as part of the Urban Redevelopment Plan be eligible for future District maintenance assistance, they shall comply with all terms and conditions of Amended Resolution No. 38, Series of 2011

Protecting People, Property and Our Environment.



as amended by Resolution 21, Series of 2016, including but not limited to Resolution No. 26, Series of 1983 of the District.

The consent of the District to the Urban Redevelopment Plan will expire and be of no force and effect unless the Project is under construction by December 31, 2023.

If this letter correctly reflects our agreement, please sign below and return a fully-executed original to me.

Respectfully,

Ken MacKenzie
Executive Director
Urban Drainage and Flood Control District

ACKNOWLEDGED AND AGREED:

DENVER URBAN RENEWAL AUTHORITY

By: _____
Patricia Gage
Chair

Date: _____

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 83, SERIES OF 2021
(Adoption of Floodplain Maps for Plum Creek, East Plum Creek, West Plum Creek, Sulphur Gulch,
and Third Creek [Upper])

WHEREAS, the Board of Directors adopted a Floodplain Regulation (Resolution No. 11, Series of 1970); and

WHEREAS, the Board of Directors amended the Floodplain Regulation (Resolution No. 26, Series of 1974;
Resolution No. 02, Series of 1979; Resolution No. 02, Series of 1980; Resolution No. 53, Series of 2013;
Resolution No. 57, Series of 2020); and

WHEREAS, floodplain maps for Plum Creek, East Plum Creek, West Plum Creek, Sulphur Gulch, and Third
Creek (Upper) have been prepared by the District, but not yet adopted by the Board pursuant to public
hearing, (Exhibit A); and

WHEREAS, the Floodplain Regulation is only applicable for those floodplain maps adopted by the Board of
Directors after a public hearing as required by Section 32-11-218(1)(f)(II), CRS 1973, as amended; and

WHEREAS, a public hearing duly noticed was held on October 21, 2021.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Urban Drainage and Flood Control District d/b/a Mile High Flood District hereby adopts the maps and profiles contained in the following engineering report as Flood Regulatory Districts and further subdivides the Flood Regulatory Districts into Floodway Districts and Flood Storage Districts by adopting all floodplain and floodway tables contained in the report and referenced below:

1. "Flood Hazard Area Delineation of Plum Creek, East Plum Creek, and West Plum Creek,' (November 2019); in Douglas County, Colorado; by Enginuity Engineering Solutions, including Appendix D, Floodplain and Floodway Data Tables."
2. "Flood Hazard Area Delineation of Sulphur Gulch,' (February 2021); in the Town of Parker, and Douglas County, Colorado; by Merrick and Company, including Appendix D, Floodplain and Floodway Data Table."
3. "Flood Hazard Area Delineation of Third Creek (Upper),' (July 2020); in the City of Commerce City, City of Brighton, City of Aurora and Adams County, Colorado; by Matrix Design Group, including Appendix D, Floodplain and Floodway Data Tables."

These maps, profiles, and tables supersede any previously adopted maps, profiles, and tables for the same areas.

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT d/b/a
MILE HIGH FLOOD DISTRICT

Date: _____

ATTEST:

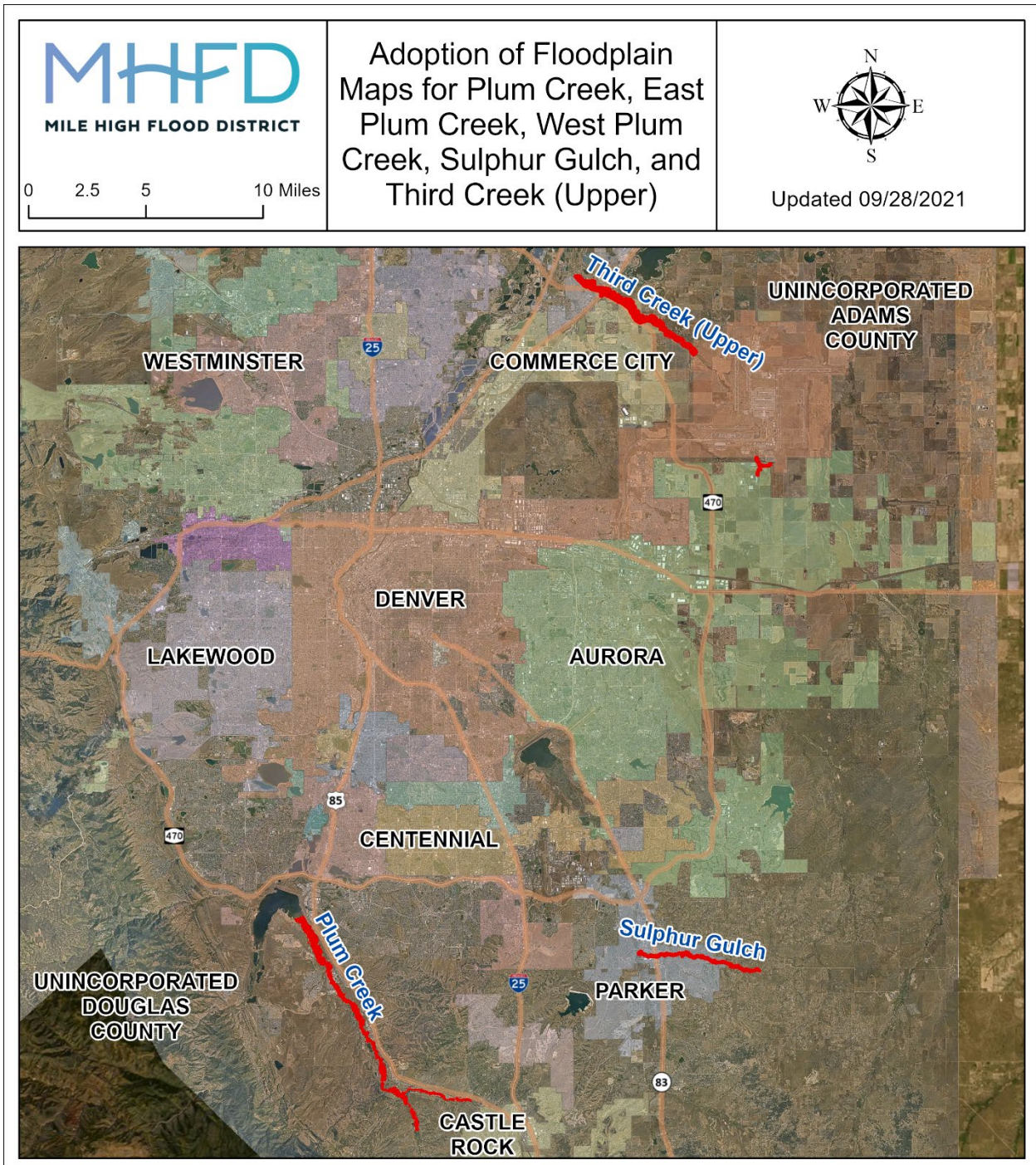
Secretary

Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 83, SERIES OF 2021
(Adoption of Floodplain Maps for Plum Creek, East Plum Creek, West Plum Creek, Sulphur Gulch,
and Third Creek [Upper])

EXHIBIT A



URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 84, SERIES OF 2021
(Additional Authorization to Participate in Drainage and Flood Control Improvements
on Coal Creek from 2nd Avenue to McCaslin Boulevard, Town of Superior, Boulder County)

WHEREAS, the District, in a policy statement previously adopted (Resolution No. 14, Series of 1970 and Resolution No. 11, Series of 1973), expressed an intent to assist public bodies which have heretofore enacted floodplain zoning measures; and

WHEREAS, the Town of Superior has enacted floodplain regulations; and

WHEREAS, the Town of Superior and the District cooperated in the preparation of “Coal Creek and Rock Creek Major Drainageway Plan,” dated October 2014; and

WHEREAS, the Board previously authorized and agreements encumbered \$75,000 for the Coal Creek from 2nd Avenue to McCaslin Boulevard project (Table 1); and

Table 1
Coal Creek from 2nd Avenue to McCaslin Boulevard
Previous Authorizations

Resolution No.	Series of	District Share	Local Share	Work Elements
06	2021	\$75,000	\$75,000	Design
TOTAL		\$75,000	\$75,000	

WHEREAS, the Town of Superior and the District now desire to continue design and construct improvements along Coal Creek from 2nd Avenue to McCaslin Boulevard (Exhibit A); and

WHEREAS, the District’s additional participation being authorized by this resolution is \$325,000 to be at least matched by the Town of Superior; and

WHEREAS, it is anticipated that additional funds may be required for this project in the future; and

WHEREAS, the District has adopted, subsequent to a public hearing, a Special Revenue Fund – Construction Budget (Resolution No. 64, Series of 2020) for calendar year 2021 which includes funds for construction of drainage and flood control improvements along Coal Creek from 2nd Avenue to McCaslin Boulevard; and

WHEREAS, the District has adopted, subsequent to a public hearing, a Five-Year Capital Improvement Plan (Resolution No. 67, Series of 2020) which includes funds for the improvements along Coal Creek from 2nd Avenue to McCaslin Boulevard.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Resolution No. 06, Series of 2021, Paragraph 3, is further amended as follows:
“The District's maximum contribution to the Coal Creek from 2nd Avenue to McCaslin Boulevard project without prior approval of the Board shall be ~~\$75,000~~ **\$400,000** plus interest earned on monies deposited in the project fund, which contribution shall be at least matched by the Town of Superior.”
2. All other conditions and authorizations remain as stated in Resolution No. 06, Series of 2021.

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT d/b/a
MILE HIGH FLOOD DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 84, SERIES OF 2021
(Additional Authorization to Participate in Drainage and Flood Control Improvements
on Coal Creek from 2nd Avenue to McCaslin Boulevard, Town of Superior, Boulder County)

EXHIBIT A



URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 85, SERIES OF 2021
(Additional Authorization to Participate in Drainage and Flood Control Improvements
on South Boulder Creek Upstream of US Highway 36, City of Boulder, Boulder County)

WHEREAS, the District, in a policy statement previously adopted (Resolution No. 14, Series of 1970 and Resolution No. 11, Series of 1973), expressed an intent to assist public bodies which have heretofore enacted floodplain zoning measures; and

WHEREAS, the City of Boulder has enacted floodplain regulations; and

WHEREAS, the City of Boulder and the District cooperated in the preparation of “Final South Boulder Creek Major Drainageway Plan – Alternative Analysis Report,” dated August 2015; and

WHEREAS, the Board previously authorized and agreements encumbered \$1,020,000 for the South Boulder Creek upstream of US Highway 36 project (Table 1); and

Table 1
South Boulder Creek upstream of US Highway 36
Previous Authorizations

Resolution No.	Series of	District Share	Local Share	Work Elements
42	2018	\$120,000	\$120,000	Design
55	2019	\$200,000	\$200,000	Design
24	2020	\$700,000	\$700,000	Design
TOTAL		\$1,020,000	\$1,020,000	

WHEREAS, the City of Boulder and the District now desire to construct improvements along South Boulder Creek upstream of US Highway 36 (Exhibit A); and

WHEREAS, the District’s additional participation being authorized by this resolution is \$1,000,000 to be at least matched by the City of Boulder; and

WHEREAS, it is anticipated that additional funds may be required for this project in the future; and

WHEREAS, the District has adopted, subsequent to a public hearing, a Special Revenue Fund – Construction Budget (Resolution No. 64, Series of 2020) for calendar year 2021 which includes funds for construction of drainage and flood control improvements along South Boulder Creek upstream of US Highway 36; and

WHEREAS, the District has adopted, subsequent to a public hearing, a Five-Year Capital Improvement Plan (Resolution No. 67, Series of 2020) which includes funds for the improvements along South Boulder Creek upstream of US Highway 36.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Resolution No. 42, Series of 2018, Paragraph 3, is further amended as follows:
“The District's maximum contribution to the South Boulder Creek upstream of US Highway 36 project without prior approval of the Board shall be ~~\$1,020,000~~ **\$2,020,000** plus interest earned on monies deposited in the project fund, which contribution shall be at least matched by the City of Boulder.”
2. All other conditions and authorizations remain as stated in Resolution No. 42, Series of 2018.

URBAN DRAINAGE AND FLOOD CONTROL
DISTRICT d/b/a
MILE HIGH FLOOD DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
d/b/a
MILE HIGH FLOOD DISTRICT

RESOLUTION NO. 85, SERIES OF 2021
(Additional Authorization to Participate in Drainage and Flood Control Improvements
on South Boulder Creek Upstream of US Highway 36, City of Boulder, Boulder County)

EXHIBIT A

