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**CORTEZ CITY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 25, 2024
7:30 P.M.**

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL, APPROVAL OF AGENDA.
2. CONSENT AGENDA

The listing under "Consent Agenda" is a group of items to be acted on with a single motion and vote. This agenda is designed to expedite the handling of limited routine matters by City Council. Either the public or a Councilmember may request that an item may be removed from the Consent Agenda at that time, prior to Council's vote. The Mayor will ask if a citizen or Councilmember wishes to have any specific item removed from the Consent Agenda for discussion.

- a. Approval of the Council Special Meeting/Worksession and Agenda Minutes of June 11, 2024.
- b. Approval of the Expenditure List for June 25, 2024
- c. Approval of a Fermented Malt Beverage and Wine Liquor License for Maverick Inc., DBA Maverick #497, located at 455 State Street, Cortez.
- d. Approval of a renewal Hotel and Restaurant Liquor License for Kashmien LLC., DBA Lotsa Pasta & Thatza Pizza, located at 439 East Main Street, Cortez.
- e. Approval of a Retail Liquor Store Liquor License for Marjana Lloyd, DBA The Cellar, located at 2410 Fairway Drive, Suite B, Cortez.

3. PUBLIC PARTICIPATION

There is no limit to the number of speakers, although public comments will be held to an overall time limit of 30 minutes.

(Speakers have a time limit of three (3) minutes per person, may only speak once, and may not cede time to another commenter. Please reference rules below.)

4. PRESENTATIONS

- a. **Colorado House Bill 24-1175, Local Government's Rights to Property for Affordable Housing**

Presentation of Colorado House Bill 24-1175, Local Government's Rights to Property for Affordable Housing.

Presenter: Drew Sanders, City Manager

5. PUBLIC HEARINGS
6. UNFINISHED BUSINESS
7. NEW BUSINESS

a. **Award a Lease Bid for Two Greens Mowers for the Conquistador Golf Course**

Rescind the authorization for a lease for Two Greens Mowers for the Conquistador Golf Course with John Deere Financial and Award a Lease Bid to Commerce Bank.

Presenter: Creighton Wright, Director of Parks and Recreation

b. **Resolution No. 11, Series 2024**

Resolution No. 11, Series 2024, a resolution amending the 2024 Fee Schedule for the City of Cortez.

Presenter: Linda Smith, City Clerk

c. **City Board and Committee Appointments**

Appointments may be made by Council for the open seats on the Historic Preservation Board; Planning and Zoning Commission; Library Advisory Board; Parks, Recreation, and Forestry Advisory Board; and a youth to the Arts Advisory Committee.

Presenter: Linda Smith, City Clerk

8. **DRAFT RESOLUTION/ORDINANCES**

9. **CITY ATTORNEY'S REPORT**

10. **CITY MANAGER'S REPORT**

11. **CITY COUNCIL COMMITTEE REPORTS**

a. **Mayor's Report on Workshop**

b. **Other Board Reports**

12. **OTHER ITEMS OF BUSINESS**

- a. **Council may convene into Executive Session for the purpose of discussing the possible transfer or sale of real property pursuant to C.R.S. Section 24-6-402(4)(a) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e).**

13. **PUBLIC PARTICIPATION**

There is no limit to the number of speakers and no overall time limit.

(Speakers have a time limit of three (3) minutes per person, may only speak once, and may not cede time to another commenter. Please reference rules below.)

14. **ADJOURNMENT**

PURSUANT TO RESOLUTION 11, SERIES 2022, PUBLIC COMMENT:

--Individuals may comment regarding items on the Council agenda or any other topic they wish to address the City Council about, including items discussed in a previous Council Workshop. Those wishing to comment must register by completing an "Intent to Speak" card (located outside of the Council chambers). Completed cards will be collected at the start of the meeting and delivered to the Mayor, who will call each speaker to the podium at the appropriate time. Comments specific to agenda items scheduled for public hearings should be reserved and delivered during the public hearing session.

--Courtesy, civility, and respect for others is expected. All comments should be addressed directly to the Council. Commenters who are called upon by the Mayor to speak are the only persons allowed to speak during the allotted time. Comments, or other distractions from the audience intended for commenters or others are not permitted. The Mayor, as the chairperson for the meeting, retains the discretion to deviate from the formats described below.

--There are two general opportunities for citizens to address the Council:

For the first opportunity (which will occur toward the start of the meeting) there is no limit to the number of speakers, although public comments will be held to an overall time limit of 30 minutes so City business may proceed. Speakers have a time limit of 3 minutes per person, may only speak once, and may not cede time to other commenters.

For the second opportunity (which will occur toward the end of the meeting) there is no limit to the number of speakers, and no overall time limit. Speakers have a time limit of 3 minutes per person, may only speak once, and may not cede time to other commenters.

--Other Opportunities to Participate

Citizens may also participate via email if addressed to councilcomments@cortezco.gov. Comments received by 3:00pm the day of a Council meeting will be delivered to Council the same day and entered into the meeting minutes. Citizens may also send letters to the Council by addressing them to "City Council" 123 Roger Smith Ave., Cortez, CO 81321. In-person deliveries are also accepted.

MOTION TO GO INTO EXECUTIVE SESSION:

--For a conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);

--For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e);

--To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a)

--For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific fire employees who have requested discussion of the matter in open session: any member of this body or any elected official: the appointment of any person to fill an office of this body or of an elected official: or personnel policies that do not require the discussion of matters personal to particular employees

--For discussion of a matter required to be kept confidential by the following federal or state law, or regulation: _____ under C.R.S. Section 24-6-402(4)(c)

--For discussion of specialized details of security arrangements or investigations under C.R.S. Section 24-6-402(4)(d)

--For consideration of documents protected by the mandatory nondisclosure provisions of the Open Records Act under C.R.S. Section 24-6-402(4)(g)

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED:

(a brief description must be included following the statute citation regarding why the executive session is being held)



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

Linda Smith
City Clerk
123 Roger Smith Avenue
Cortez, CO. 81321
lsmith@cortezco.gov

Memorandum

To: CORTEZ CITY COUNCIL

From: LINDA SMITH, CITY CLERK

Date: June 18, 2024

RE: Approval of the Council Special Meeting/Worksession and Agenda Minutes of June 11, 2024.

Attachments

Special Meeting/Worksession minutes of June 11, 2024
Agenda Minutes for June 11, 2024

CITY COUNCIL
REGULAR WORKSHOP/SPECIAL MEETING
TUESDAY, JUNE 11, 2024
6:00 p.m.

1. The Regular Worksession/Special Meeting was called to order in the City Council Chambers at 6:00 p.m. The following Councilmembers were present: Mayor Rachel Medina, Robert Dobry, Bill Lewis, Matthew Keefauver, April Randle, and Dennis Spruell. Mayor Pro-tem Lydia DeHaven was absent. Staff present included: Director of Parks and Recreation Creighton Wright, Community and Economic Development Director Rachael Marchbanks, Director of Finance Kelly Koskie, Chief of Police Vernon Knuckles, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman.

2. Director of Finance Koskie introduced new IT Manager Jay Rohrer and spoke of his experience noting that he will be a tremendous asset to the City of Cortez. Mr. Rohrer stated that this is a great opportunity and he is looking forward to working with the City team.

3. Interviews were held for various City Boards and Commissions openings as follows:

*Cortez Historic Preservation Board

Holly Tatnall, Representative for the Cortez Cultural Center

*Library Advisory Board

Alyson "Aly" Maun

Melanie Rime

Roxanne Rogers

Victor "Damiond" Smith

*Planning and Zoning Commission

Nina Thao

*Parks, Recreation, and Forestry Advisory Board

Robert Rime

Dennis Olson

Steve Moore

Richard Landreth

Melissa Baisden

*Introduction of Arts Advisory Committee Youth Applicant

Nyx Poulin

Additional interviews will be held on June 25, 2024, and appointments will be made at the next City Council meeting on June 25, 2024.

4. General Discussion:

a. Councilmember Dobry stated that the Governor recently signed HB 24-1175 which gives local governments the right of first refusal and the right of first offer to obtain property for long term affordable housing or mixed-income development. He stated that he would like the City to consider opting out of the House Bill. City Manager Sanders stated that staff would gather information on the House Bill so Council could educate themselves on the issues with discussion and direction for staff to be conducted at the next Council meeting.

b. Councilmember Keefauver spoke about the re-dedication of the two pocket parks on Friday, June 7, 2024. He stated that the new playground equipment was well received by the neighborhoods and that a mother had said her two-year-old son says as they drive by the park on Market Street that this is his park. He thanked staff for all their work in preparing the celebration and getting the word out on the re-dedication. Also, Councilmember Keefauver stated that he and Mayor Medina attended the Mobile Fallen Warrior Display held at the Police Station on Sunday, June 9, 2024. He stated that it was a nice way to honor Officer Sgt. Moran and all the other fallen officers that have lost their lives in 2022 and 2023. The event meant a lot to his family and the community.

The regular workshop was adjourned at 7:20 p.m.

CITY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 11, 2024

1. The meeting was called to order in the City Council Chambers at 7:30 p.m., with the Pledge of Allegiance. Roll Call was taken and the following Councilmembers were present: Mayor Rachel Medina, Robert Dobry, Matthew Keefauver, Bill Lewis, April Randle and Dennis Spruell. Mayor Pro-tem Lydia DeHaven was absent. Staff present included: Chief of Police Vernon Knuckles, Finance Director Kelly Koskie, Airport Director Jeremy Patton, Director of Parks and Recreation Creighton Wright, Community and Economic Development Specialist Helen West, Community and Economic Development Director Rachael Marchbanks, Court Clerk/Administrator Carla Odell, Human Resources Director Matt Cashner, IT Technician Aaron Holleman, City Clerk Linda Smith, Deputy City Clerk Donna Murphy, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were six people present in the audience.

Councilmember Lewis moved that the agenda of June 11, 2024 be approved. Councilmember Dobry seconded the motion and the vote was as follows:

DeHaven	Dobry	Keefauver	Lewis	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

2. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Council Agenda Minutes for May 28, 2024.
 - b. Approval of the Expenditure List for June 11, 2024.
 - c. Approval of a renewal application for a Renewal Marijuana Store License for Southwest Sunshine LLC, DBA Doobie Sisters Recreational Dispensary, located at 695 North Broadway, Cortez.
 - d. Approval of a renewal application for a Medical Marijuana Center/On Site Optional Premises Cultivation License for Durango Organics, LLP, DBA DO Cortez, located at 1013 East Main Street, Cortez.
 - e. Approval of a renewal application for a Tavern Liquor License for Cortez Elks Lodge 1789, Inc., DBA Cortez Elks 1789, located at 2100 North Dolores Road, Cortez.
 - f. Approval of a renewal application for a Fermented Malt Beverage and Wine Liquor License for Stokley Corp., DBA Handy Mart South, located at 806 ½ South Broadway, Cortez.
 - g. Approval of a renewal application for a Hotel and Restaurant Liquor License and Outdoor Dining Agreement for Blondies Trophy Room, located at 45 East Main Street, Cortez.
 - h. Approval of a Special Event Permit application for Habitat for Humanity of Montezuma County

to host a “Backyard Games” event on Saturday, June 15, 2024 from 8:00 a.m. to 8:00 p.m., at Montezuma Park, located at the corner of Market Street and Montezuma Avenue, Cortez.

i. Approval of a Change in Corporate Structure and renewal application for an Arts Liquor License for the Cortez Cultural Center, Inc., DBA Cortez Cultural Center, located at 25 North Market Street, Cortez.

Councilmember Dobry moved that the Consent Agenda be approved as presented. Councilmember Lewis seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Lewis	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

- 3. PUBLIC PARTICIPATION: None.
- 4. PRESENTATIONS: None.
- 5. PUBLIC HEARINGS: None.
- 6. UNFINISHED BUSINESS: None
- 7. NEW BUSINESS

a. Weed Control and Herbicide Application Bid. Director of Parks and Recreation Wright stated that the City controls weeds through herbicide applications to preserve and maintain safety, aesthetics, and infrastructure. Public Works, Parks and Recreation (Parks and Golf), and the Airport all need herbicide applications. The City has used the same herbicide contractor for ten years, renewing each year with the same terms and costs; however, the previous contractor could not continue the contract this year, so the contract was rebid. Weed Control and Herbicide Application Proposal Form allows the contractors to identify the areas and the application type. It also includes the labor and equipment rates that will be locked in for the one-year term of the contract. The herbicide chemicals that the vendors use are identified on the form but not included in the agreement, as the chemicals’ availability and cost vary widely. Each of the summaries from the contractors were reviewed by Director of Parks and Recreation Wright. The contract method was also reviewed and it was noted that it allows for a pre-qualified short list of contractors from which the City can obtain proposals on a task-order basis. The approach allows for flexibility and adjustment as needs change throughout the season and provides for more specific and accurate task cost and management. The City Departments have spent \$15,000 to \$20,000 on weed control services annually in the last several years and have designated specific task orders through a work request. Staff feels that both contractors should be awarded the bid as the hourly cost is the same for each vendor. Both contractors suggested the City develop a more strategic approach to weed control, developing an annual plan focused on specific objectives and the contractors are willing to help the City conduct a weed assessment and create a plan that can be used to aid the bid process next year. Staff recommends that Council award the Weed Control and Herbicide Application Bid to Bonnie Anderson, Bonfire Weed Management LLC, and Joe Brunner, DBA JB Contracting, and authorize the City Manager to execute the agreement with the contractors. Discussion was held on

the areas that would be concentrated on regarding weed control with flexibility on areas that may need attention. The budgets for each department will pay the portion of the work that is done for the department that uses the services. Councilmember Keefauver asked that the areas that are treated be flagged so that people are aware of the herbicide application and children and dogs are not affected.

Councilmember Spruell moved that Council award the Weed Control and Herbicide Application Bid to Bonnie Anderson, Bonfire Weed Management LLC, and Joe Bruner, DBA JB Contracting, authorizing the City Manager to execute an agreement with the contractors. Councilmember Randle seconded the motion and the vote was as follows:

DeHaven	Dobry	Keefauver	Lewis	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

b. 2024 Service Center HVAC Installation Award City Manager Sanders stated that the Service Center HVAC installation project is a carry-over project from 2023. The project was in two parts originally with Part 1 being the purchase of the equipment and Part 2 is the installation of the HVAC units, electrical cost for the Variable Air Volume units, and controls for the system. The project was broken down into two parts because of the post-COVID lead times at the manufacturer for delivery. The City has issued bid requests for the project for installation five times, originally in 2022, on March 3, 2023, April 12, 2023, April 24, 2024, and this last time on May 22, 2024. The gap between 2023 and 2024 was to make sure the project got carried over to the new 2024 budget. The industry is still plagued by really long lead times for equipment and more HVAC projects than the contractors' capacity to do installations. During these bid processes, the City engaged consultation from our mechanical engineers ME&E for guidance and insights on ways to get more bids to each of the bid requests. The City also had numerous conversations with potential regional bidders and the manufacturer to increase the number of bidders. The bid notice went out to 301 potential bidders, and 17 potential bidders opened and reviewed the project. Only one bid was received from Farmington Heating and Metal Company. The equipment from Part 1 of the project is delivered and is accumulating warranty days while awaiting installation. The current Service Center HVAC system is 24 years old. Staff recommends that the bid be awarded to Farmington Heating and Metal Company at the bid amount of \$406,592.00.

Councilmember Lewis moved that Council award the 2024 Service Center HVAC Installation Project Bid to Farmington Heating & Metal Company for its bid amount of \$406,592.00. Councilmember Spruell seconded the motion and the vote was as follows:

DeHaven	Dobry	Keefauver	Lewis	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

c. Signature Authorization for CLG Grant Acceptance and Risk Assessment Form. Community and Economic Development Specialist West stated that Resolution No. 28, Series 2023, was approved by Council in November 2023, and authorized the City to apply for a grant from History Colorado to conduct an archaeological survey of the Carpenter and Geer Natural Areas. The 2024 grant will inventory these two Natural Areas for archaeological sites, and no matching funds are required. On April 19, 2024 the City of Cortez was notified that a grant for the total of \$12,941 was

awarded to the City; however to complete the contracting and award acceptance, a Risk Self-Assessment Form must be completed and signed by the Mayor. The grant will provide 100% of the cost of the project with the Historic Preservation Board and other locals providing additional volunteer time. The Request for Proposals for the Resource Survey are being received and it is hoped that the work can begin in August.

Councilmember Dobry moved that Council authorize Mayor Rachel B. Medina to sign the completed Risk Self-Assessment Form and other documents as necessary to obtain and complete the Class III Resource Survey of Carpenter and Geer Natural Areas grant from History Colorado. Councilmember Lewis seconded the motion and the vote was as follows:

DeHaven	Dobry	Keefauver	Lewis	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

d. Memorandum of Understanding for the 4th of July Fireworks Display at Parque de Vida, and Fireworks Display Permits for the 4th of July and Pinto Bean Golf Tournament Fireworks Displays. City Clerk Smith stated that for many years, the Cortez Fire Protection District has completed the outdoor fireworks for the 4th of July held in Parque de Vida and the Pinto Bean Golf Tournament held at Conquistador Golf Course (this year on August 17, 2024). The Memorandum of Understanding between the City of Cortez and Cortez Fire Protection District has been completed and is attached for Council’s consideration and authorization for the City Manager to sign. The Certificate of Liability Insurance Policy for the Cortez Fire Protection District is attached. Also, attached are the Fireworks Display Permits for July 4 and August 17, 2024 for Council’s consideration and authorization for the City Fire Inspector to sign.

Councilmember Lewis moved that Council authorize the City Manager to sign the Memorandum of Understanding between the City of Cortez and Cortez Fire Protection District concerning the hosting of the Fourth of July Fireworks Show, and authorize the City Fire Inspector (Sean Canada) to sign the Fireworks Display Permits for the fireworks displays to be held on July 4 and August 17, 2024. Councilmember Dobry seconded the motion and the vote was as follows:

DeHaven	Dobry	Keefauver	Lewis	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

8. DRAFT RESOLUTION/ORDINANCES: None

9. CITY ATTORNEY’S REPORT:

a. CORA (Colorado Open Records Act) Requests. City Attorney Coleman spoke about the many CORA requests that have been submitted over the past few weeks and are being reviewed by the City Attorney’s office. He spoke about the records which can be time consuming to review and as per State Statue CORA regulations, certain records are not required to be released such as Attorney/Client privilege and work product. Discussion was held on the fee that can be charged for CORA requests and it was noted that the Colorado Open Records Act allows for the first hour of staff time to be given at no charge, and the fee thereafter is determined by State Statue.

10. CITY MANAGER'S REPORT: City Manager Sanders gave a report on the following items:

- The City has received the most recent audit for the 2024 Loss Control Standards from our insurance provider, CIRSA, Colorado Intergovernmental Risk Sharing Agency. Thus far, we have only had one claim for the vandalism of the electrical panel in Parque de Vida. Upon review of the loss control audit, the City has received a final score of 101% passing all the criteria for Administration, Public Works, Police, Parks, and Recreation. The future loss control action plan includes completing the data security checklist to find discrepancies in the City's cyber security program.
- The two 'pocket parks' located at Market and 4th Street and Harrison and 3rd Street were rededicated on Friday, June 7, 2024 with the addition of playground equipment to both parks. When the South Neighborhood Park was put on hold, other park enhancements were considered. This was a year long project that culminated with the addition of playground equipment to the two existing 'pocket parks' making these parks even better neighborhood spaces.
- The City clean up week held May 20-24, 2024 was a success. This year the City picked up 56 tons of discarded debris compared to 61 tons in 2023, and 106 mattresses this year compared to 164 in 2023. I would like to thank Public Works and the refuse team for all they do to help keep our City looking good.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that new IT Manager Jay Rohrer was introduced and interviews were held for current openings on City Boards and Commissions. Appointments for the Boards and Commissions will be made at the June 25, 2024, Council meeting. Councilmember Dobry asked for information on HB 24-1175 (right of first refusal for properties in local communities) and for the City's consideration of opting out. Councilmember Keefauver spoke about the re-dedication of the two pocket parks and also the Mobile Fallen Warrior Display honoring Officer Moran that was in Cortez on Sunday, June 9, 2024.

b. Parks, Recreation, and Forestry Advisory Board. Councilmember Keefauver stated that the Parks, Recreation, and Forestry Advisory Board meeting was held on June 6, 2024, and discussion included an update on the South Neighborhood Park housing portion of the property located on 7th Street. Also, an update was given on the pocket park playgrounds which several of the members of the Parks, Recreation, and Forestry Advisory Board attended the re-dedication held on Friday, June 7, 2024. The Recreation Center Users Group application form is ready to go. Councilmember Dobry stated that he also attended the re-dedication of the two pockets parks which was a really great thing for the community and allows the youth to have a playground by their homes.

c. Cortez Historic Preservation Board. Councilmember Dobry stated that he attended his last Historic Preservation Board meeting and will let Councilmember Randle make the report as the new Council representative on that board. Councilmember Randle stated that Historic Preservation Board meeting was held on June 5, 2024, with an update given on the Cortez Historic Preservation day and month held in May. Also, discussion was held on the Certified Local Government Grant that was recently awarded to Cortez to complete an cultural resource inventory of Carpenter and Geer Natural Areas. Upcoming events include planning for the celebration of

America’s 250th birthday, Colorado’s 150th birthday, and Cortez’s 140th birthday in 2026. The next meeting is canceled due to the July 4th holiday. A letter will be sent to 87 property owners in Cortez who are eligible for the local register for a historic property. Currently, there are 58 properties that are on the list.

d. Montezuma County Homeless Prevention Team. Councilmember Randle attended the Montezuma County Homeless Prevention Team meeting held on June 10, 2024. Discussion included information that there are approximately 348 unhoused individuals in the City and approximately 68 individuals have been serviced by the Pinon Project Day Center this month which is up from the previous month.

e. Cortez Public Arts Committee. Mayor Medina stated that she attended the Cortez Public Arts Committee on June 3, 2024, and discussion was held on the vendor registration fee that the Arts Committee will receive from the 3rd Thursday events. The money will be used towards a budget to eventually develop a creative arts district (or something similar) in Cortez. The Public Arts Committee will also have a booth at the 3rd Thursday events.

12. OTHER ITEMS OF BUSINESS:

a. Councilmember Dobry moved that Council adjourn to Executive Session at 8:22 p.m. for the purpose of discussing the possible transfer or sale of real property pursuant to C.R.S. Section 24-6-402(4)(a) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e). Councilmember Lewis seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Lewis	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

Council returned from Executive Session at 9:02 p.m. Participants in the Executive Session included City Manager Sanders, City Attorney Coleman, Mayor Medina, Councilmember Dobry, Councilmember Keefauver, Councilmember Lewis, Councilmember Spruell, and Councilmember Randle. No adoption of any policy, position, resolution, rule, regulations, or other formal action occurred during Executive Session.

13. PUBLIC PARTICIPATION:

a. Julia Buff, Cortez, stated that she would like to know more information on what the City is doing about the funding/collaboration for youth recreation leagues in the community. She also asked about the Youth Advisory Board and if that board could be used for looking out for the youth within the community so the recreation activities could be improved upon by collaborating with families. Mayor Medina suggested that Ms. Buff connect with the Director of Parks and Recreation Creighton Wright on recreational ideas/concerns and that there is a Parks, Recreation, and Forestry Advisory Board which Ms. Buff could apply for an open seat if interested. In regard to funding of recreational activities, Ms. Buff was referred to the ClearGov program on the City’s website for information on the Parks and Recreation budget and to make comment during the budget review process held in September/October.

14. ADJOURNMENT: Councilmember Dobry moved that the regular meeting be adjourned at 9:15 p.m. Councilmember Lewis seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Lewis	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

Rachel B. Medina, Mayor

ATTEST:

Linda L. Smith, City Clerk



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

Kelly Koskie
Director of Finance
123 Roger Smith Ave
Cortez, CO. 81321
kkoskie@cortezco.gov

Memorandum

To: CORTEZ CITY COUNCIL

From: SARA COFFEY, PAYROLL/SALES TAX ADMINISTRATOR

Date: 06/18/2024

RE: Approval of the Expenditure List for June 25, 2024

Attachments

Expenditure List

EXPENDITURE LIST FOR WEEK ENDING JUNE 14, 2024

Department	Vendor Name	Description	Amount
	CRYSTAL BRITE LAUNDRY	Blanket po for uniform cleaning	\$ 16.50
	CRYSTAL BRITE LAUNDRY	Blanket po for uniform cleaning	\$ 22.00
	CRYSTAL BRITE LAUNDRY	Blanket po for uniform cleaning	\$ 22.00
	CRYSTAL BRITE LAUNDRY	Blanket po for uniform cleaning	\$ 22.00
	CRYSTAL BRITE LAUNDRY	Blanket po for uniform cleaning	\$ 22.00
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	CRYSTAL BRITE LAUNDRY	Blanket po for uniform cleaning	\$ 22.00
	CRYSTAL BRITE LAUNDRY	Blanket po for uniform cleaning	\$ 27.00
	CRYSTAL BRITE LAUNDRY	Blanket po for uniform cleaning	\$ 27.50
	CRYSTAL BRITE LAUNDRY	Blanket po for uniform cleaning	\$ 33.00
	CRYSTAL BRITE LAUNDRY	Blanket po for uniform cleaning	\$ 38.50
	CRYSTAL BRITE LAUNDRY	Blanket po for uniform cleaning	\$ 49.50
	GALL'S LLC	Shipping	\$ 14.24
	GALL'S LLC	Tactical Research Boot	\$ 133.40
	GALL'S LLC	511 Stryke Pants	\$ 216.48
	TAMI'S CREATIONS	Hem pants	\$ 30.00
	TAMI'S CREATIONS	Sew on patches	\$ 130.00
	DRUG & ALCOHOL TESTING ASSOC	EMPLOYEE DRUG TESTING	\$ 45.00
	TAMI'S CREATIONS	Notepad covers	\$ 150.00
	SURVIVAL ARMOR INC.	Bulletproof vest and carrier	\$ 1,140.37
	TAMI'S CREATIONS	Repair vest - Woodman	\$ 15.00
	ORKIN LLC	PEST CONTROL SERVICES	\$ 204.99
	ATMOS ENERGY	GAS SERVICE	\$ 79.24
	COLLINS FLAGS	Z010103001 Nylon US Flag, 3x5, PD	\$ 34.50
	COLLINS FLAGS	Z02060103001 Colorado State Flag, 3x5, PD	\$ 40.00
	HOME DEPOT PRO INSTITUTIONAL	REN11510-CA Can liners, 24x33, 8 mic, clear - PD	\$ 66.08
	IMAGENET CONSULTING LLC	EQUIPMENT RENTAL	\$ 27.39
		Total	\$ 3,897.70
Animal Shelter	CORTEZ ADOBE ANIMAL HOSPITAL	CASTRATION	\$ 90.00
	VIBRANT PET ANIMAL HOSPITAL	SPAY	\$ 78.75
	ORKIN LLC	PEST CONTROL SERVICES	\$ 120.99
	NCSI	APPLICANT PROFILES	\$ 18.50
		Total	\$ 308.24
Public Works	AMAZON CAPITAL SERVICES	Bosch BT160 Alum. Tripod w/adjustable legs - Ke	\$ 63.19
	AMAZON CAPITAL SERVICES	MS LXN-00004 Ergonomic Keyboard for Business	\$ 189.50
	CHOICE BUILDING SUPPLY	Stihl MS194T 14 inch Pruning Saw	\$ 395.99
		Total	\$ 648.68
Parks & Rec	NCSI	APPLICANT PROFILES	\$ 37.00
		Total	\$ 37.00
Outdoor Pool	CDLE-FINANCE OFFICE-BOILER INSP	BOILER INSPECTION	\$ 430.00
	DRUG & ALCOHOL TESTING ASSOC	EMPLOYEE DRUG TESTING	\$ 495.00

EXPENDITURE LIST FOR WEEK ENDING JUNE 14, 2024

Department	Vendor Name	Description	Amount
	AMERICAN RED CROSS	LIFEGUARDING CLASS	\$ 230.00
	AMERICAN RED CROSS	LIFEGUARDING CLASS	\$ 230.00
	SLAVENS TRUE VALUE	2x1 Red Bushing	\$ 3.28
	DURANGO COCA COLA BOTTLING CO	CONCESSIONS	\$ 35.70
	MONTEZUMA VALLEY PLUMBING LLC	WATER MAIN SEPARATION REPAIR	\$ 603.71
	NICE ELECTRIC	REPAIR LIGHTS AT OUTDOOR POOL	\$ 646.84
	SCOTT'S SEWER & DRAIN	CLEANED FLOOR DRAINS	\$ 130.00
	SLAVENS TRUE VALUE	1 PVC Coupling"	\$ 1.09
	SLAVENS TRUE VALUE	2 PVC Tee"	\$ 8.02
	SLAVENS TRUE VALUE	4OZ Cement Weld Kit	\$ 10.46
	SLAVENS TRUE VALUE	2x10 SCH40 PVC Pipe	\$ 40.02
		Total	\$ 2,864.12
Golf Pro	ORKIN LLC	Blanket PO - Pest Control Services - GC Pro Shop	\$ 128.99
		Total	\$ 128.99
Golf Course Maint	ATMOS ENERGY	GAS SERVICE	\$ 43.58
		Total	\$ 43.58
Parks	DRUG & ALCOHOL TESTING ASSOC	EMPLOYEE DRUG TESTING	\$ 225.00
	SPRINKLER PROS	LAWN MAINTENANCE	\$ 1,585.00
	ATMOS ENERGY	GAS SERVICE	\$ 68.79
	COLLINS FLAGS	Z03010103001 Army Nylon Flag, 3x5 - PKS	\$ 78.00
	PIONEER PRINTING	Carpenter Trail Sheets (Al Schneider)	\$ 44.80
	SLAVENS TRUE VALUE	CHAIN	\$ 8.18
	SLAVENS TRUE VALUE	PAINT	\$ 38.65
	A TO Z RECREATION	EWf Surfacing - Harrison Street	\$ 13,370.00
	A TO Z RECREATION	EWf Surfacing - Market Street	\$ 13,760.00
	A TO Z RECREATION	Installation - Harrison Street	\$ 19,090.00
	A TO Z RECREATION	Installation - Market Street	\$ 19,762.00
	A TO Z RECREATION	BCI Burke - Market Street - Proposal 136-169997	\$ 45,312.00
	A TO Z RECREATION	BCI Burke - Harrison Street - Proposal 136-16999	\$ 55,307.00
		total	\$ 168,649.42
Recreation	DRUG & ALCOHOL TESTING ASSOC	EMPLOYEE DRUG TESTING	\$ 270.00
	MONTEZUMA CORTEZ SCHOOL DIST.	TRIP TO DOLORES	\$ 44.85
		Total	\$ 314.85
Planning & Building	NCSI	APPLICANT PROFILES	\$ 18.50
		Total	\$ 18.50
Shop	DRUG & ALCOHOL TESTING ASSOC	EMPLOYEE DRUG TESTING	\$ 45.00
	FOUR STATES TIRE CO.	Navitrac 11R22.5 Tires - Unit 732	\$ 1,229.08
	ABLE TOWING OF CORTEZ	177.9112D 1/2 x CL Pipe Nipple	\$ 1.74
	ABLE TOWING OF CORTEZ	177.9103D Female Coupling 1/2 npt	\$ 4.26

EXPENDITURE LIST FOR WEEK ENDING JUNE 14, 2024

Department	Vendor Name	Description	Amount
	ABLE TOWING OF CORTEZ	177.9124D Street Elbow 45 1/2npt	\$ 5.73
	ABLE TOWING OF CORTEZ	177.13B6812D Brass Male Connector 3/4 x 1/2	\$ 14.45
	ABLE TOWING OF CORTEZ	170.065661 Dash Control Valve	\$ 128.01
	CHOICE BUILDING SUPPLY	KEY BOXES	\$ 28.56
	KOIS BROTHERS EQUIPMENT CO.	071-0837 HL-Hugger Grabber Belt - Unit 735	\$ 99.02
	AMAZON CAPITAL SERVICES	ArmorBlue F00332A3A Piusi DEF Rotary Pump	\$ 192.99
	SENERGY PETROLEUM	Dyed Diesel for Airport	\$ 544.10
	SENERGY PETROLEUM	Dyed Diesel for Parks Shop	\$ 1,414.08
	WORLD FUEL SERVICES INC	Dyed Diesel for Service Center	\$ 19,864.38
	AMAZON CAPITAL SERVICES	23600 Genuine Joe Center Pull Towels - SC	\$ 69.50
	COLLINS FLAGS	Z010103001 Nylon US Flag, 3x5, SC	\$ 34.50
	COLLINS FLAGS	Z02060103001 Colorado State Flag, 3x5, SC	\$ 40.00
		Total	\$ 23,715.40
Technology	AMAZON CAPITAL SERVICES	Tripp Lite HD Power Extension Cord, 10ft. - Jason	\$ 12.56
	AMAZON CAPITAL SERVICES	Dell 450-AHOM USB-C Adapter	\$ 47.27
	CENTURYLINK	DID	\$ 2.43
		Total	\$ 62.26
Airport	GARVER LLC	Airport Terminal Improvements Design, ARPA Grant	\$ 2,360.10
	CORTEZ RENDEZVOUS	EVENT SPONSORSHIP	\$ 300.00
	GARVER LLC	Runway Rehabilitation Design, AIP Grant Activity	\$ 7,157.10
	GARVER LLC	Apron Expansion Design, AIP Grant Activity, #21	\$ 28,439.40
		Total	\$ 38,256.60
Dispatch	LANGUAGE LINE SERVICE	INTERPRETATION SERVICES	\$ 92.84
	BRAND CENTRAL	Uniform shirts	\$ 176.00
		Total	\$ 268.84
Rec Center	DRUG & ALCOHOL TESTING ASSOC	EMPLOYEE DRUG TESTING	\$ 360.00
	STERICYCLE INC.	Steri-Safe OSHA Compliance Subscription	\$ 416.79
	WESTERN PAPER DISTRIBUTORS	CLEANING SUPPLIES	\$ 1.10
	WESTERN PAPER DISTRIBUTORS	CLEANING SUPPLIES	\$ 209.70
	WESTERN PAPER DISTRIBUTORS	CLEANING SUPPLIES	\$ 292.81
	WESTERN PAPER DISTRIBUTORS	CLEANING SUPPLIES	\$ 908.04
		Total	\$ 2,188.44
Water	AMAZON CAPITAL SERVICES	#10 Double Window Security Envelopes, 500/bo	\$ 134.90
	VERIZON WIRELESS	CRADLE PORTS	\$ 160.04
	THATCHER CHEMICAL CO.	Blanket PO - Liquid Alum AL2	\$ 7,213.81
	AMAZON CAPITAL SERVICES	Cub Cadet 982-0143A Skid Assembly	\$ 36.95
	AMAZON CAPITAL SERVICES	103294 Mobil-One FM 222 Grease Cartridge, 10	\$ 106.38
	BROWNS HILL ENGINEERING & CONTR	Blanket PO - Technical Consulting/Service Work	\$ 823.70
	USA BLUEBOOK	28235 Hach DPD Free Chlorine Reagent Set	\$ 477.52
	FASTENAL COMPANY	0136184 Rustoleum 203039 Marking Paint, Whi	\$ 87.64

EXPENDITURE LIST FOR WEEK ENDING JUNE 14, 2024

Department	Vendor Name	Description	Amount
	FASTENAL COMPANY	0136184 Rustoleum 203039 Marking Paint, Whi	\$ 87.64
	LAWSON PRODUCTS, INC.	53386 Safety Yellow High Solids Paint	\$ 42.24
	CANDELARIA CONSTRUCTION INC	Blanket PO - Equipment Hauling	\$ 314.00
		Total	\$ 9,484.82
Refuse	MONTEZUMA COUNTY LANDFILL	RECYCLE CREDIT	\$ (182.70)
	MONTEZUMA COUNTY LANDFILL	COMPOST	\$ 154.33
	MONTEZUMA COUNTY LANDFILL	Blanket PO - Landfill Charges	\$ 36,532.37
	MONTEZUMA COUNTY LANDFILL	ELECTRONICS	\$ 26.00
	MONTEZUMA COUNTY LANDFILL	MATTRESS	\$ 1,887.00
	MONTEZUMA COUNTY LANDFILL	CLEAN-UP WEEK	\$ 3,364.21
	WASTEBUILT ENVIRONMENTAL SOLUTI	G1-8886 6x2 Swivel Caster	\$ 881.85
	WASTEBUILT ENVIRONMENTAL SOLUTI	G1-8886 6x2 Swivel Caster	\$ 1,733.98
	FOUR CORNERS WELDING & GAS SUPP	Blanket PO - Welding Supplies - Dumpster Repai	\$ 79.62
	KOIS BROTHERS EQUIPMENT CO.	3rd Eye Gateway Truck Camera Kit - Unit 735	\$ 4,790.00
	MONTEZUMA COUNTY LANDFILL	RECYCLE CHARGE	\$ (367.95)
		Total	\$ 48,898.71
Total			\$ 303,629.85

EXPENDITURE LIST FOR WEEK ENDING JUNE 21, 2024

Department	Vendor Name	Description	Amount
City Manager	CIRSA	SPECIAL EVENT - CELTIC FAIR	\$ 728.61
		Total	\$ 728.61
Finance	NCSI	APPLICANT PROFILES	\$ 18.50
		Total	\$ 18.50
Grants	BOHANNAN HUSTON INC	Blanket PO - Cortez Safety Action Plan" Project #2	\$ 3,912.11
		Total	\$ 3,912.11
Library	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 1,445.09
	ATMOS ENERGY	GAS SERVICE	\$ 63.55
	BLACKSTONE PUBLISHING	AUDIO BOOKS	\$ 36.00
	BLACKSTONE PUBLISHING	AUDIO BOOKS	\$ 158.36
	OVERDRIVE	SUBSCRIPTION	\$ 3,000.00
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	WILL PARKER	MUSICAL PERFORMANCE	\$ 750.00
		Total	\$ 5,498.50
Building Maint	AMAZON CAPITAL SERVICES	Raven 66518 Nitrile Gloves, Large, 10 box/case	\$ 123.75
		Total	\$ 123.75
City Hall Operations	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 30.00
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 469.85
		Total	\$ 545.35
Welcome Center	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	REDFIN JANITORIAL LLC	JANITORIAL SERVICE	\$ 1,700.00
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 544.89
		Total	\$ 2,290.39
Police Department	BRAND CENTRAL	Embroider uniforms	\$ 76.00
	GALL'S LLC	Class A Uniform Cap	\$ 55.44
	GALL'S LLC	Shipping	\$ 10.32
	GALL'S LLC	Handcuff keys	\$ 83.60
	GALL'S LLC	Handcuff case	\$ 233.22
	NCSI	APPLICANT PROFILES	\$ 18.50
	LORI MILLICH	REIMB PETTY CASH - R BRINKERHOFF - EVIDENCE	\$ 15.00
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 2,772.87
	ATMOS ENERGY	GAS SERVICE	\$ 41.84
	IMAGENET CONSULTING LLC	EQUIPMENT RENTAL	\$ 15.09
		Total	\$ 3,367.38
Animal Shelter	FOUR CORNERS M.A.S.H., LLC	SPAY	\$ 96.00

EXPENDITURE LIST FOR WEEK ENDING JUNE 21, 2024

Department	Vendor Name	Description	Amount
	FOUR CORNERS M.A.S.H., LLC	SPAY/NEUTER	\$ 400.00
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ (75.72)
		Total	\$ 465.78
Public Works	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 11,409.30
	ENNIS-FLINT INC	985205-5P WB Blue Fast Dry 1952F Traffic Paint	\$ 287.22
	ENNIS-FLINT INC	985201-5P WB White Fast Dry 1952F Traffic Paint	\$ 977.85
	ENNIS-FLINT INC	985202-5P WB Yellow Fast Dry 1952F Traffic Paint	\$ 1,704.88
		Total	\$ 14,379.25
Outdoor Pool	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	NCSI	APPLICANT PROFILES	\$ 101.75
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 1,785.48
	ATMOS ENERGY	GAS SERVICE	\$ 1,219.72
	DURANGO COCA COLA BOTTLING CO	CONCESSIONS	\$ 339.00
	SYSCO FOOD SERVICES	CONCESSIONS	\$ 727.67
	NICE ELECTRIC	CLEAN SLIDE CONTACTOR	\$ 152.39
		Total	\$ 4,371.51
Golf Pro	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 35.50
		Total	\$ 35.50
Golf Course Maint	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 3,395.77
		Total	\$ 3,441.27
Parks	NCSI	APPLICANT PROFILES	\$ 55.50
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 2,634.02
	FERGUSON WATERWORKS #1116	ROTORS	\$ 366.18
	BIG R/JOHN DEERE FINANCIAL	SWEEPER NOZZLE	\$ 14.97
		Total	\$ 3,116.17
Recreation	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 22.00
	NCSI	APPLICANT PROFILES	\$ 111.00
	MONTEZUMA CORTEZ SCHOOL DIST.	TRIP TO DURANGO	\$ 196.95
		Total	\$ 329.95
Shop	NCSI	APPLICANT PROFILES	\$ 18.50
	CONSERVANCY OIL COMPANY	Blanket PO - Lubrication Products for Fleet Maintenance	\$ 2,185.75
	KOIS BROTHERS EQUIPMENT CO.	048-6238 Double link pin - Unit 735	\$ 44.73
	O'REILLY AUTO PARTS	Blanket PO - Parts for Fleet Repairs and Supplies	\$ (235.86)
	O'REILLY AUTO PARTS	Blanket PO - Parts for Fleet Repairs and Supplies	\$ 235.86
	O'REILLY AUTO PARTS	Blanket PO - Parts for Fleet Repairs and Supplies	\$ 292.64

EXPENDITURE LIST FOR WEEK ENDING JUNE 21, 2024

Department	Vendor Name	Description	Amount
	STOTZ EQUIPMENT	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 45.32
	STOTZ EQUIPMENT	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 617.36
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ (129.98)
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 5.24
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 9.17
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 15.26
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 17.17
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 22.64
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 24.97
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 33.02
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 46.14
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 52.24
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 68.75
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 86.44
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 90.12
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 140.69
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 176.77
	SUPERIOR AUTO	Blanket PO - Parts/Supplies for Fleet Maintenance	\$ 395.59
	SENERGY PETROLEUM	86E10 Unleaded Fuel for the Service Center	\$ 4,475.24
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	ORKIN LLC	Blanket PO - Pest Control Services - Service Center	\$ 195.99
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 2,307.34
	ATMOS ENERGY	GAS SERVICE	\$ 81.06
	ATMOS ENERGY	GAS SERVICE	\$ 106.33
	ATMOS ENERGY	GAS SERVICE	\$ 156.09
		Total	\$ 11,626.08
Technology	NCSI	APPLICANT PROFILES	\$ 18.50
	SOUTHERN COMPUTER WAREHOUSE	Tripp Lite P582-010 Cable	\$ 256.30
		Total	\$ 274.80
Airport	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 710.28
		Total	\$ 710.28
Rec Center	NCSI	APPLICANT PROFILES	\$ 120.25
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 7,196.69
	SYMMETRY ENERGY SOLUTIONS LLC	GAS SERVICE	\$ 2,952.42
	SPARKS PLUMBING	REPLACE MIXING VALVE	\$ 1,898.22
	WESTERN PAPER DISTRIBUTORS	CLEANING SUPPLIES	\$ (646.38)
	WESTERN PAPER DISTRIBUTORS	CLEANING SUPPLIES	\$ 292.65
	WESTERN PAPER DISTRIBUTORS	CLEANING SUPPLIES	\$ 485.97
	WESTERN PAPER DISTRIBUTORS	CLEANING SUPPLIES	\$ 752.49
	B&H PHOTO-VIDEO	452-BDVC Wyse Monitor Mounts - Rec Center	\$ 58.50
		Total	\$ 13,110.81

EXPENDITURE LIST FOR WEEK ENDING JUNE 21, 2024

Department	Vendor Name	Description	Amount
Water	GREEN ANALYTICAL LABS, INC.	Blanket PO - Lab Testing Services	\$ 124.20
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 2,668.52
	ATMOS ENERGY	GAS SERVICE	\$ 354.19
	USA BLUEBOOK	Blanket PO - Parts/Supplies - Repair/Maintenance	\$ 1,026.28
	USA BLUEBOOK	W19: Special 60035 Diaphragm Support Ring	\$ 105.95
	USA BLUEBOOK	W19: Special 60033 Head, PVC	\$ 458.95
	USA BLUEBOOK	W19: Special 60150 Milton Roy Diaphragm Assem	\$ 902.95
	AT&T MOBILITY	IPADS	\$ 273.51
		Total	\$ 5,960.05
Refuse	AWTI 3RD EYE CAM	VERI-EYE Positive Verification Service	\$ 300.00
	AWTI 3RD EYE CAM	SAFETY DRIVER - Monthly Video Monitoring	\$ 660.00
		Total	\$ 960.00
Total			\$ 75,266.04



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

Linda Smith
City Clerk
123 Roger Smith Avenue
Cortez, CO. 81321
lsmith@cortezco.gov

Memorandum

To: CORTEZ CITY COUNCIL

From: DONNA MURPHY, DEPUTY CITY CLERK

Date: 06.18.2024

RE: Approval of a Fermented Malt Beverage and Wine Liquor License for Maverick Inc.,
DBA Maverick #497, located at 455 State Street, Cortez.

Attachments

Renewal-Maverick

June 10, 2021

MEMO TO: Honorable Mayor and /City Council

FROM: Linda Smith, City Clerk

SUBJECT: RENEWAL APPLICATION FOR A FERMENTED MALT BEVERAGE LIQUOR LICENSE FROM MAVERIK INC., DBA MAVERIK #497, LOCATED AT 455 STATE STREET, CORTEZ

BACKGROUND

The application referred to above was filed in the City Clerk's office on May 20, 2021. The application appears to be complete and all fees were paid.

ISSUES

The fire inspection report states that no adverse fire conditions were found.

The police report shows no violations to the liquor code over the past twelve months.

The sales tax account is current.

RECOMMENDATION

Staff recommends approval of the renewal Fermented Malt Beverage Liquor License for the Maverik #497, located at 455 State Street, Cortez.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

Linda Smith
City Clerk
123 Roger Smith Avenue
Cortez, CO. 81321
lsmith@cortezco.gov

Memorandum

To: CORTEZ CITY COUNCIL

From: DONNA MURPHY, DEPUTY CITY CLERK

Date: 06.18.2024

RE: Approval of a renewal Hotel and Restaurant Liquor License for Kashmien LLC., DBA Lotsa Pasta & Thatza Pizza, located at 439 East Main Street, Cortez.

Attachments

Renewal-Lotsa Pasta



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

6/

MEMO TO: Honorable Mayor and City Council
FROM: Donna Murphy, Deputy City Clerk
SUBJECT: RENEWAL APPLICATION ON A HOTEL AND RESTAURANT LIQUOR
LICENSE FOR KASHMIEN LLC., DBA LOTSA PASTA & THATZA PIZZA,
LOCATED AT 439 EAST MAIN STREET, CORTEZ.

BACKGROUND

The renewal application referred to above was filed in the City Clerk's office on June 14, 2024. The application appears to be complete and all fees were paid.

ISSUES

The fire inspection report shows no violation to the Fire Code.

The police report shows no liquor violations were found over the past twelve months.

The sales tax account is current.

RECOMMENDATION

Staff recommends approval of a Hotel and Restaurant Liquor License for Lotsa Pasta & Thatza Pizza, located at 439 East Main Street, Cortez.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

Linda Smith
City Clerk
123 Roger Smith Avenue
Cortez, CO. 81321
lsmith@cortezco.gov

Memorandum

To: CORTEZ CITY COUNCIL

From: DONNA MURPHY, DEPUTY CITY CLERK

Date: 06/20/2024

RE: Approval of a Retail Liquor Store Liquor License for Marjana Lloyd, DBA The Cellar, located at 2410 Fairway Drive, Suite B, Cortez.

Attachments

Renewal-The Cellar



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

6/20/2024

MEMO TO: Honorable Mayor and City Council
FROM: Donna Murphy, Deputy City Clerk
SUBJECT: RENEWAL APPLICATION ON A RETAIL LIQUOR STORE LICENSE FOR MARJANA LLOYD, DBA THE CELLAR, LOCATED AT 2410 FAIRWAY DRIVE, SUITE B, CORTEZ

BACKGROUND

The renewal application referred to above was filed in the City Clerk's office on June 20, 2024. The application appears to be complete and all fees were paid.

ISSUES

The fire inspection report shows no violation to the Fire Code.

The police report shows no liquor violations were found over the past twelve months.

The sales tax account is current.

RECOMMENDATION

Staff recommends approval of renewal Retail Liquor Store License for Marjana Lloyd, DBA The Cellar, located at 2410 Fairway Drive, Suite B, Cortez.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

Drew Sanders
City Manager
123 E Roger Smith Ave,
Cortez, CO. 81321
dsanders@cortezco.gov

Memorandum

To: CORTEZ CITY COUNCIL

From: DREW SANDERS, CITY MANAGER

Date: June 18, 2024

RE: Colorado House Bill 24-1175, Local Government's Rights to Property for Affordable Housing

DISCUSSION

Presentation of CO HB 24-1175.

BACKGROUND

Governor Polis signed CO HB 24-1175 into law on May 30, 2024, and it becomes effective August 6, 2024. This bill creates a right of first refusal and a right of first offer for local governments to purchase certain types of multifamily rental properties constructed or converted into affordable housing. If a local government does not anticipate wanting to become an owner or landlord, the bill allows the local government to do a blanket waiver of its rights of first refusal and first offer.

RECOMMENDATION

Become familiar with HB 24-1175 to determine future actions.

MOTION

No action required.

Attachments

HB 24-1175 Signed

An Act

HOUSE BILL 24-1175

BY REPRESENTATIVE(S) Boesenecker and Sirota, Amabile, Bacon, Brown, Clifford, deGruy Kennedy, Epps, Froelich, Garcia, Hernandez, Herod, Jodeh, Joseph, Kipp, Lindsay, Mabrey, Marvin, McCormick, Ricks, Rutinel, Velasco, Vigil, Weissman, Willford, McCluskie, Daugherty, Duran, Lieder, Ortiz, Titone;
also SENATOR(S) Winter F. and Jaquez Lewis, Bridges, Cutter, Exum, Hinrichsen.

CONCERNING A LOCAL GOVERNMENT RIGHT OF FIRST REFUSAL OR OFFER TO PURCHASE QUALIFYING MULTIFAMILY PROPERTY FOR THE PURPOSE OF PROVIDING LONG-TERM AFFORDABLE HOUSING OR MIXED-INCOME DEVELOPMENT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** part 12 to article 4 of title 29 as follows:

PART 12

LOCAL GOVERNMENT RIGHT OF FIRST REFUSAL OR FIRST OFFER TO PURCHASE MULTIFAMILY HOUSING

29-4-1201. Definitions. AS USED IN THIS PART 12, UNLESS THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

CONTEXT OTHERWISE REQUIRES:

(1) "AFFORDABLE HOUSING FINANCIAL ASSISTANCE" MEANS LOANS, GRANTS, EQUITY, BONDS, OR TAX CREDITS PROVIDED TO A MULTIFAMILY RENTAL PROPERTY FROM ANY SOURCE TO SUPPORT THE CREATION, PRESERVATION, OR REHABILITATION OF AFFORDABLE HOUSING THAT, AS A CONDITION OF FUNDING, ENCUMBERS THE PROPERTY WITH A RESTRICTED USE COVENANT OR SIMILAR RECORDED AGREEMENT TO ENSURE AFFORDABILITY.

(2) "APPLICABLE QUALIFYING PROPERTY" MEANS EITHER "QUALIFYING PROPERTY" AS DEFINED IN SECTION 29-4-1202 (1), OR "QUALIFYING PROPERTY" AS DEFINED IN SECTION 29-4-1203 (1).

(3) "APPLICABLE RIGHT" MEANS EITHER A LOCAL GOVERNMENT'S RIGHT OF FIRST REFUSAL AS SET FORTH IN SECTION 29-4-1202, OR RIGHT OF FIRST OFFER AS SET FORTH IN SECTION 29-4-1203.

(4) "AREA MEDIAN INCOME" MEANS THE MEDIAN INCOME OF THE COUNTY IN WHICH A QUALIFYING PROPERTY IS LOCATED IN RELATION TO HOUSEHOLD SIZE, AS ESTABLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(5) "COLORADO HOUSING AND FINANCE AUTHORITY" MEANS THE COLORADO HOUSING AND FINANCE AUTHORITY CREATED IN SECTION 29-4-704 (1).

(6) "EXISTING AFFORDABLE HOUSING" MEANS HOUSING THAT IS SUBJECT TO ONE OR MORE RESTRICTED USE COVENANTS OR SIMILAR RECORDED AGREEMENTS TO ENSURE AFFORDABILITY AND THAT IS CONSISTENT WITH AFFORDABLE HOUSING FINANCIAL ASSISTANCE REQUIREMENTS. "EXISTING AFFORDABLE HOUSING" DOES NOT INCLUDE PROPERTIES FOR WHICH ALL RESTRICTED USE COVENANTS OR AFFORDABILITY REQUIREMENTS HAVE EXPIRED AS OF JUNE 1, 2024.

(7) "LOCAL GOVERNMENT" MEANS:

(a) A CITY, CITY AND COUNTY, OR TOWN IF THE APPLICABLE QUALIFYING PROPERTY IS LOCATED WITHIN THE INCORPORATED AREA OF A CITY, A CITY AND COUNTY, OR A TOWN; AND

(b) A COUNTY IF THE APPLICABLE QUALIFYING PROPERTY IS LOCATED WITHIN THE UNINCORPORATED AREA OF A COUNTY.

(8) "LOCAL OR REGIONAL HOUSING AUTHORITY" MEANS A HOUSING AUTHORITY CREATED PURSUANT TO SECTION 29-4-204 (1), 29-4-306 (1), 29-4-402, OR 29-4-503 (1).

(9) (a) "LONG-TERM AFFORDABLE HOUSING" MEANS HOUSING FOR WHICH THE LOCAL GOVERNMENT ENSURES THAT AFFORDABILITY LEVELS AT AN APPLICABLE QUALIFYING PROPERTY ARE ON AVERAGE EQUAL TO OR GREATER THAN PREEXISTING LEVELS AT THE APPLICABLE QUALIFYING PROPERTY AND THAT THE AVERAGE ANNUAL RENTS AT THE APPLICABLE QUALIFYING PROPERTY DO NOT EXCEED THE RENT FOR HOUSEHOLDS OF A GIVEN SIZE AT A GIVEN AREA MEDIAN INCOME, AS ESTABLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FOR A MINIMUM OF FORTY YEARS, AND FOR WHICH THE LOCAL GOVERNMENT AGREES NOT TO RAISE RENT FOR ANY UNIT IN THE APPLICABLE QUALIFYING PROPERTY BY MORE THAN THE RENT INCREASE CAP; EXCEPT THAT THE RENT INCREASE CAP DOES NOT APPLY TO UNITS OF HOUSING THAT ARE SUBJECT TO RENT OR INCOME LIMITS ESTABLISHED PURSUANT TO LOCAL, STATE, FEDERAL, OR POLITICAL SUBDIVISION AFFORDABLE HOUSING PROGRAM GUIDELINES.

(b) NOTHING IN THIS SUBSECTION (9) PREVENTS A LOCAL GOVERNMENT FROM PROVIDING AFFORDABILITY REQUIREMENTS BEYOND FORTY YEARS OR FOR UNITS TO BE AFFORDABLE TO RENTERS WITH INCOMES BELOW EXISTING AFFORDABILITY LEVELS, IN WHICH CASE THE LOCAL GOVERNMENT'S REQUIREMENTS APPLY FOR PURPOSES OF THE DEFINITION OF "LONG-TERM AFFORDABLE HOUSING" AS SET FORTH IN SUBSECTION (9)(a) OF THIS SECTION.

(10) (a) "MATCHED OFFER" MEANS AN OFFER OF PURCHASE FOR A QUALIFYING PROPERTY, AS DEFINED IN SECTION 29-4-1202 (1), FOR A PRICE AND WITH OTHER MATERIAL TERMS AND CONDITIONS THAT ARE AT LEAST AS FAVORABLE TO THOSE IN AN ARM'S-LENGTH, THIRD-PARTY OFFER THAT A RESIDENTIAL SELLER HAS RECEIVED AND IS WILLING TO ACCEPT FOR THE SALE OF THE QUALIFYING PROPERTY; EXCEPT THAT, TO THE EXTENT THAT THERE ARE ANY PROVISIONS IN THE ARM'S-LENGTH, THIRD-PARTY OFFER THAT THE LOCAL GOVERNMENT IS PROHIBITED BY LAW FROM CONTRACTING FOR, THE LOCAL GOVERNMENT IS NOT REQUIRED TO INCLUDE SUCH

PROVISIONS IN ITS OFFER FOR ITS OFFER TO BE A MATCHED OFFER.

(b) "MATCHED OFFER" ALSO MEANS, IN THE ABSENCE OF AN ARM'S-LENGTH, THIRD-PARTY OFFER, AN OFFER OF PURCHASE FOR A QUALIFYING PROPERTY, AS DEFINED IN SECTION 29-4-1202 (1), FOR A PRICE AND WITH OTHER MATERIAL TERMS AND CONDITIONS COMPARABLE TO THOSE FOR WHICH THE RESIDENTIAL SELLER WOULD SELL, AND A WILLING BUYER WOULD PURCHASE, THE QUALIFYING PROPERTY.

(11) "MATERIAL TERMS AND CONDITIONS" MEANS, GENERALLY, SIGNIFICANT TERMS AND CONDITIONS OF A CONTRACT SUCH AS SALE PRICE, EARNEST MONEY, REPRESENTATIONS, WARRANTIES, PROPERTY DESCRIPTION, AND PERFORMANCE UNDER THE CONTRACT AND, IF A RESIDENTIAL SELLER HAS RECEIVED AN OFFER FROM A THIRD-PARTY BUYER THAT IS ENTIRELY A CASH OFFER FOR THE THIRD-PARTY TO PURCHASE THE QUALIFYING PROPERTY, THE LOCAL GOVERNMENT, IN ACCORDANCE WITH SECTION 29-4-1202 (5)(a)(II), MUST AGREE TO CLOSE ON THE QUALIFYING PROPERTY WITHIN THE SAME TIME PERIOD AS SET FORTH IN THE THIRD-PARTY BUYER'S OFFER FOR PURPOSES OF A MATCHED OFFER. "MATERIAL TERMS AND CONDITIONS" EXCLUDES, BUT IS NOT LIMITED TO EXCLUDING, THE TYPE OF FINANCING OR PAYMENT METHOD OR THE PERIOD FOR CLOSING.

(12) "MIXED-INCOME PROJECT" MEANS AN AFFORDABLE HOUSING DEVELOPMENT IN WHICH A PERCENTAGE OF UNITS HAVE RESTRICTED AVAILABILITY TO HOUSEHOLDS AT OR BELOW GIVEN AREA MEDIAN INCOME LEVELS, PROPORTIONAL TO THE DEMONSTRATED HOUSING NEEDS OF THE LOCAL COMMUNITY. THE PERCENTAGE OF INCOME RESTRICTED UNITS AND AFFORDABILITY LEVELS MUST COMPLY WITH LAWS ENACTED BY LOCAL GOVERNMENTS PROMOTING THE DEVELOPMENT OF NEW AFFORDABLE HOUSING UNITS PURSUANT TO SECTION 29-20-104 (1).

(13) "RENT INCREASE CAP" MEANS A PERCENTAGE OF THE CURRENT ANNUAL RENT FOR AN APPLICABLE QUALIFYING PROPERTY THAT IS EQUAL TO THE GREATER OF:

(a) THE AVERAGE ANNUAL PERCENTAGE CHANGE FOR THE PREVIOUS TWELVE MONTHS AT THE TIME OF THE CALCULATION IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX; OR

(b) THREE PERCENTAGE POINTS.

(14) "RESIDENTIAL SELLER" MEANS THE FEE SIMPLE OWNER OF AN APPLICABLE QUALIFYING PROPERTY. IF THERE IS MORE THAN ONE FEE SIMPLE OWNER OF AN APPLICABLE QUALIFYING PROPERTY, EACH FEE SIMPLE OWNER IS REFERRED TO IN THIS PART 12 JOINTLY AND SEVERALLY AS THE "RESIDENTIAL SELLER".

29-4-1202. Right of first refusal - eligibility - process - notice - tolling - definition. (1) **Definition of qualifying property.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "QUALIFYING PROPERTY" MEANS A MULTIFAMILY RESIDENTIAL OR MIXED-USE RENTAL PROPERTY CONSISTING OF NOT LESS THAN FIVE UNITS THAT IS EXISTING AFFORDABLE HOUSING, EXCLUDING A MOBILE HOME PARK AS DEFINED IN SECTION 38-12-201.5 (6). FOR THE PURPOSE OF DETERMINING WHETHER A PROPERTY CONSISTS OF AT LEAST THE MINIMUM NUMBER OF UNITS SET FORTH IN THIS SUBSECTION (1) FOR A QUALIFYING PROPERTY, AN ACCESSORY DWELLING UNIT DOES NOT COUNT AS A UNIT.

(2) **Local government's right of first refusal.** (a) IN ACCORDANCE WITH THIS PART 12, THE LOCAL GOVERNMENT FOR THE JURISDICTION IN WHICH A QUALIFYING PROPERTY IS LOCATED HAS A RIGHT OF FIRST REFUSAL TO PURCHASE THE QUALIFYING PROPERTY WITH A MATCHED OFFER.

(b)(I) ANY PURCHASE AND SALE AGREEMENT FOR THE CONVEYANCE OF A QUALIFYING PROPERTY BY A RESIDENTIAL SELLER IS CONTINGENT UPON THE RIGHT OF FIRST REFUSAL SET FORTH IN THIS SECTION.

(II) IF THE LOCAL GOVERNMENT PROVIDES NOTICE PURSUANT TO SUBSECTION (4)(a)(I) OF THIS SECTION TO A RESIDENTIAL SELLER THAT THE LOCAL GOVERNMENT MAY EXERCISE ITS RIGHT OF FIRST REFUSAL, THE RESIDENTIAL SELLER SHALL NOT PROCEED WITH THE SALE OF THE QUALIFYING PROPERTY TO ANY OTHER PARTY AND THE LOCAL GOVERNMENT SHALL HAVE A RIGHT TO MAKE A MATCHED OFFER.

(III) FOR THE PURPOSE OF DETERMINING WHETHER AN OFFER BY THE LOCAL GOVERNMENT IS A MATCHED OFFER, IT IS IMMATERIAL HOW THE OFFER WOULD BE FINANCED IF THE LOCAL GOVERNMENT HAS SECURED THE FINANCING OR DEMONSTRATES APPROVAL OF THE FINANCING IN CONNECTION WITH MAKING THE OFFER, NOTWITHSTANDING ANY REQUIREMENT OF

APPROPRIATION BY A GOVERNING BODY FOR THE FINANCING. FOR PURPOSES OF THIS SECTION, A RESIDENTIAL SELLER SHALL NEGOTIATE IN GOOD FAITH WITH THE LOCAL GOVERNMENT THAT MAKES A MATCHED OFFER. THIS INCLUDES, BUT IS NOT LIMITED TO, EVALUATING AN OFFER FROM THE LOCAL GOVERNMENT OR ITS ASSIGNEE WITHOUT CONSIDERATION OF:

(A) THE PERIOD FOR CLOSING;

(B) THE TYPE OF FINANCING OR PAYMENT METHOD;

(C) WHETHER OR NOT THE OFFER IS CONTINGENT ON A PARTICULAR FINANCING OR PAYMENT METHOD; EXCEPT THAT THE LOCAL GOVERNMENT MUST BE ABLE TO DEMONSTRATE THAT ITS FINANCING OR PAYMENT METHOD HAS BEEN APPROVED, NOTWITHSTANDING ANY REQUIREMENT OF APPROPRIATION BY A GOVERNING BODY FOR THE FINANCING OR PAYMENT METHOD; AND

(D) WHETHER OR NOT THE OFFER IS CONTINGENT ON AN APPRAISAL, INSPECTION, REVIEW OF TITLE, OBTAINING TITLE INSURANCE, OR OTHER CUSTOMARY CONDITIONS FOR THE SALE OF SIMILAR PROPERTY.

(IV) A RESIDENTIAL SELLER SHALL NOT COLLUDE WITH A POTENTIAL BUYER FOR THE PRIMARY PURPOSE OF INFLATING A SALES PRICE ABOVE THE MARKET PRICE OF A QUALIFYING PROPERTY.

(c) THE LOCAL GOVERNMENT'S RIGHT OF FIRST REFUSAL CONCERNING THE QUALIFYING PROPERTY IS LIMITED TO PRESERVING OR CONVERTING THE QUALIFYING PROPERTY TO LONG-TERM AFFORDABLE HOUSING DIRECTLY OR THROUGH ANOTHER ENTITY TO WHICH THE LOCAL GOVERNMENT ASSIGNS ITS RIGHTS PURSUANT SUBSECTION (2)(f) OF THIS SECTION OR TRANSFERS THE QUALIFYING PROPERTY.

(d) IF A QUALIFYING PROPERTY IS CLASSIFIED AS MIXED-USE, THE LOCAL GOVERNMENT'S OFFER MUST INCLUDE ANY COMMERCIAL PORTION OF THE QUALIFYING PROPERTY, BUT ONLY THE RESIDENTIAL PORTION OF THE QUALIFYING PROPERTY IS SUBJECT TO AFFORDABILITY REQUIREMENTS.

(e) THE LOCAL GOVERNMENT, IN EXERCISING ITS RIGHT OF FIRST REFUSAL, MAY PARTNER WITH A NONPROFIT ENTITY, A PRIVATE ENTITY, A QUASI-GOVERNMENTAL ENTITY, OR ANOTHER GOVERNMENTAL ENTITY TO

CO-FINANCE, LEASE, OR MANAGE THE QUALIFYING PROPERTY FOR THE PUBLIC PURPOSE OF MAINTAINING THE QUALIFYING PROPERTY AS LONG-TERM AFFORDABLE HOUSING AS LONG AS THE LOCAL GOVERNMENT OR ITS ASSIGNEE MAINTAINS OWNERSHIP OF THE QUALIFYING PROPERTY EITHER DIRECTLY OR THROUGH A SPECIAL PURPOSE ENTITY OR AFFILIATE.

(f) AT ANY TIME, THE LOCAL GOVERNMENT MAY ASSIGN THE RIGHT OF FIRST REFUSAL WITH RESPECT TO A SPECIFIC QUALIFYING PROPERTY OR WITH RESPECT TO ALL QUALIFYING PROPERTIES IN THE LOCAL GOVERNMENT'S JURISDICTION TO A HOUSING AUTHORITY THAT IS WITHIN THE LOCAL GOVERNMENT'S JURISDICTION, A REGIONAL HOUSING AUTHORITY THAT SERVES THE LOCAL GOVERNMENT'S JURISDICTION, OR THE COLORADO HOUSING AND FINANCE AUTHORITY, SUBJECT TO THE REQUIREMENTS THAT THE QUALIFYING PROPERTY IS USED TO PRESERVE OR BE CONVERTED TO LONG-TERM AFFORDABLE HOUSING AND THAT ALL OTHER PROVISIONS OF THIS PART 12 APPLY TO THE ASSIGNEE. IF THE PROPOSED ASSIGNEE ACCEPTS THE ASSIGNMENT OF THE RIGHT OF FIRST REFUSAL IN WRITING, UPON ASSIGNMENT, THE ASSIGNEE ASSUMES ALL LIABILITY OF THE LOCAL GOVERNMENT REGARDING THE EXERCISE OF THE RIGHT OF FIRST REFUSAL AND IS RESPONSIBLE FOR PERFORMING ALL REQUIREMENTS PURSUANT TO THIS PART 12 WITH RESPECT TO A QUALIFYING PROPERTY AS IF THE ASSIGNEE WERE THE LOCAL GOVERNMENT. THE LOCAL GOVERNMENT MUST PROVIDE NOTICE OF ANY ASSIGNMENT AS FOLLOWS:

(I) IF THE LOCAL GOVERNMENT HAS ASSIGNED ITS RIGHT OF FIRST REFUSAL WITH RESPECT TO ALL PROPERTIES WITHIN ITS JURISDICTION, THE LOCAL GOVERNMENT MUST POST A NOTICE IN A CONSPICUOUS LOCATION ON ITS WEBSITE INDICATING THAT THE LOCAL GOVERNMENT HAS ASSIGNED ITS RIGHT OF FIRST REFUSAL AND LISTING THE ASSIGNEE'S NAME AND CONTACT INFORMATION TO RECEIVE NOTICES REQUIRED PURSUANT TO THIS SECTION. THE NOTICE POSTED IN ACCORDANCE WITH THIS SUBSECTION (2)(f)(I) MUST BE EFFECTIVE FOR AT LEAST THREE MONTHS AFTER IT IS POSTED AND MUST EXPLICITLY STATE THE DATE IT EXPIRES, IF ANY. ANY NOTICE POSTED BY THE LOCAL GOVERNMENT IN ACCORDANCE WITH THIS SUBSECTION (2)(f)(I) IS DEEMED CONSTRUCTIVE NOTICE TO THE RESIDENTIAL SELLER.

(II) IF THE LOCAL GOVERNMENT HAS NOT POSTED NOTICE IN ACCORDANCE WITH SUBSECTION (2)(f)(I) OF THIS SECTION AND ASSIGNS ITS RIGHT OF FIRST REFUSAL WITH RESPECT TO ALL QUALIFYING PROPERTIES IN ITS JURISDICTION OR WITH RESPECT TO A QUALIFYING PROPERTY THAT IS THE

SUBJECT OF THE NOTICE PROVIDED BY A RESIDENTIAL SELLER IN ACCORDANCE WITH SUBSECTION (3)(b) OF THIS SECTION AFTER RECEIPT OF SUCH NOTICE, THE LOCAL GOVERNMENT SHALL IMMEDIATELY NOTIFY THE RESIDENTIAL SELLER OF THE ASSIGNMENT AND OF THE ASSIGNEE'S ADDRESS TO RECEIVE ANY NOTICES THE RESIDENTIAL SELLER IS REQUIRED TO SEND IN ACCORDANCE WITH THIS SECTION; EXCEPT THAT, IF THE SALE OF THE QUALIFYING PROPERTY THAT IS THE SUBJECT OF THE NOTICE PROVIDED BY THE RESIDENTIAL SELLER IN ACCORDANCE WITH SUBSECTION (3)(b) OF THIS SECTION HAS CONCLUDED, THEN NO NOTICE BY THE LOCAL GOVERNMENT OF THE ASSIGNMENT IS REQUIRED.

(g) (I) THE GOVERNING BODY OF A LOCAL GOVERNMENT HAS THE RIGHT TO WAIVE THE RIGHT OF FIRST REFUSAL PROVIDED IN THIS SECTION.

(II) (A) IF THE GOVERNING BODY OF A LOCAL GOVERNMENT HAS WAIVED ITS RIGHT OF FIRST REFUSAL, IT SHALL POST A NOTICE IN A CONSPICUOUS LOCATION ON ITS WEBSITE INDICATING THAT THERE IS A WAIVER AND THAT RESIDENTIAL SELLERS WITH QUALIFYING PROPERTIES WITHIN ITS JURISDICTION DO NOT HAVE AN OBLIGATION TO COMPLY WITH THIS SECTION. THE LOCAL GOVERNMENT SHALL ALSO PROVIDE WRITTEN NOTICE TO THE COLORADO HOUSING AND FINANCE AUTHORITY OF THE WAIVER.

(B) THE NOTICE POSTED OR PROVIDED IN ACCORDANCE WITH SUBSECTION (2)(g)(II)(A) OF THIS SECTION MUST BE EFFECTIVE FOR AT LEAST THREE MONTHS AFTER IT IS POSTED OR PROVIDED, AS APPLICABLE, AND MUST EXPLICITLY STATE THE DATE IT EXPIRES, IF ANY.

(C) FAILURE TO POST OR PROVIDE NOTICE PURSUANT TO THIS SUBSECTION (2)(g)(II) DOES NOT OTHERWISE AFFECT THE LOCAL GOVERNMENT'S RIGHT OF FIRST REFUSAL.

(3) Notices by residential seller. (a) (I) (A) NOT LESS THAN TWO YEARS BEFORE THE FINAL EXPIRATION OF THE LAST REMAINING AFFORDABILITY RESTRICTION INCUMBENT TO A QUALIFYING PROPERTY'S FUNDING SOURCES, A RESIDENTIAL SELLER SHALL PROVIDE NOTICE TO THE COLORADO HOUSING AND FINANCE AUTHORITY AND THE GOVERNING BODY OF THE LOCAL GOVERNMENT IN WHICH THE QUALIFYING PROPERTY IS LOCATED OF THE EXPIRATION OF SUCH RESTRICTION. THE NOTICE MUST INCLUDE THE DATE OF EXPIRATION OF THE LAST REMAINING AFFORDABILITY

RESTRICTION AND CONTACT INFORMATION FOR THE RESIDENTIAL SELLER.

(B) NOTWITHSTANDING SUBSECTION (3)(a)(I)(A) OF THIS SECTION, WHETHER NOTICE IS PROVIDED PURSUANT TO SUBSECTION (3)(a)(I)(A) OF THIS SECTION IS NOT RELEVANT TO DETERMINING A RESIDENTIAL SELLER'S OR LOCAL GOVERNMENT'S COMPLIANCE WITH THE REQUIREMENTS OF THIS PART 12 AND IS NOT SUBJECT TO ANY PROVISIONS SET FORTH IN SECTION 29-4-1206. PROVISION OF THE NOTICE REQUIRED BY SUBSECTION (3)(a)(I)(A) OF THIS SECTION IS NOT A TRIGGERING EVENT PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION.

(II) NOT LESS THAN SIX MONTHS BEFORE THE FINAL EXPIRATION OF THE LAST REMAINING AFFORDABILITY RESTRICTION INCUMBENT TO A QUALIFYING PROPERTY'S FUNDING SOURCES, A RESIDENTIAL SELLER SHALL PROVIDE NOTICE TO THE COLORADO HOUSING AND FINANCE AUTHORITY AND THE GOVERNING BODY OF THE LOCAL GOVERNMENT IN WHICH THE QUALIFYING PROPERTY IS LOCATED OF THE EXPIRATION OF SUCH RESTRICTION. THE NOTICE MUST INDICATE WHETHER THE RESIDENTIAL SELLER ANTICIPATES THAT IT WILL RECAPITALIZE AND CONTINUE TO OPERATE THE QUALIFYING PROPERTY AT AFFORDABILITY LEVELS AT LEAST ON AVERAGE EQUAL TO WHAT HAS BEEN PROVIDED AT THE QUALIFYING PROPERTY, RETAIN OWNERSHIP OF THE QUALIFYING PROPERTY AND LET AFFORDABILITY REQUIREMENTS EXPIRE, OR SELL THE QUALIFYING PROPERTY UPON EXPIRATION OF THE RESTRICTIONS.

(III) THE NOTICES PROVIDED TO THE COLORADO HOUSING AND FINANCE AUTHORITY PURSUANT TO THIS SUBSECTION (3)(a) DO NOT CREATE AN OBLIGATION OR REQUIREMENT FOR THE COLORADO HOUSING AND FINANCE AUTHORITY TO TAKE ACTION WITH RESPECT TO THE QUALIFYING PROPERTY OR TO PROVIDE ANY ENFORCEMENT OR COMPLIANCE MONITORING OF ANY REQUIREMENTS OF THIS PART 12.

(b)(I) WITHIN FOURTEEN CALENDAR DAYS OF A TRIGGERING EVENT, A RESIDENTIAL SELLER SHALL PROVIDE NOTICE IN ACCORDANCE WITH THIS SUBSECTION (3)(b) AND SUBSECTION (3)(d) OF THIS SECTION TO THE GOVERNING BODY OF THE LOCAL GOVERNMENT IN WHICH THE QUALIFYING PROPERTY IS LOCATED AND SHALL MAKE A GOOD FAITH EFFORT TO ENSURE THE NOTICE IS RECEIVED BY THE LOCAL GOVERNMENT. A TRIGGERING EVENT IS THE FIRST TO OCCUR OF ANY OF THE FOLLOWING EVENTS WHEN THE RESIDENTIAL SELLER:

(A) MATERIALLY DEPARTS FROM ANY REPRESENTATION MADE IN THE NOTICES REQUIRED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION AFTER AFFORDABILITY RESTRICTIONS EXPIRE IN A MANNER THAT INDICATES AN INTENT TO SELL THE QUALIFYING PROPERTY;

(B) SIGNS A LETTER OF INTENT, OPTION TO SELL OR BUY, OR OTHER CONDITIONAL WRITTEN AGREEMENT WITH A POTENTIAL BUYER FOR THE SALE OR TRANSFER OF THE QUALIFYING PROPERTY, WHICH INCLUDES THE ESTIMATED PRICE, TERMS, AND CONDITIONS OF THE PROPOSED SALE OR TRANSFER, EVEN IF THE PRICE, TERMS, OR CONDITIONS ARE SUBJECT TO CHANGE;

(C) LISTS THE QUALIFYING PROPERTY FOR SALE; OR

(D) MAKES A CONDITIONAL ACCEPTANCE OF AN OFFER FOR THE SALE OR TRANSFER OF THE QUALIFYING PROPERTY.

(II) THE NOTICE REQUIRED PURSUANT TO THIS SUBSECTION (3)(b) MUST INCLUDE:

(A) A GENERAL DESCRIPTION OF THE QUALIFYING PROPERTY TO BE SOLD, INCLUDING THE ADDRESS AND NAME OF THE PROPERTY, IF ANY, AND ANY ADDITIONAL DESCRIPTIONS OF THE QUALIFYING PROPERTY ON FILE WITH THE OFFICE OF THE ASSESSOR IN THE COUNTY IN WHICH THE QUALIFYING PROPERTY IS LOCATED;

(B) THE RESIDENTIAL SELLER'S ADDRESS AND, IF AVAILABLE, ELECTRONIC MAILING ADDRESS TO RECEIVE NOTICES FROM THE LOCAL GOVERNMENT;

(C) THE PRICE, TERMS, AND CONDITIONS OF AN ACCEPTABLE OFFER THE RESIDENTIAL SELLER HAS RECEIVED TO SELL THE QUALIFYING PROPERTY OR THE PRICE, TERMS, AND CONDITIONS FOR WHICH THE RESIDENTIAL SELLER INTENDS TO SELL THE QUALIFYING PROPERTY;

(D) ANY TERMS OR CONDITIONS WHICH, IF NOT MET, WOULD BE SUFFICIENT GROUNDS, IN THE RESIDENTIAL SELLER'S DISCRETION AND IN COMPLIANCE WITH THIS PART 12 AND ANY OTHER APPLICABLE LAW, TO REJECT AN OFFER; AND

(E) IF THE RESIDENTIAL SELLER HAS ENTERED INTO A CONTINGENT PURCHASE AND SALE AGREEMENT WITH A PROSPECTIVE BUYER, A COPY OF THE AGREEMENT.

(III) THE PRICE, TERMS, AND CONDITIONS REQUIRED TO BE STATED IN THE NOTICE PURSUANT TO SUBSECTION (3)(b)(II)(C) OF THIS SECTION MUST BE UNIVERSAL AND APPLICABLE TO ALL POTENTIAL BUYERS AND MUST NOT BE SPECIFIC TO OR PROHIBITIVE OF THE LOCAL GOVERNMENT MAKING A SUCCESSFUL OFFER TO PURCHASE THE QUALIFYING PROPERTY, MUST NOT BE UNLAWFUL, AND MUST NOT INHIBIT THE EXERCISE OF THE RIGHT OF FIRST REFUSAL PROVIDED FOR IN THIS SECTION.

(c) IF THE PRICE REQUIRED TO BE LISTED IN THE RESIDENTIAL SELLER'S NOTICE PURSUANT TO SUBSECTION (3)(b)(II)(C) OF THIS SECTION IS REDUCED BY FIVE PERCENT OR MORE OR THE TERMS OR CONDITIONS AS REQUIRED TO BE PROVIDED IN THE RESIDENTIAL SELLER'S NOTICE PURSUANT TO SUBSECTION (3)(b)(II)(D) OF THIS SECTION MATERIALLY CHANGE, THE RESIDENTIAL SELLER SHALL WITHIN SEVEN DAYS OF THE CHANGE PROVIDE NOTICE TO THE LOCAL GOVERNMENT OF THE CHANGE AND THE LOCAL GOVERNMENT MAY EXERCISE, OR RE-EXERCISE, ITS RIGHT OF FIRST REFUSAL IN ACCORDANCE WITH THIS SECTION.

(d) THE NOTICES GIVEN PURSUANT TO THIS SUBSECTION (3) MUST BE DELIVERED TO THE APPLICABLE REPRESENTATIVE OF THE COLORADO HOUSING AND FINANCE AUTHORITY AND TO THE CLERK OF THE GOVERNING BODY OF THE LOCAL GOVERNMENT, AS APPLICABLE, BY ELECTRONIC MAIL; EXCEPT THAT, IF THERE IS NOT AN ELECTRONIC MAILING ADDRESS AVAILABLE FOR THE APPLICABLE REPRESENTATIVE OR THE CLERK, THEN BY HAND DELIVERY, UNITED STATES FIRST CLASS MAIL, OR OVERNIGHT DELIVERY.

(e) THE LOCAL GOVERNMENT, EXCEPT AS OTHERWISE GOVERNED BY LAW OR COURT ORDER, SHALL SIGN A NONDISCLOSURE AGREEMENT WITH THE RESIDENTIAL SELLER AND, ONCE THE NONDISCLOSURE AGREEMENT IS EXECUTED, MAY SHARE THE INFORMATION CONTAINED IN THE NOTICES REQUIRED PURSUANT TO SUBSECTIONS (3)(b) AND (3)(c) OF THIS SECTION WITH ITS OFFICERS AND EMPLOYEES. IF THE LOCAL GOVERNMENT SHARES THE NOTICES REQUIRED PURSUANT TO SUBSECTIONS (3)(b) AND (3)(c) OF THIS SECTION WITH PROSPECTIVE ENTITIES THAT THE LOCAL GOVERNMENT PARTNERS WITH PURSUANT TO SUBSECTION (2)(e) OF THIS SECTION OR

PROSPECTIVE ASSIGNEES PURSUANT TO SUBSECTION (2)(f) OF THIS SECTION FOR THE PURPOSES OF EVALUATING OR OBTAINING FINANCING FOR THE PROSPECTIVE TRANSACTION, THOSE ENTITIES THAT RECEIVE THE NOTICE MUST EACH SIGN A NONDISCLOSURE AGREEMENT FOR THE RESPECTIVE ENTITY WITH THE RESIDENTIAL SELLER. AN ENTITY THAT HAS EXECUTED A NONDISCLOSURE AGREEMENT PURSUANT TO THIS SUBSECTION (3)(e), MAY SHARE THE INFORMATION CONTAINED IN THE NOTICES REQUIRED PURSUANT TO SUBSECTIONS (3)(b) AND (3)(c) OF THIS SECTION WITH ITS OFFICERS, EMPLOYEES, AND ATTORNEYS AND WITH ITS ADVISORS AND PROSPECTIVE FINANCING PROVIDERS IF THE ADVISORS AND PROSPECTIVE FINANCING PROVIDERS ARE BOUND BY THE NONDISCLOSURE AGREEMENT OR BY A SIMILAR CONTRACTUAL, LEGAL, OR FIDUCIARY OBLIGATION OF CONFIDENTIALITY FOR THE PURPOSES OF EVALUATING OR OBTAINING FINANCING FOR THE PROSPECTIVE TRANSACTION. THE INFORMATION CONTAINED IN THE NOTICES REQUIRED UNDER SUBSECTIONS (3)(b) AND (3)(c) OF THIS SECTION, EXCEPT FOR THE PROPERTY ADDRESS AND ANY INFORMATION THAT IS PUBLICLY RECORDED, IS CONFIDENTIAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE.

(4) (a) Notice by the local government to the residential seller.

(I) THE LOCAL GOVERNMENT SHALL MAKE A GOOD FAITH EFFORT TO PROVIDE NOTICE TO THE RESIDENTIAL SELLER AS SOON AS POSSIBLE BUT NOT LATER THAN FOURTEEN CALENDAR DAYS OF RECEIPT OF THE NOTICE REQUIRED PURSUANT TO SUBSECTION (3)(b) OR (3)(c) OF THIS SECTION OF THE LOCAL GOVERNMENT'S INTENT, WITH RESPECT TO THE QUALIFYING PROPERTY THAT IS THE SUBJECT OF THE NOTICE, TO EITHER PRESERVE ITS RIGHT OF FIRST REFUSAL PROVIDED IN THIS SECTION OR WAIVE ITS RIGHT OF FIRST REFUSAL. THE NOTICE MUST BE DELIVERED BY ELECTRONIC MAIL; EXCEPT THAT, IF THE RESIDENTIAL SELLER HAS NOT PROVIDED AN ELECTRONIC MAILING ADDRESS, THEN BY HAND DELIVERY, UNITED STATES FIRST CLASS MAIL, OR OVERNIGHT DELIVERY TO THE ADDRESS PROVIDED BY THE RESIDENTIAL SELLER PURSUANT TO SUBSECTION (3)(b)(II)(B) OF THIS SECTION.

(II) THE NOTICE GIVEN PURSUANT TO SUBSECTION (4)(a)(I) OF THIS SECTION IS NONBINDING ON THE LOCAL GOVERNMENT.

(III) IF NO NOTICE IS GIVEN BY THE LOCAL GOVERNMENT, IF THE LOCAL GOVERNMENT FAILS TO MAKE AN OFFER WITHIN THE TIME PERIOD PROVIDED IN SUBSECTION (5) OF THIS SECTION, OR IF THE OFFER IS

OTHERWISE NOT MADE IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION, THE RESIDENTIAL SELLER MAY PROCEED WITH THE SALE OF THE QUALIFYING PROPERTY TO ANY BUYER.

(IV) IF THE LOCAL GOVERNMENT INTENDS TO ASSIGN ITS RIGHT OF FIRST REFUSAL IN ACCORDANCE WITH SUBSECTION (2)(f) OF THIS SECTION, THE LOCAL GOVERNMENT MUST DISCLOSE THE POTENTIAL ASSIGNEE IN THE NOTICE REQUIRED PURSUANT TO SUBSECTION (4)(a)(I) OF THIS SECTION AND PROVIDE A COPY OF THE NOTICE TO THE PROPOSED ASSIGNEE, FOR THE PROPOSED ASSIGNEE'S CONSIDERATION IN DETERMINING WHETHER TO ACCEPT THE ASSIGNMENT.

(b) Notice by the local government to the Colorado housing and finance authority. IN CONNECTION WITH THE LOCAL GOVERNMENT PROVIDING NOTICE TO THE RESIDENTIAL SELLER IN ACCORDANCE WITH SUBSECTION (4)(a)(I) OF THIS SECTION, THE LOCAL GOVERNMENT SHALL ALSO PROVIDE THE NOTICE TO THE COLORADO HOUSING AND FINANCE AUTHORITY INDICATING IF THE LOCAL GOVERNMENT INTENDS TO EITHER PRESERVE OR WAIVE ITS RIGHT OF FIRST REFUSAL WITH RESPECT TO THE QUALIFYING PROPERTY THAT IS THE SUBJECT OF THE NOTICE PROVIDED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION AND IDENTIFYING ANY POTENTIAL ASSIGNEE THAT THE LOCAL GOVERNMENT INTENDS TO ASSIGN ITS RIGHT OF FIRST REFUSAL TO. THE NOTICE REQUIRED BY THIS SUBSECTION (4)(b) IS NONBINDING ON THE LOCAL GOVERNMENT.

(5) Process to exercise right of first refusal. (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, THE LOCAL GOVERNMENT HAS THIRTY CALENDAR DAYS FROM PROVIDING NOTICE PURSUANT TO SUBSECTION (4)(a)(I) OF THIS SECTION TO MAKE AN OFFER TO PURCHASE THE QUALIFYING PROPERTY AND SHALL AGREE TO CLOSE ON THE QUALIFYING PROPERTY AND EXECUTE THE NECESSARY AGREEMENTS TO FINALIZE THE SALE OF THE QUALIFYING PROPERTY TO THE LOCAL GOVERNMENT WITHIN SIXTY CALENDAR DAYS OF THE ACCEPTANCE BY A RESIDENTIAL SELLER OF THE LOCAL GOVERNMENT'S OFFER TO PURCHASE THE QUALIFYING PROPERTY AND THE EXECUTION OF THE NECESSARY AGREEMENTS IN CONNECTION WITH ACCEPTING THE OFFER.

(II) NOTWITHSTANDING SUBSECTION (5)(a)(I) OF THIS SECTION AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, IF A RESIDENTIAL SELLER HAS RECEIVED AN OFFER FROM A THIRD-PARTY BUYER

THAT IS AN ENTIRELY CASH OFFER FOR THE THIRD-PARTY BUYER TO PURCHASE THE QUALIFYING PROPERTY, THE LOCAL GOVERNMENT SHALL AGREE TO CLOSE ON THE QUALIFYING PROPERTY AND EXECUTE THE NECESSARY AGREEMENTS TO FINALIZE THE SALE OF THE QUALIFYING PROPERTY TO THE LOCAL GOVERNMENT WITHIN THE SAME TIME PERIOD AS IS SET FORTH IN THE THIRD-PARTY BUYER'S OFFER.

(b) IF A RESIDENTIAL SELLER REJECTS AN OFFER MADE BY THE LOCAL GOVERNMENT EXERCISING ITS RIGHT OF FIRST REFUSAL, THE RESIDENTIAL SELLER SHALL PROVIDE A WRITTEN EXPLANATION OF THE REJECTION AND SHALL INVITE THE LOCAL GOVERNMENT TO MAKE ONE SUBSEQUENT OFFER WITHIN FOURTEEN DAYS BY IDENTIFYING THE MATERIAL TERMS AND CONDITIONS THAT MUST BE INCLUDED IN THE SUBSEQUENT OFFER IN ORDER FOR THE RESIDENTIAL SELLER TO POTENTIALLY ACCEPT THE SUBSEQUENTLY MADE OFFER BY THE LOCAL GOVERNMENT. THE RESIDENTIAL SELLER SHALL HAVE FOURTEEN DAYS FROM THE DATE OF THE LOCAL GOVERNMENT'S SUBSEQUENT OFFER TO EITHER ACCEPT OR REJECT THE SUBSEQUENT OFFER, AND IF THE LOCAL GOVERNMENT'S SUBSEQUENT OFFER IS REJECTED BY THE RESIDENTIAL SELLER, THE RESIDENTIAL SELLER SHALL PROVIDE A WRITTEN EXPLANATION OF THE REJECTION AND THE RESIDENTIAL SELLER'S REJECTION OF THE SUBSEQUENT OFFER CONSTITUTES TERMINATION OF THE LOCAL GOVERNMENT'S RIGHT OF FIRST REFUSAL TO PURCHASE THE QUALIFYING PROPERTY, SUBJECT TO THE LOCAL GOVERNMENT'S RIGHT TO EXERCISE, OR RE-EXERCISE ITS RIGHT OF FIRST REFUSAL PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION IF THE CONDITION SET FORTH IN SUBSECTION (3)(c) OF THIS SECTION OCCURS.

(c) WITHIN SEVEN CALENDAR DAYS OF CLOSING ON THE SALE OF THE QUALIFYING PROPERTY TO THE LOCAL GOVERNMENT, THE RESIDENTIAL SELLER SHALL MAIL NOTICE TO EACH RESIDENT OF THE QUALIFYING PROPERTY OF THE SALE OF THE QUALIFYING PROPERTY TO THE LOCAL GOVERNMENT. THE RESIDENTIAL SELLER SHALL ALSO POST A COPY OF THE NOTICE IN A CONSPICUOUS PLACE IN THE QUALIFYING PROPERTY. THE MAILED AND POSTED NOTICES MUST BE PROVIDED IN ENGLISH, SPANISH, AND ANY OTHER LANGUAGE KNOWN TO BE SPOKEN BY RESIDENTS AT THE QUALIFYING PROPERTY AND MUST INCLUDE CONTACT INFORMATION FOR THE LOCAL GOVERNMENT, OR ITS ASSIGNEE, IF APPLICABLE, FOR RESIDENTS TO DIRECT QUESTIONS AND INPUT TO.

(6) **Extension of time.** THE TIME PERIODS SET FORTH IN THIS

SECTION MAY BE EXTENDED AND ANY TERMS OR CONDITIONS OF SALE MAY BE MODIFIED BY WRITTEN AGREEMENT BETWEEN THE LOCAL GOVERNMENT AND THE RESIDENTIAL SELLER OR, IF THE LOCAL GOVERNMENT HAS ASSIGNED ITS RIGHT OF FIRST REFUSAL, THE LOCAL GOVERNMENT'S ASSIGNEE AND THE RESIDENTIAL SELLER.

(7) **Certificate of compliance.** WITHIN FOURTEEN CALENDAR DAYS OF RECEIPT OF NOTICE REQUIRED BY EITHER SUBSECTION (3)(b) OR (3)(c) OF THIS SECTION OR, IF THE LOCAL GOVERNMENT INTENDS TO EXERCISE ITS RIGHT OF FIRST REFUSAL, WITHIN FOURTEEN CALENDAR DAYS OF EITHER ACCEPTANCE BY A RESIDENTIAL SELLER OF THE LOCAL GOVERNMENT'S OFFER OR REJECTION BY A RESIDENTIAL SELLER OF THE LOCAL GOVERNMENT'S OFFER IN ACCORDANCE WITH SUBSECTION (5)(b) OF THIS SECTION, THE LOCAL GOVERNMENT OR ITS ASSIGNEE SHALL EXECUTE AND RECORD A CERTIFICATE OF COMPLIANCE IN THE REAL PROPERTY RECORDS OF THE COUNTY IN WHICH THE QUALIFYING PROPERTY IS SITUATED. THE CERTIFICATE OF COMPLIANCE MUST INCLUDE THE NAME OF THE RESIDENTIAL SELLER, A LEGAL DESCRIPTION OF THE QUALIFYING PROPERTY, AND A STATEMENT THAT THE RESIDENTIAL SELLER HAS COMPLIED WITH ALL APPLICABLE PROVISIONS OF THIS SECTION. THE RECORDED CERTIFICATE OF COMPLIANCE IS PRIMA FACIE EVIDENCE OF THE RESIDENTIAL SELLER'S COMPLIANCE WITH THIS SECTION AND MAY BE RELIED UPON BY A RESIDENTIAL SELLER, ANY PERSON CLAIMING AN INTEREST IN THE QUALIFYING PROPERTY THROUGH A RESIDENTIAL SELLER, AND A TITLE INSURANCE ENTITY, AS DEFINED IN SECTION 10-11-102 (11).

(8) **Tenant qualifications.** (a) THE LOCAL GOVERNMENT OR ITS ASSIGNEE SHALL MAINTAIN AT THE QUALIFYING PROPERTY AFFORDABILITY LEVELS THAT ARE ON AVERAGE EQUAL TO OR GREATER THAN THE LEVELS PROVIDED AT THE TIME IT IS ACQUIRED BY THE LOCAL GOVERNMENT BOTH WITH RESPECT TO THE NUMBER OF AFFORDABLE UNITS AND THE AREA MEDIAN INCOMES USED TO DETERMINE RENT AND INCOME LIMITS. TENANT QUALIFICATIONS MUST COMPLY WITH FAIR HOUSING LAWS AND AFFORDABILITY REQUIREMENTS OF ANY NEW FUNDING SOURCES.

(b) NOTWITHSTANDING THE REQUIREMENTS AROUND LONG-TERM AFFORDABLE HOUSING SET FORTH IN THIS SECTION OR THE REQUIREMENTS IN SUBSECTION (8)(A) OF THIS SECTION, RESIDENTS AT THE QUALIFYING PROPERTY AT THE TIME IT IS ACQUIRED BY THE LOCAL GOVERNMENT PURSUANT TO THIS SECTION MAY CONTINUE TO RESIDE AT THE QUALIFYING

PROPERTY IRRESPECTIVE OF THEIR INCOME LEVEL FOR AT LEAST THE DURATION OF THEIR TENANCY AGREEMENT PURSUANT TO THE TENANCY AGREEMENT'S TERMS IN EFFECT AT THE TIME THE LOCAL GOVERNMENT ACQUIRES THE QUALIFYING PROPERTY. A LOCAL GOVERNMENT OR ITS ASSIGNEE MAY ONLY DECLINE TO RENEW A TENANT'S LEASE IN ORDER TO COMPLY WITH GREATER AFFORDABILITY RESTRICTIONS AT THE QUALIFYING PROPERTY IN ACCORDANCE WITH SUBSECTION (8)(a) OF THIS SECTION OR IF THE RESIDENT IS DEMONSTRABLY VIOLATING ANY TERMS OF THE LEASE.

(9) Application of a local government's right of first refusal laws. NOTHING IN THIS PART 12 RESTRICTS OR SUPERSEDES THE AUTHORITY OF A LOCAL GOVERNMENT TO ENACT LAWS FOR ITS JURISDICTION PROVIDING FOR THE LOCAL GOVERNMENT'S RIGHT OF FIRST REFUSAL TO PURCHASE PROPERTY FOR AFFORDABLE HOUSING THAT AT A MINIMUM COMPLY WITH THIS PART 12 AND IN THE EVENT OF CONFLICT BETWEEN A PROVISION IN THIS PART 12 AND A LOCAL GOVERNMENT'S LAWS, THE PROVISION MORE FAVORABLE TO THE LOCAL GOVERNMENT APPLIES; EXCEPT THAT THE PROVISIONS OF SUBSECTION (7) OF THIS SECTION AND THE PROVISIONS SET FORTH IN SECTION 29-4-1206 APPLY NOTWITHSTANDING ANY LAW ENACTED BY A LOCAL GOVERNMENT REGARDING THE LOCAL GOVERNMENT'S RIGHT OF FIRST REFUSAL.

29-4-1203. Right of first offer - eligibility - process - notice - definition. (1) **Definition of qualifying property.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "QUALIFYING PROPERTY" MEANS A MULTIFAMILY RESIDENTIAL OR MIXED-USE RENTAL PROPERTY CONSISTING OF NOT MORE THAN ONE HUNDRED UNITS AND NOT LESS THAN FIFTEEN UNITS AND EXCLUDING EXISTING AFFORDABLE HOUSING AND A MOBILE HOME PARK AS DEFINED IN SECTION 38-12-201.5 (6). FOR THE PURPOSE OF DETERMINING WHETHER A PROPERTY CONSISTS OF AT LEAST THE MINIMUM NUMBER OF UNITS SET FORTH IN THIS SUBSECTION (1) FOR A QUALIFYING PROPERTY, AN ACCESSORY DWELLING UNIT DOES NOT COUNT AS A UNIT.

(2) Local government's right of first offer. (a) IN ACCORDANCE WITH THIS PART 12, THE LOCAL GOVERNMENT FOR THE JURISDICTION IN WHICH A QUALIFYING PROPERTY IS LOCATED HAS A RIGHT OF FIRST OFFER TO MAKE AN OFFER TO PURCHASE THE QUALIFYING PROPERTY BEFORE THE QUALIFYING PROPERTY IS LISTED FOR SALE TO THIRD PARTIES.

(b) THE LOCAL GOVERNMENT'S RIGHT OF FIRST OFFER CONCERNING THE QUALIFYING PROPERTY IS LIMITED TO PRESERVING OR CONVERTING THE QUALIFYING PROPERTY TO LONG-TERM AFFORDABLE HOUSING OR A MIXED-INCOME DEVELOPMENT DIRECTLY OR THROUGH ANOTHER ENTITY TO WHICH THE LOCAL GOVERNMENT ASSIGNS ITS RIGHTS PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION OR TRANSFERS THE QUALIFYING PROPERTY. IF A QUALIFYING PROPERTY IS CLASSIFIED AS MIXED-USE, THE LOCAL GOVERNMENT'S OFFER MUST INCLUDE ANY COMMERCIAL PORTION OF THE QUALIFYING PROPERTY, BUT ONLY THE RESIDENTIAL PORTION OF THE QUALIFYING PROPERTY IS SUBJECT TO AFFORDABILITY REQUIREMENTS.

(c) THE LOCAL GOVERNMENT, IN EXERCISING ITS RIGHT OF FIRST OFFER, MAY PARTNER WITH A NONPROFIT ENTITY, A PRIVATE ENTITY, A QUASI-GOVERNMENTAL ENTITY, OR ANOTHER GOVERNMENTAL ENTITY TO CO-FINANCE, LEASE, OR MANAGE THE QUALIFYING PROPERTY FOR THE PUBLIC PURPOSE OF MAINTAINING THE QUALIFYING PROPERTY AS LONG-TERM AFFORDABLE HOUSING OR A MIXED-INCOME DEVELOPMENT IF THE LOCAL GOVERNMENT OR ITS ASSIGNEE MAINTAINS OWNERSHIP OF THE QUALIFYING PROPERTY EITHER DIRECTLY OR THROUGH A SPECIAL PURPOSE ENTITY OR AFFILIATE.

(d) AT ANY TIME, THE LOCAL GOVERNMENT MAY ASSIGN THE RIGHT OF FIRST OFFER REGARDING A QUALIFYING PROPERTY TO A LOCAL OR REGIONAL HOUSING AUTHORITY OR THE COLORADO HOUSING AND FINANCE AUTHORITY, SUBJECT TO THE REQUIREMENTS THAT THE QUALIFYING PROPERTY IS USED TO PRESERVE OR BE CONVERTED TO LONG-TERM AFFORDABLE HOUSING OR A MIXED-INCOME DEVELOPMENT AND THAT ALL OTHER PROVISIONS OF THIS PART 12 APPLY TO THE ASSIGNEE. THE ASSIGNEE MUST IMMEDIATELY NOTIFY THE RESIDENTIAL SELLER OF ANY ASSIGNMENT PURSUANT TO THIS SUBSECTION (2)(d), AND THE NOTICE MUST INCLUDE THE ASSIGNEE'S ADDRESS TO RECEIVE ANY NOTICES THAT THE RESIDENTIAL SELLER IS REQUIRED TO SEND IN ACCORDANCE WITH THIS SECTION. THE LOCAL GOVERNMENT REMAINS LIABLE FOR OBLIGATIONS PURSUANT TO THIS PART 12 ACCRUING PRIOR TO THE ASSIGNMENT AND UPON ASSIGNMENT, THE ASSIGNEE ASSUMES ALL LIABILITY OF THE LOCAL GOVERNMENT REGARDING THE EXERCISE OF THE RIGHT OF FIRST OFFER AND IS RESPONSIBLE FOR PERFORMING ALL REQUIREMENTS PURSUANT TO THIS PART 12, IN EACH CASE ACCRUING FROM AND AFTER THE ASSIGNMENT, WITH RESPECT TO A QUALIFYING PROPERTY AS IF THE ASSIGNEE WERE THE LOCAL GOVERNMENT.

(e) (I) THE GOVERNING BODY OF A LOCAL GOVERNMENT HAS THE RIGHT TO WAIVE THE RIGHT OF FIRST OFFER PROVIDED IN THIS SECTION.

(II) (A) IF THE GOVERNING BODY OF A LOCAL GOVERNMENT HAS WAIVED ITS RIGHT OF FIRST OFFER, IT SHALL POST A NOTICE IN A CONSPICUOUS LOCATION ON ITS WEBSITE INDICATING THAT THERE IS A WAIVER AND THAT RESIDENTIAL SELLERS WITH QUALIFYING PROPERTIES WITHIN ITS JURISDICTION DO NOT HAVE AN OBLIGATION TO COMPLY WITH THIS SECTION.

(B) THE NOTICE POSTED IN ACCORDANCE WITH SUBSECTION (2)(e)(II)(A) OF THIS SECTION MUST BE EFFECTIVE FOR AT LEAST THREE MONTHS AFTER IT IS POSTED AND MUST EXPLICITLY STATE THE DATE IT EXPIRES, IF ANY.

(C) FAILURE TO POST NOTICE PURSUANT TO THIS SUBSECTION (2)(e)(II) DOES NOT OTHERWISE AFFECT THE LOCAL GOVERNMENT'S RIGHT OF FIRST OFFER.

(f) NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE CONTRARY, AT ANY TIME PRIOR TO THE RESIDENTIAL SELLER AND THE LOCAL GOVERNMENT ENTERING INTO A CONTRACT FOR THE PURCHASE OF THE QUALIFYING PROPERTY BY THE LOCAL GOVERNMENT, THE RESIDENTIAL SELLER MAY REJECT THE LOCAL GOVERNMENT'S OFFER AND OTHERWISE TERMINATE NEGOTIATIONS WITH THE LOCAL GOVERNMENT.

(g) IF THE LOCAL GOVERNMENT WAIVES OR IS DEEMED TO HAVE WAIVED ITS RIGHT OF FIRST OFFER IN ACCORDANCE WITH THIS SECTION OR IF A RESIDENTIAL SELLER REJECTS THE LOCAL GOVERNMENT'S OFFER IN ACCORDANCE WITH SUBSECTION (2)(f) OF THIS SECTION, THE RESIDENTIAL SELLER HAS NO OBLIGATION TO PROVIDE INITIAL OR ADDITIONAL NOTICE, AS APPLICABLE, TO THE LOCAL GOVERNMENT OR OTHERWISE OFFER OR RE-OFFER, AS APPLICABLE, THE QUALIFYING PROPERTY TO THE LOCAL GOVERNMENT PURSUANT TO ANY PROVISION OF THIS SECTION UNLESS A TRANSACTION FOR THE SALE OF THE QUALIFYING PROPERTY DOES NOT CLOSE WITHIN TWELVE MONTHS OF EITHER THE LOCAL GOVERNMENT'S WAIVER OR DEEMED WAIVER OR REJECTION BY THE RESIDENTIAL SELLER OF THE LOCAL GOVERNMENT'S OFFER, WHICHEVER IS EARLIER; EXCEPT THAT, IF THE CONTRACT FOR SALE TO A THIRD PARTY HAS A DURATION LONGER THAN TWELVE MONTHS, THEN THE TWELVE MONTH PERIOD IS EXTENDED TO MATCH

THE TERM OF THE CONTRACT.

(3) Notice requirements generally. (a) (I) ANY NOTICES REQUIRED TO BE PROVIDED TO THE LOCAL GOVERNMENT PURSUANT TO THIS SECTION MUST BE DELIVERED TO THE CLERK OF THE GOVERNING BODY OF THE LOCAL GOVERNMENT BY ELECTRONIC MAIL; EXCEPT THAT IF THERE IS NOT AN ELECTRONIC MAILING ADDRESS AVAILABLE FOR THE CLERK, THEN BY HAND DELIVERY, UNITED STATES FIRST CLASS MAIL, OR OVERNIGHT DELIVERY.

(II) NOTWITHSTANDING SUBSECTION (3)(a)(I) OF THIS SECTION, IF THE LOCAL GOVERNMENT ASSIGNS ITS RIGHT OF FIRST OFFER AND THE ASSIGNEE PROVIDES NOTICE OF THE ASSIGNMENT TO THE RESIDENTIAL SELLER PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION, THEN UPON AND AFTER RECEIPT OF NOTICE OF THE ASSIGNMENT, THE RESIDENTIAL SELLER SHALL SEND BY ELECTRONIC MAIL ANY REQUIRED NOTICES PURSUANT TO THIS SECTION TO THE ADDRESS SPECIFIED BY THE ASSIGNEE; EXCEPT THAT, IF THERE IS NOT AN ELECTRONIC MAILING ADDRESS PROVIDED BY THE ASSIGNEE, THEN BY HAND DELIVERY, UNITED STATES FIRST CLASS MAIL, OR OVERNIGHT DELIVERY.

(b) ANY NOTICES PROVIDED TO THE RESIDENTIAL SELLER PURSUANT TO THIS SECTION MUST BE DELIVERED TO THE PHYSICAL ADDRESS PROVIDED BY THE RESIDENTIAL SELLER IN ACCORDANCE WITH SUBSECTION (5)(a)(II) OF THIS SECTION OR, UPON ELECTION BY THE RESIDENTIAL SELLER, BY ELECTRONIC MAIL TO THE ELECTRONIC MAILING ADDRESS PROVIDED BY THE RESIDENTIAL SELLER TO THE LOCAL GOVERNMENT.

(c) ANY NOTICE PROVIDED PURSUANT TO THIS SECTION IS DEEMED DELIVERED ON THE DATE IT IS SENT BY ELECTRONIC MAIL, THE DATE IT IS HAND DELIVERED, THE DATE AFTER THE DAY IT IS DEPOSITED FOR DELIVERY BY OVERNIGHT DELIVERY, OR THE DATE THAT IS TWO BUSINESS DAYS AFTER THE DAY IT IS DEPOSITED IN THE UNITED STATES MAIL, AS APPLICABLE.

(4) Notice by residential seller, local government's intent, and nondisclosure agreement. (a) BEFORE A RESIDENTIAL SELLER ENTERS INTO AN AGREEMENT WITH A LICENSED BROKER TO SOLICIT AND PROCURE PURCHASERS FOR A QUALIFYING PROPERTY OR OTHERWISE LISTS A QUALIFYING PROPERTY FOR SALE ON THE MULTIPLE LISTING SERVICE, THE RESIDENTIAL SELLER SHALL PROVIDE NOTICE TO THE GOVERNING BODY OF THE LOCAL GOVERNMENT IN WHICH THE QUALIFYING PROPERTY IS LOCATED

THAT THE RESIDENTIAL SELLER INTENDS TO SELL THE QUALIFYING PROPERTY.

(b) THE LOCAL GOVERNMENT HAS SEVEN CALENDAR DAYS FROM THE DATE OF RECEIVING THE NOTICE REQUIRED BY SUBSECTION (4)(a) OF THIS SECTION TO PROVIDE A WRITTEN RESPONSE TO THE RESIDENTIAL SELLER INDICATING THAT THE LOCAL GOVERNMENT EITHER:

(I) IS INTERESTED IN RECEIVING DUE DILIGENCE INFORMATION ON THE QUALIFYING PROPERTY SO THAT IT CAN EVALUATE WHETHER IT WANTS TO MAKE AN OFFER TO PURCHASE THE QUALIFYING PROPERTY, WHICH RESPONSE MUST CONTAIN A NONDISCLOSURE AGREEMENT IN A FORM ACCEPTABLE TO THE RESIDENTIAL SELLER THAT THE LOCAL GOVERNMENT HAS EXECUTED, EXCEPT AS OTHERWISE GOVERNED BY LAW OR COURT ORDER; OR

(II) WAIVES ANY RIGHT OF THE LOCAL GOVERNMENT TO PURCHASE THE QUALIFYING PROPERTY.

(c) IF THE LOCAL GOVERNMENT DOES NOT RESPOND WITHIN THE SEVEN-DAY PERIOD REQUIRED BY SUBSECTION (4)(b) OF THIS SECTION, IT IS DEEMED TO HAVE WAIVED ITS RIGHT OF FIRST OFFER WITH RESPECT TO THE QUALIFYING PROPERTY.

(5) **Residential seller's notice of terms.** (a) IF THE LOCAL GOVERNMENT PROVIDES NOTICE IN ACCORDANCE WITH SUBSECTION (4)(b) OF THIS SECTION, THE RESIDENTIAL SELLER HAS FIVE CALENDAR DAYS FROM RECEIPT OF THE NOTICE TO PROVIDE A NOTICE TO THE LOCAL GOVERNMENT THAT INCLUDES:

(I) THE ADDRESS AND NAME OF THE QUALIFYING PROPERTY, IF ANY, AND THE LEGAL DESCRIPTION OF THE QUALIFYING PROPERTY;

(II) THE RESIDENTIAL SELLER'S ADDRESS AND, IF AVAILABLE, ELECTRONIC MAILING ADDRESS TO RECEIVE NOTICES FROM THE LOCAL GOVERNMENT;

(III) A RENT ROLL FOR THE QUALIFYING PROPERTY SHOWING THE AMOUNT OF RENT CHARGED TO TENANTS AT THE QUALIFYING PROPERTY;

(IV) THE VACANCY RATE, OPERATING EXPENSES AND INCOME, AND COMMON AREA AMENITIES AT THE QUALIFYING PROPERTY;

(V) ANY MARKETING MATERIALS THAT THE RESIDENTIAL SELLER HAS PREPARED ON OR BEFORE THE DATE OF SUCH NOTICE AND ANTICIPATES USING IN CONNECTION WITH LISTING THE QUALIFYING PROPERTY FOR SALE;

(VI) A CURRENT TITLE COMMITMENT; AND

(VII) THE RESIDENTIAL SELLER'S EXECUTED VERSION OF THE NONDISCLOSURE AGREEMENT.

(b) SUBJECT TO AND PURSUANT TO THE NONDISCLOSURE AGREEMENT EXECUTED IN ACCORDANCE WITH SUBSECTION (4)(b) OF THIS SECTION, THE LOCAL GOVERNMENT MAY SHARE THE INFORMATION CONTAINED IN THE NOTICES REQUIRED PURSUANT TO THIS SUBSECTION (5) WITH ITS OFFICERS AND EMPLOYEES FOR THE PURPOSES OF EVALUATING OR OBTAINING FINANCING FOR THE PROSPECTIVE TRANSACTION. AGENTS OF THE LOCAL GOVERNMENT AND PROSPECTIVE ENTITIES THAT THE LOCAL GOVERNMENT PARTNERS WITH PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION OR PROSPECTIVE ASSIGNEES PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION MUST EACH SIGN A NONDISCLOSURE AGREEMENT FOR THE RESPECTIVE ENTITY. AN ENTITY THAT HAS EXECUTED A NONDISCLOSURE AGREEMENT MAY SHARE THE INFORMATION CONTAINED IN THE NOTICES REQUIRED PURSUANT TO THIS SUBSECTION (5) WITH ITS OFFICERS AND EMPLOYEES FOR THE PURPOSES OF EVALUATING OR OBTAINING FINANCING FOR THE PROSPECTIVE TRANSACTION. THE INFORMATION CONTAINED IN THE NOTICE MUST BE KEPT CONFIDENTIAL AND IS CONFIDENTIAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE.

(6) Notice by the local government. (a) A LOCAL GOVERNMENT HAS FOURTEEN CALENDAR DAYS FROM THE DATE OF RECEIVING THE NOTICE REQUIRED BY SUBSECTION (5)(a) OF THIS SUBSECTION TO PROVIDE A WRITTEN RESPONSE TO THE RESIDENTIAL SELLER THAT EITHER:

(I) MAKES AN OFFER TO PURCHASE THE QUALIFYING PROPERTY SETTING FORTH THE PRICE, TERMS, AND CONDITIONS OF THE OFFER; OR

(II) WAIVES ANY RIGHT OF THE LOCAL GOVERNMENT TO PURCHASE THE QUALIFYING PROPERTY.

(b) IF THE LOCAL GOVERNMENT DOES NOT PROVIDE A RESPONSE WITHIN THE FOURTEEN-DAY PERIOD SET FORTH IN SUBSECTION (6)(a) OF THIS SECTION, THE LOCAL GOVERNMENT'S RIGHT OF FIRST OFFER IS DEEMED WAIVED.

(7) Process after offer is made. (a) THE RESIDENTIAL SELLER HAS FOURTEEN CALENDAR DAYS AFTER RECEIPT OF THE LOCAL GOVERNMENT'S OFFER MADE PURSUANT TO SUBSECTION (6)(a)(I) OF THIS SECTION TO NOTIFY THE LOCAL GOVERNMENT THAT IT EITHER ACCEPTS OR REJECTS THE OFFER. DURING THIS PERIOD, THE RESIDENTIAL SELLER MAY INITIATE NEGOTIATIONS IN GOOD FAITH WITH THE LOCAL GOVERNMENT WHICH MAY INCLUDE DISCUSSING ALTERNATIVE PRICE, TERMS, OR CONDITIONS FOR THE PURCHASE OF THE QUALIFYING PROPERTY. IF THE RESIDENTIAL SELLER DOES NOT PROVIDE NOTICE OF ITS ACCEPTANCE OR REJECTION OF THE LOCAL GOVERNMENT'S OFFER IN THE FOURTEEN DAY PERIOD PURSUANT TO THIS SUBSECTION (7)(a), THE OFFER IS DEEMED REJECTED.

(b) IF THE RESIDENTIAL SELLER ACCEPTS THE LOCAL GOVERNMENT'S OFFER OR ACCEPTS AN OFFER NEGOTIATED WITH THE LOCAL GOVERNMENT, THE LOCAL GOVERNMENT AND THE RESIDENTIAL SELLER HAVE THIRTY CALENDAR DAYS AFTER THE DATE OF THE RESIDENTIAL SELLER'S RECEIPT OF THE LOCAL GOVERNMENT'S NOTICE PROVIDED IN ACCORDANCE WITH SUBSECTION (6)(a)(I) OF THIS SECTION TO NEGOTIATE AND EXECUTE A CONTRACT FOR THE PURCHASE OF THE QUALIFYING PROPERTY BY THE LOCAL GOVERNMENT. THE CONTRACT MUST REQUIRE THE TRANSACTION TO CLOSE NO LATER THAN SIXTY DAYS AFTER ITS EXECUTION, UNLESS BOTH PARTIES AGREE TO OTHER TERMS.

(8) Certificate of compliance. WITHIN FOURTEEN CALENDAR DAYS OF RECEIPT OF NOTICE REQUIRED BY SUBSECTION (4)(a) OF THIS SECTION UNLESS THE LOCAL GOVERNMENT PROVIDES NOTICE PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION AND THEN WITHIN FOURTEEN CALENDAR DAYS OF RECEIPT OF THE NOTICE REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION, THE LOCAL GOVERNMENT OR ITS ASSIGNEE SHALL EXECUTE AND RECORD A CERTIFICATE OF COMPLIANCE IN THE REAL PROPERTY RECORDS OF THE COUNTY IN WHICH THE QUALIFYING PROPERTY IS SITUATED. THE CERTIFICATE OF COMPLIANCE MUST INCLUDE THE NAME OF THE RESIDENTIAL SELLER, A LEGAL DESCRIPTION OF THE QUALIFYING PROPERTY, AND A STATEMENT THAT THE RESIDENTIAL SELLER HAS COMPLIED WITH ALL THE APPLICABLE PROVISIONS OF THIS SECTION. THE RECORDED CERTIFICATE OF

COMPLIANCE IS PRIMA FACIE EVIDENCE OF THE RESIDENTIAL SELLER'S COMPLIANCE WITH THIS SECTION AND MAY BE RELIED UPON BY A RESIDENTIAL SELLER, ANY PERSON CLAIMING AN INTEREST IN THE QUALIFYING PROPERTY THROUGH A RESIDENTIAL SELLER, AND A TITLE INSURANCE ENTITY, AS DEFINED IN SECTION 10-11-102 (11).

29-4-1204. General provisions applicable to a local government's right of first refusal and right of first offer. (1) NOTHING IN THIS PART 12 REQUIRES A LOCAL GOVERNMENT TO EXERCISE ITS RIGHT OF FIRST REFUSAL SET FORTH IN SECTION 29-4-1202 OR ITS RIGHT OF FIRST OFFER SET FORTH IN SECTION 29-4-1203 AND A LOCAL GOVERNMENT MUST PROMPTLY NOTIFY A RESIDENTIAL SELLER OF ITS INTENT NOT TO EXERCISE ITS RIGHT OF FIRST OFFER AS SET FORTH IN SECTIONS 29-4-1203 (4)(b)(II) AND (6)(a)(II).

(2) ANY ACTION BY THE LOCAL GOVERNMENT REQUIRED OR PERMITTED PURSUANT TO THIS PART 12 MAY BE PERFORMED, AS IS APPLICABLE AND TO THE EXTENT PERMITTED BY LAW, BY THE COUNTY MANAGER OF A COUNTY, THE MAYOR OR CITY MANAGER OF A CITY OR TOWN, OR ANOTHER OFFICER DESIGNATED BY THE GOVERNING BODY OF THE LOCAL GOVERNMENT.

(3) ANY ACTIONS OF AN AGENT WORKING ON BEHALF OF A RESIDENTIAL SELLER FOR PURPOSES OF THIS PART 12 ARE ATTRIBUTABLE TO THE RESIDENTIAL SELLER. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 12 TO THE CONTRARY, A POLITICAL SUBDIVISION OR A HOUSING AUTHORITY IN THE STATE THAT ENGAGES IN ACTIVITIES TO CREATE OR PRESERVE AFFORDABLE HOUSING FOR AN APPLICABLE QUALIFYING PROPERTY IS NOT CONSIDERED AN AGENT WORKING ON BEHALF OF A RESIDENTIAL SELLER FOR PURPOSES OF THIS PART 12.

(4) NOTHING WITHIN THIS PART 12 LIMITS THE LOCAL GOVERNMENT'S ABILITY TO CONDEMN AN APPLICABLE QUALIFYING PROPERTY ACQUIRED PURSUANT TO THIS PART 12 TO THE EXTENT PERMITTED BY APPLICABLE LAW.

(5) IF A LOCAL GOVERNMENT HAS ADOPTED LONG-TERM AFFORDABILITY REQUIREMENTS THAT ARE GREATER THAN THE REQUIREMENTS SET FORTH IN THIS PART 12, THE LOCAL GOVERNMENT'S REQUIREMENTS APPLY TO THIS PART 12. NOTHING IN THIS PART 12 OVERRIDES ANY LOCAL AFFORDABLE HOUSING LAWS.

29-4-1205. Exemptions. (1) THIS PART 12 DOES NOT APPLY TO ANY SALE, TRANSFER, OR CONVEYANCE OF AN APPLICABLE QUALIFYING PROPERTY BY A RESIDENTIAL SELLER:

(a) MADE TO, IF WHOLLY OR MAJORITY OWNED, DIRECTLY OR INDIRECTLY, BY, BENEFICIALLY HELD, ALL OR IN PART, IN COMMON WITH, OR UNDER COMMON OWNERSHIP OR CONTROL WITH THE RESIDENTIAL SELLER, ONE OR MORE PARTNERSHIPS, LIMITED LIABILITY COMPANIES, CORPORATIONS, OR OTHER ENTITIES, MADE FOR TAX OR ESTATE PURPOSES BETWEEN CLOSELY HELD PARTNERS, MEMBERS OF ONE OR MORE LIMITED LIABILITY COMPANIES, MEMBERS OF ONE OR MORE CORPORATIONS, OR MEMBERS, TRUSTEES, MANAGERS, OR PARTNERS OF ONE OR MORE OTHER ENTITIES, OR IF THE UNITED STATES, OR ANY AGENCY OR INSTRUMENTALITY THEREOF, OR THE STATE, OR ANY POLITICAL SUBDIVISION OF THE STATE, IS THE RESIDENTIAL SELLER OF OR IS A THIRD-PARTY BUYER OF THE APPLICABLE QUALIFYING PROPERTY;

(b) MADE TO THE STATE, A LOCAL GOVERNMENT, THE COLORADO HOUSING AND FINANCE AUTHORITY, ANY PUBLIC HOUSING AUTHORITY, AND ANY OTHER POLITICAL SUBDIVISION OF THE STATE;

(c) MADE TO AN AFFORDABLE HOUSING PROVIDER THAT HAS PROVIDED NOTICE OF INTENT TO PURCHASE THE APPLICABLE QUALIFYING PROPERTY AND COMMITS TO PROVIDING LONG-TERM AFFORDABLE HOUSING;

(d) IF THE APPLICABLE QUALIFYING PROPERTY IS SOLD, TRANSFERRED, OR CONVEYED IN A FORECLOSURE ACTION OR BY A DEED IN LIEU OF FORECLOSURE, IF THE APPLICABLE QUALIFYING PROPERTY IS SOLD, TRANSFERRED, OR CONVEYED BY A PARTY THAT ACQUIRES THE APPLICABLE QUALIFYING PROPERTY IN A FORECLOSURE ACTION OR BY A DEED IN LIEU OF FORECLOSURE, OR IF THE APPLICABLE QUALIFYING PROPERTY IS SUBSEQUENTLY TRANSFERRED BY A GOVERNMENT-SPONSORED ENTERPRISE TO A DIRECT OR INDIRECT WHOLLY OWNED SUBSIDIARY, AFFILIATED LENDER, OR OTHER THIRD PARTY;

(e) IF, ON OR AFTER THE EFFECTIVE DATE OF THIS PART 12, THE APPLICABLE QUALIFYING PROPERTY HAS A PREEXISTING AGREEMENT THAT BESTOWS A RIGHT OF FIRST REFUSAL, RIGHT OF FIRST OFFER, OR OTHER CONTINGENT PROPERTY RIGHT REGARDING THE APPLICABLE QUALIFYING PROPERTY TO A THIRD PARTY; EXCEPT THAT, UPON EXPIRATION OF THE

AGREEMENT, THE PROVISIONS OF THIS PART 12 APPLY TO ANY SALE, TRANSFER, OR CONVEYANCE OF THE APPLICABLE QUALIFYING PROPERTY BY THE RESIDENTIAL SELLER;

(f) IF THE RESIDENTIAL SELLER HAS APPLIED FOR, IS IN THE PROCESS OF, OR HAS SUCCESSFULLY RESYNDICATED OR RECAPITALIZED THE APPLICABLE QUALIFYING PROPERTY IN CONNECTION WITH AN AFFORDABLE HOUSING PROGRAM OFFERED BY THE FEDERAL, STATE, OR LOCAL GOVERNMENT OR A POLITICAL SUBDIVISION OR ANY PUBLIC ENTITY, AND THE RESIDENTIAL SELLER PROVIDES NOTICE AND DEMONSTRABLE EVIDENCE OF THIS TO THE LOCAL GOVERNMENT; EXCEPT THAT, IF THE RESIDENTIAL SELLER IS NOT SUCCESSFUL IN RESYNDICATING OR RECAPITALIZING AN APPLICABLE QUALIFYING PROPERTY IN CONNECTION WITH AN AFFORDABLE HOUSING PROGRAM OFFERED BY THE FEDERAL, STATE, OR LOCAL GOVERNMENT OR A POLITICAL SUBDIVISION OR ANY PUBLIC ENTITY THEN THE RIGHT OF FIRST REFUSAL OR THE RIGHT OF FIRST OFFER, AS APPLICABLE, AND THE REQUIREMENTS SET FORTH IN THIS PART 12 APPLY;

(g) MADE TO A FAMILY MEMBER, AS DEFINED IN SECTION 8-13.3-503 (11), OF THE RESIDENTIAL SELLER;

(h) MADE TO A TRUST IF THE BENEFICIARY OF THE TRUST IS THE SPOUSE, PARTNER IN A CIVIL UNION, LEGALLY RECOGNIZED CHILD, OR OTHER FAMILY MEMBER OF THE RESIDENTIAL SELLER;

(i) MADE PURSUANT TO A WILL, DESCENT, OR INTESTATE DISTRIBUTION; OR

(j) MADE PURSUANT TO AN ACTION IN EMINENT DOMAIN OR IN RESPONSE TO A THREAT OF EMINENT DOMAIN.

(2) THE RIGHT OF FIRST OFFER SET FORTH IN SECTION 29-4-1203 DOES NOT APPLY TO ANY SALE, TRANSFER, OR CONVEYANCE OF A QUALIFYING PROPERTY, AS DEFINED IN SECTION 29-4-1203 (1), BY A RESIDENTIAL SELLER:

(a) MADE PURSUANT TO A COURT ORDER;

(b) MADE BETWEEN JOINT TENANTS OR TENANTS IN COMMON;

(c) IF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE QUALIFYING PROPERTY WAS ISSUED WITHIN THIRTY YEARS PRECEDING THE DATE THAT THE RESIDENTIAL SELLER WILL LIST THE QUALIFYING PROPERTY FOR SALE;

(d) IF THE QUALIFYING PROPERTY IS BEING SOLD, TRANSFERRED, OR CONVEYED AS PART OF A TRANSACTION INVOLVING MULTIPLE PROPERTIES WHICH INCLUDES AT LEAST ONE PROPERTY LOCATED IN A JURISDICTION THAT IS OUTSIDE OF THE JURISDICTION OF THE LOCAL GOVERNMENT;

(e) THAT DOES NOT INVOLVE THE SALE, TRANSFER, OR CONVEYANCE OF ALL OR SUBSTANTIALLY ALL OF THE QUALIFYING PROPERTY; OR

(f) THAT IS A SALE, TRANSFER, OR CONVEYANCE, DIRECTLY OR INDIRECTLY, OF OWNERSHIP INTERESTS IN THE RESIDENTIAL SELLER.

29-4-1206. Remedies for noncompliance.

(1) (a) NOTWITHSTANDING SUBSECTION (1)(b) OF THIS SECTION AND SUBJECT TO THE AVAILABILITY OF RESOURCES, IT IS THE RESPONSIBILITY OF THE ATTORNEY GENERAL'S OFFICE TO ENFORCE THE PROVISIONS OF THIS PART 12, AND THE ATTORNEY GENERAL MAY INTERVENE IN ANY ACTION BROUGHT PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

(b) THE ATTORNEY GENERAL'S OFFICE, THE LOCAL GOVERNMENT, OR THE LOCAL GOVERNMENT'S ASSIGNEE MAY BRING A CIVIL ACTION AGAINST A RESIDENTIAL SELLER FOR ANY VIOLATION OF THIS PART 12.

(c) THE REMEDIES FOR ANY ACTION BROUGHT PURSUANT TO THIS SUBSECTION (1) ARE LIMITED TO MONETARY DAMAGES AND STATUTORY PENALTIES AGAINST THE RESIDENTIAL SELLER. ANY PERSON CLAIMING AN INTEREST IN AN APPLICABLE QUALIFYING PROPERTY THROUGH A RESIDENTIAL SELLER SHALL TAKE TITLE TO THE APPLICABLE QUALIFYING PROPERTY FREE OF ANY RIGHTS OR CLAIMS SET FORTH IN THIS PART 12.

(2) IF A COURT FINDS THAT A RESIDENTIAL SELLER IS IN MATERIAL VIOLATION OF THIS PART 12, THE COURT SHALL AWARD A STATUTORY PENALTY THAT IS NOT LESS THAN TEN THOUSAND DOLLARS FOR A FIRST OFFENSE AND NOT LESS THAN THIRTY THOUSAND DOLLARS FOR ANY SUBSEQUENT OFFENSES; EXCEPT THAT THE COURT SHALL NOT AWARD A STATUTORY PENALTY THAT IS MORE THAN ONE HUNDRED THOUSAND DOLLARS.

(3) A COURT MAY ALSO AWARD REASONABLE ATTORNEY FEES AND COSTS TO A PREVAILING PARTY.

(4) THE REMEDIES PROVIDED IN THIS SECTION ARE THE SOLE AND EXCLUSIVE REMEDIES PURSUANT TO A CIVIL ACTION BROUGHT PURSUANT TO THIS SECTION FOR A VIOLATION OF THIS PART 12 BY A RESIDENTIAL SELLER.

29-4-1207. Termination of right of first refusal and right of first offer. THE RIGHTS OF FIRST REFUSAL AND FIRST OFFER ESTABLISHED IN THIS PART 12 TERMINATE ON DECEMBER 31, 2029. A RESIDENTIAL SELLER IS NOT REQUIRED TO PROVIDE NOTICES REQUIRED PURSUANT TO THIS PART 12 AFTER DECEMBER 31, 2029, AND A LOCAL GOVERNMENT SHALL NOT EXERCISE THE RIGHT OF FIRST REFUSAL OR THE RIGHT OF FIRST OFFER PURSUANT TO THIS PART 12 AFTER DECEMBER 31, 2029; EXCEPT THAT, IF THE LOCAL GOVERNMENT OR ITS ASSIGNEE, HAS EXERCISED THE RIGHT OF FIRST REFUSAL OR THE RIGHT OF FIRST OFFER PURSUANT TO THIS PART 12 BEFORE DECEMBER 31, 2029, AND THE PROCESS HAS NOT CONCLUDED, THEN THE PROCESS SHALL CONTINUE UNTIL IT CONCLUDES IN ACCORDANCE WITH THIS PART 12 NOTWITHSTANDING THE TERMINATION DATE SET FORTH IN THIS SECTION.

29-4-1208. Repeal of part. THIS PART 12 IS REPEALED EFFECTIVE JULY 1, 2031.

SECTION 2. In Colorado Revised Statutes, 24-31-101, amend (1)(i)(XVII) and (1)(i)(XVIII); and add (1)(i)(XXI) as follows:

24-31-101. Powers and duties of attorney general. (1) The attorney general:

(i) May independently initiate and bring civil and criminal actions to enforce state laws, including actions brought pursuant to:

(XVII) The "Rental Application Fairness Act", part 9 of article 12 of title 38; and

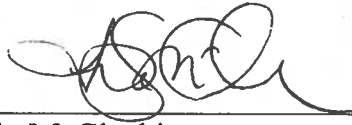
(XVIII) The "Reproductive Health Equity Act", part 4 of article 6 of title 25; AND

(XXI) PART 12 OF ARTICLE 4 OF TITLE 29.

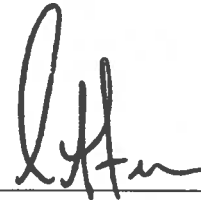
SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to all qualifying properties for the right of first refusal that are listed for sale on or after the effective date of this act but for which a residential seller has not accepted an offer to purchase the qualifying property and executed the necessary agreements in connection

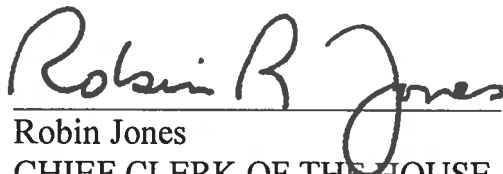
with accepting the offer and to all qualifying properties for the right of first offer on or after the effective date of this act that do not have active listings as of the effective date of this act.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Steve Fenberg
PRESIDENT OF
THE SENATE

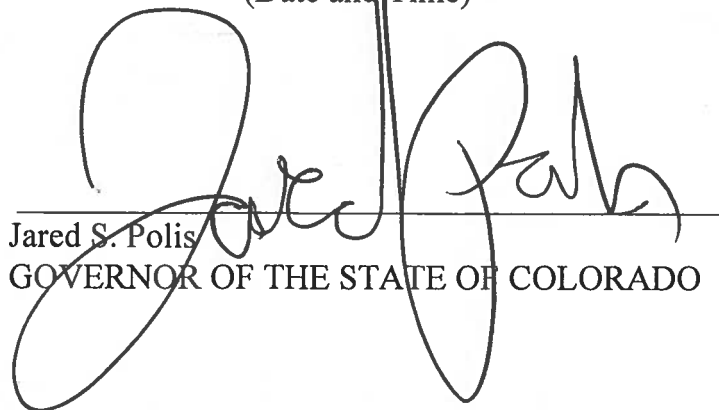


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Thursday May 30th 2024 at 10:25 AM
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO



CITY OF CORTEZ
 123 ROGER SMITH AVENUE
 CORTEZ, CO 81321

Creighton Wright
 Director of Parks and Recreation
 425 Roger Smith Ave
 Cortez, CO. 81321
 cwright@cortezco.gov

Memorandum

To: CORTEZ CITY COUNCIL

From: CREIGHTON WRIGHT, DIRECTOR OF PARKS AND RECREATION

Date: June 25, 2024

RE: Award a Lease Bid for Two Greens Mowers for the Conquistador Golf Course

DISCUSSION

Finance Director Kelly Koskie gained lease bids from four financing vendors. All of the vendors provide a \$1 buyout and a five-year term. The results of the bids follow:

Greens Mower Summary Lease Bids

	Interest Rate	Annual Payment
Commerce Bank	5.2%	\$24,805.18
Western Equipment Finance	6.65%	\$25,687.38
Kansas State Bank	6.71%	\$25,480.41
John Deere Financial	6.9%	\$25,668.03

Commerce Bank offered the lowest interest rate and payment, 5.2%, with an annual payment of \$24,805.18. This will save approximately \$4,314.25 over the lease term from the initial offer from John Deere.

BACKGROUND

On March 12, 2024, the City Council approved purchasing two John Deere Greens Mowers and authorized the City Manager to negotiate lease terms with John Deere Financial. However, after bidding on lease interest rates and payments with other financial vendors, a better rate and payment cost were found through another provider.

The primary lease terms that we were looking for include the following:

1. A lease for 2-2750 Precision Cut Triplex Reel Mowers at the purchase price of \$112,356
2. A five-year lease term
3. A \$1 buyout at the end of the term
4. The lowest interest rate that can be offered

FISCAL IMPACT

The Equipment Fund budgeted \$27,000 for the lease purchase of these mowers. Commerce Bank's lease offer saves the Equipment Fund \$2,194.82 annually.

RECOMMENDATION

Staff recommends that the Council rescind the authorization to sign a five-year lease with John Deere Financial, award the lease bid for two Greens Mowers for the Conquistador Golf Course to Commerce Bank at an interest rate of 5.2% and an annual payment of approximately \$24,805.18, and authorize the City Manager to negotiate lease terms and sign a lease agreement.

MOTION

If agreed upon by the City Council, a possible motion would be:

Motion to rescind the authorization to sign a five-year lease with John Deere Financial, award the lease bid for two Greens Mowers for the Conquistador Golf Course to Commerce Bank at an interest rate of 5.2% and an annual payment of approximately \$24,805.18, and authorize the City Manager to negotiate lease terms and sign a lease agreement.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

Linda Smith
City Clerk
123 Roger Smith Avenue
Cortez, CO. 81321
lsmith@cortezco.gov

Memorandum

To: CORTEZ CITY COUNCIL
From: LINDA SMITH, CITY CLERK
Date: June 25, 2024
RE: Resolution No. 11, Series 2024

DISCUSSION

The 2024 Fee Schedule contains a section entitled Public Records Standard Fees and Charges, which contains a fee for the Research, Retrieval, and Data Manipulation of public records (CORA Fee). The CORA Fee was set at \$33.58 per hour by the Colorado Legislature pursuant to C.R.S. 24--72-205(6)(b) in 2019, and the Legislative Council is required to adjust CORA Fee every five years using a formula based upon the Consumer Price Index. The adjusted fee amount has been established.

Also, the 2024 Fee Schedule contains a section entitled Public Works, which contains a fee for a Right of Way Construction Permit (the "ROW Construction Fee"), which needs to be amended by the addition of Asphalt Patch Fees.

BACKGROUND

The Legislative Council has determined that the new maximum CORA Fee that state and local governments in Colorado may charge is \$41.37 per hour effective on July 1, 2024.

To compensate the City for expenses incurred in the event the City is asked to patch asphalt removals from City streets that occur due to construction conducted by a Right of Way Construction Permit holder, additional fees for Surfaced Roadway Replacement need to be added to the 2024 Fee Schedule. There are two subcategories of fees under the Right of Way Construction Permit to be entitled 1) Surface Roadway Replacement Cold Patch, and 2) Surface Roadway Hot Patch, (collectively the "Asphalt Patch Fees"). The fee for the Surface Roadway Replacement Cold Patch shall be \$280.00/sq. yd., and the fee for the Surface Roadway Replacement Hot Patch shall be \$250.00/sq. yd. Additional fees and restrictions may apply for Surface Roadway Replacements.

The remaining 2024 Fee Schedule, adopted through Resolution No. 30, Series 2023, will remain unchanged and in full force and effect.

RECOMMENDATION

Staff recommends that Council approve Resolution No. 11, Series 2024, a resolution amending the 2024 Fee Schedule for the City of Cortez, and specifically the CORA Fee under the section entitled Public Records Standard Fees and Charges and a new fee category under the Right of Way Construction Permit to be entitled Surfaced Roadway Replacement Cold Patch and Surface Roadway Replacement Hot Patch.

MOTION

If agreed upon by the City Council, a possible motion would be:

I move that Council approve Resolution No. 11, Series 2024, a resolution amending the 2024 Fee Schedule for the City of Cortez, and specifically the CORA Fee under the section entitled Public Records Standard Fees and

Charges and a new fee category under the Right of Way Construction Permit to be entitled Surfaced Roadway Replacement Cold Patch and Surface Roadway Replacement Hot Patch.

Attachments

Resolution No. 11, Series 2024

**CITY OF CORTEZ
RESOLUTION NO. 11, SERIES 2024**

**A RESOLUTION AMENDING THE 2024 FEE SCHEDULE FOR THE CITY OF
CORTEZ**

RECITALS

WHEREAS, the City of Cortez Municipal Code establishes rules and regulations for operations for the City, and the Code requires that various fees for City services be set forth in a fee schedule to be adopted by resolution; and

WHEREAS, pursuant to Resolution NO. 30, Series 2023, the City Council adopted the City of Cortez Fee Schedule, Effective January 1, 2024 (the “2024 Fee Schedule”), as the official fee schedule for the operations of the City of Cortez and the various chapters of the City of Cortez Municipal Code that address such operations; and

WHEREAS, the 2024 Fee Schedule contains a section entitled PUBLIC RECORDS STANDARD FEES AND CHARGES, which contains a fee for the Research, Retrieval, and Data Manipulation Fees that the City can charge in responding to public records requests (the “CORA Fee”); and

WHEREAS, the CORA Fee was set at \$33.58 per hour by the Colorado Legislature pursuant to C.R.S. § 24-72-205(6)(b) in 2019, and the Legislature Council is required to adjust the CORA Fee every five years using a formula based upon the Consumer Price Index; and

WHEREAS, the Legislative Council has determined that the new maximum CORA Fee that state and local governments in Colorado may charge effective on July 1, 2024, is \$41.37 per hour; and

WHEREAS, the 2024 Fee Schedule contains a section entitled PUBLIC WORKS, which contains a fee for a Right of Way Construction Permit (the “ROW Construction Fee”); and

WHEREAS, to compensate the City for expenses incurred in the event the City is asked to patch asphalt removals from City streets that occur due to construction conducted by a Right of Way Construction Permit holder, additional fees for Surfaced Roadway Replacement need to be added to the 2024 Fee Schedule.

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

Section 1. Recitals Incorporated. The City of Cortez City Council incorporates the foregoing recitals as its conclusions, facts, determinations, and findings.

Section 2. CORA Fee. The City Council hereby amends the 2024 Fee Schedule by changing the CORA Fee from \$33.58 per hour to \$41.37 per hour.

Section 3. New Fee Category. The City Council hereby amends the 2024 Fee Schedule by adding two subcategories of fees under the Right of Way Construction Permit to be entitled SURFACED ROADWAY REPLACEMENT COLD PATCH and SURFACE ROADWAY REPLACEMENT HOT PATCH (collectively the “Asphalt Patch Fees”).

Section 4. Asphalt Patch Fees. The fee for the Surface Roadway Replacement Cold Patch shall be \$280.00/sq. yd., and the fee for the Surface Roadway Replacement Hot Patch shall be \$250.00/sq. yd. Additional fees and restrictions may apply for Surface Roadway Replacements.

Section 5. Remainder Unchanged. Except as amended herein, the 2024 Fee Schedule remains unchanged and in full force and effect.

Section 6. Severability. If any part or provision of this Resolution is judged to be unenforceable or invalid, such judgement shall not affect, impair or invalidate the remaining provisions of this Resolution, it being Council’s intention that the various provisions hereof are severable.

Section 7. Conflicting Acts. All acts, orders and resolutions, or parts thereof, of the Council, which are inconsistent or in conflict with the Resolution, are hereby repealed to the extent only of such inconsistency or conflict. The amended CORA Fee and the added Asphalt Patch Fees shall become effective on July 1, 2024.

MOVED, SECONDED, AND ADOPTED THIS 25th DAY OF JUNE, 2024.

Rachel B. Medina, Mayor

ATTEST:

Linda L. Smith, City Clerk



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

Linda Smith
City Clerk
123 Roger Smith Avenue
Cortez, CO. 81321
lsmith@cortezco.gov

Memorandum

To: CORTEZ CITY COUNCIL
From: LINDA SMITH, CITY CLERK
Date: June 17, 2024
RE: City Board and Committee Appointments

DISCUSSION

Council held interviews for citizens interested in serving on various City Boards and Commissions during the Council worksessions on June 11 and 25, 2024. Following are the openings on the Boards/Commissions and the terms of the seats for each:

- *representative from the Cortez Cultural Center on the Historic Preservation Board for a three-year seat
- *1 opening for a three-year seat on the Planning and Zoning Commission
- *3 open seats for three-year terms each on the Library Advisory Board
- *4 open seats for two-year terms each on the Parks, Recreation, and Forestry Advisory Board
- *1 youth seat for a one-year term on the Arts Advisory Board

BACKGROUND

Council makes the appointments for each of the City Boards and Commissions. Vacancies and termed board member seats are advertised through many different avenues and the City has a new application on its website for interested citizens to complete for the various Boards/Commissions. Terms for board members are reviewed in April and November of each year.

RECOMMENDATION

Appointments may be made to the various Boards and Commissions as Council chooses.

MOTION

Council may make appointments to the various Boards and Commissions for the recommended seat terms as listed above.

Attachments

List of Board and Committee Applicants



City of Cortez
123 Roger Smith Ave.
Cortez, Co. 81321

BOARD AND COMMITTEE APPLICANTS

***Incumbent Applicant**

Historic Preservation Board – Cortez Cultural Center Representative

Holly Tatnall*

Planning and Zoning Commission (one open seat)

Nina Thao

Library Advisory Board (three open seats)

Alyson “Aly” Maun

Melanie Rime*

Roxanne Rogers*

Victor “Damiond” Smith

Heidi Brugger

Parks, Recreation, and Forestry Advisory Board (four open seats)

Robert Rime

Alan Klein*

Dennis Olson

Steve Moore

Richard Landreth

Melissa Baisden

Kenneth Quigley*

Arts Advisory Committee (youth seat)

7:05 p.m. – Introduction of youth applicant - Nyx Poulin