



City of Woodland Park Downtown Development Authority

August 8, 2024, at 7:30 AM

AGENDA

- 1. CALL TO ORDER AND ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
- 4. CONSENT AGENDA**
 - a. Minutes July 2, 2024
- 5. PUBLIC COMMENT ON ITEMS NOT ON AGENDA**
- 6. UNFINISHED BUSINESS (Public Comment may be heard) None**
- 7. NEW BUSINESS**
 - a. TAVA update (**Weaver**)
 - b. Bylaws, Foundation Plan, & Sunshine Laws (**Gemelke**)
- 8. PUBLIC COMMENT REGARDING NEW BUSINESS None**
- 9. REPORTS**
 - a. Board Chair Report
 - b. Treasurer Report
 - c. Board Member Reports
 - d. City Attorney's Report
- 10. ADJOURNMENT**
- 11. Work session "Reimagining Bergstrom Park" will be after adjournment**

Woodland Park Downtown Development Authority Board of Directors

Tuesday, July 2nd, 2024, 7:30 a.m.

City Hall-Council Chambers 220 South Avenue, Woodland Park, CO

Regular Meeting

1. CALL TO ORDER AND ROLL CALL
CALL TO ORDER AT 7:30 A.M. BY CHAIR PERRY

PRESENT: Tony Perry
Arden Weatherford
David Mijares
George Jones
Jon Gemelke
Jerry Good
Eric Cabrera
Al Born

ABSENT: NONE

STAFF: Aaron Vassalotti, City Manager

GUESTS: Mark Weaver

2. PLEDGE OF ALLEGIANCE

All attendees participated.

3. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

None.

4. CONSENT AGENDA

Motion:

Mr. Born moved to approve the June 4, 2024, minutes as presented.

2nd:

Mr. Cabrera seconds.

VOTE:

Voice roll call vote, motion approved unanimously by a vote of 7-0.

5. PUBLIC COMMENT OF ITEMS NOT ON AGENDA

None.

6. UNFINISHED BUSINESS (Public Comment may be heard)

None.

7. NEW BUSINESS

a. Election of New Officers

Motion:

Mr. Perry moved to appoint Mr. Gemelke as chair.

2nd:

Mr. Cabrera seconds.

VOTE:

- Voice roll call vote, motion was approved unanimously by a vote of 8-0.

Motion:

Chair Gemelke moved to appoint Mr. Cabrera as vice-chair.

2nd:

Mr. Good seconds.

VOTE:

Voice roll call vote, motion was approved unanimously by a vote of 8-0.

Motion:

Mr. Mijares moved to re-appoint Mr. Born as secretary.

2nd:

Mr. Perry seconds.

VOTE:

Voice roll call vote, motion was approved unanimously by a vote of 8-0.

Motion:

Mr. Mijares moved to appoint Mr. Perry as treasurer.

2nd:

Councilman Jones seconds.

VOTE:

Voice roll call vote, motion was approved unanimously by a vote of 8-0.

b. TAVA Update

Mr. Weaver presented the TAVA update. He noted they made good progress last month; the site is starting to take shape. Their attorney has been involved with the SDA meetings; he predicts it should be finalized within a week to 10 days. The goal would be for City Council to vote at their August 1st meeting. They should be getting their grading permit within the next week to 10 days.

Mr. Mijares noted that the grading plan only references grading, not sitework, hardscape, or foundation.

Mr. Good asked about CDOT's requirement for the deceleration lane. Mr. Weaver responded that they are still waiting for comments about the lane, there has been no response yet.

Chair Gemelke questioned if that will hold up progress for the site, to which Mr. Weaver responded, that it needs to be resolved before they reach the final plat. A substantial groundbreaking has been pushed to August or September.

c. Bergstrom Park/Sign

Mr. Weatherford referenced page six of the agenda packet, which showed the previously submitted sign for Woodland Station. Now that the station is being developed, it may be beneficial for the DDA Board to discuss how we can be instrumental in the placement and design of the sign. He suggested a public work session to discuss Bergstrom Park and the signage.

Mr. Good questioned if the DDA has an agreement with the City to put a sign there. It is believed any input from the DDA would need to be submitted to the City. TAVA group would most likely be involved in the sign as well.

Mr. Perry noted that the DDA can help with funding in cooperation with the City. He also noted that he would be open to a public work session and that each member could commit to walking that area in preparation for a work session.

Mr. Good noted the availability of public restrooms and signage for public restrooms in Estes Park, and how that is something Woodland Park could benefit from on main street.

Councilman Jones commented that Chief Disler may have input on the restroom in Bergstrom Park.

Mr. Born questioned if there is a reversionary clause in the deed of that land that still applies to the Bergstrom's.

Mr. Perry noted that Mr. Plutt gave the impression that Mr. Bergstrom would be open to changes of the site if it benefits the community. He also suggested we schedule the work session as an agenda item in next meeting.

Mr. Cabrera questioned if TAVA plans to have open public restrooms. Mr. Weaver responded that idea is in the concept plans.

Chair Gemelke reminded the board that in TAVA's original plans, there were going to be changes to that parking lot in addition to the new deceleration lane creating more changes.

Mr. Perry will invite Mr. Plutt to the next meeting and Mr. Vassalotti noted the Historical Preservation Committee should attend as well. Mr. Mijares will send out the survey of the site.

8. PUBLIC COMMENT REGARDING NEW BUSINESS

None.

9. REPORTS

a. Board Chair Report

Mr. Perry presented the Board Chair report for today. He welcomed Mr. Gemelke, Mr. Cabrera and Mr. Good back to the board.

b. Treasurer Report

Mr. Perry cited page seven of the packet which shows the expenses from the attorney. He noted we are now all caught up on expenses. On page 11 we received a TIF reimbursement request from Purple Mountain Hospitality AKA Microtel, which has been processed. He reminded the board that we only do three or four of these per year. Their supporting documentation starts on page 12. Applicants can only make a TIF reimbursement request after they've paid their taxes for the year. He would recommend that the DDA attorney look over some of the documents as there is still some confusion on the timing of reimbursements. Mr. Perry expects one from AJ's pizza and one from the Trail Ridge Apartments entity. We've already processed Taylor Mountain Enterprises. We've also standardized the new TIF agreement which is much more comprehensive than before.

Chair Gemelke noted that we anticipated the DDA would end in 2032 and we need to take that into consideration with new TIF deals. Future TIF deals would be shortened if that is something the City decides.

Mr. Perry noted the potential participation with the Bergstrom project and will do some financial analysis. He will verify the status of payments to Vectra, we are on track to have it

paid off before 2032. With the future TIF deals and upcoming projects he will also do a countdown analysis.

c. Board Member Reports

Chair Gemelke discussed how there is very limited parking on Park Street off of Hwy 24 as Righteous Grounds has two designated spots that extend into the road and the restaurant portion also has street parking there. He suggested the restaurant side should have no street parking or that Park Street be converted to a one way street. The problem is creating backups on Hwy 24. He noted we have plenty of free parking in town, but visitors miss it because there are very few signs indicating it. Giving people clear directions about free parking may persuade them to visit the downtown area.

Councilman Jones agreed that Park Street is very challenging, especially when there are multiple cars utilizing street parking.

Mr. Perry contemplated if there was a way, through geo-fencing, that could notify visitors driving up the pass of the free, available parking in town.

Mr. Good noted how Manitou Springs does parking and how when he visited recently there was little to no parking available, indicating consumers are visiting the businesses in town.

Mr. Cabrera acknowledged Mr. Good's comment and how Manitou Springs utilizes technology and resources to increase their tourism. We are not making information readily available for visitors.

Mr. Weaver commented that he believes the DDA could be a positive and neutral voice for long term thinking about Woodland Park. The DDA could be the body that moves suggestions and ideas forward for the town.

Chair Gemelke questioned if the DDA could help fund parking signs.

Mr. Perry responded that part of the charter does allow for those types of beatification efforts. We talked previously about potential micro grants for businesses in the district.

Mr. Good noted that there are some signs for parking but agreed that they are hard to see. Potentially enhance the current signs to make them more visible to visitors.

Mr. Perry recalled the former Mainstreet group that received a grant to do a wayfinding study, he was unsure if anything was implemented because of that.

Councilman Jones commented that some things that went into effect, but it could be more of a resource to look at.

Chair Gemelke noted that the parking lot behind his office does not have a sign that indicates it is free public parking. The goal is to get people to stop and get out of their cars and look around the downtown area.

Mr. Schmidt noted that the one way direction on Park Street was originally included in the Lake Street project, but due to some extra requirements, it was excluded from that project. It is considered shelf-ready, the easement is the only thing that is still needed. The design includes reverse angle parking, and the signage would be included for this project. The second half of

Park Street, by Righteous Grounds, is being discussed in order to link both projects. The project is set to start in 2025.

Mr. Mijares questioned if the one way direction of Park Street is intended to extend all the way to Lake Street, through the frontage of Memorial Park.

Mr. Schmidt responded that it is in the design plans, currently people try to park next to the ditch which is not a good place to park.

Mr. Mijares and Chair Gemelke questioned if the project included piping that ditch on Park Street.

Mr. Schmidt noted that the project does include piping the ditch. He also noted the trickiness of finding the balance when designing these large projects, to include fixing drainage, adding sidewalk, all the hardscaping and the roadway because it gets expensive really quickly. He reiterated that the start date goal is 2025 because they have six months left to get the second half of Park Street designed and the right of way obtained. He offered that if the DDA would like to be a part of those design discussions, we can do a workshop in order to highlight items during the planning phase.

Chair Gemelke suggested that a presentation to the DDA would be incredibly helpful.

Chair Gemelke advocated that we discuss as a board the idea of Micro-Grants, in order to beautify some of the properties downtown. He suggested that we add this topic to September's meeting agenda.

Mr. Perry noted that there are many good examples for micro-grants, we can research those ideas and find what works best for us and our community.

d. City Attorney's Report

None.

10. Hwy 24 Medians Presentation

Mr. Schmidt presented the median plans for improvement along Hwy 24. The goal is to make it easier for city staff to maintain the medians. In collaboration with Keep Woodland Park Beautiful, they proposed replacement of the loose rock and natural vegetation with hardscape, CDOT standard bases for removable art, and artificial trees in the medians. The artificial trees are professionally made and interchangeable. Rather than complete only one application for a CDOT permit, the City submitted for an intergovernmental agreement with CDOT, this gives the City flexibility in the future to change out the art without needing another approval from CDOT. If someone wants to put art in the median, they are going to have a size and weight restriction for their piece. They would need to propose it to Keep Woodland Park Beautiful for reviewal and comment and then City Council would pass an ordinance updating the art in the right of way. The goal would be to get the intergovernmental agreement routed through CDOT with their attached comments run through City Council in the next two months. We would then

provide a call for art for people in the community who would potentially like to contribute to this project. We could then plan for hardscaping and the installation of the bases to be scheduled for late 2024 or 2025.

Chair Gemelke questioned if there were height restrictions for the trees and other pieces going into the medians.

Mr. Schmidt responded that yes, there would be height restrictions. In regard to the art, there would be restrictions that relate to what the base can withhold. They would be breakaway bases so that if something were to hit the object it would break off in order to prevent injury to the person hitting the object. The trees would be the same size as regular trees with a 12 ft. goal restriction.

Chair Gemelke noted that the trees can be pre-lit, and questioned if they were pre-lit with different color options.

Mr. Schmidt commented that there are different color options which are all subject to the budget. He also displayed some of the statue options that they presented to CDOT.

Councilman Jones questioned why the City would need to put out an ordinance every time they wanted to change the art.

Mr. Schmidt explained that CDOT wants to ensure that elected officials approve the art being displayed because of an incident in another part of the state where art was not approved by the City, and it became politically sensitive.

Mr. Vassalotti commented that they would look into the process to see if a resolution would suffice or if it must be an ordinance every time. They intend to advocate for the resolution.

Mr. Good questioned if the line of sight was taken into consideration in regard to the trees.

Mr. Schmidt assured that all of these footprints are factored into the line of site when CDOT does their review. He noted their engineer's opinion of a probable cost out of the 410 fund for the landscaping, the bases, and the stamped concrete was around \$150,000, anything additional, from the art piece, would come out of general fund.

Mr. Vassalotti noted that this year's budget allows for three statues with a space allowance for 24 of them.

Mr. Perry commented that with the DDA being a quasi-governmental entity under the City, it is not out of the realm possibility to participate in something like this in regard to funding.

Chair Gemelke questioned if there was any thought to flower gardens or community participation in that respect.

Mr. Schmidt responded that in regard to the adopt a garden concept they would need to have the right waivers and training to be able to work in the CDOT right of way because there is a heightened level of PPE that is required. The operations director is looking into flower beds and adoption for next year.

Chair Gemelke also questioned the giant flowerpots and if the city is responsible for them or if the businesses need to care for them.

Mr. Vassalotti will look into whose responsibility that is.

Mr. Schmidt noted a positive thought to the to the intergovernmental agreement in that it gives the city a lot more latitude in addressing those aesthetic things.

11. ADJOURNMENT

Chair Gemelke moved adjournment at 8:30 a.m.

AMENDED AND RESTATED BY-LAWS
OF
THE WOODLAND PARK
DOWNTOWN DEVELOPMENT AUTHORITY

(Adopted February 7, 2023)

ARTICLE I

GENERAL

Section 1. Establishment. Pursuant to Ordinance No. 914, Series 2001, dated August 2, 2001 (“Establishment Ordinance”), the City Council of the City of Woodland Park, Colorado (“City Council”) established the Woodland Park Downtown Development Authority (hereinafter “WPDDA” or “Authority”) as a body corporate.

Section 2. Purpose. The WPDDA is established to provide for the public health, safety, prosperity, security, and welfare, in order to halt or prevent deterioration of property values or structures within the central business district, to assist in the planning, development, and redevelopment of this district, and so that it will be of special benefit to the property within the boundaries of this authority.

Section 3. Offices. The WPDDA shall have the power to maintain an office within the boundaries of the WPDDA. The offices will initially be provided at 220 W. South Ave., Woodland Park, Colorado, 80866. However, the Board of Directors of the WPDDA (“Board”) may designate a different location at any time by resolution duly adopted.

Section 4. Seal. The corporate seal of the WPDDA shall be in the form of a circle and shall have inscribed therein the words “Woodland Park Downtown Development Authority, 2001” and the words “Corporate Seal.”

ARTICLE II

POWERS OF THE BOARD

Pursuant to the Establishment Ordinance, the Board shall have all the powers now or hereafter authorized by Part 8 of Article 25 of Title 31, Colorado Revised Statutes, and all additional and supplemental powers necessary or convenient to carry out and effectuate the purposes and provisions of said Part 8.

ARTICLE III

THE BOARD OF THE WPDDA OFFICERS & EMPLOYEES

Section 1. Board Members. The affairs of the WPDDA shall be under the direct supervision and control of the Board, consisting of not less than five (5) nor more than eleven (11) members appointed by the City Council. The number and terms of Board members shall be determined by resolution of City Council in accordance with C.R.S. §§ 31-25-805 and - 806, as amended.

Section 2. Officers. The Board shall elect a Chair of the Board, a Vice-Chair, a Treasurer, and a Secretary. Such elections shall be held at the second meeting of the WPDDA and annually thereafter at the first meeting in July. All four (4) Officers shall be members of the Board. The Chair shall preside at all meetings of the Authority, sign contracts, deeds, and other instruments of the Authority, if authorized by Resolution, with attestation by the Secretary. At each meeting the Chair shall submit such recommendations and information, as he/she may consider proper, concerning the business affairs and policies of the WPDDA. The Chair shall have full power to vote on any issue except as otherwise provided herein. The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair. In case of the resignation or death of the Chair, the Vice-Chair shall perform such duties of the Chair until such time as the Board elects a new Chair.

Section 3. Treasurer. The Treasurer shall keep, or cause to be kept, the financial records of the WPDDA and shall approve all vouchers for the authorized expenditure of funds of the WPDDA, provided that the Board, by majority vote of its members voting thereon, may delegate such responsibility to the Finance Director or other employee of the City with experience in financial matters. The Board may require a bond from the Treasurer or may waive such requirement.

Section 4. Secretary. The Secretary shall maintain, or cause to be maintained, custody of the official seal of the WPDDA and of all records, documents or other papers of the WPDDA not required to be maintained by the Treasurer. The Secretary shall attend all meetings of the DDA Board and keep a record of all its proceedings, file minutes of all regular or special meetings with the Clerk of the City of Woodland Park and shall perform such other duties as may be delegated by the Board. The Secretary shall have the power to affix the WPDDA's seal to and attest all contracts and instruments to be executed on behalf of the WPDDA. The Board, by a majority vote of its members voting thereon, may delegate such responsibilities to an employee or independent contractor of the WPDDA or the City.

Section 5. Resignation. Any Board member may resign at any time by giving written notice to the City Council with a copy to the Board. Such resignation shall take effect at the time specified in the letter of resignation and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies on the Board. Within thirty days after the occurrence of a vacancy in the Board, the City Council shall appoint a successor for the unexpired term.

Section 7. Removal for Cause. If a Board member has three (3) unexcused absences within a twelve-month period, that member's position on the Board shall be declared vacant. A Board member shall have an excused absence by notifying either the Chair or the Secretary of the Board prior to the meeting. A Board member may be removed by the City Council for cause after notice and an opportunity to be heard.

Section 8. Compensation. Board members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred on behalf of the WPDDA.

Section 9. Employees. Pursuant to C.R.S. § 31-25-815, the Board may appoint an Executive Director, subject to approval by the City Council, when proper financial resources exist.

Section 10. Professional Services. The Board, by motion or Resolution duly approved, may contract for the services of various professionals, including but not limited to architects, planners, engineers, accountants, attorneys, and marketing professionals.

Section 11. Meeting Rules. All Board meetings shall be conducted in an efficient manner to foster input and dialogue on all actions.

Section 12. Electronic Signatures. In the event the signature(s) of one or more members of the Board or appointed signatories are required to execute a written document, contract, note, bond, and/or other official papers of the WPDDA, and the appropriate individual(s) is unable to be physically present to sign said documentation, such individual or individuals are authorized to execute the documentation electronically via facsimile or e-mail/digital signature, unless said documentation provides otherwise. Any electronic signature so affixed to a document shall carry the full legal force and effect of any original, handwritten signature. Except as approved herein, this provision of these Bylaws shall not be interpreted as establishing the WPDDA's consent or authorization to bind the WPDDA to any transaction by the use of electronic records or electronic means. This provision is made pursuant to Article 71.3 of Title 24, C.R.S., also known as the Uniform Electronic Transactions Act.

ARTICLE IV

CONFLICT OF INTEREST

As required by C.R.S. § 31-25-819, no Board member nor any employee of the Board shall vote or otherwise participate in any matter in which he has a specific financial interest, defined as a matter in which the member or employee would receive a benefit or incur a cost substantially greater than other property owners in the WPDDA. When such interest appears, it is the duty of the Board member or employee to make such interest known, and he or she shall thenceforth refrain from voting on or otherwise participating in the particular

transaction involving such interest. Willful violation of the provisions of this section constitutes malfeasance on the part of a member of the Board and is grounds for instant dismissal of any employee.

ARTICLE V

MEETINGS

Section 1. Regular Meetings. The regular meetings of the Board shall be at such time and place as determined by the Board. Regular meetings may be recessed and continued to another date or location. Any notices of regular meetings shall be posted a minimum of twenty four (24) hours in advance at one (1) or more locations designated by Board resolution.

Section 2 Special Meetings. Special meetings of the Board may be called by the Chair or at the request of any three (3) members of the Board at a convenient time and place within the boundaries of the City, provided that notice of such special meeting is provided in accordance with this Section 2. Any notices of special meetings shall be posted a minimum of twenty four (24) hours in advance at one (1) or more locations designated by Board resolution. Consent to such special meeting or attendance at such meeting by a Board member shall be deemed a waiver of this notice requirement for such Board member.

Section 4. Open Meetings. All meetings of the Board shall be open to the public, except for that portion of any meeting duly convened as an executive session. All official business of the Board shall be conducted at regular or special meetings. Executive sessions may be called at regular or special meetings, and conducted according to the following guidelines:

Section 4.1. Calling the Executive Session. The topic for discussion in the executive session shall be announced in a motion, and the specific statute that authorizes the executive session shall be cited. The matter to be discussed shall be described in as much detail as possible without compromising the purpose of being in executive session. An affirmative vote of two-thirds (2/3rd) of the quorum present shall be required to go into executive session.

Section 4.2. Conducting the Executive Session. No adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall take place in an executive session. The discussion in executive session shall be limited to the reasons for which the executive session was called. An electronic record (such as digital recording) of the actual contents of the discussion in the executive session shall be kept; except that no electronic or other record is necessary to be kept for any portions of the discussion which the WPDDA's attorney reasonably believes constitute attorney-client privileged communication. The attorney shall state on the electronic record when any portion of the executive session is not recorded as an attorney-client privileged communication or sign a statement to the same effect.

Section 4.3. Records of Executive Sessions. The electronic record of any executive session shall be maintained as required by Colorado law. Electronic recordings of the executive session, or transcripts or other reproduction of the same, shall not be released to the general public for review under any circumstances, except as required by law.

Section 5. Quorum. A majority of the members of the full Board shall constitute a quorum for the transaction of business at any meeting and if less than a quorum is present, a majority of members present may continue the meeting from time to time without further notice.

Section 6. Voting. Adoption of all resolutions or motions for the transaction of business shall require the affirmative vote of a majority of the members of the Board present at any meeting where a quorum was present. Every member, when present, must vote upon resolutions and motions, except a member shall be excused from voting on any question in which the member has a conflict of interest or on any question concerning the member's own conduct.

Section 7. Rules of Order. Except as provided herein, all meetings shall be conducted under the most recent Edition of Robert's Rules of Order, Revised or such other simplified parliamentary rules of procedure as may be adopted by the Board from time to time.

ARTICLE VI

FINANCE DEBT AND INSURANCE

Section 1. Budget. The WPDDA shall annually submit a budget to the City Council for review and approval in accordance with the City's annual budget schedule.

Section 2. Accounting. In accordance with Article III, Section 3 above, the City's Finance Director or other employee with experience in financial matters may maintain accounting records and records of transactions for the WPDDA. All vouchers for payment shall be approved for payment by the Chair or Vice-Chair and at least one other Officer of the Authority.

Section 3 Investments. The City Finance Director shall invest any WPDDA funds not required for immediate disbursement in interest-bearing investments in any depository authorized in Part 6 of Article 75 of Title 24, Colorado Revised Statutes or otherwise deposited in accordance with any Investment Policy adopted by the City, as may be amended from time to time.

Section 4. Funding Sources. The operations of the Authority shall be principally financed from:

- a. Donations to the Authority for the performance of its functions.
- b. Moneys borrowed and to be repaid from other funds received under the authority of Part 8 of Article 25 of Title 31, Colorado Revised Statutes.
- c. Tax increment funds as defined in C.R.S. § 31-25-807(3) if the plan of development as adopted provides for such tax increment funding.
- d. Such other sources as may be allowed under the authority of Part 8 of Article 25 of Title 31, Colorado Revised Statutes.

Section 5. Contracts. The Board may authorize, by resolution, the Chair to enter into any contract or to execute any instrument in the name of and in behalf of the Authority. Such authority may be general or confined to specific instances.

Section 6. Property. The WPDDA may hold, sell, trade, or lease property in its name as directed by resolution of the Board and as permitted by C.R.S. § 31-25-808. If required by the provisions of C.R.S. § 31-25-808(2), any sale or letting of property by the WPDDA shall also be reviewed and approved by City Council.

Section 7. Debts. All instruments of debt shall be evidenced by a contract, loan agreement, trust indenture, bond indenture, or some other legally binding written document. No verbal debts or contracts shall be binding on the Board.

Section 8. Bonds. All bond issues for the WPDDA shall be issued by the City of Woodland Park subject to the requirements and purposes of Part 8 of Article 25 of Title 31, Colorado Revised Statutes.

Section 9. Non-Liability for Debts. The private property of the members of the Board shall be exempt from execution or other liability for any debts of the WPDDA and no Board member shall be jointly or severally liable for the debts or liabilities of the WPDDA.

Section 10. Indemnification. The WPDDA shall indemnify any Board member or Officer of the WPDDA against expenses actually and reasonably incurred by him or her in connection with the defense of any action, suit, or proceeding, civil or criminal, or for any loss or claim resulting from such action, suit or proceeding in which he or she is made a party by reason of being or having been a Board member or Officer, including any matter in which he or she is adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of duties for, or on behalf of, the WPDDA excluding, however, any liability for intentional misconduct, gross negligence, or criminal acts in office. Provided further, however, that no person shall be so indemnified or reimbursed in relation to any matter in such action, suit, or proceeding which has been made the subjects of compromise settlement except with the approval of a court of competent jurisdiction, or the Board, acting by a majority vote of Board members who are not parties to the same or substantially the same action, suit, or proceeding. The foregoing right of indemnification shall not be exclusive of other rights to which such person, its heirs, executors, or administrators, may be entitled as a matter of law.

Section 11. Fidelity Performance. The Board may require fidelity bonds or insurance for the fidelity performance of any employee's duties. The expense for such bonds shall be paid for by the funds of the WPDDA.

Section 12. Insurance. The Board may, upon the affirmative vote of a majority of the Board members, purchase insurance for the purpose of indemnifying the WPDDA's Board members, Officers, and employees, to the extent that such indemnification is allowed in Section 10 of Article VI of these bylaws. Alternatively, the City may, with the approval of City Council, provide for such insurance for Board members, Officers and employees.

ARTICLE VII

AMENDMENTS TO BYLAWS

These Bylaws may be altered, amended, or repealed by the affirmative vote of two-thirds of the full Board of the WPDDA. However, that in no event shall these Bylaws be altered, amended, or repealed so as to be inconsistent with the laws of the State of Colorado or the City of Woodland Park.

ARTICLE VIII

DISSOLUTION

Upon resolution by a two-thirds vote of all members of the Board, the Board may request that the City of Woodland Park City Council dissolve the WPDDA, provided that all statutory requirements are satisfied. In accordance with C.R.S. § 31-25-803, the WPDDA may be dissolved by ordinance of City Council, if the WPDDA has no outstanding indebtedness or if adequate provision for the payment of such indebtedness has been provided.

ARTICLE IX

RECORDS MANAGEMENT

The WPDDA shall comply with, and adopt and maintain policies as necessary for compliance with, applicable records retention, destruction, and disclosure requirements, including the Colorado Open Records Act ("CORA"). The Chair is hereby designated as the Official Custodian of records pursuant to CORA. The Chair may designate the City Clerk of the City of Woodland Park and the Official Custodian of records upon the written acceptance of such designation by the City Clerk. In the event there is any question as to whether and how the WPDDA is required to comply with a CORA request, the Official Custodian of records shall forward such request to the WPDDA's legal counsel. Copies of records shall be furnished in accordance with the WPDDA's public records policy and state law.

ARTICLE X

FILING OF BYLAWS

Upon adoption of these Bylaws, the Secretary to the Board shall see that they are filed in the office of the City Clerk of the City of Woodland Park.

ARTICLE XI

SEVERABILITY

If any part or provision of these Bylaws is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of these Bylaws, it being the Board's intention that the various provisions hereof are severable.

**BY-LAWS
OF
THE WOODLAND PARK, COLORADO
DOWNTOWN DEVELOPMENT AUTHORITY**

Formally adopted by the Woodland Park Downtown Development Authority

this 7th day of February, 2023.

Chair: *Tony L Perry*
Tony L Perry (Feb 17, 2023 16:33 MST)

Tony Perry, Chair

Attest: _____
Rusty Neal, Secretary

DDA Bylaws - Amended-Restated 02.07.2023_for signature2

Final Audit Report

2023-02-17

Created:	2023-02-17
By:	Amelia Schubert-Zhang (amelia@mcm-legal.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAARGYIIIGm5srbns1cMzpajGcn9YwLC5hT

"DDA Bylaws - Amended-Restated 02.07.2023_for signature2" History



Document created by Amelia Schubert-Zhang (amelia@mcm-legal.com)

2023-02-17 - 7:14:56 PM GMT



Document emailed to tperrydda@city-woodlandpark.org for signature

2023-02-17 - 7:15:40 PM GMT



Email viewed by tperrydda@city-woodlandpark.org

2023-02-17 - 11:33:29 PM GMT



Signer tperrydda@city-woodlandpark.org entered name at signing as Tony L Perry

2023-02-17 - 11:33:43 PM GMT



Document e-signed by Tony L Perry (tperrydda@city-woodlandpark.org)

Signature Date: 2023-02-17 - 11:33:45 PM GMT - Time Source: server



Agreement completed.

2023-02-17 - 11:33:45 PM GMT



Adobe Acrobat Sign



Foundation Plan

Downtown Development Authority District

Woodland Park Colorado - February 2002

**CITY OF WOODLAND PARK
DOWNTOWN DEVELOPMENT AUTHORITY**

FOUNDATION PLAN

FEBRUARY 21, 2002

**CITY OF WOODLAND PARK
DOWNTOWN DEVELOPMENT AUTHORITY**

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RESOLUTION OF ADOPTION

DOWNTOWN DEVELOPMENT AUTHORITY

FOUNDATION PLAN

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FORWARD TO FOUNDATION PLAN

This Foundation Plan is an essential first step, required by Colorado law, in determining how to make downtown Woodland Park a better place for people. The needs of the downtown area ("the District") have been recognized over the last two decades in research projects, marketing studies, opinion polls and master plans. All of these have identified a strong demand for physical improvements and revitalization.

Foremost this Foundation Plan is intended as a basic roadmap for improving the downtown for the convenience and enjoyment of our community. This Plan places top priority on supporting private enterprise, development and redevelopment. The emphasis of this Plan is on needs and the type of projects that are required to satisfy those needs rather than dictating the physical location, dimensions and design, which will evolve through continued planning.

OBJECTIVES AND PURPOSES

The primary objectives and purposes of the Woodland Park Downtown Development Authority ("DDA") are to promote the safety, prosperity, security and general welfare of the District and its inhabitants, to prevent deterioration of property values and structures within the District, to prevent the growth of blighted areas within the District, to assist the City of Woodland Park in the development, redevelopment and planning of the economic and physical restoration and growth of the District, to improve the overall appearance, condition and function of the District, to encourage a variety of uses, to sustain and improve the economic vitality of the District, to relieve traffic congestion, to encourage pedestrian traffic and security in the District, and to preserve and create green spaces, parks and pedestrian walkways. Objectives of the DDA are more specifically stated with the following:

- A. To work with merchants, businesses, arts and citizen committees, other community organizations and developers/builders for maximum input and evaluation of all development recommendations.
- B. To maintain and enhance the District as a regional center for commercial, financial, governmental, social, recreational, and cultural/arts activities and to prevent deterioration from occurring.
- C. To prevent fragmentation of the central core by planning for a variety of land parcel sizes and mixed-uses which will foster a balance between small businesses with local owners and regional or national businesses.
- D. To promote and support private developments that are consistent with the plans and objectives of the DDA, including, but not limited to, assemblage of sites, acquiring, constructing, equipping and developing commercial and residential properties and making adequate utilities and public facilities available for private development.
- E. To improve pedestrian access and security for pedestrians in a user-friendly environment.
- F. To increase, equal to the need, the net supply of accessible parking spaces within the District.
- G. To encourage private restoration, rehabilitation and development within the District through public improvements and assistance so as to prevent deterioration of existing structures and property values.
- H. To encourage the preservation or reuse of historically or architecturally significant buildings in the District including, but not limited to, finding sources of funds and participating in lending funds compatible with enabling legislation and the plans and objectives of the DDA.

- I. To work toward adjustments in zoning, building codes, fire regulations and administrative policies, consistent with public safety, to encourage rehabilitation and reuse of existing buildings.
- J. To analyze the development review and permitting process and to work towards a system that meets the needs of the City while also creating a streamlined and simplified process of development review and permitting in order to facilitate development and redevelopment within the District.
- K. To encourage the development of new and rehabilitated buildings for uses as needed to achieve a balanced mix of products and services within the District, including, but not limited to, providing sites and/or lease space compatible with enabling legislation and the plans and objectives of the DDA.
- L. To protect, where practical, existing housing stock by encouraging rehabilitation and to encourage the conversion of existing suitable structures to residential use.
- M. To promote, where practical, additional residential units within the District.
- N. To relieve traffic congestion and conflicts arising between local traffic and non-local traffic.
- O. To improve the visual attractiveness of the District including, but not limited to, improving public streets, public parking lots and alleys by the installation of new surfacing, curbs, gutters, sidewalks and the placing of visually integrated street furniture, lighting systems and landscaping, and to coordinate with the City, the careful maintenance of the downtown streetscape.
- P. To develop and facilitate safe pedestrian and bicycle access throughout the District.
- Q. In conjunction with the City, to construct, install, and place underground publicly and privately owned utility and communications systems.
- R. To promote a variety of activities in the District.
- S. To assist small retail and service businesses in policy and strategy formulation, financial operational requirements and research informational needs.
- T. To encourage, where appropriate the renovation and reuse of vacant and deteriorated structures within the District.

- U. To improve the usefulness and accessibility of sites and streets, thereby promoting the growth of the District and retarding economic, physical, and social decline in the District.

PLAN OF DEVELOPMENT PROJECTS

The projects, facilities, programs and functions to be established and provided in the District will benefit and promote the health, safety, prosperity, security and general welfare of ~~all~~ **REMOVE THE WORD "ALL"** the occupants and owners thereof and will prevent deterioration of property values, will prevent the growth of blighted areas, and will be of special benefit to ~~all~~ **REMOVE THE WORD "ALL"** property within the District.

Descriptions of possible projects are as follows:

- A. The promotion of, participation in, and assistance to private and public developments consistent with the priorities of the DDA by all means permitted by federal, state and local laws and regulations, including but not limited to, land assemblage, and/or acquiring, constructing, reconstructing, rehabilitating, equipping, selling and leasing space in connection with the following projects:
- Office;
 - Retail/commercial;
 - Housing;
 - Cultural/Arts;
 - Recreational;
 - Amusement and other entertainment;
 - Transportation-related facilities;
 - Such other types of projects that are consistent with the Objectives and Purposes.
- B. Public facilities and improvements, in conjunction with the City, as necessary to complement private developments including, but not limited to, the following:
1. Utilities
 - a. Underground power and communication distribution system;
 - b. Water, sanitary sewer and fire protection;
 - c. Storm sewers and other wastewater drainage systems;
 - d. Natural gas systems.
 2. Streets and alleyways
 - a. Resurfacing;
 - b. Landscaping;
 - c. Signage;
 - d. Lighting;
 - e. Signalization;

- f. Relocating and vacating;
- g. Curbs and gutters;
- h. Bikeways.

3. Sidewalks, trails and pathways

- C. In conjunction with the City, a parking program to provide sufficient and accessible public and private parking to service all occupants, employees, owners and visitors within the District including, but not limited to, the following:
 - 1. Construction of parking facilities concentrating on areas of present parking deficiencies and such areas as may require parking facilities in connection with projects undertaken hereafter.
 - 2. Increase the efficiency and attractiveness of existing parking.
 - 3. Introduce programs, if appropriate, to augment the supply of parking such as:
 - a. Trolley system;
 - b. Park and ride lots;
 - c. Bikeways.
 - 4. Establish special parking zones and regulations.
- D. Public use facilities, in conjunction with public or private organizations, emphasizing use of the District for cultural and arts events, trade shows, business meetings, conventions, recreation, amusement and other entertainment and also to promote the District as a destination.
- E. A pedestrian and vehicular circulation system including, but not limited to, the following features:
 - 1. In conjunction with the City, completion of the Highway 24 Traffic Mitigation and Access Control Plan through the District.

Work with the businesses and owners of the District to plan and prepare for a ~~highway bypass~~ **ALTERNATE ROUTES** that would route Highway 24 around the District and assist, where appropriate, with measures to help mitigate the potential negative impacts of a ~~bypass~~ **ALTERNATE ROUTES**.

- 1. A pedestrian and bicycle system including, but not limited to:
 - a. Canopies and shelters;
 - b. Secure bicycle racks;
 - c. Seating and rest areas;
 - d. Lighting;
 - e. Information and directory centers;
 - f. Handicapped accessibility;
 - g. Landscaping;

- h. Pedestrian graphics and wayfinding system
- 4. A program to reduce automobile-pedestrian conflicts that would include such items as:
 - a. Design standards for pedestrian walkways, islands and intersections.
 - b. Vehicle speed control devices such as signs, signals, and pavement grooves and pavement treatments.
- F. A beautification program for the following areas:
 - 1. At major entrances to the District install improvements that will define and enhance these entrances, such as landscaping, lighting, decorative structures, fountains graphics, and other appropriate features.
 - 2. Beautify and further utilize downtown focal point areas by installing landscaping, screening, plazas, walkways, lighting, view corridors, and amenities which promote the Pikes Peak vista; provide building sites for commercial and residential uses; increase pedestrian use and access through the area, including picnic areas, nature and exercise trails and trailhead parking and restroom facilities.
 - 3. Beautify walkways, park areas and plazas with appropriate landscaping, decorative structures, graphics, lighting, fountains, rest areas, trash receptacles, market and entertainment areas and by making sites available for sidewalk cafes and other casual meeting areas.

PRIORITIES

Projects proposed for the District in which the DDA is asked to participate will be evaluated against the following priorities. The major sections of the priorities are not intended to be in the order of their importance.

A. Support Private Developments

- 1. Encourage all planning to be compatible with its surroundings and encourage mixed-use developments. Encourage a variety of land uses in the District so that the area does not become predominantly an office center, a governmental center, a retail center, a residential center or an entertainment center, but rather a cross-section of compatible local and regional destination uses.
- 2. Actively solicit and if necessary provide sites for land uses that are important to the economic vitality of the District.
- 3. Participate with developer/builders based on the following:
 - The project is highly desirable,

- It is consistent with the plans and objectives of the DDA,
 - The project may not otherwise be economically viable.
4. In conjunction with the City, plan and develop public facilities that will enhance and encourage the development of privately sponsored projects.
- B. Design and build a circulation system for pedestrians, bicycles, traffic and parking so as to minimize automobile/pedestrian conflict and to maximize the convenience of driving to and walking in the District.
1. Adopt design criteria encouraging all projects to be well-designed, with variety, vitality, order and cohesiveness, and to develop wide landscaped walkways protected from busy traffic and dangerous intersections with intermittent stopping areas consisting of plazas, fountains, sidewalk cafes, museums, unique shops, convention and exhibition facilities, cultural facilities, recreation facilities, amusement and other entertainment facilities, governmental facilities, and other amenities that create an attractive walking and biking environment.
 2. In conjunction with the City, develop cooperative private/public parking facilities to be strategically located near new private developments and near major parking need areas. Plan for expansion. Encourage commercial/retail uses on street frontages with parking located behind buildings. All parking should be well designed with attractive landscaping, lighting and pedestrian access. Encourage surface parking in areas that are the most likely sites for future private development.
- C. Improve the variety and attractiveness of the District.
1. Enhance the natural environment through beautification. Encourage and promote private and public development projects, such as parks, plazas and landscaping throughout the District. Emphasize and protect the Pikes Peak view corridor.
 2. Encourage activities and services that will attract the entire community and also attract tourism by broadening the entertainment, cultural and social activities and events that take place in the District. Encourage projects that will promote the image of the District as a place for entertainment, relaxation, conversation, education, art and cultural activities.
 3. Encourage living in the District by providing incentives, when appropriate, for residential uses mixed in with other types of uses, conversion of unused buildings that are properly situated to residential uses, support higher density condominium and townhouse projects and

provide amenities to create small parks and open spaces in the immediate vicinity of the residential areas.

4. Encourage new and established retail and service businesses in the District by providing assistance such as advisory services (including financial planning, strategy formulation and research information), processing applications for grants and loans, providing incentives when appropriate, and offering other possible assistance consistent with the objectives of the DDA.

METHODS OF FINANCING PROJECTS

In order to finance the projects and purposes of the DDA, the following financial sources may be utilized:

- A. Proceeds of tax-exempt bonds issued by the City of Woodland Park secured by the pledge of the following tax revenues for the maximum period of time authorized by C.R.S. 1973, §31-25-807(3):
 1. Property Tax Increments as defined in Section 31-25-807(3), Colorado Revised Statutes. All such taxes shall be adjusted, collected, allocated and used as set forth in Part 8 of Article 25 of Title 31, Colorado Revised Statutes, as amended from time to time.
 2. Such other sources of revenues for repayment of debt as may be authorized by law.
- B. Membership fees;
- C. Private contributions and donations;
- D. Proceeds of loans to the DDA;
- E. ~~Fees and other charges imposed in connection with projects under taken by the DDA;~~ **STRIKE SECTION "E"**
- F. Grants and other funds made available by public agencies and other entities;
- G. All types of bond issues, including mortgage revenue bonds and special assessment bonds; and
- H. All such other sources and methods as may be authorized by law from time to time, including, but not limited to C.R.S. 1973, §31-25-801, et seq.



Sunshine Laws

Guide to Colorado's Open Meetings & Open Records Laws

Revised May 2015

Sponsored by:
Colorado Freedom of Information Coalition, Colorado Press Association, Governor John Hickenlooper,
and Attorney General Cynthia H. Coffman



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This document is being provided as a public service and for informational purposes only. It is not intended to consist of nor shall it be construed to contain any legal advice. Additionally, no statements or interpretations of law contained herein shall be deemed binding on the sponsors of or contributors to this guide.

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May 2015

Dear Reader,

A free self-governing people needs full information concerning the activities of its government not only to shape its views of policy and to vote intelligently in elections, but also to compel the state, the agent of the people, to act responsibly and account for its actions.

The Colorado Supreme Court made this statement more than 30 years ago in a ruling that upheld the public's right to attend legislative caucus meetings. These words, as relevant today as they were then, reflect the spirit and mission of the Colorado Freedom of Information Coalition (CFOIC).

Because our nonpartisan organization is committed to the proposition that a healthy democracy depends on the free flow of information, we are pleased to bring you this updated guide to Colorado's open-meetings and open-records laws – a summary of our state's "sunshine" laws that also has been endorsed by the Colorado Press Association, the governor's office and the state attorney general. Whether you are a journalist or an engaged member of the public, it is important to know your rights of access to public information and proceedings.

Please visit CFOIC's website – coloradofoic.org – for more open-government resources and up-to-date articles on freedom-of-information issues. Follow us on Facebook and on Twitter @CoFOIC.

Thank you,

A handwritten signature in black ink, appearing to read 'Jeff A. Roberts', with a stylized flourish at the end.

Jeffrey A. Roberts
CFOIC Executive Director

Open Meetings (Sunshine) Law

C.R.S. § 24-6-401+

LEGISLATIVE POLICY: It is declared to be a matter of statewide concern and the policy of this state that the formation of public policy is public business and may not be conducted in secret.

THE LAW COVERS: All boards, committees, commissions, authorities and other advisory, policy-making, rule-making or other formally constituted bodies, as well as any public or private entities that have been delegated governmental decision-making functions by a body or official. Administrative meetings (staff, faculty) are not open.

The Sunshine Law is two-tiered, treating state government and local governments differently in some areas. **State public bodies** include the General Assembly, the governing boards of institutions of higher education (such as the University of Colorado Regents) and other state agencies, boards, commissions, etc. **Local public bodies** include all political subdivisions of the state, such as counties, cities, home-rule cities, school districts, special districts, metropolitan districts and the Regional Transportation District.

DEFINITION OF A MEETING: Any kind of gathering convened to discuss public business in person, by telephone, electronically or by other means of communication.

State public bodies must open meetings of **two or more** members at which public business is to be discussed or at which formal action may be taken.

Local public bodies must open meetings of a **quorum or three or more** members, whichever is fewer, at which public business is discussed or formal action may be taken.

Social gatherings and chance meetings are exempt from open meetings regulations if discussion of public business is not the central purpose.

Email exchanges between elected officials on subjects other than public business are not "meetings."

PUBLIC NOTICE: Required prior to all meetings where the adoption of any proposed policy, position, resolution, rule, regulation or formal action occurs or at which a majority or quorum is expected to be in attendance. Notice must be "full and timely." No publication is required.

Local public bodies may comply with “full and timely” by posting a notice in a formally designated public place at least 24 hours before a meeting. Posted notices must include specific agendas if at all possible.

State and local public bodies must also maintain lists of persons who request to be notified of meetings or discussions on specific topics and provide reasonable advance notice. A request covers a two-year period.

County commissioners do not have to give 24-hour notice or personal notification if two or more meet to discuss “day-to-day oversight of property or supervision of employees.” Hiring and firing, building a new courthouse or buying major equipment are not “oversight.”

MINUTES: Must be taken at all meetings and “promptly recorded.” Minutes (including tape recordings) are open to public inspection. However, the record of an executive session (except for the topic of discussion) is not open without the public body’s consent or upon application and showing to the appropriate district court that the requester has a reasonable belief that the executive session was improperly called or conducted.

Local public bodies must keep minutes of meetings where formal action does or could occur. Workshops or committee meetings do not necessarily require minutes.

School boards must keep minutes of meetings where formal action does or could occur and must make electronic recordings of meetings at which decisions can be made. Such recordings must be available to the public and must be maintained for at least 90 days.

EXECUTIVE SESSIONS: Permitted only during regular or special meetings. The topic must be announced to the public with as much specificity as can be provided without compromising the reason for the executive session. The legal basis for the executive session must be cited. A vote to go into executive session must be taken in public.

No adoption of any proposed rule, regulation, policy, position or formal action shall occur at any meeting closed to the public. This means that “informal decision making” cannot occur outside of a public meeting.

State public bodies can go into executive session only after two-thirds of the entire body vote in favor.

Local public bodies can go into executive session only after two-thirds of the quorum present vote in favor.

Executive sessions are limited to matters and records that must be kept confidential according to state or federal laws, and all public bodies must cite specific statutes or rules that apply. These matters include:

- **Specialized details of security arrangements**
- **Property transactions**

State public bodies may discuss the purchase or sale of property at competitive bidding in an executive session if premature disclosure would give an unfair competitive or bargaining advantage. A donor of property to a university or college may request that the gift be discussed in an executive session.

Local public bodies may discuss the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest in an executive session. A closed-door session cannot be held to conceal the fact that a member has a personal interest in the transaction.

- **Attorney conferences**

State and local public bodies (including college and university boards) may use executive sessions to receive advice from an attorney on specific legal questions.

- **Negotiation strategy**

State public bodies may use executive sessions to determine positions in negotiations with employees or employee organizations, to develop strategies or receive reports and instruct negotiators.

Local public bodies may use executive sessions to determine positions on matters that may be subject to negotiations, to develop strategies and instruct negotiators.

School boards and their representatives must discuss and negotiate collective bargaining agreements in open meetings.

- **Personnel**

State public bodies must open meetings unless the individual being discussed requests closure.

Higher education boards are authorized to discuss personnel matters in executive session if the subject of the discussion requests it and the board thereafter votes to meet in executive session; they may meet

in executive session to discuss investigations of students unless the student(s) involved authorizes disclosure.

Local public bodies may close a meeting except if the individual(s) involved asks that it be open.

Under the Teacher Employment, Compensation and Dismissal Act, a school board must hold a teacher's hearing in public unless an executive session is requested.

The University of Colorado hospital board may hold closed sessions to talk about patient-care programs.

The Colorado Parole Board can meet in executive session to discuss individuals, but votes must be in public.

Local school boards may meet in executive session to discuss individual students if disclosure would adversely affect the person(s) involved. **Minutes of school board executive sessions** must indicate the topic of discussion as well as the amount of time each topic was discussed. Electronic recordings of school board executive sessions must be retained for at least 90 days.

During state and local executive (CEO) searches, initial meetings must be open to establish job-search criteria, including job descriptions, application deadlines, requirements, selection procedures and hiring time frames. **A list of finalists** must be made public at least 14 days prior to an appointment. No prior offer of employment can be made. **Executive sessions may be held by the search committee, but only if the prerequisites for state or local public bodies are met.**

To discuss honorary degrees and the naming of buildings, higher education governing boards may go into executive session. Any decision to actually issue honorary degrees or name buildings must take place in a public meeting.

Any person can ask a court to issue an injunction to enforce the law. If the person wins, the court is required to award him or her costs and reasonable attorneys' fees; however, if the public body wins, the court can award costs and fees to the public body only if the suit was frivolous or groundless.

Executive sessions must be electronically recorded, except for portions that constitute privileged attorney-client discussions. If a person believes that unauthorized matters were discussed during an executive session, or that a decision was made during an executive session, he or she may ask a

judge to review the recording. If the judge, after reviewing the recording, determines that a violation occurred, the pertinent portions of the tape shall be made public and any decisions made during the executive session may be invalidated.

Reporter's Shield Law **C.R.S. § 13-90-119; C.R.S. § 24-72.5-101+**

A reporter does not have to disclose a source or any information received in the pursuit of a story, unless the media person personally observed a crime or the information sought is essential to a substantial issue in a court case, the information cannot reasonably be obtained by any other means and the litigant's need for the information outweighs the First Amendment rights of the reporter and his/her audience in the free flow of information.

Colorado Open Records Act **C.R.S. § 24-72-201+**

LEGISLATIVE POLICY: It is declared to be the public policy of this state that all public records shall be open for inspection by any person at reasonable times.

DEFINITION OF PUBLIC RECORDS: All "writings" made, maintained or kept by the state or any agency, institution or political subdivision for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds. **Records of foundations of public institutions of higher education** are public records with the exception of donors and donor information. **Laws pertaining to police and court records** are found in the Criminal Justice Records Act. "Writings" include photographs, tapes, recordings and digitally stored data, including electronic mail, and other documentary materials in addition to books, papers and maps, but do not include computer software.

Voted ballots are available for public inspection, but are subject to specific handling requirements.

The custodian of public records must allow any person to inspect any record unless:

- State statutes have closed it.

- Federal law forbids it.
- The Colorado Supreme Court or another state court has closed it.

The custodian has the discretion to close the following records on the grounds that disclosure would be contrary to public interest:

- **Records of investigation** conducted by any sheriff, prosecuting attorney or police department; any records of the intelligence information or security procedures of these same officials; or any investigatory files compiled for any other law enforcement purpose. Records of ongoing civil or administrative investigations conducted by state agencies may be withheld. Upon completion of such civil or administrative investigations, any record not exempt from disclosure under another statutory provision is open for public inspection.
- **Test questions** on licensing, employment or academic exams, but scores are available to the person in interest.
- **Details of research** being conducted by a state institution or on proposed legislation by legislative staff or the Governor's Office.
- **Real estate appraisals** until title is transferred.
- **Certain information** generated by the bid analysis and management system of the Department of Transportation.
- **Identifying information** in motor vehicle license records.
- **Email addresses** people provided to a state agency, institution or political subdivision for the purpose of obtaining future electronic communications from that entity.
- **Specialized details** of security arrangements or investigations.

The custodian must deny inspection of the following records:

- **Medical, psychological, sociological and scholastic achievement data.** A coroner's report is open. Scholastic information is available on finalists for executive positions. Group scholastic achievement data is also available, provided that individuals cannot be identified. Marriage and civil union license applications are closed, but marriage and civil union licenses are public records.
- **Personnel file information**, including home addresses; phone numbers; financial information; other similar private information maintained because of employer-employee relationships; and documents exempt

in other statutes, e.g. letters of reference. Personnel file information that is open includes applications of past and current employees; employment agreements; any amount paid or benefit provided incident to termination of employment; performance ratings (excluding licensed educators); salaries, including expense allowances and benefits; and final sabbatical reports as required by law.

- **Letters of reference.**
- **Trade secrets**, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person outside of government.
- **Library and museum material** contributed by private persons if they so request.
- **Addresses and telephone numbers of public school children**, except to recruiting officers as decided locally.
- **Library records** disclosing the identity of a user.
- **Addresses, phone numbers and personal financial information** of past or present users of public utilities, public facilities or recreational or cultural services owned and operated by the state or its agencies, institutions or political subdivisions. This includes golf courses, skating rinks, etc.
- **Sexual harassment complaints** and investigations under any General Assembly policy unless released to a person in interest (complainant or person charged) or by a person in interest to support the contention that a public allegation of sexual harassment against such person is false.
- **Motor vehicle records** (other than traffic accident reports), except for certain specified uses that do not include the news media.

Requested closures:

Candidates for executive positions (college president, city manager, superintendent of schools, etc.) may request in writing that their applications be kept confidential; however, names of all finalists must be disclosed. When three or fewer candidates are considered for a vacancy, they must be considered finalists and their names must be made public. In cases where there are more than three finalists, the names of all finalists must be made public. No appointment may be made less than 14 days after finalists are named. Information submitted by finalists becomes public record.

Emails are considered “correspondence” under the public records law.

Correspondence is not open for inspection if it is:

- Not connected to official duties and does not involve public funds.
- A message from a constituent to an elected official or vice versa that clearly implies expectation of confidentiality.
- “Work product” prepared for elected officials unless released.

“Work product” includes:

- Deliberative materials assembled to assist elected officials in reaching a decision, such as background information or drafts of documents expressing a decision.
- Drafts of bills or amendments.
- Research by Legislative Council for a legislator and identified as proposed legislation. A legislator can request that the final product remain work product; otherwise, it becomes a public record.

“Work product” does not include:

- Final versions of documents expressing an official decision; fiscal or performance audit reports on public entity management or the expenditure of public funds; or final financial reports.
- Materials distributed in a public meeting or identified in the text of a document that expresses a decision.
- Documents which consist solely of factual information compiled from public sources, including comparison of existing laws, etc., in other jurisdictions or compilations of existing public information, statistics or data explanations of general areas of law or policy.

Official custodians must consult with elected officials to determine if correspondence is public record.

Governmental entities can get trademark and copyright protection for public records; however, this cannot restrict public access or fair use of copyrighted materials and does not apply to writings that are “merely lists or other compilations.”

COST OF PUBLIC RECORDS: Copies may be made of any public record at a cost of not more than 25 cents per page; however, an additional “reasonable fee” may be charged for:

- Special requests for data in a form not maintained by the government. The requester may have to pay costs to manipulate the data. Subsequent requesters pay the same as the first.
- Use of a computer program other than word processing if necessary to provide a record. Copying fees can recover costs of the system; however, this may be waived for requesters working for public purposes, including journalists, nonprofits and academic researchers.

Governments and agencies may charge no more than \$30 per hour, with the first hour free of charge, for research and retrieval of public records. This includes the time of attorney review for privilege. The allowable per-hour charge will be adjusted for inflation every five years. Governments and agencies may not charge for research and retrieval unless, on the date the request was submitted, they have published their fee policies on the Internet or in some other written form.

Records of the state archivist, secretary of state and judicial branch are subject to different fee schedules.

TIME FOR PRODUCTION: Records “not readily available” must be provided within three working days, unless the custodian in writing declares there are “extenuating circumstances,” such as the number of documents required. A period of extension for extenuating circumstances “shall not exceed seven working days.” **If a person opts not to request a record in person and instead requests that the record be sent by the custodian,** the custodian may charge the costs associated with records transmission, except that there shall be no transmission charges to transmit a record via electronic mail.

DELIBERATIVE PROCESS: Under deliberative process, the normal disclosure of information can be denied if “material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government.” A records custodian asserting this privilege must produce an affidavit so declaring. In cases where a member of the public believes the privilege has been misapplied, the custodian of the record must apply to district court for permission to restrict disclosure. Only if the court determines that the need for confidentiality outweighs the public interest in disclosure will the decision not to disclose be enforced. Records discussed in public meetings cannot be protected under the deliberative process exemption.

WHAT TO DO IF ACCESS IS DENIED: Write a letter to the custodian asking for an answer in writing as to the reason access was denied. The custodian must answer within three working days. If the reason is not deemed adequate, a request for inspection may be made to district court, with the hearing to be held "at the earliest practical time." Three days' notice must be given to the records custodian before a suit is filed in order to recover attorneys' fees, if successful. The custodian must prove that it would be injurious to the public interest to open the record.

PENALTY: Anyone who willfully and knowingly violates the provisions of the public records law can be found guilty of a misdemeanor. The fine is set at \$100 and/or imprisonment of 90 days. Such criminal sanctions may only be sought by a state prosecutor, not private citizens.

Criminal Justice Records C.R.S. § 24-72-301+

LEGISLATIVE POLICY: Criminal justice agencies shall maintain records of "official actions." Records of official actions shall be open to inspection by any person. Other records of criminal justice agencies may be open for inspection at the discretion of the custodian or as specifically provided by law.

AGENCIES COVERED: Any court with criminal jurisdiction and any law enforcement agency that investigates crime or works with those convicted of crimes. These include agencies and authorities representing counties, cities, home-rule cities, public institutions of higher education, school districts and special districts.

A record of "official action" means an arrest; indictment; charging by information; disposition; pre-trial or post-trial release from custody; judicial determination of mental or physical condition; decision to grant, order or terminate probation, parole or participation in correctional or rehabilitative programs; and any decision to formally discipline, reclassify or relocate any person under criminal sentence.

Other criminal justice records may be open unless:

- Inspection is prohibited by state statute.
- Inspection is prohibited by the Colorado Supreme Court or another court.

- The custodian believes disclosure would be “contrary to public interest” because an investigation is still in progress by law enforcement personnel or a district attorney, or the records pertain to intelligence information, security procedures or investigatory files compiled for other law enforcement purposes. Sexual assault cases are to be stamped “Sexual Assault” and victims’ names are to be deleted from the files before their release. Names of those accused are public records.

ETHICAL RULES OF ATTORNEYS: The ethical rules governing attorneys and prosecutors (Rules 3.6 and 3.8) restrict attorneys and law enforcement agents associated with an investigation from making “extrajudicial statements” to the news media that have “a substantial likelihood of materially prejudicing an adjudicative proceeding.” However, these rules do not limit the disclosure of records of “official actions,” which the statute declares are required to be disclosed. Also, these ethical rules do not apply to the disclosure of even discretionary-release records (the comment to the rule expresses concern only with the “commentary of a lawyer” who is involved in a proceeding and recognizes “that the public value of informed commentary is great”). Prosecutors should be advised under the ethical rules not to make any extra-judicial “statement” (as opposed to records disclosure) that poses a substantial likelihood of prejudice to a prosecution that is in progress or likely to commence in the reasonably near future.

INFORMATION NOT FOR PROFIT: Custodians must deny access to records to anyone who wishes to use them to solicit customers for a business venture. A signed statement may be necessary. This provision does not apply to the news media.

MUG SHOTS: Anyone requesting a copy of a booking photo must sign a statement affirming that the photo will not be used in a publication or on a website that requires payment to remove or delete the photo. Those who anticipate making multiple requests from an agency may be allowed to submit the required statement once a year.

SEALING OF RECORDS: Records of persons convicted of certain crimes may be sealed if the person has not been charged with or convicted of an additional crime and all restitution, fees and court costs have been paid and if a district court judge determines the privacy rights of the applicant outweighs the public interest of the record remaining public. Depending upon the classification of the crime, the time after which the applicant may request a record be sealed varies from one to 10 years after final disposition of criminal proceedings. Any petition to seal a record of a conviction must be posted on the website of the state court administrator for at least 30 days before a hearing to seal the record and the applicant must pay all expenses related to sealing a criminal record. Additionally,

records of persons who were not officially charged, had charges dismissed, successfully completed a diversion program or were acquitted or the arrest records of a person who pled to a lesser charge may be sealed by the court if the person involved requests it. Traffic offenses and sexual assault cases, where the defendant is convicted or pleads guilty or nolo contendere, may not be sealed.

IF ACCESS IS DENIED: An individual may request a written statement of the grounds for denial of access and an answer must be produced within three working days citing the law or regulation and the general nature of the public interest which needs to be protected. An appeal may be made to the district court with a hearing at the "earliest practical time."

FEES FOR COPIES: Criminal justice agencies may charge a fee not to exceed 25 cents per standard page for a copy of a criminal justice record or a fee not to exceed the actual cost of providing a copy, printout or photograph of a criminal justice record in a format other than a standard page. There may be additional charges for research, retrieval or redaction of records.

PENALTY: If a court finds the denial was arbitrary or capricious, it may order the custodian to pay court costs and attorney fees, and, in addition, can add a penalty of up to \$25 for each day access was improperly denied to be paid to the applicant. Violations also are punishable as misdemeanors. Such criminal sanctions may only be sought by a state prosecutor, not private citizens.

Juvenile Records

C.R.S. § 19-1-101+

The public can be excluded from juvenile hearings if the court determines it is in the best interest of the juvenile or the community to close them. Names of juveniles in misdemeanor, custody and abuse cases are not open to the public.

ACCESS TO JUVENILE RECORDS: Public information includes arrest and criminal records of juveniles charged with crimes that would be felonies if committed by adults, crimes involving weapons or non-felony traffic citations. Also public are criminal records of those who have been adjudicated juvenile delinquents or are subject to revocation of probation for possession of a handgun. Other juvenile cases are closed unless the case is transferred to district court where the juvenile will be tried as an adult or the juvenile is a runaway from a correctional facility. {C.R.S. § 19-1-304}

CHILD ABUSE RECORDS: Confidential unless the child dies and a criminal charge is filed, and family's name is available if arrested or formal charges filed (C.R.S. § 19-1-307). Names of adult perpetrators charged with a crime are not confidential.

Expanded Media Coverage Chapter 38, Rule 2 (Cameras in the Courtroom)

A judge may authorize the use of cameras and recording equipment in the courtroom for any session that is open to the public (the only pre-trial proceedings applicable are advisements and arraignments). Limitations include no photographing of jury *voir dire* or *in camera* hearings and no close-ups of bench conferences, communications between counsel and client or between co-counsel, or members of the jury. A judge may restrict or limit coverage as necessary. The rule limits coverage to a pool of one video camera and one still camera at a time.

HOW TO REQUEST CAMERA ACCESS: A written request must be submitted to the judge at least one day before coverage is to begin with copies given to counsel for each party involved. The request should include the name, case number, date and time of proceeding, the type of coverage requested and a description of the pooling arrangements, if necessary.

Colorado Jail Records Law C.R.S. § 17-26-118

ARREST RECORDS: Each county jail must keep a daily record of the commitments and discharges of all persons. The record must include the name, offense, term of sentence, fine, age, sex, citizenship, how and by whom committed and when and by whom discharged. The record shall be open to inspection by the public at all reasonable hours.

Templates

Format for a letter requesting access to records under the Colorado Open Records Act and/or the Colorado Criminal Justice Records Act:

Dear Records Custodian [Name and Address of Agency]:

[Direct requests to the individuals of each agency who have either actual possession of the records or legal responsibility for maintaining the records.]

Pursuant to the Colorado Open Records Act § 24-72-201 et seq. and/or the Colorado Criminal Justice Records Act § 24-72-301 et seq., I request that you make available for inspection and copying the following public records: [Describe the records with enough detail for the public agency to respond, but word your request generally enough to encompass all records that may contain the information you seek.]

If you are not the custodian of records for this request, please forward this letter to the appropriate person or let me know which person(s) has custody.

I request a waiver of all fees for searching or copying these records in that the disclosure of this information is in the public interest and will contribute significantly to the public's understanding of _____. This information is not being sought for commercial purposes. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$_____.

Please set a date and hour, within three working days following receipt of this letter, at which time the records will be made available for inspection. If access to these records will take longer, please cite the extenuating circumstances and let me know when I should expect copies or the ability to inspect the records.

[If you know that you want copies, add the following] I ask that records available in electronic format be transmitted by email to [Your Email Address].

If you deny any portion, or all, of this request, please provide me with a written explanation of the reason(s) for your denial, including a citation to each specific statutory exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If you conclude that portions of the records that I request are exempt from disclosure, please release the remainder of such records for inspection and copying, redacting only the portion or portions that you claim are exempt.

Please contact me with any questions about my request. Thank you for your time.

Format for a federal Freedom of Information Act request:

This is a request for information under the Freedom of Information Act, 5 U.S.C. § 552, on behalf of [Name of Group] for records [Description of the documents relating to, constituting, discussing, concerning or mentioning],

As required by the Freedom of Information Act, I expect a reply within 10 working days. If you have any questions concerning this request, please contact me.
Thank you.

To protect the closure of a court hearing:

If a judge decides to close a courtroom for proceedings usually held in open court, a reporter should walk to the railing and say, "Your honor, I am a reporter. May I be heard?" The following statement should be read:

"Your honor, I am _____, a reporter for _____, and I'd like to object on behalf of myself, my employer, and the public to the closing of this hearing (or sealing of this court record). The Colorado Supreme Court has said that all court proceedings are presumptively open and may be closed only when strictly and inescapably necessary. Our attorney is prepared to make a number of arguments against closings such as this one, and we respectfully ask the court for a hearing on those issues. I believe our attorney can be here relatively quickly for the court's convenience, and he will be able to demonstrate the closure of this case will violate the First Amendment, and possibly state statutory and constitutional provision as well. I cannot make the arguments myself but our attorney can point out several issues for your consideration. If it pleases the court, we request the opportunity to be heard through counsel."

To protest a board's decision to go into executive session:

If you feel the public body isn't following the proper procedures, you should ask to speak and read the following statement:

"I am _____ [If you are a reporter, state the name of your news organization] and I'd like to object on behalf of my employer and the public the decision to go into executive session. Colorado Revised Statutes state that this body can only meet in executive session to discuss certain matters, and this does not appear to meet any of those criteria. I'd like the opportunity to allow our attorney or someone from our news organization to present our arguments against meeting in executive session."

To download a pdf of this booklet

**Visit coloradofolc.org/new-resources/
or coloradopressassociation.com.**

Colorado Freedom of Information Coalition

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Colorado Press Association

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303-571-5117

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coloradopress@colopress.net

Do you need



gaining access to:

- Open meetings
 - Public records
- Or do you have other
general FOI questions?

We'll answer the call



Colorado Freedom of Information Coalition

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CORightToKnow.com

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Twitter: @CoFOIC

Facebook

CITY OF WOODLAND PARK
 220 W. South Avenue
 P.O. Box 9007
 Woodland Park, CO 80866
 719-687-9246
 719-686-1010/Fax
 Federal Tax ID # 84-6002740
 CO Tax Exempt # 98-00978



Please Select

MAIL	DEPT

Vendor Information

Name	Michow Cox & McAskin LLP
Address	5299 DTC Boulevard
Address	Suite 300
City/State/Zip Code	Greenwood Village, CO 80111
Federal Tax ID #	81-1299804

Vendor #	
Contact	Markus McAskin
Phone #	(303) 459-2725
Fax #	

Invoice #	Date	Description	Amount	G/L Acct. #
	06/25/24	WPDDA.Junr2024.001	108.00	
			108.00	TOTAL

Special Instructions:

30 Character Expenditure Description

Legal Expense

Jae Daniel CHAIR
TJL/TJ Treasurer 8/2/2024

Department Manager
 City Manager

Date	Signature

Department Manager approval required for all purchases.
City Manager approval required for all purchases over \$1,000.00.



Matter No: 17.GC
RE: General Counsel

**Confidential Attorney – Client
Privileged Communication**

Woodland Park Downtown Development
Authority
Chair/Treasurer
220 W. South Avenue
Woodland Park, CO 80866 US

Invoice Date: 07/09/2024
Invoice Number: WPDDA.Jun2024.001
Federal Tax ID No: 81-1299804

Date	Attorney	Description	Hours	Rate	Amount
06/25/2024	M. McAskin - WPDDA	Review and respond to email re Purple Mtn Hospitality (TIF reimbursement); review agreement and email T. Perry re same.	0:24	270.00	108.00

Message:

Subtotal: _____
Discount: _____
Sales Tax: _____
Deposits: _____
Payments/Credits: _____
Balance Due: \$108.00