

# **PUBLIC NOTICE**

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## **LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY / HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT (4:00 P.M.)**

**January 8, 2024**

**Cleveland Room at Desk Chair  
201 East 4<sup>th</sup> Street, Loveland, Co 80537**

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*The Loveland Downtown Partnership and Downtown Development Authority are committed to providing an equal opportunity for citizens and does not discriminate on the basis of disability, race, color, national origin, religion, sexual orientation, or gender. The LDP-DDA will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act.*

*For more information, please call our offices at 970.699.2856.*

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**Agenda**  
**Loveland Downtown Development Authority (DDA)**  
**Historic Loveland Business Improvement District (HLBID)**  
**Joint Regular Meeting**  
**Monday, January 8, 2024 - 4:00 pm**

Cleveland Room at Desk Chair  
201 East 4<sup>th</sup> Street

This board may act on behalf of the Loveland Downtown Development Authority and the  
Historic Loveland Business Improvement District

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**4:00 pm**

1. **Call to Order**
2. **Roll Call**

**4:05 pm**

3. **Public Comment** (individual introductions / comments are limited to 3 minutes)

**4:10 pm**

4. **Approval of Minutes**

*"I move to approve (deny) the minutes of the Regular Meeting of December 11, 2023"*

**4:15 pm**

**Convene as the Historic Loveland Business Improvement District Board**

5. **Historic Loveland Business Improvement District Organizational Meeting**

1. Spencer Fane Engagement Letter

*"I move to approve (deny) the Engagement Letter with Spencer Fane for General Counsel Services and authorize the Executive Director to execute the agreement."*

2. Resolution Concerning Online Posting of Meeting Notices

*"I move to approve (deny) HLBID Resolution 1 – 2024"*

3. Resolution Concerning Annual Administrative Matters

*"I move to approve (deny) HLBID Resolution 2 – 2024"*

4. Resolution Concerning Governmental Immunity and Indemnification

*"I move to approve (deny) HLBID Resolution 3 – 2024"*

5. Resolution Concerning Colorado Open Records Act

*"I move to approve (deny) HLBID Resolution 4 – 2024"*

6. Resolution Adopting Protections for Consumer Data Privacy Policy (required by state; for Board approval)

*"I move to approve (deny) HLBID Resolution 5 – 2024"*

7. Administrative Matters
  - a. Adopt official District Seal: "Historic Loveland Business Improvement District, City of Loveland, Colorado" in circular stamp seal format
  - b. Identify First National Bank of Omaha as District's Bank; open account
  - c. Obtain Membership in Special District Association
  - d. Obtain insurance coverage from Colorado Special Districts Liability Pool
  - e. Obtain Federal EIN
  - f. Obtain Sales Tax Exemption Certificate from the State of Colorado
  - g. Obtain Public Deposit Protection Act Number
  - h. Ratify prior notice sent by Spencer Fane to Larimer County Assessor regarding intent to levy property taxes

*"I move to ratify or approve each of the foregoing items and authorize the Executive Director and Legal Counsel to complete the same"*

### **Adjourn at the Historic Loveland Business Improvement District Board**

### **Convene at the Loveland Downtown Development Authority Board**

#### **6. Presentation & Discussion / Action Items**

- Resolution DDA-2024-01, A Resolution of the Board of Directors of the Loveland Downtown Development Authority Designating a Location for the Posting of Public Meeting Notices.

*"I move to approve (deny) Resolution 2024-DDA-01"*

- 2024 Regular Meeting Schedule

*"I move to approve (deny) the 2024 DDA / HLBID Regular Meeting Schedule"*

- Fire Grant Application – 231 West 4<sup>th</sup> Street

*"I move to approve (deny) a Fire Line Grant award of up to \$25,000 to Northern Colorado Rehab Center, Inc at 231 West 4<sup>th</sup> Street."*

- Executive Director Update
  1. Next Steps - Overall Budget Approval, CPA Services
  2. HIP Streets Next Steps
  3. Elks Project
  4. 300-310 North Lincoln Avenue

**5:15 pm**

**7. City Council Report**

- Mallo, Krenning - City Council

**5:30 pm**

**8. Adjourn**

**Meeting Minutes**  
**Loveland Downtown Development Authority (DDA)**  
**Regular Meeting**  
**Monday, December 11, 2023 4:00 pm**

**Cleveland Room at Desk Chair**  
**201 East 4<sup>th</sup> Street**

**This board may act on behalf of the Loveland Downtown Development Authority and the  
Historic Loveland Business Improvement District**

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**4:00 pm**

1. **Call to Order** Vice Chair Waneka called the meeting to order at 4:00pm
2. **Roll Call** Steele- absent, Waneka, Bernhardt, Patterson, Fellure, Wyrick, Gressianu, Loomis, Mallo, Krenning. Also in attendance- Bill Becker, Nicole Fellure, Harrison Hand, Megan Griesel, Brian Waldes,

**4:05 pm**

3. **Public Comment** (individual introductions / comments are limited to 3 minutes)  
  
Harrison Hand addressed the board about event security and safety issues. Abby Powell will follow up.

**4:10 pm**

4. **Approval of Minutes**

Bernhardt moved to approve the minutes of the Regular Meeting of November 13, 2023

**4:15 pm**

**Vice Chair Waneka convened the Board as the Historic Loveland Business Improvement District Board**

5. **Public Hearing on Proposed 2024 Budget and Mill Levy for Historic Loveland Business Improvement District**

Chair Waneka opened the public hearing for comments. No comments were presented and Chair Waneka closed the hearing.

Hawkins presented two resolutions for consideration. The first is the passing of a 2023 budget which is a requirement of the Colorado Department of Local Government. While there is no mil levy and dollars spent in 2023, we must do this as we were appointed the board of HLBID in 2023.

Patterson moved to approve Resolution HLBID 2023-01. The motion was seconded by Loomis and passed unanimously.

The second resolution was to pass the 2024 budget and certify the 2024 mil levy which need to be submitted to both Larimer County and the Colorado Department of Local Government by January 10<sup>th</sup>.

Fellure moved to approve Resolution HLBID 2023-02. Gressianu seconded the motion which passed unanimously.

**Vice Chair Waneka adjourned at the Historic Loveland Business Improvement District Board and reconvened at the Loveland Downtown Development Authority Board.**

## 6. Presentation & Discussion / Action Items

- Introductions of City Council Liaisons – Jon Mallo and Troy Krenning

Both Council members shared their perspectives on why they wanted to be the liaisons to the DDA and shared stories of their memories in downtown.

- Executive Director Update

1. Historic Loveland Business Improvement District next steps – Hawkins updated the board on the steps he is working on to dissolve the Loveland Downtown Partnership and the organizational meeting he is planning for the first meeting of the year to set up the BID.
2. HIP Streets on 4<sup>th</sup> and Community Open House on December 12 – An open house on HIP Streets designs will be held tomorrow at Desk Chair at 4:00 p.m.

- **Projects Eligible for Financing Under Line of Credit IGA.**

Josh Liley presented a resolution as part of our Line of Credit agreement with the City of Loveland that lists the projects to be funded from DDA Fund 650. The list of projects to be funded in early 2024 include façade grants previously approved by the DDA board.

Resolution DDA-2023-09, A Resolution of the Board of Directors of the Loveland Downtown Development Authority Designating Projects Eligible for Financing with Proceeds of the Interfund Loan Under the DDA-City Line of Credit IGA in Fiscal Year 2024.

Wyrick moved to approve Resolution DDA-2023-09. Bernhardt seconded the motion which passed unanimously.

5:15 pm

## 7. City Council Report

- Mallo, Krenning - City Council

Mallo and Krenning walked through City business items council is addressing including a moratorium on Oil and Gas Drilling, changes to public comment at City Council meetings, the possible annexation of the Sugar Creek property and homelessness updates.

5:30 pm

8. **Adjourn.**

Wyrick made a motion to adjourn the meeting at 4:52 p.m. Patterson seconded the motion which passed unanimously.



TOM GEORGE  
DIRECT DIAL: (303) 839-3708  
tgeorge@spencerfane.com

January 4, 2024

VIA EMAIL ONLY  
Historic Loveland Business Improvement District  
c/o Sean Hawkins  
shawkins@lovelandpartnership.org

**Re: Engagement Letter; Legal Representation of Historic Loveland Business Improvement District; General Counsel Services; Waiver and Consent to Representation**

Dear Sean,

We are pleased that you have asked our firm to represent the Historic Loveland Business Improvement District (the "District") and to provide General Counsel legal services to the District. We are excited about the opportunity to serve the legal needs of the District and to become a trusted counselor for years to come.

We understand that we are being asked to provide General Counsel legal services to the District. Our services will be billed at hourly rates. It is expected that one of our associate attorneys, Brenden Desmond, will primarily assist me in the provision of the services detailed herein. Our rates for 2024 will be as follows:

	<u>2024</u>
Tom George	\$470
Brenden Desmond	\$360

Our paralegals will bill at a standard hourly rate of \$240 in 2024. These rates will remain the same through 2024, but may increase beyond 2024. We will keep you apprised of our activities by means of regular, itemized, monthly statements.

For your information, we have enclosed a copy of our Standard Terms of Engagement for Legal Services. These terms are an integral part of our agreement with you.

Further, as you are aware, our firm previously represented Centro, Inc., a Colorado corporation ("Centro"), in matters related to re-establishing the District and the District's 2023 election, and our firm has in the past and may in the future represent Centro in other matters unrelated to the District. Rule 1.7 of the Colorado Rules of Professional Conduct relating to conflicts of interest and representing organizations provides that a lawyer shall not represent a client if the representation involves a concurrent conflict of interest, i.e., where the representation of one client will be directly adverse to another client, or there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client.

Notwithstanding these rules, a lawyer may represent a client if: (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each effected client; (2) the representation is not prohibited by law; (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and (4) each affected client gives informed consent, confirmed in writing.

Although our firm has not and does not propose to represent either Centro or the District in matters directly



January 4, 2024

Page 2

between the two entities, it is still possible that the District's and Centro's interests may, during our services to the District, be adverse to one another, and thus we must advise of the potential conflict.

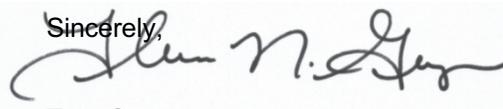
We recognize that the firm's representation of the District and Centro creates a potential conflict, as described above, but we do not believe that our commitment, dedication, and ability to represent each entity effectively will be adversely affected by our own interests, and we believe that we will be able to provide each entity with competent and diligent representation. Nevertheless, in deciding whether to waive the conflict and consent to the representation described in this letter, the District should consider carefully how our prior and proposed representation of Centro, and our desire to protect our firm's interests, may affect the District.

As a condition of our representation of the District, we are requesting the waiver by the District of any conflict of interest that may exist with respect to our representation the District and Centro, and the specific consent to the representation as described in this letter.

By signing below, you acknowledge that you have all information necessary to make an informed waiver and consent, that you agree to such waiver and consent, and that such waiver and consent applies to any claim, protest or grievance against this law firm based upon a conflict of interest or the appearance of a conflict of interest arising from our representation of the District and Centro in connection with the matters described herein. We understand that circumstances may change such that the parties determine that the concurrent representation is no longer feasible. Should this occur, I will promptly raise the issue with you and we will determine a course forward that best protects the District's interests.

Although there is no requirement that the District do so, because this is an important decision, the District may want to consult independent counsel before deciding whether to agree to the waiver and consent described in this letter.

If the foregoing meets with your understanding of the professional relationship we have established, please sign and return this letter. Thank you for giving us the opportunity to serve you.

Sincerely,  


Tom George



January 4, 2024  
Page 3

APPROVED AND AGREED:

I represent that I am an authorized signatory of the Historic Loveland Business Improvement District:

/s/ \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**HLBID R-1-2024**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT  
CONCERNING ONLINE NOTICE OF PUBLIC MEETINGS**

WHEREAS, Historic Loveland Business Improvement District of the City of Loveland, County of Larimer, Colorado (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado;

WHEREAS, pursuant to Section 31-25-1212(1)(i), C.R.S., the Board of Directors of the District (the “Board”) is responsible for the management, control, and supervision of all business and affairs of the District;

WHEREAS, the Colorado General Assembly recently passed House Bill 19-1087, Concerning online notice of public meetings of a local governmental entity (“Act”), which allows local governmental entities in Colorado to post notices of public meetings on the local government’s website to meet the open meetings law requirement of full and timely notice pursuant to Section 24-6-402(2)(c)(I), C.R.S.;

WHEREAS, the Board desires to post notices of its public meetings on its website.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT OF THE CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO AS FOLLOWS:

1. Pursuant to Section 31-25-1210, C.R.S, notice of the time and place designated for all regular and special meetings of the Board shall be posted on the following website [www.downtownloveland.org](http://www.downtownloveland.org)
2. Notices of all regular and special meetings of the Board shall comply with the following requirements:
  - a. The notice shall include specific agenda information if available.
  - b. The notice shall be posted on the website no less than twenty-four hours prior to the public meeting.
  - c. The notice shall be accessible at no charge to the public.
  - d. If feasible, the notice shall be searchable by type of meeting, date of meeting, time of meeting, agenda contents, and any other appropriate category.
3. The Board directs that in compliance with Section 24-6-402(2)(c)(III), C.R.S., this Resolution shall be filed with the Division of Local Government office to provide the

address of the website for inclusion in the inventory maintained pursuant to Section 24-32-116, C.R.S.

4. The Board designates the following location within the District's boundaries as the official designated posting place for the posting of meeting agendas no less than twenty-four hours prior to a meeting if the District is unable to post a notice online in exigent or emergency circumstances such as a power outage or an interruption in internet service that prevents the public from accessing the notice online, in accordance with Section 24-6-402(2)(c)(III), C.R.S.: *Desk Chair Workplace – 201 East 4<sup>th</sup> Street, Loveland, CO*

[*Signature Page to Follow*]

Adopted and approved this 8th day of January, 2024.

HISTORIC LOVELAND BUSINESS  
IMPROVEMENT DISTRICT

By: \_\_\_\_\_  
President

ATTEST:

By: \_\_\_\_\_  
Secretary

## HLBID R-2-2024

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT CONCERNING ANNUAL ADMINISTRATIVE MATTERS 2024

WHEREAS, the Board of Directors (the “Board”) of the Historic Loveland Business Improvement District (the “District”) is to perform certain tasks on a recurring basis in the operation of the District;

NOW, THEREFORE, BE IT RESOLVED by the Historic Loveland Business Improvement District within the City of Loveland, County of Larimer, Colorado, as follows:

1. Contact Person. The Board hereby names Legal Counsel as the contact person within the District. The contact person is authorized under C.R.S. 24-10-109(3)(b) to accept notices of claims against the District and, if any such claim is received, must promptly notify the President of the Board and Legal Counsel for the District of such receipt.

2. Operating Plan and Preliminary Budget. The Board directs Legal Counsel to submit a proposed Operating Plan and Preliminary Budget to the Board by September 15, in order to file the same with the City no later than the statutory deadline of September 30.

3. Budget. The Board directs the District Accountant to submit a proposed budget to the Board by October 15; to schedule a public hearing on the proposed budget; to prepare a final budget, budget resolution and budget message, the certification of mill levies, if applicable, and any budget amendment(s) needed; to certify the mill levies on or before December 15, if applicable; and to file the approved budget and amendment(s) with the proper governmental entities in accordance with the Local Government Budget Law of Colorado, Sections 29-1-101 to 29-1-115, C.R.S. Such actions must be completed by December 31.

4. Intergovernmental Agreements. If the District receives a written request from the Division of Local Government, the Board directs Legal Counsel to prepare and file within thirty days of such request, an informational listing of all contracts in effect with other political subdivisions, in compliance with Section 29-1-205, C.R.S.

5. Annual Securities Report. If required, the Board directs the District Accountant to prepare and file the annual public securities report for nonrated public securities issued by the District (if any), with the Department of Local Affairs on or before March 1, in accordance with Section 11-58-101 to 11-58-107, C.R.S.

6. Audit/Audit Exemption. The Board directs that an audit of the financial statements be prepared and submitted to the Board before June 30 and further directs that the Audit be filed with the City in which it was originally organized to accompany the City audit that is filed with the State Auditor by July 31, as required by Section 29-1-603, C.R.S. In the event that the timetable will not be met, the auditor and the District Accountant are directed to

request extensions of time to file the audit as needed. If neither the revenues nor the expenditures for the past year exceed \$100,000, then the Board directs that a short form application for exemption from audit shall be prepared. If either revenues or expenditures are greater than \$100,000 but are less than or equal to \$750,000, then the Board directs that a long form application for exemption from audit shall be prepared. The short form or long form application shall be submitted to the Board and then filed with the State Auditor by March 31, as required by Section 29-1-604, C.R.S.

7. Unclaimed Property. The Board directs Legal Counsel to prepare the Unclaimed Property Act report and forward it to the State Treasurer by November 1 if there is District property presumed abandoned and subject to custody as unclaimed property, in accordance with Section 38-13-110, C.R.S.

8. Public Records. The Board designates the District Secretary as the official custodian of public records as such term is used in Section 24-72-202, C.R.S., with the functions thereof hereby delegated to Legal Counsel as the custodian as defined in 24-72-202(1.1), C.R.S. The custodian is authorized to develop such procedures as may be reasonably required for the protection and retention of such records. On behalf of the District, the custodian shall charge the maximum fees allowed by law for copies, research and retrieval, development of privilege log, and such other services as are authorized by law. Any cost associated with any research and retrieval of public records is outlined in the Resolution Adopting Policies and Fee Schedule for the Handling of Record Requests Under the Colorado Open Records Act.

9. CORA Policy. Pursuant to Section 24-72-205, C.R.S., the Board has adopted or hereby adopts a policy concerning research and retrieval fees for public records.

10. Data Privacy Policy. Pursuant to Sections 24-73-101, et seq., C.R.S., the Board has previously adopted a written policy for the destruction of documents containing personal identifying information, for implementing reasonable security procedures and practices to protect personal identifying information, and for notifying Colorado residents of a security breach or possible security breach.

11. E-mail Policy. Pursuant to Section 24-72-204.5, C.R.S., the Board hereby adopts a written policy that District management may monitor electronic mail communications at any time, with or without cause, and further states that correspondence of any employee in the form of electronic mail may be a public record under the public records law and may be subject to public inspection under Section 24-72-203, C.R.S.

The Board further directs that when and if the District has employees, the following electronic mail policy will be in effect:

A. All employees of the District may have access to the District's electronic mail communications system, which access may include utilization of a District-assigned email address for use in both internal and external email communications.

B. Employees cannot expect a right of privacy in their use of the District's electronic communications system.

C. Employees understand, acknowledge and agree that all communications in the form of electronic mail may be considered a public record pursuant to CORA and may be subject to public inspection pursuant to C.R.S. Section 24-72-203 of CORA.

D. The District reserves the right to monitor an employee's electronic mail communication(s) including, but not limited to, circumstances where the District, in its sole discretion, reasonably believes that such communication(s) may be considered a public record pursuant to C.R.S. § 24-72-203 of CORA.

12. Fair Campaign Practices Act – Gifts and Honoraria. The Board is reminded that in accordance with the Fair Campaign Practices Act, each Board member is required to report to, and in a manner prescribed by, the Secretary of State certain items received in connection with their service, such report to be filed on or before January 15, April 15, July 15, and October 15 of each year, as required by Sections 1-45-109 and 24-6-203, C.R.S. No report needs to be filed unless a director receives \$53 or more in cash or loans, or real or personal property having a value of \$53 or more. Further, the Board is reminded that in accordance with Section 24-6-203, C.R.S., if a Board member receives annual compensation from the District of more than \$2,400, then the Board member is required to file a quarterly report in the prescribed manner with the Secretary of State.

13. Newspaper. The Board designates *Loveland Reporter-Herald* as the newspaper of general circulation within the boundaries of the District, or in the vicinity of the District if none is circulated within the District, and directs that all required legal notices shall be published in the afore named newspaper. If publication in such newspaper is impossible or impracticable, then any legal newspaper published in the county may be used as an alternative.

14. Director Compensation/FICA. The Board of Directors of the District determines that each director shall not receive compensation for services as directors.

15. Officers. The District has elected the following officers for the District:

<b>Name</b>	<b>Title</b>
_____	President
_____	Treasurer/Secretary
_____	Director

Unless the District acts to elect new officers, or an officer resigns his office, such officers shall serve indefinitely.

16. Director Indemnification. The Board of Directors of the District extends the current indemnification resolution to allow the resolution to continue in effect as written. In the event an indemnification resolution is not in effect, then the approval of this administrative matters resolution shall be deemed to authorize indemnification of the Directors of the District when acting in good faith within the scope of their duties and in the best interests of the District, to the fullest extent allowed by law.

17. Designated Posting Location for the Posting of Meeting Notices. Pursuant to Section 24-6-402(2)(c)(I), C.R.S., the Board of Directors of the District has adopted a Resolution Concerning Online Notice of Public Meetings, which authorizes the Board to post notices of its public meetings, including specific agenda information, on the following public website: \_\_\_\_\_ no less than twenty-four hours prior to the holding of the meeting. In the event the District is unable to post a notice online in exigent or emergency circumstances, such as a power outage or an interruption in internet service that prevents the public from accessing the notice online, in accordance with Section 24-6-402(2)(c)(III), C.R.S., the Board designates the following location within the District's boundaries as the official designated posting place for the posting of meeting agendas no less than twenty-four hours prior to the meeting: \_\_\_\_\_

18. Meetings. The District may hold meetings of the Board at a physical location or by telephonic, electronic, or virtual means, or a combination of the foregoing. The meeting notice of all meetings of the Board that are held telephonically, electronically, or by other means not including physical presence shall include the method or procedure, including the conference number or link, by which members of the public can attend the meeting.

The Board determines to hold special meetings only as needed, and the Board may, from time to time, determine to hold any meeting at a physical location or by telephonic, electronic, or virtual means, or a combination of the foregoing, in its discretion as an administrative matter without the need for amending this resolution.

In addition, regular and special meeting notices shall be posted shall be posted as identified above in accordance with Section 24-6-402(2)(c), C.R.S. The Board directs Legal Counsel to prepare notices for posting. Legal Counsel shall revise the notices when the Board intends to make a final determination to issue or refund general obligation indebtedness, to consolidate the District, to dissolve the District, to file a plan for adjustment of debt under federal bankruptcy law, to enter into a private contract with a director, or not to make a scheduled bond payment.

19. Elections. Thomas George of Spencer Fane LLP is hereby appointed as the "Designated Election Official" of the Board for any elections to be held by the District unless another Designated Election Official is appointed by resolution of the Board or by vote at a Board meeting. In accordance with C.R.S. Section 1-1-111(2), 13.5 of Title 1, C.R.S., or applicable law, the Board hereby grants all powers and authority for the proper conduct of the election to the Designated Election Official and that the election shall be held and conducted in accordance with the Local Government Election Code, applicable portions of the Uniform Election Code of 1992, as amended and supplemented by Const. Colo. Art. X, Sec 20, the

Current Rules and Regulations Governing Election Procedures of the Secretary of State of the state of Colorado, and Title 31, Article 25, Part 12, Colorado Revised Statutes, and other relevant Colorado and federal law. Further, the Board directs the Designated Election Official to notify the Division of Local Government of the results of any election held by the District, including business address, telephone number and the contact person; and to certify the results of any election to incur general obligation indebtedness to the Board of County Commissioners or the governing body of a municipality, in accordance with Sections 1-11-103, C.R.S.

20. Elections; Call for Nominations

*Omitted.*

21. Independent Mail Ballot Elections. The Board deems it expedient for the convenience of the electors that all regular and special elections of the District shall be conducted as an independent mail ballot election in accordance with Section 1-13.5-1101, C.R.S., unless a polling place election is deemed necessary and expressed in a separate election resolution.

22. Disclosure of Potential Conflict of Interest. The Board has determined that Legal Counsel will file general conflict of interest disclosure forms provided by board members with the Secretary of State by January 31 of each year, which forms will be updated on an annual basis through information given to Legal Counsel by board members. If a specific conflict arises regarding a certain transaction of the Board, the Board member is required to notify Legal Counsel at least five days prior to the date of the meeting so that the transactional disclosure form may be filed in a timely manner, in accordance with Section 18-8-308, C.R.S. Additionally, at the beginning of every term, Legal Counsel shall request that each board member submit information regarding actual or potential conflicts of interest.

23. Special District Association. The District is currently a member of the Special District Association (“SDA”) and the Board directs the District Accountant to pay the annual SDA membership dues in a timely manner.

24. Insurance. The Board directs Legal Counsel to at least biannually review all insurance policies and coverage in effect to determine appropriate insurance coverage is maintained.

25. Promissory Notes. The District has no outstanding promissory notes.

26. Outstanding General Obligation Indebtedness. The District has no outstanding general obligation bonds or municipal fiscal year financial obligations.

27. Continuing Disclosure. Legal Counsel shall provide continuing disclosure service if and as applicable to the bonds and other financial obligations of the District.

28. Workers’ Compensation. Pursuant to Section 8-40-202(1)(a)(I)(B), C.R.S., the appointed officials of the District shall not be deemed to be an employee within the meaning of Section 8-40-202(1)(a), C.R.S. Such exclusion shall apply for all policy years until such time

as the exclusion may be repealed by the Board of Directors of the District or unless Legal Counsel at the direction of the Board acquires coverage.

29. PDDPA. Pursuant to the provisions of the Colorado Public Deposit Protection Act § 11-10.5-101, et seq., C.R.S., the Board appoints the Treasurer as the official custodian of public deposits.

30. Inclusions/Exclusions of Property. The Board directs Legal Counsel to handle all procedures required under the Colorado state statutes regarding the inclusion and exclusion of property into and out of the District's boundaries.

31. Underground and Aboveground Storage Tanks. If applicable, the Board directs Legal Counsel to register and renew annually all underground and/or aboveground storage tanks with the state inspector of oils.

32. Underground Facility Locating. If applicable, the Board directs Legal Counsel to provide accurate information regarding the boundaries of the District's service area, the type of underground facility(ies) that may be encountered within such service area, and the name, address and telephone number of a person who shall be the designated contact person for the information regarding the District's underground facilities along with information concerning underground facilities that the District owns or operates which are not located within the designated service area to the Utility Notification Center of Colorado. The Board further authorizes the District to maintain its membership in the notification association as a "Tier 1" member, if applicable.

33. Recording of Conveyances of Real Property to the District. Pursuant to C.R.S 38-35-109.5(2), Legal Counsel is designated as an appropriate official to record conveyances of real property to the District within 30 days of such conveyance.

34. Ratification of Past Actions. The Board members have reviewed the minutes of every meeting of the Board conducted in 2023 and the Board, being fully advised of the premises, hereby ratifies and affirms each and every action of the Board taken in 2023.

35. Emergency Liaison Officer. The Board designates the President of the District, in his/her capacity as elected official for the District, as the Emergency Liaison Officer responsible for facilitating the cooperation and protection of the District in the work of disaster prevention, preparedness, response, and recovery with the Colorado Office of Emergency Management and any local disaster agencies. The Emergency Liaison Officer shall have the authority to designate such agents as (s)he shall determine appropriate to perform any and all acts necessary to facilitate the responsibilities of the Emergency Liaison Officer.

36. Execution of District Documents By Electronic Methods. Where necessary, convenient and permissible by law, the Board authorizes the execution of District documents on behalf of the Board through electronic methods such as DocuSign, electronic PDF, or similar means and in multiple counterparts, all of which shall constitute single, valid documents of the Board as if signed in paper format.

37. Official District Website. If requested or required, the Board directs Legal Counsel to maintain an official District website. If the District elects to establish and maintain an official District website, it may do so in the discretion of the Board either as set forth elsewhere in this Resolution or by separate Board action.

38. Dates Herein. All dates set forth in this Resolution shall be in 2024 unless otherwise specified.

39. Automatic Renewal. This Resolution shall be deemed renewed each year until terminated or a new resolution is adopted.

*[remainder of page intentionally left blank; signature page follows]*

Adopted and approved this 8th day of January, 2024.

HISTORIC LOVELAND BUSINESS  
IMPROVEMENT DISTRICT

By: \_\_\_\_\_  
President

ATTEST:

By: \_\_\_\_\_  
Secretary

RESOLUTION OF THE BOARD OF DIRECTORS OF  
HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT

PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF DISTRICT PERSONNEL

WHEREAS, any present or future director, officer, employee, or manager (collectively, “Personnel”) of Historic Loveland Business Improvement District (the “District”) may be subject to legal action arising from acts, errors, or omissions in the scope of their duties and employment; and

WHEREAS, the State of Colorado, through the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., has adopted a public policy that governmental entities shall defend and indemnify their Personnel against lawsuits arising from acts, errors, or omissions arising during the performance of their duties and within the scope of their employment with the District; and

WHEREAS, past judicial interpretation of the Governmental Immunity Act resulted in immunity for government personnel that differed from the immunity enjoyed by the political subdivision that they served; and

WHEREAS, the Board of Directors of the District (“Board of Directors”) wishes to further the public policy of the State of Colorado by ensuring that its Personnel are protected against certain legal actions as set forth herein; and

WHEREAS, the District desires to establish a pre-existing legal relationship and duty whereby the District shall indemnify, defend, and hold harmless its Personnel pursuant to the terms hereof; and

WHEREAS, this duty of care owed by the District to its Personnel is independent of any duty of care owed by a tortfeasor to an injured third party; and

WHEREAS, the Directors on the Board of Directors have revealed their potential conflicts of interest in this matter as required by law; and

WHEREAS, this Resolution has been considered at an open public meeting, where the Board has found and hereby finds that claims for punitive or exemplary damages or for damages for outrageous conduct are often brought against public entities and their Personnel whether such claims have merit or not and that it is in the best public interest, in order to encourage the entry and retention of quality people in the service of the District, for the District to defend, pay, or settle any punitive or exemplary damage claim against its Personnel to the extent allowed by Colorado law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT THAT:

1. Definitions. The following definitions shall apply to this Resolution:

A. “Acted” means, (1) during the performance of a person's past, present, or future duties for the District and within the scope of their then-current employment with the District, undertaking an act, committing an error, suffering an omission, exceeding authority, or otherwise serving the District; and (2) if such person is or was a District Director or officer, such person's conduct occurred in good faith and in a manner reasonably believed by the person to be in the best interests of the District, or, if such person is or was in a capacity other than as a Director or officer, such person's conduct occurred in good faith and in a manner reasonably believed to be, at a minimum, not opposed to the best interests of the District.

B. “Civil claim,” with the exception of claims brought by or in the right of the District, includes all past, present, or future non-criminal personal injury, property damage, and other claims, actions, liabilities, proceedings, administrative proceedings, amounts paid in settlement, costs of appeals, punitive or exemplary damage amounts, interest, attorneys’ fees, costs, and:

(1) any civil claim which lies in tort or could lie in tort, including negligence committed by Personnel (whether by their sole or joint negligence) and (to the extent allowed by law) intentional torts committed by Personnel, and further including the defense of claims for which the District or the Personnel enjoy statutory or common law governmental immunity, including but not limited to immunity pursuant to Section 24-10-101, *et seq.*, C.R.S.;

(2) any civil claim based on contract or quasi-contract;

(3) any civil claim based on a breach of a fiduciary duty (including but not limited to a breach of Section 24-75-601, *et seq.*, C.R.S. or Section 15-1-304, C.R.S.);

(4) any civil claim based on a violation of civil rights guaranteed by the United States or Colorado Constitutions or statutes (including but not limited to 42 U.S.C. § 1983);

(5) any civil claim based on a violation of antitrust laws of the United States or Colorado statutes;

(6) any civil claim based on a violation of the tax laws of the United States or Colorado unless indemnity is precluded by such law;

(7) to the extent allowed by law, and specifically excluding claims brought under Section 16(b) of the Securities Exchange Act of 1934 (insider trading), any civil claim that may arise from federal or state securities laws;

(8) any civil claim based on a violation of Article X, Section 20 of the Constitution of the State of Colorado or statutes enacted pursuant thereto;

(9) any civil claim that may involve application of strict liability;

(10) any civil claim for libel, provided that the Board finds that the statement that forms the basis of the claim is apparently innocent and the indemnitee had no reason to believe that the statement was actually libelous at the time the statement was made;

(11) any civil claim based upon violation of any law related to the protection of the environment, including civil claims arising from the generation, storage, treatment, transport, or disposal of hazardous substances, waste, or other materials;

(12) any civil claim based on the grant or denial of a privilege, permit, license, or property right; and

(13) to the extent allowed by law, any other civil claim.

C. “Criminal Claim,” with the exception of claims brought by or in the right of the District, to the extent allowed by law, includes all non-civil claims, actions, liabilities, proceedings, grand jury proceedings, administrative proceedings, amounts paid in settlement, and costs of appeals, provided the Personnel did not know and was not bound to know that the act which formed the basis for the Criminal Claim was unlawful.

D. “Claim” includes any Civil Claim and Criminal Claim.

E. “Director” includes any person currently holding or in the future holding the office of director of the District whether by valid or invalid election, appointment, or by color of office.

F. “Employee” includes any person currently employed or in the future employed by the District.

G. “Manager” includes any person recognized as such by the Board of Directors, be the person paid or not.

H. “Officer” includes any person recognized as such by the Board of Directors, be the person paid or not.

## 2. Right and Duty to Defend and Indemnify.

A. The District shall have the right and duty to defend and indemnify any person serving as Personnel of the District against any Claim, other than a Claim by or in the right of the District, to which such person becomes subject by reason of having Acted.

B. The District will not have the duty to defend or indemnify unless the Personnel to be defended Acted in good faith, and Acted in a manner reasonably believed to be in the best interests of the District, or in respect to conduct in a capacity other than as a Director or officer, Acted in a manner reasonably believed to be, at a minimum, not opposed to the best interests of the District. Termination of any Claim by judgment, order, or settlement shall not of

itself create a presumption that the Personnel had not Acted in good faith in a manner which was reasonably believed in, or not opposed to, the best interests of the District.

C. If a court or independent legal counsel hired at the expense of the District determines that conflicts of interest exist whereby it would be improper for the District to pay directly the costs of the Personnel's defense, then the Personnel shall pay his or her own defense costs, subject to possible reimbursement under the provisions of Section 4 hereof.

D. Notwithstanding any other provision of this Resolution to the contrary, indemnification shall not be made in respect to any Claim if the Personnel has been adjudged to be liable for willful and wanton misconduct in the performance of a duty owed to the District. This Section 2.D. applies only to duties owed to the District itself, and does not apply to duties owed to others.

E. Notwithstanding any other provision of this Resolution to the contrary, and subject to the standards set forth in Section 2.B. hereof, indemnification by the District for Criminal Claims shall extend only to the duty to pay the costs of defense of a Criminal Claim including grand jury proceedings. The District shall not indemnify Personnel for the consequences of a criminal act, whether they be monetary or of a personal nature.

F. Notwithstanding any other provision of this Resolution to the contrary, the duty of the District set forth herein to indemnify shall not extend to a Claim if the Personnel involved compromises or settles the Claim without the written consent of the District.

### 3. Procedures for Indemnification.

A. Indemnification shall be made by the District only after a determination by the Board of Directors that the Personnel involved has met the applicable standard of conduct set forth in Section 2.

B. Such determination shall be made by the Board of Directors by a majority vote of a quorum of the Board of Directors, provided such quorum consists solely of disinterested directors. In the event a quorum consisting solely of disinterested directors is not attainable, a majority of the disinterested directors may direct that such determination be made by either: (1) independent legal counsel in a written opinion, or (2) the disinterested directors. A director shall be deemed "disinterested" in a matter if such director has no interest therein other than as a director of the District.

C. The District hereby waives any defense against an action for indemnification based upon the acquiescence of the Personnel involved in the matter forming the basis for indemnification by the District.

4. Indemnification when the District does not Defend. If, and in the event that the District does not defend a Claim, expenses (including attorneys' fees) reasonably incurred by Personnel in defending the Claim may be paid by the District prior to the final disposition of the Claim if authorized in the manner provided in Section 3 above and if the Personnel: (1) furnishes

to the District a statement under oath of his or her good faith belief that he or she has met the standard of conduct described in Section 2 above, and (2) provides to the District a written agreement or note in a form acceptable to the District to repay such amount unless it is ultimately determined that such person is entitled to be indemnified by the District.

5. Rights Not Exclusive. The rights of indemnification provided under this Resolution shall not be deemed exclusive of any other rights or procedures to which those indemnified may be entitled under any law, bylaw, agreement, vote of directors or disinterested directors, or otherwise.

6. Successors. The provisions of this Resolution shall apply to a person who has ceased to be Personnel and shall inure to the benefit of the heirs, executors, personal representatives, and administrators of such persons.

7. Maintenance of Insurance. In the discretion of the Board of Directors, the District may purchase and maintain insurance to fulfill its obligations hereunder.

8. Severability, Intent. In the event any provision of this Resolution shall be deemed invalid because its scope exceeds that which is authorized by or available under the Governmental Immunity Act, other Colorado law, or federal law, then in said event, this Resolution shall not be construed as invalid in its entirety, but shall instead be construed as extending the scope of the indemnification to be made by the District to the greatest extent available under the Governmental Immunity Act, other Colorado law, and federal law.

9. Liberal Construction. This Resolution shall be liberally construed to effectuate its purpose to provide the broadest indemnification by the District to its Personnel as may be allowed by law.

10. Exemplary or Punitive Damages. In accordance with the authority granted to the District by Section 24-10-118(5), C.R.S., the District shall defend and indemnify its Personnel against Claims for exemplary or punitive damages or damages for outrageous conduct to the extent allowed by Colorado law and up to the limitations on judgments provided in Section 24-10-114, C.R.S.

11. No Waiver of Immunity. Nothing herein shall be deemed to waive or abrogate the sovereign immunity of the District or its Personnel as provided in the Governmental Immunity Act. Nothing herein shall be deemed to waive the dollar limitations in Section 24-10-114, C.R.S. or in any other provision of Colorado law.

12. No Waiver of Insurance Coverage. The approval and adoption of this Resolution shall not constitute a waiver by the District of insurance coverage with respect to any liability covered by this Resolution. The Resolution shall be deemed to render the District secondarily liable in the event the District's insurance policies do cover such liability and the conditions of this Resolution are met.

13. No Coverage of Certain Personnel Costs. Except as may be required by the Fair Labor Standards Act or other law, the District shall not be responsible for costs to its Personnel associated with time spent in giving depositions, testifying, or otherwise cooperating in his or her defense.

14. No Third Party Beneficiaries. There are no third party beneficiaries of this Resolution.

15. Budget and Appropriations, Fiscal Matters. The obligations of the District hereunder are subject to the requirements for an annual budget and appropriations as provided by Colorado law. Nothing contained herein shall be deemed to require budget items or appropriations for any particular purpose. This Resolution shall not be deemed or construed as creating a debt or other multiple-year financial obligation whatsoever.

16. Best Interests of the District. The Board of Directors of the District, based upon evidence presented to the Board, has found and hereby finds that this Resolution is in the best interests of the District, furthers the public purpose of encouraging Personnel to enter and provide service to the District, provides indemnification for losses and does not involve additional compensation to Personnel, and advances the management and control of the affairs of the District.

17. Headings. The headings used herein are for convenience only and in no way expand or restrict the provisions hereof.

18. Effective Date. This Resolution shall be effective as of December 1, 2023.

19. Construction. This Resolution has been prepared by the District. To the extent allowed by law, ambiguities herein shall be construed against the District and in favor of the Personnel seeking indemnity.

20. Attorneys' Fees and Costs to Enforce the Resolution. In the event that Personnel incurs attorneys' fees, costs, or any other reasonable expense arising from claims or actions to enforce this resolution against the District, and such Personnel prevails in such claim or action, then the District shall, in addition to any payment made for indemnity, reimburse the Personnel for its attorneys' fees, costs or any other reasonable expense arising from such claim or action.

21. Arbitration. Any dispute regarding: (i) whether a person is deemed to be "Personnel" as defined herein; (ii) whether Personnel "Acted" as defined herein; (iii) whether a given Civil Claim or Criminal Claim or component thereof is covered under this Resolution to permit or require indemnification by the District; or (iv) any other coverage issue arising under this Resolution, shall be submitted for determination by binding grievance arbitration pursuant to the rules of the American Arbitration Association. The decision of the arbiter may be entered as a judgment in any court in the State of Colorado or elsewhere.

ADOPTED this 8th day of January, 2024.

HISTORIC LOVELAND BUSINESS  
IMPROVEMENT DISTRICT

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President

ATTEST:

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Secretary

The undersigned, as Personnel of Historic Loveland Business Improvement District, City of Loveland, County of Larimer, Colorado acknowledge and accept the terms of the RESOLUTION OF THE BOARD OF DIRECTORS OF HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT (A Resolution Providing for the Defense and Indemnification of District Personnel):

Name	Signature
Ray Steele, Jr.	
Cheri Waneka	
Jon-Mark Patterson	
Kim Bernhardt	
Caitlyn Wyrick	
Jacob Fellure	
Christina Gressianu	
Kurtis Loomis	

RESOLUTION BY THE BOARD OF DIRECTORS  
OF HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT

RESOLUTION ADOPTING THE COLORADO SPECIAL DISTRICT RECORDS  
RETENTION SCHEDULE, APPOINTING AN OFFICIAL CUSTODIAN, AND ADOPTING  
POLICIES AND FEE SCHEDULE FOR THE HANDLING OF RECORD REQUESTS  
UNDER THE COLORADO OPEN RECORDS ACT (“CORA”)

WHEREAS, Historic Loveland Business Improvement District of the City of Loveland, Larimer County, State of Colorado (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to Sections 31-25-1212, C.R.S., the Board of Directors of the District (the “Board”) is responsible for the management, control and supervision of all business and affairs of the District and has the authority to appoint, hire, and retain agents; and the District is authorized pursuant to C.R.S. § 31-25-1212(1)(k) to fix and from time to time to increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District; and

WHEREAS, the Board recognizes a need for a comprehensive records retention schedule for the District’s non-permanent records and the retention of those records that have long-term administrative, fiscal and historical value; and

WHEREAS, the Board has determined that it is appropriate to designate an official custodian of the District’s records for the purpose of storing, maintaining, and protecting such records in accordance with state statute and to permit their inspection in an orderly and timely fashion; and

WHEREAS, pursuant to C.R.S. §§ 24-80-101, *et seq.*, the Colorado State Archives has developed a statewide records retention schedule in cooperation with the Special District Association, the Colorado Attorney General’s Office and the State Auditor’s Office for special districts and other governmental entities to use and follow; and

WHEREAS, the Board has determined that it is appropriate to adopt the model special district retention schedule, unless modified by Section 4 below; and

WHEREAS, C.R.S. §§ 24-72-200.1, *et seq.*, (“Colorado Open Records Act” or “CORA”) requires that public documents and records be made available upon request to members of the public unless protected by an exception and allows for public entities such as special districts to charge a reasonable fee for copying such documents and for any extra work that is required to research and retrieve requested documents; and

WHEREAS, the Board has determined that it is appropriate to adopt policies regarding CORA requests for documents and a fee schedule for the copying and retrieval of such documents.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT OF THE CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO AS FOLLOWS:

Section 1. The Board designates the Board Secretary as the Official Custodian of public records as such term is used in C.R.S. § 24-72-202. The Official Custodian is authorized to develop such procedures as may be reasonably required for the protection of such records. On behalf of the District, the Official Custodian may charge the maximum fees allowed by law for the development of a privilege log, copies, a printout or photograph, and such other services as are authorized by law.

The Board hereby sets a charge of \$33.58 per hour for research and retrieval of documents. The first hour of time spent for research and retrieval will be without charge.

Unless otherwise determined by the Board, all such fees and charges shall be increased or decreased for changes in the maximum rates allowed by law.

Section 2. The Official Custodian shall have the authority to designate such persons and/or organizations as it shall determine appropriate to perform any and all acts necessary to the maintenance, care, and keeping of the District's records. This may include, and shall not be limited to, the temporary, off-site storage of such records.

Section 3. The Board hereby adopts the 2008 Colorado Special District Records Retention Schedule ("Schedule") and all subsequent amendment, modification, and revisions.

Section 4. Unless otherwise prescribed by Statute, all District records shall be retained in accordance with the Schedule and the Board authorizes the District Secretary or the Official Custodian to submit a request to the Colorado State Archivist to adopt the Schedule. Approval from the State Archivist is legal authority for the destruction and preservation of District records. This Schedule may be amended from time to time as required by the Official Custodian or by the State Archivist.

Section 5. All District records are public records and shall be available for public inspection, unless prohibited by the exceptions of Part 2 of Title 24, Article 72, C.R.S. Inspection shall be permitted during normal hours, Monday through Friday, except on holidays, at a time set by the official custodian.

Section 6. No person shall be permitted to inspect or copy any records of the District, if, in the opinion of the Official Custodian after consultation with the District's general counsel, such inspection or copying would be prohibited by one or more exceptions set forth in the Colorado Open Records Act.

Section 7. Unless otherwise directed by the Board, by July 1 of every five-year period after July 1, 2023, the Official Custodian shall adjust the maximum hourly fee specified in this Resolution in accordance with the percentage change over the period of the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Aurora-Lakewood, All Items, All Urban Consumers, or its successor index as posted by the Director of Research of the Legislative Council on the website of the General Assembly.

Section 8. If any provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the Board's intention the various provisions hereof are severable.

Section 9. All acts, orders, and resolutions or parts thereof of the District's Board which are inconsistent with or in conflict with this Resolution, are hereby repealed to the extent only of such consistency or conflict.

Section 10. The provisions of this Resolution shall take effect as of the date set forth below.

Approved and adopted this 8th day of January, 2024.

HISTORIC LOVELAND BUSINESS  
IMPROVEMENT DISTRICT

By \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

HLBID R-5-2024

RESOLUTION  
BY THE BOARD OF DIRECTORS  
HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT

A RESOLUTION ADOPTING THE PROTECTIONS FOR CONSUMER DATA PRIVACY POLICY

WHEREAS, Historic Loveland Business Improvement District of the City of Loveland, County of Larimer, Colorado (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to Sections 32-1-1001(1)(h-i) and 31-25-1212(1)(i), C.R.S., the Board of Directors of the District (“Board”) is responsible for the management, control, and supervision of all business and affairs of the District;

WHEREAS, the Colorado Legislature recently passed the “Protections for Consumer Data Privacy” Act, H.B. 18-1128 (“Act”), which requires governmental entities in Colorado to develop a written policy for the destruction and proper disposal for paper and electronic documents that contain personal identifying information, to maintain reasonable security procedures for personal identifying information, and to notify Colorado residents following a security breach; and

WHEREAS, to comply with the Act, the Board desires to supplement its Colorado Open Records Act Policy and adopt and implement a policy for the destruction and proper disposal for paper and electronic documents that contain personal identifying information, a policy for protecting personal identifying information from security breaches, and a policy for notifying Colorado residents following a security breach.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HISTORIC LOVELAND BUSINESS IMPROVEMENT DISTRICT OF THE CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO AS FOLLOWS:

**Section 1.**     Definitions.

- (a)     “Personal Identifying Information” means the following:
- i.     Social security number
  - ii.    Personal identification number
  - iii.   A password
  - iv.    A pass code
  - v.     An official state or government-issued driver’s license or identification card
  - vi.    A government passport number
  - vii.   Biometric data, as defined in C.R.S. § 6-1-716(1)(a)
  - viii.  An employer, student, or military identification number
  - ix.    A financial transaction device, as defined in C.R.S. § 18-5-701

- (b) “Third Party Service Provider” means an entity that has been contracted to maintain, store, or process personal information on behalf of the District.

**Section 2.** Security Measures. The District shall protect Personal Identifying Information from unauthorized access, use, modification, disclosure, or destruction by implementing and maintaining reasonable security procedures and practices. Such procedures and practices shall include but not be limited to:

- (a) limiting access to Personal Identifying Information by individuals to the minimum level of information necessary to accomplish their responsibilities by requiring password access to workstations, servers, applications, parts of applications;
- (b) modifying an individual’s access to Personal Identifying Information when the individual’s job responsibilities change, new or upgraded application software allows greater control of application access, or the individual’s association with the District has been terminated;
- (c) monitoring system logins, file access, and security incidents associated with Personal Identifying Information stored on or transmitted by the District’s computer systems, including:
  - i. Using and regularly reviewing system traces;
  - ii. Using and regularly reviewing audit functionality available through application software; and
- (d) ensuring that appropriate education and procedures are in place and enforced so that the District’s board directors, employees, volunteers, committee members, and agents are trained properly regarding privacy and confidentiality in accordance with the District’s policies and the applicable laws and regulations.

**Section 3.** Document Destruction and Disposal. The District’s board directors, employees, volunteers, committee members, and agents are required to comply with the following rules:

- (a) When paper or electronic documents contain Personal Identifying Information, and such paper or electronic documents are no longer needed, unless longer retention is required by contractual or legal requirements, the District shall destroy or arrange for the destruction of such paper or electronic documents within its custody or control by shredding, erasing, or otherwise modifying the Personal Identifying Information in the paper or electronic documents to make the Personal Identifying Information unreadable or indecipherable through any means;
- (b) All electronic documents containing Personal Identifying Information that are no longer needed and are not required by law to be retained shall be deleted from all computers, data bases, networks, and back-up storage;
- (c) No paper or electronic documents containing Personal Identifying Information will be destroyed if pertinent to any ongoing or anticipated government investigation or proceeding or litigation;
- (d) No paper or electronic documents containing Personal Identifying Information will be destroyed as required to comply with government auditing standards or the Colorado Open Records Act;

- (e) If there is any question as to whether or not a document contains Personal Identifying Information, it should be treated as if it does include Personal Identifying Information and should be destroyed.

**Section 4.** Third Party Service Providers. If the District contracts with a third party service provider to maintain, store, or process Personal Identifying Information on behalf of the District, the third party service provider will be required to implement and maintain reasonable security procedures and practices that are:

- (a) appropriate to the nature of the Personal Identifying Information that is disclosed to the third party service provider; and
- (b) reasonably designed to help protect the Personal Identifying Information from unauthorized access, use, modification, disclosure, or destruction.

**Section 5.** Discovery of Security Breach. After the District learns that a security breach may have occurred, the District will promptly conduct in good faith an investigation to determine the likelihood that personal information of Colorado residents has been or will be misused.

**Section 6.** Notice Required. The District will give notice to the affected residents within thirty (30) days of learning of the breach if the District determines that the misuse of information has occurred or is reasonably likely to occur. The District will provide notice to the affected residents by one or more of the methods listed in Section 24-73-103(1)(f), C.R.S. If the District is required to give notice, the notice shall include the following:

- (a) Date, estimated date, or estimated date range of the security breach;
- (b) A description of the Personal Identifying Information that was acquired or reasonably believed to have been acquired;
- (c) Information that the individual can use to contact the District about the breach;
- (d) Toll-free numbers, addresses, and websites for consumer reporting agencies;
- (e) Toll-free number, address, and website for the federal trade commission; and
- (f) A statement that the individual can obtain information from the federal trade commission and the credit reporting agencies about fraud alerts and security freezes.

If the District is required to give notice, the District shall also direct the resident to change his/her password, security question or answer, and take any other applicable steps to protect his/her online account with the District and all other online accounts for which the resident uses the same user name, email address, password, and/or security question or answer.

The District will not charge the affected Colorado residents for complying with these notice requirements.

**Section 7.**     Additional Notice Requirements.

- (a) If the District is required to notify five hundred (500) Colorado residents or more, the District will notify the Colorado Attorney General within thirty (30) days after the date of determination that a breach has occurred.
- (b) If the District is required to notify more than one thousand (1000) Colorado residents of a security breach, the District will immediately notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the anticipated date of notification to the residents and the approximate number of residents to be notified.

**Section 8.**     Colorado Open Records Act. The purpose of this Resolution is to supplement and not replace the District’s Colorado Open Records Act Policy and therefore this Resolution shall be read in conjunction with the requirements of the District’s Colorado Open Records Act Policy.

**Section 9.**     Effective Date. The provisions of this Resolution shall take effect as of the date set forth below.

Approved and adopted this 8th day of January, 2024.

HISTORIC LOVELAND BUSINESS  
IMPROVEMENT DISTRICT

By: \_\_\_\_\_  
President

ATTEST:

By: \_\_\_\_\_  
Secretary



**Application by Official Custodian for Assignment of  
PDPA Number for Public Funds Deposited in Banks**

Complete a separate application that identifies an "official custodian" of public funds deposited in a bank for each "public unit," as defined below, or other entity mentioned in Section 11-10.5-103(9)(b), C.R.S. Please refer to the accompanying instructions for information on completing the application. The definition of an official custodian appears in Section 11-10.5-103(9), C.R.S., a copy of which is included with the instructions. As discussed further in the instructions, failure to complete this application, or errors in the completion of this application, may result in the loss of protections otherwise applicable to public funds and/or official custodians.

Please note that this application **does not** apply to funds deposited in a savings and loan institution, credit union, or other exceptions.

After receipt and processing of the completed application, PDPA number(s) will be assigned and the official custodian will be notified of the number(s). **Please allow up to two (2) weeks to receive your number(s).** Regarding bank accounts, official custodians must notify the banker(s) in writing of the original PDPA number(s).

Return the completed application via email to:

**DORA\_PDPA@state.co.us**  
**Public Deposit Protection Program**  
**Colorado Division of Banking**

**PLEASE TYPE OR PRINT ALL INFORMATION**

A. 

Name of public unit or other entity:
Statutory citation under which the public unity or entity was created:

B. Identify the type of public unit or other entity named in paragraph (A).

1. Is the entity named in Paragraph (A) a public unit that, for the purposes of this application, includes only the State of Colorado, or a county, municipality, or political subdivision (defined below) thereof?

<b>Yes</b>		<b>No</b>	
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"The term 'political subdivision' includes drainage, irrigation, navigation, improvement, levee, sanitary, school or power districts, bridge or port authorities, and other special districts created by state statute or compacts between the states. It also includes any subdivision of . . . [the State, county or municipality] or any principal department of . . . [the State, county, or municipality]:

- (1) The creation of which subdivision or department has been expressly authorized by the law of such public unit;
- (2) To which some functions of government have been delegated by such law, and
- (3) Which is empowered to exercise exclusive control over funds for its exclusive use."

If no, move to Paragraph (B)(2).

If yes, check the one category of the following that most specifically describes the type of public unit named and then move to Paragraph (C). If one of the categories is checked below, do not check any categories of Paragraph (B)(2).

a.	State of Colorado	g.	District formed by compact between Colorado and other state(s)
b.	County	h.	Other "political subdivision" (refer to definition above) of the State of Colorado
c.	City or town (statutory, home rule, or territorial charter)	i.	"Political subdivision" (refer to definition above) of a county
d.	City and county (combined)	j.	"Political subdivision" (refer to definition above) of a municipality
e.	School district	k.	County housing authority
f.	Special district created by or pursuant to state statute (not including a special improvement district)	l.	Municipal housing authority

2. If the entity named is not a public unit, is it an "entity" as described in Section 11-10.5-103(9)(b), C.R.S.? Paragraphs (B)(2)(a) through (f) below list each entity, as described in Section 11-10.5-103(9)(b), C.R.S., that is not a public unit.

Yes		No	
-----	--	----	--

If yes, check the one category below that most specifically describes the type of entity named.

a.	Institution of higher education	d.	Public entity insurance pool organized pursuant to Colorado statute
b.	Institution, department, agency, instrumentality, or authority of any of the foregoing described in Paragraph (B)(1) or Paragraph (B)(2)(a)  Identify the statute or other legal authority under which such institution, department, agency, instrumentality or authority is organized:	e.	Public body corporate created under Colorado statute or constitution  Identify the statute or constitutional provision under which such public body corporate is organized:
c.	Local government investment pool organized pursuant to Section 24-75-701, C.R.S., et. seq.	f.	Other entity, organization, or corporation formed by intergovernmental agreement or other contract between or among any of the foregoing described in Paragraph (B)(1) and Paragraph (B)(2)

If Paragraph (B)(1) and Paragraph (B)(2) were answered no, the official custodian designation does not apply under the PDPA. Do not complete or return this application. If the entity named is a subordinate unit of a public unit named in Paragraph (B) (1), but is not a political subdivision as defined above, identify that public unit:

A separate PDPA number will not be issued. Under these circumstances, if an individual is in possession of public funds, the official custodian of the parent public unit should be contacted. The PDPA number of that "official custodian" should be used when depositing funds in a bank.

C. What public funds are in custody?

1. If a public unit was named in Paragraph (A), do you have custody of any public funds of the named public unit that by law, or under a bond indenture, are required to be set aside to discharge a debt owed to the holders of notes or bonds issued by the public unit, as provided in Section 12 C.F.R. 330 15(c). A link to that site is also available on the Division of Banking Web Site.

Yes		No		
-----	--	----	--	--

If yes, identify each such fund or bond issue by the complete name(s) or descriptive title(s):

2. If a public unit or entity was named in Paragraph (A), do you have custody of any pension funds or other employee benefit retirement plan funds of the public unit or other entity named in Paragraph (A)?

Yes		No		
-----	--	----	--	--

If yes, identify the name(s) or descriptive title(s) of each such separate retirement fund:

3. If a public unit or entity was named in Paragraph (A), do you have custody of any other funds of the public unit or entity named that are not described in Paragraph (C)(1) or Paragraph (C)(2), but are held in trust for others under a written trust agreement or by statute, as provided in 12 C.F.R. Section 330.11. A link to that site is also available on the Division of Banking Web Site.

Yes		No		
-----	--	----	--	--

If yes, identify the name(s) or descriptive title(s) of each such separate trust fund, and describe the persons for whom the funds are held in trust (attach supplemental sheets to identify each such fund):

4. If a public unit or entity was named in Paragraph (A), do you have custody of any funds of the public unit or entity that are commingled with the funds of any other public unit or entity, but that are not held in trust for others?

Yes		No		
-----	--	----	--	--

If yes, identify the name(s) or descriptive title(s) of the commingled fund(s) and name the other public unit(s) or entity(ies) whose funds are commingled with those of the public unit or entity named in Paragraph (A):

D. If a public unit was named in Paragraph (A), will funds of the named public unit be placed in a **bank time or savings deposit account** (Time/Certificate of Deposit (CD), Savings, NOW or Money Market account)?

Yes		No		
-----	--	----	--	--

E. If a public unit was named in Paragraph (A), will funds of the named public unit be placed in a **bank demand deposit account** (interest-bearing and noninterest bearing demand deposit account)?

Yes		No		
-----	--	----	--	--

F. Identify an official custodian.

1. Identify an official custodian. An official custodian may be a designated position such as "Treasurer," or the official custodian may be a named person. Reapplication will not be necessary in the future if a particular position is designated the official custodian rather than a named person.

If **POSITION(S)** constitute(s) the official custodian:

\_\_\_\_\_  
Position Title (Print)

\_\_\_\_\_  
(Optional) Other or Second Position Title (Print)

**OR** if named **PERSON(S)** constitute the official custodian:

\_\_\_\_\_  
Name and Title (Print)

\_\_\_\_\_  
(Optional) Other or Second Name and Title (Print)

2. Signature(s) (of each person who is making this application on behalf of a position, or each person whose name and title was named in Paragraph (F)(1)).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Signature

\_\_\_\_\_  
Print or Type Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

3. Mailing address, telephone number and email address of **public unit or other entity** named in Paragraph (A).

Address:	
City, State, ZIP Code:	
Area Code/Telephone Number:	Email Address:

4. Mailing address, telephone number and email address of **official custodian(s)** (to be provided only if different from those of public unit or other entity named in Paragraph (A)).

Address:	
City, State, ZIP Code:	
Area Code/Telephone Number:	Email Address:

PUBLIC DEPOSIT PROTECTION ACT

Instructions for Application for Assignment of  
PDPA Number for Public Funds Deposited in Banks



**Purpose of Application.** The Colorado Public Deposit Protection Act (PDPA), **Section 11-10.5-101, et seq., C.R.S.**, has as its purpose the preservation and protection of all public funds held on deposit by a bank that are either not insured by or are in excess of the insured limits of Federal Deposit Insurance Corporation (FDIC) insurance, and to ensure the expedited repayment of such funds in the event of default and subsequent liquidation of a bank which holds such deposits. **Section 11-10.5-107(5), C.R.S.**, states, briefly, that the PDPA requires banks in Colorado that are eligible depositories of public funds to pledge eligible collateral having a market value in excess of 102 percent of their aggregate uninsured public deposits to secure uninsured public funds on deposit. Thus, the PDPA provides protection of public deposits beyond FDIC insurance.

In order to achieve the purposes of the Act, PDPA places specific responsibilities on the Colorado State Banking Board (Banking Board), on banks that are eligible public depositories, and on official custodians of public funds.

**Colorado State Banking Board.** The PDPA requires the Banking Board to establish an account numbering system to be used universally by all official custodians of public funds who deposit funds in eligible public depositories. The numbering system designates unique numbers for accounts that are established by each official custodian so that the amount of public funds subject to FDIC insurance and the amount of public funds subject to the collateral requirements of the PDPA may be readily and more accurately determined.

**Official Custodians.** The PDPA requires each official custodian of public funds to apply to the Banking Board for the assignment of PDPA number(s). It is important to each Colorado public unit and entity and to the official custodian thereof, that the required application is submitted to the Banking Board. Failure of an official custodian to secure the required PDPA numbers may result in the inapplicability of the Act's protections to the uninsured public deposits under the control of the official custodian. The PDPA also provides in **Section 11-10.5-111(4)(b), C.R.S.**, that any official custodian found to have violated the provisions of the PDPA is subject to a fine (which may not be reimbursed or paid by the public unit) and may be removed from office.

The Application by Official Custodian for Assignment of Public Deposit Protection Act (PDPA) Number(s) for Public Funds Deposited in Banks constitutes the PDPA number application required of the official custodian. The official custodian is generally defined in the PDPA, **Section 11-10.5-103(9), C.R.S.**, as a designee, with plenary authority, including "control" over public funds of a public unit or other public entity described in Section 11-10.5-103(9)(b), C.R.S. "Control" of public funds includes possession as well as the authority to establish accounts for the public funds in banks and to make deposits, withdrawals, or disbursements of the public funds. If the exercise of such authority requires the action or consent of two or more putative official custodians, they are treated as one official custodian with respect to those public funds.

The PDPA imposes other obligations on official custodians; the official custodian may wish to seek advice from the public unit or entity's attorney on these other obligations.

**Eligible Public Depositories.** The PDPA imposes a number of obligations on banks that are eligible public depositories, including use of the PDPA number system that has been developed by the Banking Board. The PDPA imposes various penalties on banks and banking officials for any violation of the PDPA.

**SELECT DEFINITIONS FROM THE PUBLIC DEPOSIT PROTECTION ACT**  
**Section 11-10.5-103**

(6) "Eligible public depository" means: any bank which has been designated as an eligible public depository by the Banking Board.

(9) "Official custodian" means:

(a) A designee with plenary authority, including control over public funds of a public unit which the official custodian is appointed to serve. For purposes of this paragraph (a), "control" includes possession of public funds, as well as the authority to establish accounts for such public funds in banks and to make deposits, withdrawals, or disbursements of such public funds. If the exercise of plenary authority over the public funds of a public unit requires action by or the consent of two or more putative official custodians, then such official custodian shall be treated as one official custodian with respect to such public funds.

(b) A designee, other than a designee described in paragraph (a) of this subsection (9), with authority, including control, over public funds of an entity, including the state of Colorado; any institution, agency, instrumentality, authority, county, municipality, city and county, school district, special district, or other political subdivision of the state of Colorado, including any institution of higher education; any institution, department, agency, instrumentality, or authority of any of the foregoing, including any county or municipal housing authority; any local government investment pool organized pursuant to part 7 of article 75 of title 24, C.R.S.; any public entity insurance pool organized pursuant to state statute; any public body corporate created or established under the constitution of the state of Colorado or any state statute; and any other entity, organization, or corporation formed by intergovernmental agreement or other contract between or among any of the foregoing. For purposes of this paragraph (b), "control" includes possession of public funds, as well as the authority to establish accounts for such public funds in banks and to make deposits, withdrawals, or disbursement of such public funds. If the exercise of authority over such public funds requires action by or the consent of two or more putative official custodians, then such official custodians shall be treated as one official custodian with respect to such public funds.

**INSTRUCTIONS FOR COMPLETION OF THE APPLICATION**

Due to the legal nature of the requirements set out in the PDPA and in the FDIC laws, the official custodian may wish to obtain the advice of the public unit or entity's attorney in completing the application. The Banking Board does not separately determine whether the applicant is an official custodian or verify the accuracy of the determination of a "public unit" or "public entity." [An incorrect determination by the applicant may affect the adequacy of the amount of collateral that the eligible public depository pledges to secure the public deposits it holds.] Correct completion of the application is dependent upon an understanding of the definitions of various words and requirements appearing in the application, the PDPA, and FDIC laws and regulations.

Complete a separate application for each public unit and each other entity described in **Section 11-10.5- 103(9)(b), C.R.S.**, for which the applicant is an official custodian. The following comments relate to specific lettered paragraphs of the application:

- A. Name the public unit or other entity for which the applicant is an official custodian of public funds, and include the statutory citation under which the public unit or entity was formed. The name should be the complete legal name of the entity. A separate application must be filled out for each public unit or other entity for which the applicant serves as an official custodian.
- B. Because the FDIC insures official custodians of public units differently from official custodians of other entities, it is important to know whether the applicant is an official custodian for a public unit. The definition of public unit appears in Paragraph (B) of the application.
  - 1. If the entity named in Paragraph (A) is a public unit, mark "yes" in the appropriate space and check the applicable category of public unit. If the entity is not a public unit, but is an entity described in **Section 11-10.5-103(9)(b), C.R.S.**, which citation is included with these instructions, mark "no" in the appropriate space and go to Paragraph (B)(2).
  - 2. If the entity named in Paragraph (B) is not a public unit but is an entity described in **Section 11-10.5-103(9)(b), C.R.S.**, mark the one category listed in Paragraph (B)(2) that most specifically describes the legal status of the named entity. The categories of entities listed in Paragraph (B)(2) are the same as those listed in **Section 11-10.5-103(9)(b), C.R.S.**, excluding the public units listed in that subsection.

If more than one category accurately describes the entity, select and mark the one that most specifically describes the entity.

If the applicant has answered "no" to Paragraph (B)(1) and Paragraph (B)(2), the applicant is not an official custodian under the PDPA and does not need to complete or return this application; the entity named in Paragraph (A) may be a subordinate unit (but not a political subdivision) of the State, or a county or municipality. If so, the applicant is not entitled to a separate number. However, if the applicant has public funds in the applicant's possession, the applicant should contact an attorney for advice on who the official custodian of the funds is. The PDPA number of that official custodian should be used when the funds are deposited in an eligible public depository.

The FDIC provides separate insurance coverage for certain types of public funds held by an official custodian. Paragraphs (C), (D), and (E) describe these types of public funds. Because of the separate FDIC insurance provided, the PDPA numbering system will assign different PDPA numbers to each of these different types of public funds. Thus, the applicant must identify whether any of the public funds under his or her control fall within the described categories. The public unit or entity's attorney may need to assist in making these determinations. Advisory opinions from the FDIC may be of assistance.

- C. C.1. Answer this question only if the applicant has stated in Paragraph (B)(1) that the entity named in Paragraph (A) is a public unit.
- C.2. Answer this question if the entity named in Paragraph (A) is a public unit or an entity.
- C.3. Answer this question if the entity named in Paragraph (A) is a public unit or an entity.
- C.4. Answer this question if the entity named in Paragraph (A) is a public unit or entity.
  
- D. Answer this question only if the applicant has stated in Paragraph (B)(1) that the entity named in Paragraph (A) is a public unit.
  
- E. Answer this question only if the applicant has stated in Paragraph (B)(1) that the entity named in Paragraph (A) is a public unit.
  
- F. In completing the "Position/Person" blocks, include the position title, and not the name, if a particular position (such as "Treasurer") constitutes the official custodian. Include both the name and title if a particular named individual constitutes the official custodian. If two or more positions/persons constitute one official custodian as provided in the definition of official custodian described below and in **Section 11-10.5-103(9), C.R.S.**, include the positions or names/titles of all such positions/persons.
  - 2. Signature(s), Name(s) and Date(s) of each person who is making this application on behalf of a position, or each person whose name and title was named in Paragraph F.
  
  - 3. & 4. Provide mailing and contact information as requested.

## **RESOLUTION DDA-2024-01**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY DESIGNATING A LOCATION FOR THE POSTING OF PUBLIC MEETING NOTICES**

WHEREAS, the Loveland Downtown Development Authority (the “DDA”) is a body corporate and politic duly created, organized and authorized pursuant to C.R.S. 31-25-801 et seq. by a vote of the majority of qualified electors within the DDA district at a special election held on February 10, 2015 and thereafter officially established by the City Council of the City of Loveland upon the passage of Ordinance No. 5927;

WHEREAS, the DDA is a “local public body” for purposes of Section 402(1)(a)(I) of the Colorado Open Meetings Law, C.R.S. 24-6-401 et seq. (the “Open Meetings Law”);

WHEREAS, pursuant to Section 402(2)(b) of the Open Meetings Law, all meetings of three or more members of a local public body at which any public business is discussed or at which any formal action may be taken are declared to be public meetings;

WHEREAS, pursuant to Section 402(2)(c)(I) of the Open Meetings Law, any meeting at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public, which the local public body can satisfy by posting a notice of the meeting in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting;

WHEREAS, pursuant to Section 402(2)(c)(III) of the Open Meetings Law, a local public body may satisfy the requirements of Section 402(c)(I) by posting meeting notices on the local public body’s website;

WHEREAS, pursuant to Section 402(2)(c)(I) of the Open Meetings Law, a local public body must annually designate a location for the posting of meeting notices at the local public body’s first regular meeting of each calendar year; and

WHEREAS, the DDA desires to designate its website as the location for the posting of meeting notices, the homepage for which is as follows:

<https://downtownloveland.org/dda>

(the “DDA Website”).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY, that:

The DDA hereby designates the DDA Website as the location for the posting of meeting notices.

Passed and adopted at a regular meeting of the Board of Directors of the Loveland Downtown Development Authority this 8<sup>th</sup> day of January, 2024.

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Ray Steele, Jr., Chair

ATTEST:

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Jon-Mark Patterson, Secretary

# LDP - DDA FIRE SUPPRESSION GRANT PROGRAM

## PRELIMINARY APPLICATION

DATE OF SUBMITTAL:	June 16, 2023
APPLICANT NAME (INCLUDE DBA):	Northern Colorado Rehab Center, Inc
IS APPLICANT THE PROPERTY OWNER?	<input checked="" type="radio"/> YES <input type="radio"/> NO
ADDRESS (STREET, CITY, STATE, ZIP):	231 W 4th Street Loveland, CO
EMAIL: Jason@marioncompany.com	PRIMARY PHONE: Jason Hepp 303-902-5302
PROPERTY OWNER NAME (IF DIFFERENT FROM APPLICANT):	Same
ADDRESS (STREET, CITY, STATE, ZIP):	Same
EMAIL: info@theaerksobertliving.org	PRIMARY PHONE: Phil Hicks 970-581-2252
PROJECT PROPERTY ADDRESS:	231 W 4th Street Loveland, CO
PROJECT PROPERTY IS AT LEAST 50 YEARS OLD: <input checked="" type="radio"/> YES <input type="radio"/> NO	PROJECT PROPERTY RESIDES WITHIN DDA BOUNDARY: <input type="radio"/> YES <input checked="" type="radio"/> NO

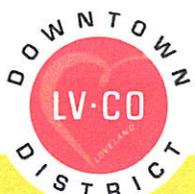
For questions and comments, please contact:

Sean Hawkins

Executive Director

970-699-2856

shawkins@lovelandpartnership.org



## SUBMISSION TIMELINE AND PROGRAM REQUIREMENTS

Subsequent to the completion and submittal of this preliminary application, Applicants will be contacted by DDA Staff to structure a review timeline. All projects must be considered and approved by both the LDP and DDA Boards, which meet separately on a monthly basis. Dependent upon the date of submission, and availability of funds (all program funds are allocated on a first come, first serve basis), Applicants should expect a two to four-week processing time.

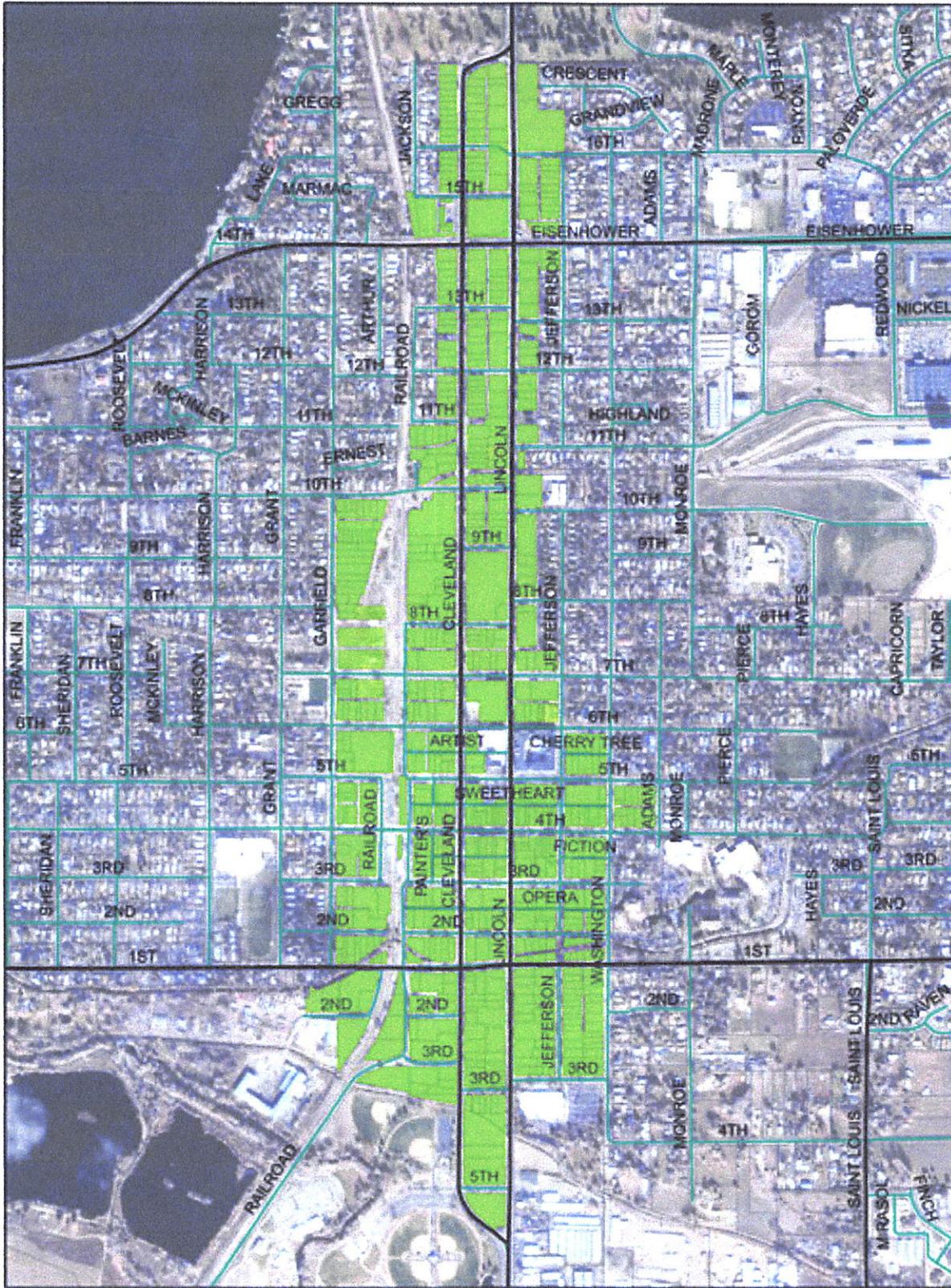
While DDA Staff will be available for consultation throughout the application and construction process, submission of this application indicates that Owners/Applicants understand that Reimbursement is contingent upon adherence to fulfillment of the final Contract, and that the following program outline details the minimum requirements for project consideration:

The Fire Suppression Grant Program reimburses up to \$25,000, strictly for costs directly associated with the installation of a Fire Line from the nearest available City Main, to the Project Property's Control Valve (See Attached **Example Diagram**).

While additional considerations may increase the maximum possible Reimbursement, the Program will not reimburse over 50% of the Total Project Cost (which includes the installation of the interior Suppression system).

- By submitting this application, The Owner/Applicant understands that:
  - The Owner/Applicant will be required to install a fully functioning Fire Suppression system as a match to the Grant Funding.
  - Any costs associated with the installation of the Fire Line exceeding the Grant amount are the sole responsibility of the Owner/Applicant.
  - Reimbursement is contingent on the verification of both the design and final installation of the Fire Suppression System by the Loveland Fire Rescue Authority (LFRA)
    - All submitted designs must be prepared by a licensed professional, and all installers must be licensed through LFRA
- Owner/Applicant must solicit at least two bids for the installation of the Fire Line (multiple bids are not required for attendant concerns, such as required Traffic Control, trenching, restoration, etc.)
- Prior to reimbursement, DDA Staff will require, AT MINIMUM, submitted verification of:
  - Letter of Initial Acceptance from Loveland Water and Power
  - Paid receipts for all eligible costs
  - Copies of all applicable permits (City of Loveland, CDOT, etc.) for Construction Activity
  - As well as a Letter of Completion or Certificate of Occupancy from the City of Loveland





## Loveland DDA (Green)

Loveland Downtown Partnership and Downtown Development Authority  
 201 East 4<sup>th</sup> Street, Loveland Colorado 80538



TOTAL ESTIMATED PROJECT COSTS:

\$ 66,950

TOTAL ESTIMATE FIRE LINE COSTS:

\$ 26,950

REIMBURSEMENT FUNDING REQUESTED:

\$ 25,000

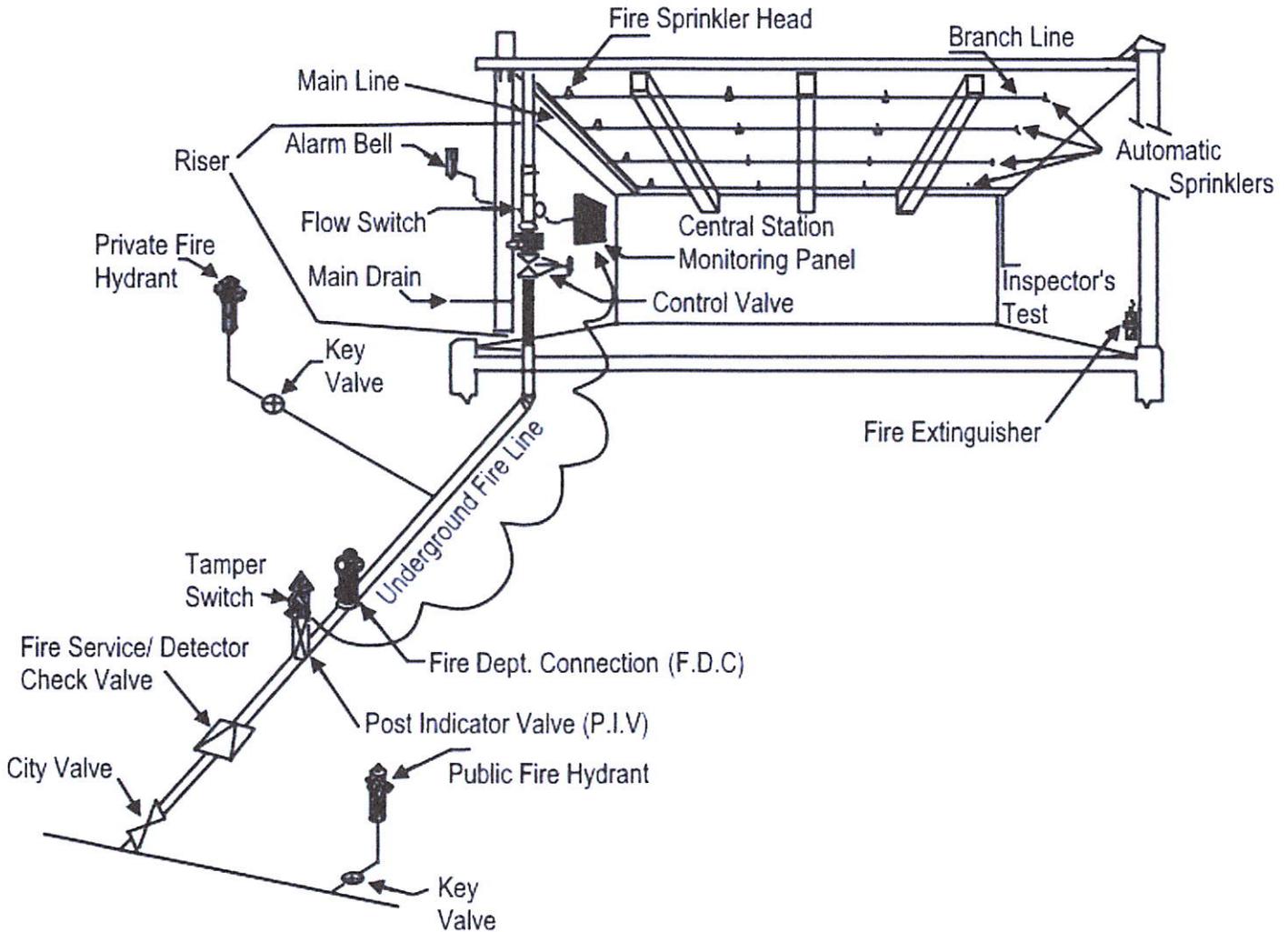
[Signature]  
APPLICANT SIGNATURE

[Signature]  
PROPERTY OWNER SIGNATURE  
(If different than Applicant)

6/16/23 Construction Manager  
DATE TITLE

June 16/2023 Executive Director  
DATE TITLE

### FIRE SUPPRESSION SYSTEM EXAMPLE DIAGRAM





The Ark  
c/o Phil Hicks – Chairman  
231 W. 4<sup>th</sup> Street, Loveland, CO 80537  
[info@thearksoberliving.org](mailto:info@thearksoberliving.org)  
970.581.2252  
June 16<sup>th</sup>, 2023

Loveland City Council  
500 E. 3rd Street Loveland, CO 80537

**Subject: City of Loveland / Loveland Downtown Partnership Fire Line Grant Program Request**

Dear Mr. Hawkins and Members of the Loveland City Council,

I am writing to you on behalf of The Ark Board of Directors, an organization dedicated to providing a safe and supportive environment for individuals in recovery from alcohol and drug addiction. We are seeking financial support from the Loveland City Council in the amount of \$25,000 to install a fire line servicing the property located at 231 W. 4th Street.

We are pleased to inform you that Mr. Bob Dehn of Front Range Fire is generously donating his services for the inside installation of the fire line suppression system - a value of \$40,000. This significant contribution brings us closer to achieving our goal, but we still require financial assistance to cover additional expenses associated with the project.

Allow me to provide some background information about The Ark ([www.thearksoberliving.org](http://www.thearksoberliving.org)). Our organization aims to address the pressing issues of homelessness, drug use, and mental health within the downtown area of Loveland. By offering a structured and supportive living environment, we strive to help individuals in recovery maintain sobriety, build life skills, and reintegrate into society as productive, responsible citizens.

The Ark is preparing to open a residence at 231 W. 4th Street, which will serve as a home to 10-11 men seeking a fresh start on their journey to recovery. Our program is centered around the principles of love found in faith, family, and fellowship. Each resident will be required to hold a job and pay affordable rent while living in the house for a period of 6-12 months. Through this program, residents will engage in a program steeped in fellowship, small group activities, structure, and accountability. Each resident will have access to vocational training and apprenticeships, as well as opportunities to pursue their GED and associate's degree while in residence.

While living at The Ark, each resident will be required to actively contribute to the well-being of the home and the local area through house chores, facilities maintenance, local service projects, and volunteer work. Our waiting list is already reaching capacity.



The installation of the fire line at 231 W. 4th Street is a critical step in ensuring the safety of our residents and the surrounding community. By having a reliable fire suppression system in place, we can address any potential fire hazards promptly and effectively, minimizing the risk to both residents and neighboring properties. This investment in safety aligns with the Loveland City Council's commitment to the well-being of its citizens and the revitalization of the downtown area.

We kindly request your support in granting financial assistance of \$25,000 to help us cover the remaining expenses for the fire line installation. This contribution will enable us to proceed with the project promptly and efficiently, ensuring the safety and security of our residents and the downtown community as a whole. To better understand the scope of the project, please see the attached proposal from Tim Ward for the fire line. He and his company have completed many of these services in the Downtown and we believe that they will do a great job on the project.

We appreciate your consideration of our request and the ongoing efforts of the Loveland City Council to address the complex issues of homelessness, drug use, and mental health. Together, we can make a significant positive impact on the lives of vulnerable individuals and contribute to the revitalization of our beloved downtown area.

Thank you for your time and attention. We would be grateful for an opportunity to discuss our project further or provide any additional information you may require. Please feel free to contact me at 970.581.2252 or [info@thearksoberliving.org](mailto:info@thearksoberliving.org).

Sincerely,

Phil Hicks, Chairman  
The Ark Board of Directors

# Proposal

# **Ward**

## CONSTRUCTION

P.O. Box 265 • 1012 Madison Ave., Loveland, Colorado 80539  
**Phone (970) 667-1853 • Fax (855) 667-5600**

Submitted to: Aegis Construction Management

Proposal Date: Feb. 27, 2023

Billing Address:

Phone:

City, State and Zip Code:

Job Address: 231 W. 4th Street

Architect:

Date of Plans:

City, State and Zip Code: Loveland

E-Mail:

We hereby submit specifications and estimates for:

Excavate & install 4" fire line to include: permits, traffic control, excavation, flowfill,  
patch street, testing & tapping fee.

We Propose hereby to furnish material and labor - complete in accordance with above specifications  
\$ **26,950.00** Terms of Payment: Net 30 Upon

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owners to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature \_\_\_\_\_

Note: This proposal may be withdrawn by us  
within \_\_\_\_\_ days.

**Acceptance of Proposal** - The above prices,  
specifications and conditions are satisfactory and are hereby

Signature \_\_\_\_\_

specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

---

Fax:  
d, CO 80537

\$26,950.00

ons, for the sum of:  
Completion

s if not accepted

\_\_\_\_ Date \_\_\_\_

\_\_\_\_ Date \_\_\_\_