

ROXBOROUGH VILLAGE METROPOLITAN DISTRICT
Director's Acknowledgement of Statutory Duties Regarding Conflicts of Interest

As a Director of the Roxborough Village Metropolitan District, a quasi-municipal corporation and political subdivision of the state of Colorado (the "District"), you acknowledge that the holding of a public office is a position of "public trust" and that you must carry out your duties for the benefit of the District's constituents and not for your own self-interest. You further agree to comply with the following statutory code of ethics:

Required Disclosures

Any Director shall disqualify himself/herself from voting on any issue in which he/she has a conflict of interest, unless such Director has disclosed the conflict of interest as required by law to the Secretary of State and to the Board, §32-1-902(3)(b), C.R.S., and then only to vote if his/her participation is necessary to obtain a quorum or otherwise enable the Board to act. §24-18-109(3)(b), C.R.S.

A Director with a conflict who does not vote shall also refrain from attempting to influence the decisions of other members of the Board in voting on the matter. §24-18-109(3)(a), C.R.S.

A Director is guilty of failing to disclose a conflict of interest if he/ she exercises any substantial discretionary function in connection with a government contract without having given 72 hours actual advance written notice to the Secretary of State and to the District Board of the existence of a known potential conflicting interest. §18-8-308(1), C.R.S. Failure to disclose a conflict of interest is a class 2 misdemeanor. §18-8-308(3), C.R.S

Acts Constituting a Conflict of Interest

A potential conflict of interest exists when the Director is an executive officer or owns or controls, directly or indirectly, a substantial interest in any nongovernmental entity participating in the transaction. §18-8-308(2), C.R.S.

A District Board member, as a local government official (elected or appointed), or a District employee, shall not:

1. Disclose or use confidential information acquired in the course of his/her official duties in order to further his/her personal financial interests.

2. Accept gifts of substantial value or of substantial economic benefit tantamount to a gift of substantial value, which would tend to improperly influence a "reasonable person" in his/her public position to depart from the faithful and impartial discharge of his/her public duties or which he/she knows or which a reasonable person in his/her position should know under the circumstances is primarily for the purpose of rewarding him/her for official action he/she has taken.

3. Engage in a substantial financial transaction for his/her private business purposes with a person whom he/she inspects or supervises in the course of his/her official duties.

4. Perform an official act directly and substantially affecting to its economic benefit, a business or other undertaking in which he/she either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.

5. Be financially interested in any contract made in his/her official capacity or by any body, agency, or Board of which he/she is a member or employee.

6. Be a purchaser at any sale or vendor at any purchase made by him/her in his/her official capacity. §§24-18-104, 24-18-109, 24-18-201, and 24-18-202, C.R.S.

Exceptions

The following exceptions exist which are not considered to be conflicts of interest:

1. A Director holding a minority interest in a corporation contracting with the District is not considered “interested” in such contract. §24-18-201(1)(a), C.R.S.;

2. Contracts in which the Director has disclosed a personal interest and has not voted thereon; and

3. A Director may vote, notwithstanding any other prohibition, if participation is necessary to obtain a quorum or otherwise enable the Board to act, and if the Director complies with voluntary disclosure procedures. §24-18-109(3)(b), C.R.S.

Guidelines of Ethical Principles:

The following principles are intended as guides to conduct; they do not constitute violations of the public trust or employment in local government unless circumstances would otherwise so indicate:

1. A local government official or employee should not acquire or hold an interest in any business or undertaking which he/she has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the local government agency over which he/she has substantive authority.

2. A local government official or employee should not, within six months following the termination of his/her office or employment, obtain employment in which he/she will take direct advantage, unavailable to others, of matters with which he/she was directly involved during his/her term of employment.

3. A local government official or employee should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he/she has a substantial financial interest in a competing firm or undertaking. §24-18-105(4), C.R.S.

Consequences for Failure to Disclose Potential Conflict of Interest

Failing to disclose a potential conflict of interest is a criminal misdemeanor and could result in prosecution. §18-8-308(3), C.R.S.

Any contract, vote, or other official act in which a Director had a potential conflict, not cured by disclosure, may result in the act or contract being voided.

The undersigned, as a Director of Roxborough Village Metropolitan District, hereby acknowledges the foregoing Statutory Duties Regarding Conflicts of Interest and agrees to act in accordance therewith. The undersigned has no current Conflicts of Interest as of the date hereof. The undersigned agrees to immediately notify the District legal counsel of any conflicts that arise in the future for the undersigned Director.

Signature: Mark J. Rubic

Name: Mark J. Rubic

Date: February 23, 2023

**PUBLIC CONFLICTS OF INTEREST
AND FINANCIAL DISCLOSURE QUESTIONNAIRE
RVMD BOARD OF DIRECTORS**

The duties and responsibilities of your position require you to file the Public Conflicts of Interest and Financial Disclosure Questionnaire to avoid involvement in a real or apparent conflict of interest.

Directors: The questionnaire is due within 30 days of adoption of this questionnaire by the Board of Directors, or of your assuming a position on the Board.

The Public Conflicts of Interest and Financial Disclosure Questionnaire adopted by the Board of Directors of the District requires disclosure of certain interests. To carry out the purpose of this Policy, you state in this form that you or your family members have the following affiliations, interest or relationships, and/or have taken part in the following transactions that, when considered in conjunction with your position with or relationship to the District and its affiliates, might possibly constitute or give rise to an actual, apparent, or potential conflict of interest.

Individuals considered to be “family members” for purposes of this questionnaire include: your spouse, parent, domestic partner, spouse or domestic partner parent, child, sibling, spouse or domestic partner or child or sibling. Check “No” where applicable, or explain any possible conflicts of interest, including all material facts, on this questionnaire. All actual, apparent, or potential conflicts of interest that existed or that exist since the filing of your questionnaire shall be publicly stated at the first Board meeting after such occurrence and your filed questionnaire shall be updated within 30 days of such occurrence to reflect same.

If you have any questions about how to complete this form, please contact District counsel.

I. OUTSIDE INTEREST

A. Do you or any of your family members hold, or within the last one (1) year have you or any of your family members held, directly or indirectly, (i) a position or (ii) a financial non-publicly traded interest in any outside entity with which you or your family member have reason to believe the District (a) does business, including obtaining goods or services, or (b) provides services competitive with the District?

No Yes-Explain below

1) Are you or any of your family members currently engaged, or within the last one (1) year have you or any of your family members been engaged, in any business outside of your duties at the District that in any way does business the District?

No Yes-Explain below.

2) Are you or any of your family members, or within the last one (1) year have you or any of your family members been, an officer, director, trustee, or in a similar capacity of any company or organization (for-profit or not-for-profit) other than the District that does business with the District or may be affected by District governance?

No Yes-Explain below.

3) Do you or any of your family members have, or within the last one (1) year have you or any of your family members had, any personal loans, advances, or borrowings from any contractor, vendor, or supplier who does business with the District? (You may exclude charge cards and personal or mortgage loans at market rates at financial institutions such as bank, finance companies, insurance companies, and savings and loans associations.

No Yes-Explain below.

B. Do you or any of your family members compete, directly or indirectly, with any District contractor, vendor, or supplier of services?

No Yes-Explain below.

C. Do you or any of your family members render, or within the last one (1) year have you or any of your family members rendered directive, managerial, consultative or other services to the District or on behalf of any outside entity that does business with the District?

No Yes-Explain below.

D. Do you or any of your family members employ or otherwise retain, or within the last one (1) year have you or any of your family members employed or otherwise retained, personnel, contractors, vendors, or suppliers of the District for work on non-district business done outside of the District?

No Yes-Explain below.

II. GIFTS, GRATUITIES, AND ENTERTAINMENT

A. Have you or any of your family members in the last one (1) year accepted gifts, entertainment, benefits, discounts, or other favors valued in excess of One Hundred Dollars (\$100.00) from any outside entity that does or is seeking to do business with the District?

No Yes-Explain below.

In the space below, I have disclosed any other interest, activities, investments, or involvement of or concerning me or my family members that I believed might be considered relevant for purposes of disclosure of all actual, apparent, or possible conflicts of interest, or I have indicated "none". (Use additional pages as necessary.)

None

ACKNOWLEDGMENT

I certify that the statements I have made on this questionnaire and all attached statements are true, complete, and correct to the best of my knowledge and belief.

Print Name: Mark J. Rubic

Signed: *Mark J Rubic* Date: February 23, 2023