

RECORD OF PROCEEDINGS

**MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
DENVER CONNECTION WEST
METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
AUGUST 22, 2023**

A special meeting of the Board of Directors of the District (referred to hereafter as the “Board”) was convened on Tuesday, August 22, 2023, at 6:00 p.m. This District Board meeting was held by Zoom. The meeting was open to the public via Zoom.

Directors In Attendance Were:

Jeffery Hall, President
Tina Woodard, Secretary
Shawn Hampleton, Treasurer

Also In Attendance Were:

Elisabeth A. Cortese (for a portion) and Suzanne Meintzer, Esq.; McGeady Becher P.C.
Jerry Jacobs and Shanda Flores; Timberline District Consulting, LLC (“Timberline”)
Resident: Samantha Burns

**DISCLOSURE OF
POTENTIAL
CONFLICTS OF
INTEREST**

The Board noted a quorum was present and discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. No disclosures were made, and it was noted that all Directors are residents of the District.

**ADMINISTRATIVE
MATTERS**

Agenda: The Board reviewed the Agenda for the District’s Special Meeting. Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board approved the Agenda, as amended.

Meeting Location: The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District’s Board meeting. Following discussion, the Board noted this District Board meeting was held by Zoom. The Board further noted that notice of this meeting and the conference/video access was duly posted and that it had not received any objections to the format of the meeting or any requests that the meeting format be changed by taxing electors within the District’s boundaries.

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Minutes: The Board reviewed the Minutes of the July 25, 2023 Special Meeting. Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board approved the Minutes of the July 27, 2023 Special Meeting.

PUBLIC COMMENTS

Following discussion, upon motion duly made by Director Hampleton, seconded by Director Woodard, and upon vote unanimously carried, the Board moved to strike public comment.

LEGAL MATTERS

EXECUTIVE SESSION: Pursuant to Sections 24-6-402(4)(a), (b) and (e) of the Colorado Revised Statutes (“C.R.S.”), upon motion duly made by Director Hall, seconded by Director Woodard, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 6:04 p.m. for the sole purpose of receiving legal advice from the Board’s attorney related to the negotiation regarding property acquisition matters, as authorized by Sections 24-6-402(4)(a), (b) and (e), C.R.S. Furthermore, pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record or electronic recording will be kept of those portions of the executive session that, in the opinion of the Board’s attorney, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, the Board reconvened in regular session at 6:24 p.m.

Letter Agreement between the District and William Lyon Homes, Inc.:

Following discussion, upon motion duly made by Director Hall, seconded by Director Hampleton, and upon vote unanimously carried, the Board approved the Letter Agreement between the District and William Lyon Homes, Inc., subject to final legal review.

Satisfaction and Termination of Operation Funding and Capital Funding Agreements between the District and William Lyon Homes, Inc.:

Following discussion, upon motion duly made by Director Hall, seconded by Director Hampleton, and upon vote unanimously carried, the Board approved the Satisfaction and Termination of Operation Funding and Capital Funding Agreements between the District and William Lyon Homes, Inc., subject to final legal review.

Acquisition of Certain Property from William Lyon Homes, Inc.: Following discussion, upon motion duly made by Director Hall, seconded by Director Hampleton, and upon vote unanimously carried, the Board approved the acceptance of tracts located within Denver Connection West - Filing No. 1, City and County of

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Denver, except Tract A and any other tracts which have not otherwise been conveyed to Avion at Denver Connection Townhome Association, subject to final legal review.

FINANCIAL MATTERS

August 2023 Advance Request from the District's Limited Tax (Convertible to Unlimited Tax) General Obligation Improvement Loan, Series 2022A-2: Following discussion, upon motion duly made by Director Hall, seconded by Director Hamleton, and upon vote unanimously carried, the Board approved the August 2023 Advance Request in the amount of \$58,827.75.

OPERATIONS AND MAINTENANCE

HUB and Pool Operations and Staffing:

HUB and Pool Staffing: The Board discussed the amendment to the Timberline scope of work to include staffing at the HUB/in the community. The Board extensively discussed the amount of time they thought might be needed and the related costs for the same. Following discussion, the Board directed Timberline to review the rates and provide updated information to the Board. The Board deferred action and directed this to be considered at the September 26, 2023 Board meeting.

Security services at the HUB and pool and proposals from ETG Systems, Inc. and United States Protective Service LLC: The Board deferred action and directed Timberline to obtain more specificity/clarity on the scope of services from both consultants for consideration at the September 26, 2023 Board meeting.

Fourth Amended and Restated District Facilities Rules and Regulations: The Board discussed the draft Fourth Amended and Restated District Facilities Rules and Regulations. The Board decided to have an in-person work session to discuss the draft more in-depth. The Board directed staff to post a work session agenda for September 5, 2023 at 3:00 p.m. at the HUB.

Social Committee List: Attorney Meintzer to provide legal advice to the Board via email, with discussion and final action, if any, to take place at the next regular Board meeting.

Process for engaging landscape providers and relation to warranty period for landscape improvements and re-plantings: Discussion deferred.

OTHER BUSINESS

Next Regular Meeting: The next regular Board meeting is scheduled for Tuesday, September 26, 2023, at 6:00 p.m. via Zoom.

Next Work Session: The next work session is scheduled for Tuesday, October 24, 2023, at 6:00 p.m. via Zoom.

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ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made, and upon vote unanimously carried, the meeting was adjourned.

The foregoing record constitutes a true and correct copy of the Minutes of the above-referenced meeting.

Respectfully submitted,

By *Tina Woodard*
Secretary for the Meeting

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Attorney Statement

REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Denver Connection West Metropolitan District, I attended the executive session meeting for the Denver Connection West Metropolitan District which convened at 6:04 p.m. and adjourned at 6:34 p.m. on August 22, 2023 for the sole purpose of receiving from the Board's attorney, legal advice related to the negotiation regarding property acquisition matters, as authorized by Section 24-6-402(4)(a), (b) and (e), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S., and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Signed Elisabeth A. Cortese
Elisabeth A. Cortese, Attorney for the District
Dated: August 22, 2023

Attorney Statement

REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Denver Connection West Metropolitan District, I attended the executive session meeting for the Denver Connection West Metropolitan District which convened at 6:04 p.m. and adjourned at 6:34 p.m. on August 22, 2023 for the sole purpose of receiving from the Board's attorney, legal advice related to the negotiation regarding property acquisition matters, as authorized by Section 24-6-402(4)(a), (b) and (e), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S., and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Signed Suzanne Meintzer
Suzanne Meintzer, Attorney for the District
Dated: August 22, 2023