

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE DENVER CONNECTION WEST METROPOLITAN DISTRICT (THE “DISTRICT”) HELD JULY 25, 2023

A regular meeting of the Board of Directors of the District (referred to hereafter as the “Board”) was convened on Tuesday, July 25, 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 executive session only) and Suzanne Meintzer, Esq.;  
McGeady Becher P.C.  
Jerry Jacobs and Shanda Flores; Timberline District Consulting, LLC (“Timberline”)  
Residents: Mel; Carina; Mia James; Samantha Burns; Rachele; Christina Hughes;  
Brian; Eric Edwards; and Brenda Melger

#### **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 Regular Meeting. Following discussion, upon motion duly made by Director Woodard, seconded by Director Hall, and upon vote unanimously carried, the Board approved the Agenda.

**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 June 27, 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 June 27, 2023 Special Meeting.

### **PUBLIC COMMENTS**

Several residents asked questions about an incident at the HUB and pool. Director Hall responded that the police were investigating and that is all the Board could share.

Ms. Burns asked why the flowers in the pollinator park were removed and about the status of the city park.

Ms. Melger wanted to know if she could summarize the meeting in her newsletter.

### **FINANCIAL MATTERS**

**Financial Statements and Schedule of Cash Deposits and Investments:** The Board reviewed the unaudited Financial Statements for the period ending May 31, 2023, and Schedule of Cash Deposits and Investments dated May 31, 2023, updated as of July 16, 2023. Following review and discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board accepted the unaudited Financial Statements for the period ending May 31, 2023, and Schedule of Cash Deposits and Investments dated May 31, 2023, updated as of July 16, 2023.

The Board further discussed the frequency it wants CliftonLarsonAllen LLP (“CLA”) to prepare unaudited financial statements and attend Board meetings. The Board previously directed CLA to prepare financials for every regular meeting and to attend Board meetings when requested (with a 2-week notice).

**Claims:** The Board reviewed the claims list for the period of May 13, 2023 through July 17, 2023. Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board ratified approval of the payment of claims for the period of May 13, 2023 through July 17, 2023, in the amount of \$96,848.45.

**July 2023 Advance Request from the District’s Limited Tax (Convertible to Unlimited Tax) General Obligation Improvement Loan, Series 2022A-2:** Following discussion, the Board deferred action on this item.

**2022 Audit:** The Board reviewed the 2022 Audit. Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote

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unanimously carried, the Board approved the 2022 Audit, subject to final legal review, and authorized execution of the Representations Letter.

### **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 6:33 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 7:06 p.m.

### **District’s Acquisition of Certain Property from William Lyon Homes, Inc.:**

*District’s acceptance of certain Tracts, Denver Connection West – Filing No. 1, City and County of Denver, State of Colorado:* Following discussion, upon motion duly made by Director Hall, seconded by Director Hambleton, and upon vote unanimously carried, the Board approved the acceptance of tracts located within Denver Connection West - Filing No. 1, City and County of Denver, except Tract A and any other tracts which have not otherwise been conveyed to Avion at Denver Connection Townhome Association, subject to acceptance occurring concurrent with the District’s acceptance of Lot 1, Block 9, Denver Connection West – Filing No. 1, City and County of Denver, State of Colorado and the District’s execution of the Satisfaction and Termination of Operation Funding and Capital Funding Agreements between the District and William Lyon Homes, Inc.

*Lot 1, Block 9, Denver Connection West – Filing No. 1, City and County of Denver, State of Colorado:* Following discussion, upon motion duly made by Director Hall, seconded by Director Hambleton, and upon vote unanimously carried, the Board approved the acceptance of Lot 1, Block 9, Denver Connection West – Filing No. 1, City and County of Denver, State of Colorado, subject to acceptance occurring concurrent with the District’s acceptance of all tracts located within Denver Connection West - Filing No. 1, City and County of Denver, except Tract A and any other tracts which have not otherwise been conveyed to Avion at Denver Connection Townhome Association and the District’s execution of the Satisfaction and Termination of Operation Funding and Capital Funding Agreements between the District and William Lyon Homes, Inc.

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### **Construction of park to be located on Tract A, Denver Connection West – Filing No. 1 (the “Park”):**

*Status of conveyance of Tract A; Intergovernmental Agreement Regarding Construction, Funding, Reimbursement and Acquisition of Park with the City and County of Denver (IGA); Letter Agreement with William Lyon Homes, Inc. regarding the construction and installation of public improvements at the Park; Limited Property Tax Supported Special Revenue Bonds, Series 2023:* Attorney Meintzer noted that these matters are still in progress and that District Counsel had received a draft intergovernmental agreement from the City and County of Denver. Attorney Meintzer reported she did not have a time estimate, as these matters are subject to the finalization / agreement on the IGA.

### **OPERATIONS AND MAINTENANCE**

#### **HUB and Pool Operations and Staffing:**

*HUB and Pool Staffing:* The Board discussed Timberline providing an additional community manager for the District following pool season. Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board directed legal counsel to prepare a Change Order to the Timberline Engagement Agreement for additional services, for consideration at the August 22, 2023 special meeting.

*HUB and Pool Security Services:* The Board discussed security services. No action was taken by the Board.

*Fourth Amended and Restated District Facilities Rules and Regulations:* The Board extensively discussed the draft Fourth Amended and Restated District Facilities Rules and Regulations. The Board and Timberline are to send edits to Attorney Meintzer for discussion and approval at the next Board Meeting.

*Landscape Improvements / Re-Planting:* Attorney Meintzer noted that with the approval of the acceptance of tracts as discussed earlier in the meeting, the District could begin maintaining and considering plant and tree replacements. The Board directed Timberline to obtain estimates, and depending on costs, assess a phased approach.

*2023/2024 Snow Removal Services and 2023 Landscape Maintenance Services:* Following discussion, the Board directed Timberline to send out Request for Proposals for 2023/2024 Snow Removal Services and 2023 Landscape Maintenance Services.

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### COVENANT ENFORCEMENT / DESIGN REVIEW

**Community Manager's Report / Violation Report:** Ms. Flores summarized her report and the violation report.

**Update from Architectural Review Committee ("ARC"):** Ms. Flores summarized ARC matters, noting the ARC is efficiently working through design requests.

**Updated from Social Committee:** Ms. Burns and Mel presented the Social Committee report. There was significant discussion on several requested activities, including but not limited to, self-directed yoga and strength training at the HUB, childcare during social committee events at the HUB; hosting fundraising events for charitable organizations at the HUB; outdoor lighting at the HUB; bouncy castle rentals at the HUB; etc. A list of requested items was given to Timberline. Attorney Meintzer to do legal research on requested items and provide comments to the Board.

### OTHER BUSINESS

**Next Work Session:** The next work session is scheduled for Tuesday, August 22, 2023, at 6:00 p.m. via Zoom. The board would like the work session to be converted into a special meeting.

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

### 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 6:33 p.m. and adjourned at 7:06 p.m. on July 25, 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: July 25, 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 6:33 p.m. and adjourned at 7:06 p.m. on July 25, 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: July 25, 2025