

RECORD OF PROCEEDINGS

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
DENVER CONNECTION WEST
METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
MAY 26, 2023**

A regular meeting of the Board of Directors of the District (referred to hereafter as the “Board”) was convened on Tuesday, May 26, 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
Tina Woodard
Shawn Hampleton

Also In Attendance Were:

Suzanne Meintzer, Esq.; McGeady Becher P.C.
Jason Carroll; CliftonLarsonAllen LLP (“CLA”)
Jerry Jacobs and Shanda Flores; Timberline District Consulting, LLC (“Timberline”)

Public In Attendance Were:

Samantha Burns; Jodi F.; Brian L.; Tye Brown; Jawaid Bazayar; Alec West

**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 Hall, seconded by Director Hampleton, 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

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taxpaying electors within the District's boundaries.

Results of May 2, 2023 Regular Director Election: Attorney Meintzer noted that the May 2, 2023 Regular Director Election was cancelled, as there were not more candidates than seats available. Director Woodard was elected by acclamation to a 4-year term ending May 4, 2027. The filing of Director Woodard's Oath of Director with the required agencies was confirmed.

Vacancies on the Board: The Board discussed the two vacancies on the Board and directed Timberline to send out the Board Interest Questionnaire prior to the next meeting to determine if there is interest in filling the vacancies.

Appointment of Officers: Following discussion, upon a motion duly made by Director Hampleton, seconded by Director Woodard, and upon vote unanimously carried, the following slate of officers were appointed for the District:

President:	Jeff Hall
Treasurer:	Shawn Hampleton
Secretary:	Tina Woodard

Minutes: The Board reviewed the Minutes of the March 28, 2023 Regular Meeting and the April 25, 2023 Work Session. Following discussion, upon motion duly made by Director Hall, seconded by Director Hampleton, and upon vote unanimously carried, the Board approved the Minutes of the March 28, 2023 Regular Meeting and April 25, 2023 Work Session.

Town Hall Community Meetings: The Board discussed Town Hall Community Meetings and determined to revisit the need for another Town Hall Community Meeting in the fall.

PUBLIC COMMENTS

Brian L. requested that a copy of the Agenda be posted on Facebook. There was an inquiry regarding a belligerent neighbor and Ms. Flores responded that it was a police matter, not a District matter.

OPERATIONS AND MAINTENANCE

HUB and Pool Operations and Staffing:

Pool Opening Date, Responsibilities of HUB and Pool Staff, and Key Cards: The Board discussed repairs that needed to occur prior to opening, which means that the Pool will open on Monday, May 29, 2023, and pool hours will be 8:00 a.m. to 8:00 p.m. The pool will be staffed from 3:00 p.m. to 8:00 p.m. on Mondays through Fridays and 11:00 a.m. to 8:00 p.m. on weekends and holidays. Ms. Flores has

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scheduled key card distributions.

HUB Security Services: The Board deferred discussion of security services termination and/or engagement.

Discuss reservation software for the HUB: Timberline noted that the reservation software is ready once the new website is up.

HUB Cleaning Fee and Rental Procedures: Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board ratified approval of the HUB cleaning fee and rental procedures.

Change Order No. 1 to Service Agreement for Pool Maintenance Services: Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board approved Change Order No. 1 to Service Agreement for Pool Maintenance Services with Foothills Facilities Management, LLC for temporary pool staffing services.

Change Order No. 2 to Service Agreement for Pool Maintenance Services: Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board approved Change Order No. 2 to Service Agreement for Pool Maintenance Services with Foothills Facilities Management, LLC in the amount of \$5,040 for pool injector repairs.

CAPITAL IMPROVEMENT MATTERS

Erosion Control Documents: Attorney Meintzer explained the erosion control documents to the Board. Following discussion, the Board authorized Mr. Marrocco at Independent District Engineering Services, LLC to execute the necessary erosion control documents on behalf of the District.

LEGAL MATTERS

City and County of Denver Park (the "Park"):

Park Improvements; Intergovernmental Agreement Regarding Construction, Funding, Reimbursement and Acquisition of the Park with the City; Letter Agreement with William Lyon Homes, Inc. regarding the construction and installation of public improvements at the Park; and Limited Property Tax Supported Special Revenue Bonds, Series 2023: Attorney Meintzer noted that there are no updates on these matters and that District Counsel is awaiting a draft intergovernmental agreement from the City and County of Denver ("City").

District's Acquisition of Certain Property from William Lyon Homes, Inc.:

Satisfaction and Termination of Operation Funding and Capital Funding Agreements

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between the District and William Lyon Homes, Inc.; Special Warranty Deed from William Lyon Homes, Inc. for Lot 1, Block 9; Tracts B through H, inclusive; Tracts J through N, inclusive; Tracts P through AA, inclusive; and Tract CC, Denver Connection West – Filing No. 1, City and County of Denver, State of Colorado: Attorney Meintzer noted that there are no updates on these matters and that District Counsel is awaiting a draft intergovernmental agreement from the City.

EXECUTIVE SESSION: Pursuant to Sections 24-6-402(4)(b) and (e) of the Colorado Revised Statutes, upon motion duly made by Director Hall, seconded by Director Hampton, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session for the sole purpose of receiving legal advice from the Board's attorney related to the negotiation of the pool license with the City. Furthermore, pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of those portions of the executive session that, in the opinion of the Board's attorney, constitute 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 Hampton, the Board reconvened in regular session. The Board directed Timberline to renew/negotiate the pool license with the City and to work with District Counsel if needed.

FINANCIAL MATTERS

Financial Statements, Property Tax Reconciliation, and Schedule of Cash Position: Mr. Carroll presented to the Board the unaudited financial statements, dated March 31, 2023, property taxes reconciliation 2023, and the schedule of cash position for the period ending March 31, 2023, updated as of May 12, 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. Mr. Carroll asked the Board, and the Board agreed, to move Financial Matters to the beginning of the Agenda going forward. He also suggested that financials be prepared every month, but that CLA present them quarterly and the Board agreed.

Claims: Mr. Carroll reviewed the payment of claims with the Board. 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 March 31, 2023 through May 12, 2023, in the amount of \$114,060.07.

Petty Cash Reimbursements: Ms. Flores noted that Timberline would reimburse the social committee or Board members for petty cash items.

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May 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 Hampleton, seconded by Director Hall, and upon vote unanimously carried, the Board approved the May 2023 Advance Request from the District's Limited Tax (Convertible to Unlimited Tax) General Obligation Improvement Loan, Series 2022A-2 in the amount of \$11,312.50.

2022 Audit: Mr. Carroll stated that he believed the Audit would be ready for the July meeting and did not recommend approval of an extension at this time. The Board noted that the July meeting is before the Audit deadline such that an extension could be approved at the July meeting if so needed.

COVENANT ENFORCEMENT / DESIGN REVIEW

Community Manager's Report

Violation Report: Ms. Flores explained that there have not yet been a lot of violations, but she anticipates increased activity due to the growing season.

Architectural Review Committee ("ARC"):

ARC Update: The ARC is running smoothly and is turning around design requests within one week.

Social Committee: Ms. Burns reported there had been a neighborhood garage sale, and that Dumpster Days are scheduled for June 3rd and Taco Night for June 13th.

OTHER BUSINESS

Little Library: Following discussion, upon motion duly made by Director Hall, seconded by Director Hampleton, with Director Woodard voting nay, the Board approved the installation of a Little Library outside of the HUB for an amount not to exceed \$1,500, with Timberline assisting on the installation.

The Board noted there is a work session scheduled for June 27, 2023 and the next regular Board meeting is scheduled for July 25, 2023 at 6:00 p.m. via Zoom.

Director Hall requested / inquired about the following:

- Ms. Flores to update/check the emailing list.
- Timberline to ask landscape provider to check weeds and trash in the common areas.
- Location of the keys for the pet scoop receptacles.
- Determine if Work Sessions should be special meetings; Timberline to check with the Board Members two weeks prior to Work Sessions to determine if it should be a Special Meeting.

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- Coordination with HOA meetings on design review; Attorney Meintzer explained how open meetings laws may impact the number of District Board Members that could attend HOA meetings at the same time.
- Directors' Fees: Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board approved the payment of Directors' Fees, up to the statutory maximum per year and per meeting.

Director Hampleton commented on the following:

- The planters outside the HUB currently only have dirt; Timberline to obtain a quote from High Plains for plants.
- Graffiti in the District; Timberline to handle removal.

Director Woodard inquired about handicap parking/paint in the parking lot; Timberline to investigate.

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(4)(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 7:28 p.m. and adjourned at 8:22 p.m. on June 9, 2020 for the sole purpose of receiving from the Board's attorney, legal advice on specific legal questions related to the negotiation of the pool license with the City and County of Denver, as authorized by Section 24-6-402(4)(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, Attorney for the District

Dated:

May 26, 2023