

## 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  
NOVEMBER 28, 2023**

A regular meeting of the Board of Directors of the District (referred to hereafter as the “Board”) was convened on Tuesday, November 28, 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:**

Suzanne Meintzer, Esq.; McGeady Becher P.C.  
Jerry Jacobs and Shanda Flores; Timberline District Consulting, LLC (“Timberline”)  
Chase Hanusa; Independent District Engineering Services, Inc.  
Residents: Samantha Burns, Steve Wierenga, Dan P., Alec, Rachelle, Imogen,  
Genevieve, Nadia Tripp, Julian Franco, Tye Brown.

**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 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

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taxpaying electors within the District's boundaries.

**Minutes:** The Board reviewed the Minutes of the September 26, 2023 Regular Meeting, October 24, 2023 Special Meeting and October 25, 2023 Budget Work Session. Following discussion, upon motion duly made by Director Hampleton, seconded by Director Woodard, and upon vote unanimously carried, the Board approved the Minutes of the September 26, 2023 Regular Meeting, October 24, 2023 Special Meeting and October 25, 2023 Budget Work Session.

**Resolution No. 2023-11-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:** The Board discussed the business to be conducted in 2024 and Resolution No. 2023-11-01 Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

The Board determined to meet at 6:00 p.m. on January 23, March 26, May 28, July 23, September 24, and November 26, 2024, via Zoom.

Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board adopted Resolution No. 2023-11-01 Establishing Regular Meeting Dates, Time, and Location, and Designating Location for Posting of 24-Hour Notices. The Board further scheduled Work Sessions at 6:00 p.m. on February 27, April 23, June 25, August 27, October 22, and December 24, 2024, via Zoom.

**District Insurance Coverage:** The Board discussed insurance coverage.

**Cyber Security and increased Crime Coverage:** Mr. Jacobs discussed cyber security coverage and increased crime coverage with the Board.

**Insurance Committee:** Establishment of an Insurance Committee was not necessary.

**District Insurance and Special District Association (“SDA”) Membership:** The Board discussed renewal of District insurance and SDA Membership for 2024. Following discussion, upon motion duly made by Director Hall, seconded by Director Hampleton, and upon vote unanimously carried, the Board approved the renewal of District insurance, including increasing crime coverage to \$250,000, and SDA Membership for 2024.

There were no public comments.

### **PUBLIC COMMENTS**

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### FINANCIAL MATTERS

**Financial Statements and Schedule of Cash Deposits and Investments:** Mr. Jacobs reviewed the unaudited Financial Statements for the period ending September 30, 2023, and Schedule of Cash Deposits and Investments dated September 30, 2023, updated as of November 14, 2023. Following review and discussion, upon motion duly made by Director Hall, seconded by Director Hampton, and upon vote unanimously carried, the Board accepted the unaudited Financial Statements for the period ending September 30, 2023, and Schedule of Cash Deposits and Investments dated September 30, 2023, updated as of November 14, 2023.

**Claims:** The Board reviewed the claims list for the period of September 14, 2023 through November 14, 2023. Following discussion, upon motion duly made by Director Hampton, seconded by Director Hall, and upon vote unanimously carried, the Board ratified approval of the payment of claims for the period of September 14, 2023 through November 14, 2023, in the amount of \$155,985.09.

**November 2023 Advance Request and Project Fund Requisition 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 Hampton, seconded by Director Hall, and upon vote unanimously carried, the Board approved the November 2023 Advance Request in the amount of \$11,434.05.

**2023 Budget Amendment Hearing:** The President opened the public hearing to consider the Resolution to Amend the 2023 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received, and the public hearing was closed.

The Board noted that an amendment to the 2023 Budget was needed. Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board adopted Resolution No. 2023-11-02 to Amend the 2023 Budget.

**2024 Budget Hearing:** The President opened the public hearing to consider the proposed 2024 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption

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of the 2024 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing.

The Board discussed the 2024 Budget.

Following discussion, the Board considered the adoption of the Resolutions to Adopt the 2024 Budget and Appropriate Sums of Money and Set Mill Levies.

Attorney Meintzer noted that the impact of Senate Bill 23B-001 would likely be a decrease in assessed valuation, and that the mill levies would therefore need to be increased to generate the same amount of revenue.

The Board determined to impose the mill levy necessary to generate approximately \$1,079,000 in the General Fund, and the mill levy necessary to pay Debt Service Fund expenditures and leave a remaining balance of approximately \$729,000 in the Debt Service Fund.

Upon motion duly made by Director Hall, seconded by Director Hampleton, and upon vote unanimously carried, Resolution No. 2023-11-03 to Adopt 2024 Budget and Appropriate Sums of Money and Resolution No. 2023-11-04 to Set Mill Levies were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County and statutory and legislative changes. The District Accountant was authorized to transmit the Certification of Mill Levies to the City and County of Denver Assessor, not later than January 10, 2024. District Counsel was authorized to transmit the Certification of Budget to the Division of Local Government not later than January 31, 2024

**Resolution Authorizing Adjustment of the Maximum Debt Mill Levy in Accordance with the Service Plan:** The Board reviewed Resolution No. 2023-11-05, Resolution Authorizing Adjustment of the Maximum Debt Mill Levy in Accordance with the Service Plan. Following discussion, upon motion duly made by Director Hampleton, seconded by Director Hall, and upon vote unanimously carried, the Board adopted Resolution No. 2022-11-06, Resolution Authorizing Adjustment of the Maximum Debt Mill Levy in Accordance with the Service Plan, subject to revisions to account for the final assessed valuation and statutory and legislative changes.

**Resolution Authorizing Imposition of a Modified Operations Mill Levy in Accordance with the Service Plan:** The Board reviewed Resolution No. 2022-11-07 Authorizing Imposition of a Modified Operations Mill Levy in Accordance with the Service Plan. Following discussion, upon motion duly made by Director Hampleton,

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seconded by Director Hall, and upon vote unanimously carried, the Board adopted Resolution No. 2022-11-07, Resolution Authorizing Imposition of a Modified Operations Mill Levy in Accordance with the Service Plan, subject to revisions to account for the final assessed valuation and statutory and legislative changes.

**DLG-70 Mill Levy Certification Form (“Certification”)**: Following discussion, upon motion made by Director Hall, seconded by Director Hampleton, and upon vote unanimously carried, the Board authorized the District Accountant to prepare and sign the Certification, and directed the District Accountant to file the Certification with the Board of County Commissioners and other interested parties.

**Master Services Agreement and Statement of Work with CLA and Preparation of 2025 Budget**: The Board deferred discussion.

**2023 Audit**: The Board discussed the engagement of Dazzio & Associates, P.C. to perform the 2023 Audit. Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board approved the engagement of Dazzio & Associates, P.C. to perform the 2023 Audit, in an amount not to exceed \$5,600.

### **LEGAL MATTERS**

**Status of District’s Acquisition of Certain Property from William Lyon Homes, Inc.**: Attorney Meintzer summarized the tract acquisition from William Lyon Homes, noting all tracts except those already conveyed to the townhome HOA and except Tract A had been conveyed to the District. Attorney Meintzer noted that William Lyon Homes had advanced the \$100,000 for the plat amendment and was ready to advance the remaining balance and recommended that the deed for Tract A not be recorded until the funds are received, and the Board agreed.

**Limited Property Tax Supported Special Revenue Bonds**: Attorney Meintzer reported that some progress had been made with the City and County of Denver (“City”) in relation to the deed for Tract A and noted that approval of the Intergovernmental Agreement with the City needed to go through two (2) readings at City Council, which is anticipated in early 2024, with the bonds closing thereafter, and in turn, the District was hopeful to see construction on the park commence sometime in 2024.

**Task Order No. 3 under the Master Service Agreement for Design Services with Norris Design, Inc.**: Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board approved Task Order No. 3 under the Master Service Agreement for Design Services with Norris Design, Inc. in the amount of \$6,000.

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**District Transparency Notice:** Attorney Meintzer discussed the Transparency Notice required under the statute and noted that the 2024 Transparency Notice will be posted on the SDA website and the District website.

**Resolution No. 2023-11-07 Amending Policy on Colorado Open Records Act Requests (“CORA”):** Attorney Meintzer explained the amendments to the CORA policy. Following discussion, upon motion duly made by Director Hampleton, seconded by Director Hall, and upon vote unanimously carried, the Board adopted Resolution No. 2023-11-07 Amending Policy on CORA.

### **OPERATIONS AND MAINTENANCE**

#### **HUB and Pool Matters:**

*HUB and Pool Staffing:* Ms. Flores reported that Sherry from Timberline had been maintaining the same hours as she had worked in the summer and doing weekly walks in the community. Given the time change and seasonal shift, the Board directed Timberline to prepare a proposal for Sherry to establish working hours in the HUB when the community could come in and ask questions.

*Fourth Amended and Restated District Facilities Rules and Regulations:* The Board deferred approval of the Fourth Amended and Restated District Facilities Rules and Regulations at this time. The Board directed District Counsel to include this item on the next meeting agenda for consideration.

*Security services at the HUB and pool and proposals from ETG Systems, Inc. and United States Protective Service LLC:* The Board deferred action on the United States Protective Services LLC proposals until a map showing where their work was wanted/needed could be created by Timberline. The Board directed District Counsel include on the next meeting agenda for consideration.

The Board discussed and had questions on unhoused persons using the canal and how to handle. Ms. Flores told them to report to her and she would report to the Denver Police Department. There was significant discussion on what the District could do to restrict access and how the Denver camping ban related to same. Attorney Meintzer to research and provide a report back to the Board and Timberline.

*Change Order No. 5 to the Master Service Agreement for Design Services between the District and ETG Systems, Inc. (“ETG”):* Following review and discussion, the Board approved Change Order No. 5 to the Service Agreement for Design Services between the District and ETG in the amount of \$2,492.34.

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Responses to Request for Proposals for 2024 Landscape Maintenance Services and Warranty Replantings: Timberline presented their chart comparing landscape proposals from five (5) different companies and the Board discussed at length. The Board directed Timberline to obtain more specifics on landscape replacement, tree replacement and snow removal from three (3) of the companies, and report at the January meeting.

### **COVENANT ENFORCEMENT / DESIGN REVIEW**

**Community Manager's Report / Violation Report**: Ms. Flores summarized her report and the violation report, noting that nearly 45% of the community had violations.

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

Update from Social Committee: Ms. Burns reported that that holiday lights contest was scheduled for December 10, 2023, and that a cookies and cocoa and carriage ride event was scheduled for December 9, 2023. For 2024, there are 10 events planned, including yard sales, dumpster days, paint and sip, etc. She noted no events were anticipated in the months of January, July or November.

### **OTHER BUSINESS**

**Service Plan Annual Meeting**: The Board acknowledged this meeting as the Annual Meeting required under the Service Plan and confirmed publication of notice same.

**Next Work Session**: The Board acknowledged the next work session is scheduled for Tuesday, December 26, 2023, at 6:00 p.m., via Zoom and the Board cancelled this work session.

**Next Regular Meeting**: The Board acknowledged the next regular Board meeting is scheduled for Tuesday, January 23, 2024, at 6:00 p.m. via Zoom., set this at the 2024 annual meeting required under the Service Plan and directed District Counsel public the required notice, and confirmed quorum for same.

### **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,

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By *Tina Woodard*  
Secretary for the Meeting