

RECORD OF PROCEEDINGS

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

A regular meeting of the Board of Directors of the District (referred to hereafter as the “Board”) was convened on Tuesday, September 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, 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”)
Jason Carroll; CliftonLarsonAllen LLP (“CLA”) (for a portion of the meeting)
Residents: Samantha Burns, Jamila Bryant, Tye Brown, Mel Cagle, Derita, Brenda Melger, individual with phone number ending in 2309.

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, 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

RECORD OF PROCEEDINGS

taxpaying electors within the District's boundaries.

Minutes: The Board reviewed the Minutes of the August 22, 2023 Special Meeting, and the September 5, 2023 and September 12, 2023 Work Sessions. 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 August 22, 2023 Special Meeting and the September 5, 2023 and September 12, 2023 Work Sessions.

PUBLIC COMMENTS

There were no public comments.

FINANCIAL MATTERS

Financial Statements and Schedule of Cash Deposits and Investments: Mr. Carroll presented, and the Board reviewed the unaudited Financial Statements for the period ending July 31, 2023, and Schedule of Cash Deposits and Investments dated July 31, 2023, updated as of September 11, 2023. Following review and discussion, upon motion duly made by Director Hambleton, seconded by Director Hall, and upon vote unanimously carried, the Board accepted the unaudited Financial Statements for the period ending July 31, 2023, and Schedule of Cash Deposits and Investments dated July 31, 2023, updated as of September 11, 2023.

Director Hall inquired about the District's ability to pay additional expenses for HUB/Community staffing for 2024. Mr. Carroll indicated he believed it was viable for the District to pay these additional expenses and it could be discussed in further detail at the 2024 budget work session.

Claims: The Board reviewed the claims list for the period of July 18, 2023 through September 14, 2023. Following discussion, upon motion duly made by Director Hambleton, seconded by Director Hall, and upon vote unanimously carried, the Board ratified approval of the payment of claims for the period of July 18, 2023 through September 14, 2023, in the amount of \$218,441.52.

September 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 Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board approved the September 2023 Advance Request in the amount of \$15,468. It was noted that Ms. Primachenko would handle the preparation of the Advance Requests and Project Fund Requisitions moving forward.

LEGAL MATTERS

EXECUTIVE SESSION: Receive legal advice pursuant to Sections 24-6-

RECORD OF PROCEEDINGS

402(4)(a)(b) and (e), Colorado Revised Statutes (“C.R.S.”), to receive legal advice related to negotiations regarding property acquisition matters. The Board determined this was not needed.

Status of District’s Acquisition of Certain Property from William Lyon Homes, Inc.: Attorney Meintzer summarized the status of the Letter Agreement with Taylor Morrison, noting that the Board previously approved it, and that legal counsel is working on getting the documents executed.

Task Order No. 2 under the Master Service Agreement for Design Services with Harris Kocher Engineering Group, Inc., d/b/a Harris Kocher Smith: Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board approved Task Order No. 2 under the Master Service Agreement for Design Services with Harris Kocher Engineering Group, Inc., d/b/a Harris Kocher Smith for plat amendment services.

Limited Property Tax Supported Special Revenue Bonds, Series 2023: Attorney Meintzer reported that the bonds are on hold until agreement on the Intergovernmental Agreement with the City and County of Denver (“City”) is obtained, and noted that some progress has been made with the City.

New legislation and Annual Meeting / Town Hall requirement: Attorney Meintzer summarized the new legislation regarding the Annual Meeting and noted that the Service Plan also requires an annual meeting, but that the information for each differs. The Board decided to have the statutory annual meeting/town hall at 5:30 p.m. on Tuesday, November 28, 2023, prior to the 6:00 p.m. Board Meeting / 2024 Budget Hearing.

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. Following discussion, upon motion duly made by Director Hall, seconded by Director Hampton, and upon vote unanimously carried, the Board approved the additional scope of work from Timberline, and authorized 20 hours per week at \$55/hr. for HUB/Community staffing.

Security services at the HUB and pool and proposals from ETG Systems, Inc. and United States Protective Service LLC: The Board deferred action.

EXECUTIVE SESSION: Pursuant to Sections 24-6-402(4)(b) and (e), C.R.S., upon

RECORD OF PROCEEDINGS

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 6:45 p.m. for the sole purpose of receiving legal advice from the Board's attorney related to the facilities rules and regulations and potential social activities, as authorized by Sections 24-6-402(4)(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 Woodard, seconded by Director Hampleton, the Board reconvened in regular session at 7:38 p.m.

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 include on the next meeting agenda for consideration.

Updated from Social Committee: Following discussion, upon motion duly made by Director Hall, seconded by Director Woodard, and upon vote unanimously carried, the Board recognized the appointment of Samantha Burns and Mel Cagle as co-chairs of the Social Committee.

Director Hall noted that childcare services were too much of a liability risk for the District, so would not be provided, and that waivers would be required for most other events, including "jumpy castles" and exercise events.

There was extensive discussion on various Social Committee items. Ms. Burns and Ms. Cagle noted that expenses have gone up for food options for Taco Night and asked about additional funding for social events. The Board directed the Social Committee to update their proposals for 2024 events in time for the Budget work session on October 24, 2023.

The Board directed District Counsel and Timberline to determine if there are sample Bylaws for the Social Committee that could be used for this committee.

Change Order No. 5 to the Service Agreement for Landscape Maintenance Services between the District and Landtech Contractors, LLC ("Landtech"): Following review and discussion, the Board approved Change Order No. 5 to the Service Agreement for Landscape Maintenance Services between the District and Landtech for irrigation backflow installation.

RECORD OF PROCEEDINGS

Change Order No. 3 to the Service Agreement for Snow Removal Services between the District and Landtech: Following review and discussion, the Board approved Change Order No. 3 to the Service Agreement for Snow Removal Services between the District and Landtech for 2023-2024 snow removal services.

Process for engaging landscape providers and relation to warranty period for landscape improvements and re-plantings: Ms. Flores noted that the warranty landscape and re-planting items were ready for Request for Proposals (“RFP”) for services. The Board directed Timberline to provide the Board with the updated RFPs for these items.

2024 Landscape Maintenance Services: The Board directed Timberline to provide the Board with updated RFPs for 2024 landscaping services.

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, and are turning around requests in approximately two (2) weeks.

OTHER BUSINESS

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

Next Regular Meeting: The Board acknowledged the next regular Board meeting is scheduled for Tuesday, November 28, 2023, at 6:00 p.m. via Zoom., and directed publication of notice of this meeting be made pursuant to the Service Plan.

Ms. Burns requested that the Board Meetings be returned to in-person at the HUB. The Board will continue to meet via Zoom.

Director Hambleton asked questions regarding the City’s homeless program (as relevant to certain campers in or new the District) and Ms. Flores responded to 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,

RECORD OF PROCEEDINGS

By *Tina Woodard*
Secretary for the Meeting


RECORD OF PROCEEDINGS

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 6:45 p.m. and adjourned at 7:38 p.m. on September 26, 2023 for the sole purpose of receiving from the Board's attorney, legal advice related to the facilities rules and regulations and potential social activities, 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:

September 26, 2023