

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
WESTOWN METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
NOVEMBER 15, 2023

A Regular Meeting of the Board of Directors of the Westown Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, November 15, 2023, at 6:00 p.m. This District Board Meeting was held via Zoom videoconference. The meeting was open to the public via Zoom.

ATTENDANCE

Directors In Attendance Were:

Cindy Baldwin, President
William (“Bill”) Whitney, Treasurer
Pamela (“Pam”) Benigno; Assistant Secretary

Also, In Attendance Were:

Suzanne Meintzer, Esq. and Lisa A. Jacoby; McGeady Becher P.C.
Jerry Jacobs, Brittany Barnett and Corey Pilato; Timberline District Consulting, LLC (“Timberline”)
Cathy Hamilton; Simmons & Wheeler, P.C.
Richard Caudell; Resident and Landscape Committee Representative
Breann Bellio; Resident (for a portion of the meeting)
Bruce and ReaAnn Nelson; Residents
Ryan Anderson and Robbie George; Xfinity/Comcast Representatives (for a portion of the meeting)

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND QUORUM

Ms. Jacoby noted a quorum was present. The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State.

Ms. Jacoby requested members of the Board disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. No potential conflicts of interest were disclosed and it was noted that all Directors are residents of the District.

ADMINISTRATIVE MATTERS

Agenda: The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Benigno, seconded by Director Baldwin, and upon vote unanimously carried, the Board approved the Agenda.

Meeting Location/Posting Notice: The Board entered into discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District’s Board meeting.

Following discussion, and upon motion duly made by Director Benigno, seconded by Director Baldwin, and upon vote unanimously carried, the Board determined to conduct this meeting via Zoom videoconference and encouraged public participation via Zoom. The Board noted that notice of this meeting and Zoom meeting information was duly posted and the Board had not received any objections to the Zoom meeting or any requests that the meeting be changed by taxpaying electors within the District's boundaries.

Xfinity Communities Service Agreement: Representatives from Xfinity/Comcast made presentation regarding plans to install infrastructure for the community to accommodate Xfinity/Comcast services, at no cost to the District.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Whitney, and upon vote unanimously carried, the Board authorized staff to work with Xfinity/Comcast representatives on easement/ownership matters.

Representatives from Xfinity/Comcast left the meeting following their presentation.

Vacancies on the Board of Directors: The Board, having not received any Candidate Questionnaires, determined that there were no qualified candidates at this time.

Public Comment: None.

August 16, 2023 Regular Meeting Minutes: The Board reviewed the Minutes of the August 16, 2023 Regular Meeting. Following review, upon motion duly made by Director Baldwin, seconded by Director Whitney, and upon vote carried with Directors Baldwin and Whitney voting yes, with Director Benigno voting no, the Minutes were approved.

Resolution No. 2023-11-01; 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.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Benigno, and upon vote unanimously carried, the Board adopted Resolution No. 2023-11-01; Resolution Establishing Regular Meeting Dates, Time and Location and Designating Location for Posting of 24-Hour Notices. The Board determined to hold 2024 meetings on February 21, May 15, August 21 and November 20, 2024, at 6:00 p.m., by virtual/electronic means. Meeting notices are to be posted on the District website and at the community pool by Timberline staff.

2024 Insurance: Ms. Jacoby and Attorney Meintzer discussed the status of the District’s insurance and presented information related to Cyber Security and Crime coverage.

Following discussion, upon motion duly made by Director Benigno, seconded by Director Whitney, and upon vote unanimously carried, the Board approved additional crime coverage (increasing the crime coverage limit to \$250,000) for an annual premium of approximately \$800.00; and, authorized renewal of the District’s insurance and Special District Association membership for 2024. No Insurance Committee was established.

Section 32-1-809, C.R.S. Requirements (“Transparency Notice”): Following discussion, upon motion duly made by Director Baldwin, seconded by Director Whitney, and upon vote unanimously carried, the Board directed staff to post the Transparency Notice on the Special District Association website and the District’s website: <https://westownmd.colorado.gov/>.

Timberline Website Matters: Mr. Jacobs reported that classifying certain invoices causing the website line item (in the financials) to be overstated, has now been corrected.

FINANCIAL MATTERS

Claims: Ms. Hamilton reviewed with the Board the payment of claims for the period ending November 8, 2023, totaling \$147,607.92.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Benigno, and upon vote unanimously carried, the Board ratified and or approved, as appropriate, the payment of claims for the period ending November 8, 2023, totaling \$147,607.92.

Unaudited Financial Statement: Ms. Hamilton reviewed with the Board the unaudited financial statements for the period ending September 30, 2023.

Following discussion, upon motion duly made by Director Benigno, seconded by Director Baldwin, and upon vote unanimously carried, the Board accepted the unaudited financial statements for the period ending September 30, 2023.

2023 Budget Amendment Hearing: The Board opened the public hearing to consider amending the 2023 Budget.

It was noted that a Notice stating that the Board would consider amending the 2023 Budget, together with the date, time and place of the public hearing was published in a newspaper having general circulation within the District, in accordance with statutory requirements. No written objections were received prior to the public hearing. No public comments were received, and the public hearing was closed.

It was determined that a 2023 Budget Amendment was not necessary.

2024 Budget Hearing: The Board opened the public hearing to consider the proposed 2024 Budget and discuss related issues. It was noted that Notice stating that the Board would consider adoption of the 2024 Budget and the date, time and place of the public hearing was published in a newspaper having general circulation within the District in accordance with statutory requirements. No written objections were received prior to the public hearing. No public comments were received, and the public hearing was closed.

The Board reviewed the estimated 2023 expenditures and the proposed 2024 expenditures.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Whitney, and upon vote unanimously carried, the Board approved the 2024 Budget with revisions as discussed, and considered adoption of Resolution No. 2023-11-02; Resolution Adopting the 2024 Budget and Appropriating Sums of Money and Resolution No. 2023-11-03; Resolution Setting Mill Levies (53.648 mills for the General Fund and 36.352 mills for the Debt Service Fund, for a total mill levy of 90.000 mills).

Following discussion, upon vote unanimously carried, the Board adopted the Resolutions and authorized execution of the Certification of Budget. District Counsel was directed to transmit the Certification of Tax Levies to the Board of County Commissioners. District Counsel was also directed to transmit the Certification of Budget to the Division of Local Government.

DLG-70 Mill Levy Certification Form: Following discussion, upon motion duly made by Director Benigno, seconded by Director Whitney, and upon vote unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification Form for certification to the Board of County Commissioners and other interested parties.

2023 Audit: Following discussion, the Board directed the District Accountant to obtain proposals from potential auditors. and authorized Director Baldwin to execute the engagement letter for performance of the 2023 Audit.

2025 Budget Preparation: Following discussion, upon motion duly made by Director Benigno, seconded by Director Baldwin, and upon vote unanimously carried, the Board appointed the District Accountant to prepare the 2025 Budget.

**COMMUNITY
MANAGEMENT /
COVENANT
ENFORCEMENT
MATTERS**

Committee Matters:

Landscape Committee Report: Ms. Barnett and Committee Member, Richard Caudell, reviewed the Committee List of Priorities with the Board. Following lengthy discussion, it was determined to prioritize the list in the spring, subject to budget allowances.

Committee Rules and Regulations: No amendments were identified at this time. Ms. Pilato was instructed to provide the current Committee Rules and Regulations to the Board for review and comment (if any).

Dangerous Ice Conditions Signage: It was noted that this project has been completed.

Landscape Maintenance Matters: This item was discussed above, in the Landscape Committee Report.

DACS Corp. Change Order No. 3: Following discussion, upon motion duly made by Director Baldwin, seconded by Director Whitney, and upon vote unanimously carried, the Board approved Change Order No. 3 to DACS Corp. Concrete Contract, for the removal and replacement of concrete ADA ramps at 15385 W. 64th Ave., for an amount of \$4,895.00.

Covenant Violation / Delinquent Accounts: The Board reviewed the Covenant Violation and Delinquent Accounts reports. No action was necessary.

Insurance Claim Against Driver Related to Monument Sign and Tree Damage: Ms. Pilato informed the Board that all receipts have been submitted to the driver's insurance company, and that the driver's insurance company stated that a check for reimbursement to the District had been mailed.

LEGAL MATTERS

Resolution Amending Policy on Colorado Open Records Act Requests: Following discussion, upon motion duly made by Director Benigno, seconded by Director Baldwin, and upon vote unanimously carried, the Board adopted Resolution No. 2023-11-04; Resolution Amending Policy on Colorado Open Records Act Requests.

Request for Installation of Bollard(s) at Townhome(s): The Board discussed the request from a property owner to install an additional bollard near the property owner's unit based on the property owner's belief that the area presented a safety risk.

Attorney Meintzer explained various legal matters related to the request, including, that while the District owns the alleyway, the area in which the property owner requested the installation was within a public utility easement and that additional legal work to clearly delineate the property rights within the area was anticipated to be expensive; that the District understood that the City approved the installation of the existing bollards and gas lines; and that the District does not have authority to install or maintain dry utilities. For these reasons, it was not clear that the District had authority to approve the property owner's request.

Additionally, Timberline staff explained that the cost to correctly excavate and install an additional bollard was anticipated to be significant, given the proximity to existing utility lines, and that this cost is not contemplated in the District's budget.

Following discussion, the Board noted that the existing bollard was performing as designed, and that the District would be unable to authorize the installation of a new bollard. The Board directed Attorney Meintzer to respond to the property owner with the Board's decision.

OTHER BUSINESS

Director Comments: Director Baldwin thanked everyone for their continued hard work and Director Benigno noted she was glad to be a Member of the Board.

ADJOURNMENT

There being no further business to come before the Board at this time, upon vote unanimously carried, the Board adjourned at 8:15 p.m.

Respectfully submitted,

By *Lisa Jacoby*
Secretary for the Meeting