

WESTOWN METROPOLITAN DISTRICT

P.O. Box 351929
3051 W. 105th Avenue
Westminster, Colorado 80031
Tel: 303-359-9330

<http://Westownmd.Colorado.gov/>

SPECIAL MEETING AGENDA AND NOTICE

| <u>Board of Directors</u> | <u>Office</u> | <u>Term Expires</u> |
|---------------------------|---------------|---------------------|
| Cindy Baldwin | President | May 2023 |
| Barbara Greene | Treasurer | May 2023 |
| VACANCY | | May 2023 |
| VACANCY | | May 2025 |
| VACANCY | | May 2025 |
| Lisa A. Jacoby | Secretary | Non-elected |

DATE: Wednesday, December 7, 2022

TIME: 6:00 p.m.

LOCATION: VIA ZOOM

You can attend the meeting in any of the following ways:

1. To attend via Zoom Videoconference, use the following link:

<https://us02web.zoom.us/j/82535663123?pwd=cTFOeDBYVvY84Qk1OTnQ4L1RPbkRHQT09>

2. To attend via telephone, dial 1-346-248-7799 and enter the following additional information:

Meeting ID: 825 3566 3123

Passcode: 729726

I. ADMINISTRATIVE MATTERS

A. Confirm quorum. Present disclosures of potential conflicts of interest.

B. Approve agenda, confirm location of meeting and posting of meeting notices.

C. Discuss status of candidate questionnaires to serve on the Board of Directors.

- D. Public Comment - Members of the public may express their views to the Board on matters that affect the District that are otherwise not on the agenda. Comments will be limited to three (3) minutes per person.
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- E. Review and consider approval of Minutes from the August 17, 2022 Regular Board meeting (enclosure).
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- F. Discuss business to be conducted in 2023 and location (virtual and/or physical) of meetings. Schedule Regular meeting dates and consider adoption of a Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Posting Location for 24-hour Notices (enclosure).
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- G. Discuss and authorize renewal of District’s insurance and Special District Association (“SDA”) membership for 2023.
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- H. Discuss requirements of Section 32-1-809, C.R.S. (District Transparency Notice) and direct staff regarding compliance for 2023 [post on SDA and District websites].
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II. CONVERSION OF SERIES 2020 NOTE TO TAX-EXEMPT STATUS

- A. Acknowledge reissuance or conversion of Westtown Metropolitan District Promissory Note, Series 2020, in the aggregate principal amount of \$6,700,000 (the “Convertible Note” or the “Refunded Note”), evidencing a loan between the District and BBVA Mortgage Corporation, as lender (the “Lender”), to a note bearing Tax-Exempt Interest (as reissued, the “Note”) in the aggregate principal amount of \$6,619,000.
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- 1. Acknowledge the Note and the Federal Tax Exemption Certificate related to the Note.
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2. Discuss and consider approval of Final Yield Reduction Payment and authorize necessary actions in connection therewith.
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III. COMMUNITY MANAGEMENT / COVENANT ENFORCEMENT MATTERS

A. Discuss Committee Matters.

1. Acknowledge appointment of Jerry Lanier to the Social Committee and Landscape Committee (enclosure).
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- i. Social Committee (including Pool): Consider Committee Rules for the Social Committee.
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- ii. Landscape Committee: Consider Committee Rules for the Landscape Committee.
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B. Discuss snow removal matters.

1. Discuss Keesen Landscape Management, Inc.’s (“Keesen”) performance under the Service Agreements for Snow Removal Services (the “Keesen Snow Removal Contract”).
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2. Discuss status and timing for the Request for Proposals (“RFP”) process for snow removal services for 2023/2024 season.
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3. Discuss recommendations related to the Cost Sharing and Reimbursement Agreement between the District and Westtown Condominium Association, Inc. (the “HOA”).

C. Discuss landscape maintenance matters.

- i. Discuss Keesen’s performance under the Service Agreement for Landscape Maintenance Services (the “Keesen Landscape Contract”).

- ii. Discuss status and timing for RFP process for landscape maintenance services for 2023.

- iii. Review and consider approval of Change Order No. 3 to the Keesen Landscape Contract for 2023 Dog Station Services, in the amount of \$4,032.06 (enclosure).

- iv. Review and consider approval of Change Order No. 4 to Service Agreement for Landscape Maintenance Services between the District and Keesen for Winter Watering (enclosure).

D. Discuss trash and recycling services. Consider Change Order to extend term of Agreement through 2023.

E. Discuss District services for 2023 and consider approval of necessary service agreements for related services.

- F. Review and consider approval of Service Agreement for Installation of Access Control and Camera System / Video Hosting and Access Hosting Services between the District and ProSec Integration, LLC (enclosure).
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- G. Discuss matters related to FrontSteps services (email blasts, online payment service and other).
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IV. FINANCIAL MATTERS

- A. Review and consider ratification and/or approval of payment of claims (enclosure).
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- B. Review and consider acceptance of September 30, 2022 Unaudited Financial Statements and Statement of Cash Position (enclosure).
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- C. Conduct Public Hearing to consider Amendment to 2022 Budget and consider adoption of Resolution to Amend the 2022 Budget and appropriate expenditures, if necessary.
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- D. Conduct Public Hearing on the proposed 2023 Budget and consider adoption of Resolution to Adopt the 2023 Budget and Appropriate Sums of Money and Resolution to Set Mill Levies (enclosures – preliminary assessed valuation, draft 2023 Budget and Resolutions).
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- E. Discuss and consider adoption of Resolution Authorizing Adjustment of the District Mill Levy in Accordance with Service Plan, if necessary.
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- F. Authorize District Accountant to prepare and sign the DLG-70 Certification of Tax Levies form (“Certification”), and direct District Accountant to file the Certification with the Board of County Commissioners and other interested parties.
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- G. Discuss and consider engagement of Crady, Puca & Associates to perform the 2022 Audit for an amount of \$_____.
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V. LEGAL MATTERS

- A. Discuss May 2, 2023, Regular Director Election and consider adoption of Resolution Calling May 2, 2023 Election for Directors, appointing Designated Election official (“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election. Self-Nomination Forms are due by February 24, 2023 (enclosure).
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- B. Discuss status of lawsuit captioned as: Amanda Summers v. Westtown Metropolitan District, Case No. 2020cv31387, District Court, Jefferson County, Colorado (the “Summers Lawsuit”).
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- i. Convene in executive session pursuant to Sections 24-6-402(4)(b), C.R.S. to receive legal advice related to the Summers Lawsuit (if necessary).
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- C. Convene in executive session pursuant to Sections 24-6-402(4)(b) and (e), C.R.S. to receive legal advice regarding negotiations related to the Cost Sharing and Reimbursement Agreement between the District and the HOA (if necessary).
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- D. Discuss and consider referral of delinquent accounts of over \$120.00 to Covenant Enforcement Counsel for collections (enclosures).
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- i. Convene in executive session pursuant to Sections 24-6-402(4)(b), C.R.S. to receive legal advice regarding process for collections (if necessary).
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VI. OTHER BUSINESS

- A. Director Comments.
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VII. ADJOURNMENT – There are no more regular meetings scheduled for 2022