

# RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
LAKE OF THE ROCKIES METROPOLITAN DISTRICT  
(THE “**DISTRICT**”)  
HELD  
NOVEMBER 14, 2023

A regular meeting of the Board of Directors of the Lake of the Rockies Metropolitan District (referred to hereafter as the “**Board**”) was convened on Tuesday, November 14, 2023, at 6:00 p.m. This District Board meeting was held at the Tri-Lakes Chamber of Commerce, 166 2<sup>nd</sup> Street, Monument, Colorado 80132 and via Microsoft Teams. The meeting was open to the public.

## ATTENDANCE

### Directors In Attendance Were:

Eddie Jones, President  
Dale Huffman, Treasurer  
Ryan Willams, Assistant Secretary

The absence of Directors Mayer and Adams were excused.

### Also, In Attendance Were:

Krista Baptist, Korben Heim and Seef Le Roux; CliftonLarsonAllen LLP  
 (“CLA”)  
Suzanne Meintzer, Esq.; McGeady Becher P.C.  
Dave Watts; Member of the Public

## ADMINISTRATIVE MATTERS

**Disclosures of Potential Conflicts of Interest:** Director Jones called the meeting to order at 6:01 p.m.

The Board 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, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. It was noted by Attorney Meintzer that disclosures of potential conflicts of interest were filed with the Secretary of State for all Directors, and no additional conflicts were disclosed at the meeting.

**Quorum, Location of Meeting and Posting of Meeting Notices, Agenda:** A quorum of the Board was confirmed. Upon a motion duly made by Director Jones, seconded by Director Hoffman and, upon vote, unanimously carried, the board excused the absence of Directors Mayer and Adams. The Board discussed

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the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board noted that notice of this meeting and conference call information was duly posted and the Board had not received any objections to the location or to the video/telephonic format or any requests that the meeting be changed by taxpaying electors within the District's boundaries.

Following discussion, upon motion duly made by Director Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board approved the agenda, as presented.

**Public Comment:** Dave Wells inquired on the Covenants and Restrictions amendment and enforcement. Ms. Baptist and Mr. Heim noted the amendment was adopted, enforcement is continuing and is being coordinated with legal as necessary.

**Minutes from the June 13, 2021 regular Board meeting, September 7, 2023 special Board meeting and September 14, 2023 special Board meeting:** Following review, upon a motion duly made by Director Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board approved the minutes from the June 13, 2023 regular Board meeting, September 7, 2023 special Board meeting, and September 14, 2023 special Board meeting, as presented.

**Resolution Establishing Regular Meeting Dates, Time, and Location and Location for Posting of 24-Hour Notices:** Following discussion, upon a motion duly made by Director Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board adopted the Resolution Establishing Regular Meeting Dates, Time and Location and Location for Posting of 24-Hour Notices.

**Section 32-1-809, C.R.C. and Compliance for 2023 (District Transparency Notice):** Attorney Meintzer reviewed the requirements of Section 32-1-808, C.R.S with the Board. Upon a motion duly made by Director Huffman, seconded by Director Jones and, upon vote, unanimously carried, the Board directed staff regarding compliance for 2024 (District Transparency Notice).

**Renewal of District's Insurance and Special District Association Membership for 2023. Documents Needed to Obtain or Maintain Insurance Coverage through the Colorado Special Districts Property and Liability Pool and T. Charles Wilson Risk Management and Membership in the Special District Association:**

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### **Cyber Security and Increased Crime Coverage:**

#### **Insurance Committee:**

Attorney Meintzer recommended the increased crime coverage. Following discussion, upon a motion duly made by Director Huffman, seconded by Director Jones and, upon vote, unanimously carried, the Board approved the 2024 insurance renewal, with increased crime coverage, and authorized renewing the SDA membership for 2024.

### **FINANCIAL MATTERS**

**Unaudited Financial Statements and Cash Position Report as of September 30, 2023:** Mr. Le Roux reviewed the Unaudited Financial Statements and Cash Position Report as of September 30, 2023 with the Board. Following review, upon motion duly made by Director Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board accepted the September 30, 2023 Unaudited Financial Statements and Cash Position Report, as presented.

**Previous Claims and Current Claims:** Mr. Le Roux reviewed the previous and current claims with the Board. Discussion ensued regarding accounting and management costs. Following review and discussion, upon motion duly made by Director Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board ratified approval of the previous claims and approved the current claims, as presented.

**Public Hearing to Consider Amendment of the 2023 Budget. Resolution to Amend the 2023 Budget:** Upon a motion duly made by Director Jones, the Board opened the public hearing at 6:35 p.m.

It was noted that publication of Notice stating that the Board would consider the amendment of 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 the public hearing.

No public comments were received and the public hearing was closed at 6:50 p.m..

Mr. Le Roux reviewed the 2023 budget amendment with the Board, noting the debt fund amendment for an extra payment on the B bonds. Following review, upon a motion duly made by Director Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board approved the 2023 budget amendment and adopted the Resolution to Amend the 2023 Budget.

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**Public Hearing on the Proposed 2024 Budget and Resolution to Adopt the 2024 Budget and Appropriate Sums of Money and Resolution to Set Mill Levies:** Upon a motion duly made by Director Jones, the Board opened the public hearing at 6:35 p.m.

It was noted that publication of Notice stating that the Board would consider 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 the public hearing.

No public comments were received and the public hearing was closed.

Mr. Le Roux reviewed the 2024 budget with the Board. Discussion ensued regarding bond payments. Ms. Baptist and Mr. Le Roux discussed a fixed fee option for accounting and management. Following review, upon a motion duly made by Director Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board approved the 2024 budget, as revised, and adopted Resolution to Adopt the 2024 Budget and Appropriate Sums of Money and Resolution to Set Mill Levies.

**Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan:** Following review, upon a motion duly made by Director Jones, seconded by Director Huffman and, upon vote unanimously carried, the Board adopted the Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan.

**District Accountant to Prepare the DLG-70 Certification of Tax Levies Form (“Certification”). District Accountant to File the Certification with the Board of County Commissioners and Other Interested Parties:** Mr. Le Roux reviewed the Certification with the Board. Upon a motion duly made by Director Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare the DLG-70 Certification of Tax Levies Form.

**Execution of DLG-a70 Certification of Tax Levies:** Mr. Le Roux noted that the CLA Principal will sign the DLG-70 Certification of Tax Levies.

**Statutory Requirements for an Audit. Engagement Letter of Outside Accountant to Perform the 2023 Audit:** Mr. Le Roux reviewed the requirements for an audit and the engagement letter with BiggsKofford with the Board. Following review and discussion, upon a motion duly made by Director

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Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board approved the engagement letter with BiggsKofford to prepare the 2023 Audit, as presented.

**2022 Audit:** Mr. Le Roux reviewed the final 2022 Audit Report with the Board. Following review, upon a motion duly made by Director Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board ratified approval of the final 2022 Audit Report.

### LEGAL MATTERS

**Resolution Amending Policy on Colorado Open Records Act Requests:** Attorney Meintzer reviewed the Resolution with the Board.

### MANAGER MATTERS

**Change Order No. 3 to the Landscaping Services Agreement between the District and Brightview Landscape Services, Inc.:** Following discussion, upon a motion duly made by Director Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board approved Change Order No. 3 to the Landscaping Services Agreement between the District and Brightview Landscape Services, Inc.

**Change Order No. 4 to Service Agreement for Snow Removal and Ice Management between the District and BrightView Landscape Services, Inc.:** Following discussion, upon a motion duly made by Director Jones, seconded by Director Huffman and, upon vote, unanimously carried, the Board approved Change Order No. 4 to the Snow and Ice Management between the District and Brightview Landscape Services, Inc.

### COMMITTEE MATTERS

None.

### OTHER BUSINESS

None.

### ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Jones, the Board adjourned the meeting at 7:51 p.m.

Respectfully submitted,

By \_\_\_\_\_  
Secretary for the Meeting