

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE GREAT WESTERN PARK METROPOLITAN DISTRICT NO. 3 HELD NOVEMBER 17, 2020

A Special Meeting of the Board of Directors of the Great Western Park Metropolitan District No. 3 (referred to hereafter as "Board") was convened on Tuesday, the 17<sup>th</sup> day of November, 2020, at 9:30 a.m. Due to concerns regarding the spread of the coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, the District Board meeting was held by Zoom video/telephone conference. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

Jeffrey L. Nading  
Brandon Dooling  
Charles Church McKay  
Steve Nading

Following discussion, upon motion duly made by Director Jeff Nading, seconded by Director Steve Nading and, upon vote, unanimously carried, the absence of Director Bradbury was excused, and Director McKay was appointed Acting President.

#### Also In Attendance Were:

David Solin; Special District Management Services, Inc.

Megan Becher, Esq. (for a portion of the meeting) and Emily Murphy, Esq.; McGeady Becher P.C.

Joy Tatton; Simmons & Wheeler, P.C. (for a portion of the meeting)

Wes Back and Elesha Carbaugh-Gonzales; Independent District Engineering Services, LLC

James Einolf; Great Western Park Metropolitan District No. 2

Diana Ten Eyck and Terry Ten Eyck; Canyon Pines Metropolitan District

#### DISCLOSURE OF POTENTIAL CONFLICTS OF

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. Mr. Solin noted that a quorum

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### INTEREST

was present and requested members of the Board 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 the statute. Attorney Becher noted that the Directors' Disclosure Statements for all of the Directors have been filed, and no additional conflicts were disclosed at the meeting.

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### ADMINISTRATIVE MATTERS

**Agenda:** The Board reviewed the proposed Agenda for the District's Special Meeting.

Following discussion, upon motion duly made by Director Jeff Nading, seconded by Director Steve Nading and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Location/Manner of Meeting:** 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. The Board determined that, due to concerns regarding the spread of the coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, the meeting would be held by video/telephonic means, and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted and that the District had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxpaying electors within the District boundaries.

**24-Hour Notice Posting Location:** Following discussion the Board designated the northwest corner of Skystone Parkway and Simms Street as the location for posting of 24-Hour notices.

**Minutes:** The Board reviewed the Minutes of the June 23, 2020 Special Meeting.

Following discussion, upon motion duly made by Director Jeff Nading, seconded by Director Dooling and, upon vote, unanimously carried, the Minutes of the June 23, 2020 Special Meeting were approved.

**Resolution No. 2020-11-01, Resolution Establishing Regular Meeting Dates, Times and Location, and Designating Location for Posting of 24-Hour Notices:** The Board considered Resolution No. 2020-11-01, Resolution Establishing Regular Meeting Dates, Times and Location, and Designating Location for Posting of 24-Hour Notices.

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Mr. Solin reviewed the business to be conducted in 2021 to meet the statutory compliance requirements. The Board, determined to meet on March 23, 2021, June 22, 2021, September 28, 2021 and November 23, 2021 at 8:30 a.m. at Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado.

Following review, upon motion duly made by Director Steve Nading, seconded by Director Jeff Nading and, upon vote, unanimously carried, the Board adopted Resolution No. 2020-11-01, Resolution Establishing Regular Meeting Dates, Times and Location, and Designating Location for Posting of 24-Hour Notices.

**Section 32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2021:** The Board discussed Section 32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2021.

Following discussion, upon motion duly made by Director Steve Nading, seconded by Director McKay and, upon vote, unanimously carried, the Board determined to post the required transparency notice information on the Special District Association’s website.

**PUBLIC COMMENT** There were no public comments.

**FINANCIAL MATTERS**

**Claims:** The Board considered ratifying approval of the payment of claims as follows:

	Period Ending June 18, 2020	Period Ending July 21, 2020	Period Ending Aug. 21, 2020	Period Ending Sept. 18, 2020
General Fund	\$ 1,678.30	\$ 6,964.37	\$ 789.81	\$ 663.62
Debt Service	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital Fund	\$ -0-	\$ -0-	\$ -0-	\$ -0-
<b>Total Claims:</b>	<b>\$ 1,678.30</b>	<b>\$ 6,964.37</b>	<b>\$ 789.81</b>	<b>\$ 663.62</b>

	Period Ending Oct. 22, 2020	Period Ending Nov. 12, 2020
General Fund	\$ 9,079.53	\$ 2,827.81
Debt Service	\$ -0-	\$ 119,800.00-
Capital Fund	\$ -0-	\$ -0-
<b>Total Claims:</b>	<b>\$ 9,079.53</b>	<b>\$ 122,627.81</b>

Following discussion, upon motion duly made by Director Steve Nading, seconded by Director Jeffrey Nading and, upon vote, unanimously carried, the Board ratified the approval of the payment of claims, as presented.

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**Cash Position Statement:** There was no report at this time.

**2020 Audit:** The Board reviewed the proposal from Wipfli LLP to prepare the 2020 Audit.

Following discussion, upon motion duly made by Director Jeff Nading, seconded by Director Steve Nading and, upon vote, unanimously carried, the Board approved the engagement of Wipfli to prepare the 2020 Audit, in the amount of \$4,500.

**2020 Budget Amendment Hearing:** The Acting President opened the public hearing to consider a Resolution to Amend the 2020 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 2020 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. There were no comments from the public in attendance and the public hearing was closed.

Following review and discussion, Director Jeff Nading moved to adopt Resolution No. 2020-11-02 to Amend the 2020 Budget, Director Dooling seconded the motion and, upon vote, unanimously carried, the Board adopted Resolution No. 2020-11-02 to Amend the 2020 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**2021 Budget:** The Acting President opened the public hearing to consider the proposed 2021 Budget and to discuss related issues.

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

Ms. Tatton reviewed the estimated 2020 expenditures and the proposed 2021 expenditures with the Board.

Following discussion, the Board considered the adoption of Resolution No. 2020-11-03; Resolution to Adopt the 2021 Budget and Appropriate Sums of Money, and Resolution No. 2020-11-04; Resolution to Set Mill Levies (for the General Fund at 7.475 mills, the Debt Service Fund at 50.000 mills, for a total mill levy of 57.475 mills). Upon motion duly made by Director Jeff Nading, seconded by Director Dooling and, upon vote, unanimously carried, the Resolutions were adopted, and

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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 on or before December 10, 2020. Mr. Solin was authorized to transmit the Certification of Mill Levy to the City and County of Broomfield, not later than December 15, 2020. Mr. Solin was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2021. Copies of the adopted Resolutions are attached hereto and incorporated herein by this reference.

**DLG-70 Mill Levy Certification Form:** The Board considered authorizing 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.

Following discussion, upon motion duly made by Director Jeff Nading, seconded by Director Dooling 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.

**Preparation of the 2022 Budget:** The Board discussed preparation of the 2022 Budget.

Following discussion, upon motion duly made by Director Jeff Nading, seconded by Director Dooling, and upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2022 Budget and set the date for a Public Hearing to adopt the 2022 Budget for November 23, 2021.

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### **LEGAL MATTERS**

**Seventh Amendment to 2013 Operation Funding Agreement between the District and Great Western Park, LLC:** Attorney Becher reviewed with the Board the Seventh Amendment to 2013 Operation Funding Agreement between the District and Great Western Park, LLC.

Following discussion, upon motion duly made by Director Steve Nading, seconded by Director Jeff Nading and, upon vote, unanimously carried, the Board approved the Seventh Amendment to 2013 Operation Funding Agreement between the District and Great Western Park, LLC.

**Agreement of Acknowledgement of Satisfaction of Obligations of District No. 1 Related to Great Western Park, LLC Operation Funding Agreement and Acknowledgement of Ongoing Obligations of District Nos. 2 and 3, by and between Great Western Park Metropolitan District Nos. 1-3 and Great Western Park, LLC:** Attorney Becher reviewed with the Board the Agreement of Acknowledgement of Satisfaction of Obligations of District No. 1 Related to Great

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Western Park, LLC Operation Funding Agreement and Acknowledgement of Ongoing Obligations of District Nos. 2 and 3, by and between Great Western Park Metropolitan District Nos. 1-3 and Great Western Park, LLC.

Following discussion, upon motion duly made by Director Dooling, seconded by Director Steve Nading and, upon vote, unanimously carried, the Board ratified approval of the Agreement of Acknowledgement of Satisfaction of Obligations of District No. 1 Related to Great Western Park, LLC Operation Funding Agreement and Acknowledgement of Ongoing Obligations of District Nos. 2 and 3, by and between Great Western Park Metropolitan District Nos. 1-3 and Great Western Park, LLC.

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**OTHER BUSINESS**


None.

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**ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made by Director McKay, seconded by Jeff Nading and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:   
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Secretary for the Meeting