

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
CHAPARRAL POINTE METROPOLITAN DISTRICT
(THE “**DISTRICT**”)
HELD
NOVEMBER 17, 2021

A special meeting of the Board of Directors of the Chaparral Pointe Metropolitan District (referred to hereafter as the “**Board**”) was convened on Wednesday, November 17, 2021, at 1:00 p.m. The District Board meeting was held and properly noticed to be held via Microsoft Teams. The management team was present at 111 S. Tejon Street, Suite 705, Colorado Springs, Colorado 80903. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Mike Fenton, President
Sarah Darneal, Secretary
Jeff Mattson, Treasurer
Cynthia Myers, Assistant Secretary
Brian Mulqueen, Assistant Secretary

Also, In Attendance Were:

Suzanne Meintzer, Esq.; McGeady Becher P.C.
Josh Miller, Carrie Bartow (for a portion of the meeting), Krista Baptist;
CliftonLarsonAllen LLP
Georgina Segura; Member of Public

ADMINISTRATIVE MATTERS

Call to Order: Director Fenton called the meeting to order at 1:04 p.m.

Declaration of Quorum/Disclosure Items: 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 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. No additional disclosures were made. Attorney Meintzer noted that disclosures of potential conflicts of interest were filed with the Secretary of State for all Directors.

Agenda: Following review, upon a motion duly made by Director Fenton, seconded by Director Myers and, upon vote, unanimously carried, the Board approved the agenda as presented.

Meeting Location and Posting of Notice: The Board entered into a discussion

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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 Fenton, seconded by Director Mattson and, upon vote, unanimously carried, the Board determined that this meeting be conducted via Microsoft Teams and encouraged public participation via Microsoft Teams. Ms. Bartow and Ms. Baptist attended the meeting at the physical location noted above. The Board noted that notice of this meeting and Microsoft Teams meeting information was duly posted and the Board had not received any objections to the format of the meeting or any requests that the meeting be changed by taxpaying electors within the District's boundaries.

Public Comment: Ms. Segura inquired about the fencing design requirements and if they could be changed. Mr. Miller explained that the declarant records covenants and imposes design guidelines and that the Board enforces them. Mr. Miller asked Ms. Segura to reach out to him directly with additional information and questions.

Minutes from the June 9, 2021 Special Board Meeting and Minutes from the June 23, 2021 Continued Special Board Meeting: Following review, upon a motion duly made by Director Fenton, seconded by Director Myers and, upon vote, unanimously carried, the Board approved the Minutes from the June 9, 2021 Special Board Meeting and Minutes from the June 23, 2021 Continued Special Board Meeting.

Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices: Following discussion, and upon motion duly made by Director Fenton, seconded by Director Myers and, upon vote, unanimously carried, the Board approved the Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices, with 2022 meetings to be held virtually on Wednesday, May 18, 2022 at 1:00 pm and Thursday, November 17, 2022 at 1:00 pm.

CliftonLarsonAllen LLP Master Service Agreement: Following discussion, and upon motion duly made by Director Fenton, seconded by Director Myers and, upon vote, unanimously carried, the Board approved the CliftonLarsonAllen, LLP Master Service Agreement and related statement(s) of work.

Insurance Matters: Following discussion, and upon motion duly made by Director Fenton, seconded by Director Myers and, upon vote, unanimously carried, the Board approved the 2022 insurance renewal and adopted documents needed to maintain insurance coverage through the Colorado Special Districts Property and Liability Pool and authorized renewal of membership in the Special District Association.

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FINANCIAL MATTERS

Unaudited Financial Statements as of September 30, 2021: Ms. Bartow reviewed the unaudited financial statements with the Board. Following discussion, upon a motion duly made by Director Fenton, seconded by Director Myers and, upon vote, unanimously carried, the Board accepted the unaudited financial statements dated September 30, 2021.

Payment of Claims: Ms. Bartow reviewed the previous and current claims with the Board. Following discussion, upon a motion duly made by Director Fenton, seconded by Director Myers and, upon vote, unanimously carried, the Board ratified payment of previous claims in the amount of \$99,705.66 and approved the payment of the current claims in the amount of \$7,458.70.

District Fees: Following discussion, upon a motion duly made and seconded and, upon vote, unanimously carried, the Board decided to maintain the Operations and Maintenance fees in the amount of \$99 per month per unit.

2022 Fee Schedule: Following discussion, upon a motion duly made by Director Fenton, seconded by Director Darneal and, upon vote, unanimously carried, the Board approved the 2022 Fee Schedule, as presented.

Public Hearing to Consider Amendment of the 2021 Budget: Director Fenton opened the public hearing at 1:23 p.m. to consider an amendment of the 2021 Budget.

It was noted that Notice stating that the Board would consider an amendment to the 2021 budget and the date, time and place of the public hearing was published pursuant to statute. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed at 1:24 p.m.

Ms. Bartow reviewed the Amended 2021 Budget with the Board. Upon motion duly made by Director Fenton, seconded by Director Darneal, and, upon vote, unanimously carried, the Board approved to Amend the 2021 Budget as presented, amending the General Fund to \$308,990, and adopted the Resolution to Amend the 2021 Budget.

Public Hearing on Proposed 2022 Budget: Director Fenton opened the public hearing at 1:25 p.m. to consider the proposed 2022 Budget and to discuss related issues.

It was noted that Notice stating that the Board would consider adoption of the 2022 budget and the date, time and place of the public hearing was published

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pursuant to statute. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed at 1:26 p.m.

Ms. Bartow reviewed the 2022 Budget with the Board. Upon motion duly made by Director Myers, seconded by Director Fenton, and, upon vote, unanimously carried, the Board approved the 2022 Budget, to incorporate the discussed changes, and adopted the Resolution to Adopt the 2022 Budget, Appropriate Sums of Money and the Resolution to Set Mill Levies (11.132 mills in the General Fund and 33.397 in the Debt Service Fund for a total of 44.529 mills), subject to final assessed valuation and legal review.

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

DLG-70 Certification of Tax Levies Form: Following discussion, upon a motion duly made by Director Fenton, seconded by Director Myers and, upon vote, unanimously carried, the Board Authorized the District Accountant to prepare and sign the DLG-70 Certification of Tax Levies form for certification to the Board of County Commissioners and other interested parties.

Appointment of District Accountant to prepare 2023 Budget: Following discussion, upon a motion duly made by Director Fenton, seconded by Director Myers and, upon vote, unanimously carried, the Board approved the appointment of District Accountant to prepare the 2023 Budget.

Engagement letter with BiggsKofford, LLC to prepare the 2021 Audit: Following discussion, upon a motion duly made by Director Fenton, seconded by Director Myers and, upon vote, unanimously carried, the Board approved the engagement letter with BiggsKofford, LLC to prepare the 2021 Audit.

LEGAL MATTERS

Third Amendment to Operation Funding Agreement with Century Land Holdings, LLC: Following discussion, upon a motion duly made by Director Myers, seconded by Director Fenton and, upon vote, unanimously carried, the Board approved the Third Amendment to Operation Funding Agreement with Century Land Holdings, LLC, subject to negotiations following updates to the 2022 Budget.

Conveyance of Tracts from Century Land Holdings, LLC and Acceptance of Tracts by the District: No action was taken by the Board at this time.

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Resolution Calling May 3, 2022 Election for Directors: Ms. Meintzer reviewed the resolution with the Board. Following discussion, upon a motion duly made by Director Fenton, seconded by Director Darneal and, upon vote, unanimously carried, the Board adopted the Resolution Calling May 3, 2022 Election for Directors, appointing Lisa Jacoby as the Designated Election Official (“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election.

Transparency Notice Required Under Section 32-1-809, C.R.S.: Following discussion, the Board directed the District Manager to post the required notice on the Special District Association website.

Other: None.

MANAGER MATTERS

Change Order No. 1 to the Service Agreement for Waste Service and Recycling Collection with Eagle River Waste Services of CO LLC d/b/a HBS Trash: Mr. Miller explained that a Change Order would be needed with Eagle River Waste Services of CO LLC d/b/a HBS Trash due to a slight increase in rate and to extend the term of service from January 1, 2022 through December 31, 2022. Following discussion, upon a motion duly made by Director Fenton, seconded by Director Darneal and, upon vote, unanimously carried, the Board approved the Change Order No. 1 to the Service Agreement for Waste Service and Recycling Collection with Eagle River Waste Services of CO LLC d/b/a HBS Trash.

OTHER BUSINESS

Other: None.

ADJOURNMENT

There being no further business to bring before the Board, Director Fenton adjourned the meeting at 1:44 p.m.

Respectfully submitted,

By  Secretary for the Meeting
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