

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARDS OF DIRECTORS OF THE
HORIZON METROPOLITAN DISTRICT NOS. 1 AND 3-10 (THE
“DISTRICTS”)
HELD
AUGUST 2, 2023

A regular meeting of the Boards of Directors (referred to hereafter as the “Boards”) of the Districts was convened on Wednesday, August 2, 2023, at 9:00 a.m. via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

David Crowder, Jr., President
Karen Voit, Vice President
Lisa Garcia, Treasurer

Secretary Jason Rutt was absent and excused.

Also, In Attendance Were:

Shauna D’Amato, Kaitlin Frey, Rachel Alles, Margaret Henderson and Terri Boroviak; CliftonLarsonAllen LLP (“CLA”)
Alan Pogue, Esq.; Icenogle Seaver Pogue, P.C.
Eric Keesen and William Medellin; BrightView Landscape Services, Inc.
Jordan Honea; Member of the Public

ADMINISTRATIVE MATTERS

Call to Order and Approval of Agenda: Director Crowder called the meeting to order at 10:15 a.m. The Boards reviewed the agenda for the meeting. Following review and discussion, upon a motion duly made by Director Garcia, seconded by Director Voit and, upon vote, unanimously carried, the Boards approved the agenda, as amended to add an item discussing setting up a ColoTrust bank account for District No. 3 under Financial Matters.

Disclosures of Potential Conflicts of Interest: The Boards discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Boards of Directors to the Secretary of State. The members of the Boards 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 Boards’ members prior to this meeting in accordance with statute. It was noted by Attorney Pogue that disclosures of potential conflicts of interest were filed with the Secretary of State for the Directors affiliated with the Developer, and no additional conflicts were disclosed at the meeting.

Quorum, Location of Meeting and Posting of Meeting Notice: A quorum was confirmed. The Boards entered into a discussion regarding the requirements of

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Section 32-1-903(1), C.R.S., concerning the location of the Districts' Boards meeting. Following discussion, and upon motion duly made by Director Voit, seconded by Director Crowder, and, upon vote, unanimously carried, the Boards determined that this meeting was conducted via Microsoft Teams, without any individuals (neither Districts' representatives nor the general public) attending in person. The Boards further noted that notice providing the time, date and video link information was duly posted and that no objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the Districts' boundaries were received. Director Rutt was absent and excused.

Public Comment: There was no public comment.

CONSENT AGENDA

Minutes from the May 24, 2023 Special Meeting of the Districts:

Director Crowder noted that the District No. 2 election results need to reflect that he was elected for a four-year term. Following review and discussion, upon a motion duly made by Director Voit, seconded by Director Garcia and, upon vote, unanimously carried, the Boards approved the Consent Agenda item, as amended to include the revision discussed.

FINANCIAL MATTERS

Public Hearing on the Amendment of the 2023 Budget and Resolution to Amend 2023 Budget and Appropriate Sums of Money (District No. 1):

Ms. Boroviak reviewed the 2023 Budget amendment with the Board of District No. 1. Discussion ensued. Following review and discussion, upon a motion duly made by Director Garcia, seconded by Director Voit and, upon vote, unanimously carried, the Board of District No. 1 approved the 2023 Budget amendment and adopted the Resolution to Amend the 2023 Budget and Appropriate Sums of Money, as presented.

Director Crowder opened the public hearing at 10:20 a.m. There was no public that wanted to provide public comment.

Director Crowder closed the public hearing at 10:21 a.m.

Previous and Current Claims (District No. 1): Ms. Boroviak reviewed the previous and current claims with the Board of District No. 1. Following review, upon a motion duly made by Director Voit, seconded by Director Garcia and, upon vote, unanimously carried, the Board of District No. 1 ratified approval of previous claims and approved current claims, as presented.

June 30, 2023 Financial Statements (District Nos. 1, 3 and 4): Ms. Boroviak reviewed the Financial Statements with the Boards of District Nos. 1, 3 and 4. Following review and discussion, upon a motion duly made by Director Voit, seconded by Director Garcia and, upon vote, unanimously carried, the Boards of District Nos. 1, 3 and 4 accepted the June 30, 2023 Financial Statements, as

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presented.

Draft 2022 Audits (District Nos. 1 and 3): Ms. Boroviak reviewed the draft 2022 Audits with the Boards of District Nos. 1 and 3, noting that they will be filed within the next few weeks. Following review, upon a motion duly made by Director Voit, seconded by Director Garcia and, upon vote, unanimously carried, the Boards of District Nos. 1 and 3 approved the draft 2022 Audits, subject to the receipt of a clean auditor opinion and filing with the State Auditor.

Obtaining Federal Entity Identification Numbers for District Nos. 4, 5, 6, 7, 8, 9 and 10: Ms. Boroviak provided an update to the Boards, noting she will coordinate with Attorney Pogue on the Federal Entity Identification Number application submissions.

ColoTrust Bank Accounts (District No. 3): Ms. Boroviak reviewed the ColoTrust bank account paperwork with the Board of District No. 3. Following review and discussion, upon a motion duly made by Director Voit, seconded by Director Garcia and, upon vote, unanimously carried, the Board of District No. 3 approved the Model Resolution to open the ColoTrust bank account, subject to legal review.

LEGAL MATTERS

Amendment to Reimbursement Agreement with LendLease or its Affiliates (District No. 1): Attorney Pogue reviewed the amendment with the Board of District No. 1. Following review, upon a motion duly made by Director Voit, seconded by Director Garcia and, upon vote, unanimously carried, the Board of District No. 1 approved the Amendment to Reimbursement Agreement with LendLease or its Affiliates, subject to non-substantive revisions by legal counsel of the parties.

Attorney Pogue noted upcoming additional items for the Boards to consider at a future meeting: establishing an Intergovernmental Agreement with District Nos. 6, 7, 8, 9 and 10, and establishing an agreement between District Nos. 7, 8, 9 and 10 and Aurora Urban Renewal Authority for revenues that the Authority collects and remits back to the Districts. Following discussion, the Boards directed Attorney Pogue to begin working on these agreements.

MANAGER MATTERS

Covenant Enforcement Report: Ms. Frey reviewed the covenant enforcement report with the Boards. Following review, the Boards requested that Ms. Frey review the design review process and provide violation examples at the November meeting.

Park-A-Palooza Recap: Ms. D'Amato provided a recap of the 2023 Park-A-Palooza event to the Boards.

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Covenant Enforcement and Community Management: This item was previously discussed.

Enforcement of Large Recreational Vehicles: The Boards discussed boats and large recreational vehicle issues within the community and directed staff to come up with a solution. It was noted that Ms. Frey will draft a violation document for food trucks and boats and coordinate with the City of Aurora to resolve these issues.

Actions Taken by Management Since the Last Meeting: There were no items to ratify.

Establishment of Community Garden Committee and Construction of Community Garden: Ms. D'Amato provided an update to the Boards on the establishment of a Community Garden Committee and construction of a community garden.

Quality Site Assessment from BrightView Landscape Services, Inc.: Mr. Medellin reviewed the Quality Site Assessment with the Boards, noting that BrightView continues to monitor stressed and yellow grass areas. He noted he will circulate a community tree proposal to the Boards later this week for review.

**DIRECTOR
MATTERS**

Newsletters, Programming and Engagement: Director Crowder provided an update to the Boards and requested that the grass issue be included in the next newsletter.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Boards at this time, Director Crowder adjourned the meeting at 10:45 a.m.

Respectfully submitted,

DocuSigned by:

Jason Rutt

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Secretary for the Meeting