

MINUTES OF THE JOINT REGULAR MEETING OF THE BOARDS OF DIRECTORS OF POWHATON ROAD METROPOLITAN DISTRICT NOS. 1-4 & 7 & POWHATON COMMUNITY AUTHORITY

Held: Tuesday, April 4, 2023, at 4:30 p.m.

The meeting was held 405 Urban St., #310 Lakewood, CO 80228 and via teleconference.

Attendance

The joint Regular meeting of the Boards of Directors of Powhaton Road Metropolitan District No. 1 (“District No. 1”), Powhaton Road Metropolitan District No. 2 (“District No. 2”), Powhaton Road Metropolitan District No. 3 (“District No. 3”), Powhaton Road Metropolitan District No. 4 (“District No. 4”), Powhaton Road Metropolitan District No. 7 (“District No. 7”), and Powhaton Community Authority (the “Authority”) was called and held as shown above and in accordance with the applicable laws of the State of Colorado. The following directors, having confirmed their qualification to serve on the Boards, were in attendance:

District Nos. 1 & 3:

James Spehalski
Roger Hollard
CJ Kirst

District No. 2:

Robert Gregory Coates
Roger Hollard
CJ Kirst
Jennifer R. Merrick

District Nos. 4 & 7:

James Spehalski
Roger Hollard
CJ Kirst

Authority:

CJ Kirst
Roger Hollard
James Spehalski
Jennifer R. Merrick

Director Whitney Graham of District No. 2 was absent. All absences are deemed excused unless otherwise noted in these minutes.

Also present were:

Megan Murphy, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law; AJ Beckman and Sarah Warner, Public

Alliance, LLC; Diane Wheeler; Simmons & Wheeler, PC and Fiona Wood, a member of the public

Call to Order

It was noted that a quorum of the Boards were present, and the meeting was called to order at 4:32 p.m.

Combined Meeting

The Boards of Directors of the Authority, District No. 1, District No. 2, District No. 3, District No. 4, and District No. 7 have determined to hold joint meetings of the Authority, District No. 1, District No. 2, District No. 3, District No. 4, and District No. 7 and to prepare joint minutes of action taken by the Authority, District No. 1, District No. 2, District No. 3, District No. 4, and District No. 7 in such meetings. Unless otherwise noted herein, all official action reflected in these minutes is the action of the Authority, District No. 1, District No. 2, District No. 3, District No. 4, or District No. 7. Where necessary, action taken by the Authority, or an individual District will be so reflected in these minutes.

Conflict of Interest Disclosures

Ms. Murphy advised the Boards that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Boards. Ms. Murphy inquired into whether members of the Boards had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Boards to act.

Agenda

The Boards reviewed the proposed agenda. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the agenda as presented.

Public Comment

Ms. Wood noted that she is interested in landscaping matters, particularly herbicides used by the landscaping contractor. She would like to learn more about this going forward. Ms. Wood will be elected as a Director for District No. 2 after the May 2, 2023 election.

Consent Agenda

The following items on the consent agenda were considered routine or administrative. Following a summary by Mr. Beckman, upon motion duly made Director Kirst, seconded by Director Hollard, and upon vote, unanimously carried, the Boards took the following actions:

- Approved the November 1, 2022 Regular Meeting Minutes;
- Ratified Addendum No. 7 with Brightview Landscaping for Tree Wrapping;
- Ratified Addendum No. 8 with Brightview Landscaping for Tree Stake Removal;
- Ratified Addendum No. 9 with Brightview Landscaping for Winter Watering.

Legal Matters

Resolution Designating the District No. 2 Representative to the Powhatan Community Authority: Attorney Murphy reviewed the resolution with the Board of District No. 2. Following discussion, upon motion duly made Director Kirst, seconded by Director Hollard, and upon vote, unanimously carried, the Board of District No. 2 adopted the Resolution Designating the District No. 2 Representative to the Powhatan Community Authority.

Resolution Designating the District No. 3 Representative to the Powhatan Community Authority: Attorney Murphy reviewed the resolution with the Board of District No. 3. Following discussion, upon motion duly made Director Kirst, seconded by Director Hollard, and upon vote, unanimously carried, the Board of District No. 3 adopted the Resolution Designating the District No. 3 Representative to the Powhatan Community Authority.

Resolution Designating the District No. 4 Representative to the Powhatan Community Authority: Attorney Murphy reviewed the resolution with the Board of District No. 4. Following discussion, upon motion duly made Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board of District No. 4 adopted the Resolution Designating the District No. 4 Representative to the Powhatan Community Authority.

Resolution Designating the District No. 7 Representative to the Powhatan Community Authority: Attorney Murphy reviewed the resolution with the Board of District No. 7. Following discussion, upon motion duly made Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board of District No. 7 adopted the Resolution Designating the District No. 7 Representative to the Powhatan Community Authority.

Resolution Designating the Posting Location of Meeting Notices: Attorney Murphy reviewed the resolution with the Board. Following discussion, upon motion duly made Director Hollard, seconded by Director Kirst, and upon vote, unanimously carried, the Boards adopted the Resolution Designating the Posting Location of Meeting Notices.

Collection Services and Approval of Proposal: Attorney Murphy reviewed proposals for collections services with the Board. She explained that all of the firms submitting proposals are highly qualified to perform collections services. It was noted that the firm providing collections services for the Homeowners' Association is Winzenburg, Leff, Purvis & Payne, LLP.

Following discussion, upon motion duly made Director Merrick, seconded by Director Spehalski, and upon vote, unanimously carried, the Board of the Authority approved the engagement of Winzenburg, Leff, Purvis & Payne, LLP for collection services.

Independent Contractor Agreement with CCMC (Executive Session, if necessary - §§24-6-402(4)(b) and (e), C.R.S.): No Executive Session was held.

Attorney Murphy advised the Board that CCMC is currently providing billing services for the community however, CCMC has provided notice that are discontinuing the service effective May 31, 2023.

Following discussion, upon motion duly made Director Hollard, seconded by Director Merrick, and upon vote, unanimously carried, the Board of the Authority acknowledge the termination of services by CCMC and authorized a committee of Mr. Spehalski, Mr. Beckman and Attorney Murphy to solicit proposals for billing services.

Management Matters

Managers Report: Mr. Beckman and Ms. Warner reviewed with the Board.

Purchase of five Hunter ACC2 Irrigation Controllers and Cellular Communications Kits from DBC Irrigation Supply: Mr. Beckman and Ms. Warner reviewed the proposal with the Board of the Authority.

Following discussion, upon motion duly made Director Kirst, seconded by Director Spehalski, and upon vote, unanimously carried, the Board authorized the purchase of five Hunter ACC2 Irrigation Controllers and Cellular Communications Kits from DBC Irrigation Supply.

Installation of five Hunter ACC2 Irrigation Controllers and Cellular Communications Kits from BrightView Landscaping, Inc. ("BrightView"): Mr. Beckman and Ms. Warner reviewed the proposal with the Board of the Authority.

Following discussion, upon motion duly made Director Hollard, seconded by Director Kirst, and upon vote, unanimously carried, the Board authorized the installation of five Hunter ACC2

Irrigation Controllers and Cellular Communications Kits from BrightView.

BrightView Deciduous Tree Replacement Proposal: Ms. Warner discussed with the Board the Stage One Drought Declaration implemented by the City of Aurora which will limit outdoor watering and increase rates for water consumption within monthly allocations, and penalties for watering which exceeds monthly allocations. Ms. Warner advised the Board that BrightView will require supplemental watering in order to honor the warranty included with newly planted trees. Director Hollard suggested that the Board consider delaying new plantings until the fall or until next year. Director Spehalski advised the Board that the Developer will be planting new trees this season.

Following discussion, the Board determined not to take action at this time.

BrightView Evergreen Tree Replacement Proposal: Following discussion, the Board determined not to take action at this time.

BrightView Proposal for Plant Health Care: Ms. Warner reviewed the proposal with the Board of the Authority.

Following discussion, upon motion duly made Director Kirst, seconded by Director Merrick, and upon vote, unanimously carried, the Board approved the proposal for Plant Health Care.

BrightView Proposal for Erosion Control Improvements in Park Area: Ms. Warner discussed the slope stabilization in the playground area near the slide.

Following discussion, upon motion duly made Director Kirst, seconded by Director Merrick, and upon vote, unanimously carried, the Board of the Authority authorized Ms. Warner to research options for erosion control and proceed with the best option, for an amount not to exceed \$5,000.

BrightView Proposal for Simcoe Fence Staining: Discussion ensued regarding rates and lower cost options. Director Coates noted that in his opinion power washing and applying two coats of stain is necessary to ensure a durable finish.

Following discussion, upon motion duly made Director Hollard, seconded by Director Kirst, and upon vote, unanimously carried, the Board of the Authority approved the BrightView proposal for Simcoe fence staining.

Park and Amenity Reservation System: Ms. Innes reviewed with the Boards the proposed reservation process. The Board of the

Authority directed Ms. Innes to proceed with implementation of the process.

Underdrain Acceptance: Mr. Beckman reported to the Board that Public Alliance will review maintenance records and work on scheduling underdrain inspections this spring.

CSP2 Landscaping Improvements and Conveyance to Powhatan Community Authority for Ownership and Maintenance: Mr. Beckman reported to the Board that corrections to the landscaping improvements are expected this spring. The improvements are expected to be conveyed to the district following inspections by the District and confirmation of acceptable condition.

Financial Matters

Financial Statements: Ms. Wheeler reviewed the financial statements with the Boards.

Following discussion and review, upon a motion duly made by Director Graham, seconded by Director Coates and, upon vote unanimously carried, the Board of District 2 approved the unaudited financial statements.

Following discussion and review, upon a motion duly made by Director Hollard, seconded by Director Kirst and, upon vote unanimously carried, the Boards of Districts 1, 3, 4, & 7, and the Authority approved the unaudited financial statements.

Claims: Ms. Wheeler presented the Board of the Authority with claims in the amount of \$84,688.31.

Following discussion, upon a motion duly made and seconded and upon vote unanimously carried, the Authority Board approved the claims.

Other Financial Matters: Ms. Wheeler reported that audit exemptions will be due in June for District Nos. 1, 3, 4, and 7. The Authority and District No. 2 will be subject to an audit.

Other Business

The Boards discussed holding the meetings at different times. It is anticipated that only District No. 2 and the Authority will need to meet on June 6th. Director Spehalski suggested that District No. 2 could meet at 4:30 p.m., and the Authority could meet at 5:15 p.m. Mr. Beckman will circulate the proposed schedule once it is known.

Adjournment

Upon a motion duly made by Director Hollard, seconded by Director Kirst, and upon vote, unanimously carried, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

DocuSigned by:

Roger Hollard

Secretary for the Meeting