

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF POWHATON COMMUNITY AUTHORITY

Held: Tuesday, February 6, 2024, at 4:45 p.m.

The meeting was held via teleconference.

Attendance

The Regular Meeting of the Board of Directors of 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 Board, were in attendance:

Jennifer R. Merrick
Roger Hollard
James Spehalski
CJ Kirst

Also present were:

Kristin Bowers Tompkins, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law; Ann Finn and Sarah Warner, Public Alliance, LLC; Diane Wheeler, Simmons & Wheeler, PC.; Fiona Wood, Powhaton Road Metropolitan District No. 2 Director; Sue Santos, Harmony Master Homeowners Association (“HOA”) Community Manager.

Call to Order

It was noted that a quorum of the Board was present, and the meeting was called to order.

Conflict of Interest Disclosures

Attorney Tompkins advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Attorney Bowers Tompkins 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 Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Attorney Tompkins inquired into whether members of the Board 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 Board to act.

Agenda

The Board reviewed the proposed agenda.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board approved the agenda as amended to move the proposal from High Plains Environmental Center to immediately following Public Comment.

Public Comment

There was no public in attendance.

Consent Agenda

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

- Approved the Regular Meeting Minutes from the December 19, 2023 meeting.
- Acknowledged 2024 Rates from Ranger Engineering, LLC.
- Adopted Resolution Designating Meeting Notices Posting Location.

Legal Matters

There were no legal matters to discuss at this time.

Management Matters

Manager's Report: Ms. Finn reviewed the Manager's Report with the Board.

Irrigation Report: Ms. Finn reviewed the Irrigation Report with the Board.

Water Consumption Summary: Ms. Finn reviewed the Water Consumption Summary with the Board.

Proposal from United Site Services for Restroom Services: The Board reviewed a proposal from United Site Services for restroom services.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Merrick, and upon vote, unanimously carried, the Board approved the proposal from United Site Services for restroom services.

2024 Annual Meeting: The Board entered into discussion regarding the date and time of the 2024 Annual Meeting. Following discussion, the Board determined to schedule the 2024 Joint Annual Meeting with Powhaton Road Metropolitan District No. 2, on June 4, 2024 at 6:00 p.m.

Other: None.

Resolution Regarding Acceptance of the Underdrain System for CSP Nos. 1 and 2: Attorney Tompkins reviewed with the Board a Resolution Regarding Acceptance of the Underdrain System for CSP Nos. 1 and 2.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board adopted the Resolution Regarding Acceptance of the Underdrain System for CSP Nos. 1 and 2 and waived the requirement that builders need to provide the Authority with proof of connection of private service lines to the underdrain system, per the Joint Resolution Establishing Policies and Procedures For Requiring Connection To The Underdrain System.

Inspection Report from Drain Check, LLC: The Board reviewed a Cleaning and Inspection Report from Drain Check, LLC.

Engineer's Letter from Ranger Engineering: The Board reviewed an Engineer's Letter from Ranger Engineering concerning their review of the underdrain system.

Proposal from Drain Check, LLC for Underdrain System Maintenance Services: Ms. Finn reviewed with the Board a proposal from Drain Check, LLC for underdrain system maintenance services. She noted the recommendation is to flush lines one time per year for the next 3 to 5 years and reinspect every 12 to 36 months to determine the condition of the pipes.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Kirst, and upon vote, unanimously carried, the Board approved the proposal from Drain Check, LLC for underdrain system maintenance services.

Financial Matters

Claims: Ms. Wheeler presented the Board with claims in the amount of \$183,179.77 for approval.

Following discussion, upon a motion duly made by Director Hollard, seconded by Director Spehalski and, upon vote unanimously carried, the Board ratified and approved the respective claims.

Financial Statements: There were no financial statements to review.

2024 Budget Hearing: The President opened the public hearing to ratify approval of the 2024 Budget and discuss related issues.

It was noted that publication of a Notice stating that the Board would consider adoption of the 2024 Budget and the date, time and place of the public hearing was made in a newspaper having

general circulation within the Authority. No written objections were received prior to or at this public hearing. No public comments were received, and the President closed the public hearing.

Ms. Wheeler reviewed the estimated year-end 2023 revenues and expenditures and the proposed 2024 estimated revenues and expenditures.

Following discussion, the Board considered ratifying the adoption of the Resolution to Adopt the 2024 Budget and Appropriate Sums of Money. Upon motion duly made by Director Spehalski, seconded by Director Kirst and, upon vote, unanimously carried, the Resolutions were ratified the adoption, as discussed, and execution of the Certification of Budget.

Other Financial Matters: There were no other financial matters to discuss at this time.

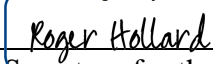
Other Business

There was no other business to discuss.

Adjournment

Upon a motion duly made by Director Spehalski, seconded by Director Hollard, 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:


Secretary for the Meeting