

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

Held: Tuesday, June 4, 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:

Megan Murphy, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law; Ann Finn and Sarah Warner, Public Alliance, LLC; Diane Wheeler, Simmons & Wheeler, PC.; Fiona Wood and Whitney Graham, Powhaton Road Metropolitan District No. 2

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 Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Attorney 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 Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Attorney Murphy 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 Kirst, and upon vote, unanimously carried, the Board approved the agenda as presented.

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 Hollard, seconded by Director Merrick, and upon vote, unanimously carried, the Board took the following actions:

- Approved Regular Meeting Minutes from February 6, 2024 meeting.
- Ratified approval of proposal from BrightView Landscape Services, Inc. for winter watering of trees and shrubs on map.
- Ratified approval of proposal from BrightView Landscape Services, Inc. for winter watering of trees and shrubs throughout phase 2.
- Ratified approval of Independent Contractor Agreement with Drain Check for Underdrain Cleaning and Inspection.
- Ratified approval of Independent Contractor Agreement with RTS Landscaping for 2024 Annual Maintenance of Water Quality Detention Ponds.

SDA Conference

Ms. Finn discussed with the Board the dates and cost of the Special District Association's Annual Conference on September 12, 13 and 14, 2023. Ms. Finn noted her office will distribute information concerning the SDA conference to the Board.

Legal Matters

Amended and Restated Resolution Of The Board Of Directors Of the Powhatan Community Authority Establishing Policies and Procedures For Acceptance of Underdrain Improvements:

The Board reviewed an Amended and Restated Resolution Of The Board Of Directors Of the Powhatan Community Authority Establishing Policies and Procedures For Acceptance of Underdrain Improvements.

Following discussion, upon a motion duly made by Director Hollard, seconded by Director Spehalski, and upon vote, unanimously carried, the Board terminated the prior Resolution and adopted the Amended and Restated Resolution Of The Board Of Directors Of the Powhatan Community Authority Establishing Policies and Procedures For Acceptance of Underdrain Improvements.

Joint Resolution Of The Board Of Directors Of the Powhatan Community Authority and Powhatan Road Metropolitan District Nos. 1, 2, 3, 4 and 7 Establishing Policies and

Procedures For Acceptance of Public Improvements: The Board reviewed a Joint Resolution Of The Board Of Directors Of the Powhatan Community Authority and Powhatan Road Metropolitan District Nos. 1, 2, 3, 4 and 7 Establishing Policies and Procedures For Acceptance of Public Improvements.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Kirst, and upon vote, unanimously carried, the Board adopted the Joint Resolution Of The Board Of Directors Of the Powhatan Community Authority and Powhatan Road Metropolitan District Nos. 1, 2, 3, 4 and 7 Establishing Policies and Procedures For Acceptance of Public Improvements.

Assignment of the Master License Agreement between District No. 1 and the Powhatan Community Authority concerning the underdrain system for CSP Nos. 1 and 2: Attorney Murphy discussed with the Board the Assignment of the Master License Agreement between District No. 1 and the Powhatan Community Authority concerning the underdrain system for CSP Nos. 1 and 2.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Kirst, and upon vote, unanimously carried, the Board authorized the Assignment of the Master License Agreement between District No. 1 and the Powhatan Community Authority concerning the underdrain system for CSP Nos. 1 and 2, subject to Attorney review.

Resolution Adopting Rules and Regulations concerning the Community Gardan and Parks: The Board entered into discussion regarding a Resolution Adopting Rules and Regulations concerning the Community Gardan and Parks.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Merrick, and upon vote, unanimously carried, the Board approved the Rules and Regulations. The Board further authorized Attorney Murphy to prepare a Resolution Adopting Rules and Regulations concerning the Community Gardan and Parks.

Resolution Adopting a Digital Accessibility Policy and Designating a Compliance Officer: The Board reviewed a Resolution Adopting a Digital Accessibility Policy and Designating a Compliance Officer.

Following discussion, upon a motion duly made by Director Hollard, seconded by Director Kirst, and upon vote, unanimously carried, the Board adopted the Resolution Adopting a Digital Accessibility Policy and Designating a Compliance Officer.

2024 Legislative Memorandum: Attorney Murphy recommended the Board review the 2024 Legislative Memorandum and requested questions to be emailed to her.

Management Matters

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

Native Areas 5-year Management Plan from High Plains Environmental Center: Ms. Finn reviewed with the Board a Native Areas 5-year Management Plan from High Plains Environmental Center. She noted Kristin Oles is performing regular inspections and providing recommendations. Ms. Warner reported she is working with contractor on recommendations.

Proposal from Parker Electric, Inc. for New Pole Light: The Board reviewed a proposal from Parker Electric, Inc. for new pole light.

Following discussion, upon a motion duly made by Director Hollard, seconded by Director Kirst, and upon vote, unanimously carried, the Board approved the proposal from Parker Electric, Inc. for new pole light, for the amount of \$6,690.

Removal of Slide in the Playground Area and Status of Erosion Repair Work: Ms. Finn noted the large slide was removed due to safety issues. Ms. Warner reported she is working with BrightView Landscape Services, Inc. on erosion issues. It was noted BrightView Landscape Services, Inc. will redo the breeze path, add a stabilizer and cap the irrigation.

Proposal from BrightView Landscape Services, Inc. for the Installation of New Plastic Edging at the Playground: The Board reviewed a proposal from BrightView Landscape Services, Inc. for the installation of new plastic edging at the playground.

Following discussion, upon a motion duly made by Director Spehalski, seconded by Director Hollard, and upon vote, unanimously carried, the Board approved the proposal from BrightView Landscape Services, Inc. for the installation of new plastic edging at the playground, for the amount of \$952.89.

Resolution Regarding Acceptance of the Underdrain System for Filing Nos. 12 and 13: The Board reviewed a Resolution Regarding Acceptance of the Underdrain System for Filing Nos. 12 and 13.

Following discussion, upon a motion duly made by Director Hollard, seconded by Director Kirst, and upon vote, unanimously carried, the Board adopted the Resolution Regarding Acceptance of the Underdrain System for Filing Nos. 12 and 13.

Request for Acceptance of the Underdrain System for Filing Nos. 12 and 13 and Related Documents: Ms. Finn noted all documents have been received for acceptance of the underdrain system for Filing Nos. 12 and 13.

Engineer's Letter from Ranger Engineering: Ms. Finn reviewed with the Board the Engineer's Letter from Ranger Engineering and noted maintenance recommendations.

Proposal from Drain Check for Underdrain System Maintenance Services: Ms. Finn reviewed a proposal for underdrain maintenance services for Filing Nos. 12 and 13 from Drain Check. Following discussion, the Board determined to defer action on this item at this time.

Other Management Matters: There were no other Management Matters.

Financial Matters

Claims: Ms. Wheeler presented the Board with claims in the amount of \$153,852.04 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: Ms. Wheeler reviewed with the Board the unaudited financial statements dated March 31, 2024.

Following discussion, upon motion duly made by Director Kirst, seconded by Director Spehalski and, upon vote, unanimously carried, the Board accepted the unaudited financial statements dated March 31, 2024.

2023 Audit: Ms. Wheeler presented the 2023 Audit to the Board.

Following discussion, upon motion duly made by Director Spehalski, seconded by Director Hollard and, upon vote, unanimously carried, the Board approved the 2023 Audited Financial Statements and authorized execution of the Representations Letter, subject to final legal review and receipt of an unmodified opinion letter by the Auditor.

2025 Budget Preparation: The Board discussed the 2025 Budget Hearing

Following discussion, upon motion duly made by Director Kirst, seconded by Director Hollard and, upon vote, unanimously carried, the Board determined to hold the public hearing to consider

adoption of the 2025 Budget on October 1, 2024, at 4:45 p.m. via Zoom.

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

Other Business

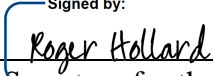
Request from the Homeowner's Association ("HOA") Concerning the Installation of License Plate Readers at Each Entrance to the Community: Ms. Finn noted the Neighborhood Advisory Committee may install the Flock System at the entrances to the community and they may need to install equipment on District property. No action needed by the Board at this time.

Ms. Finn also noted the HOA requested additional pet stations be installed throughout the community. The Board authorized three new pet stations to be installed.

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.

Signed by:


Secretary for the Meeting