

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE BELLEVIEW PLACE METROPOLITAN DISTRICT (THE “DISTRICT”) HELD NOVEMBER 14, 2022

A special meeting of the Board of Directors of the Belleview Place Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, November 14, 2022, at 10:00 a.m. This District Board meeting was held via Zoom. The meeting was open to the public via Zoom.

Directors in Attendance Were:

Brian Mulqueen
Cynthia Myers

Also, In Attendance Were:

Peggy Ripko; Special District Management Services, Inc. (“SDMS”)

Elisabeth A. Cortese, Esq. and Emily Murphy, Esq.; McGeady Becher P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

Brenda Owings; Century Communities

Brittany Horstman; Moeller Graf, P.C.

Donna and Jeff Goldberg, Alexander Rosenthal, and Shadee Ardalan; Residents

**DISCLOSURE OF
POTENTIAL
CONFLICTS OF
INTEREST**

Ms. Ripko 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 of the Board of Directors 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. It was noted by Attorney Cortese that disclosures of potential conflicts of interest were filed with the Secretary of State for all Directors.

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ADMINISTRATIVE MATTERS

Agenda: Ms. Ripko reviewed with the Board a proposed Agenda for the District's Special Meeting.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board approved the Agenda, as amended.

Meeting Location: The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board determined to conduct this meeting by teleconference and encouraged public participation via Zoom. The Board further noted that notice of the teleconference via Zoom was duly posted and that it had not received any objections to the format of the meeting or any requests that the meeting format be changed by taxpaying electors within the District's boundaries.

24-Hour Posting Location: Following discussion, the Board designated the location for posting of 24-hour meeting notices as the District's website (<https://bellevueplacemd.colorado.gov>), or, if the website is unavailable, on a light pole at the southeast corner of East Bellevue Avenue and East Bellevue Drive, Aurora, Colorado.

Results of May 3, 2022 Regular Election: Ms. Ripko discussed with the Board the results of the May 3, 2022 Regular Election for Directors ("Election"). It was noted the Election had been cancelled, as allowed under the statute, as there were not more candidates than seats available. Eric Dome and Brian Mulqueen were deemed elected for a three-year term ending May 2025. All Oaths of Director have been filed with all required agencies.

Resignation of Eric Dome: The Board acknowledged the resignation of Eric Dome from the Board of Directors effective May 16, 2022.

Appointment of Officers: The Board entered into a discussion regarding the appointment of officers.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the following slate of officers was appointed:

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President	Cynthia Myers
Treasurer	Brian Mulqueen
Secretary	Peggy Ripko

Board Appointment: The Board discussed the vacancies on the Board and considered appointing eligible elector, Shadee Ardalan, to the Board of Directors.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board appointed Shadee Ardalan to fill the vacancy on the Board. The Oath of Office was administered.

Appointment of Officers: The Board entered into a second discussion regarding the appointment of officers. Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Cynthia Myers
Treasurer	Brian Mulqueen
Secretary	Shadee Ardalan

Minutes of October 20, 2021 and November 29, 2021 Special Meetings: The Board reviewed the Minutes of the October 20, 2021 and November 29, 2021 Special Meetings. Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Minutes of the October 20, 2021 and November 29, 2021 Special Meetings were approved.

Resolution No. 2022-11-01 Establishing 2023 Regular Meeting Dates, Time, and Location, and Designating Location for Posting of 24-Hour Notices: The Board discussed the business to be conducted in 2023. Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-01 Establishing 2023 Regular Meeting Dates, Time, and Location and Designating Location for Posting of 24-Hour Notices. The Board determined to schedule 2023 meetings on February 15, May 17, August 16, and October 18, 2023 at 6:00 P.M. via Zoom.

§32-1-809, C.R.S. Reporting Requirements (Transparency Notice) and Mode of Eligible Elector Notification for 2023: Ms. Ripko discussed the special district transparency requirements of Section 32-1-809, C.R.S. with the Board. Following discussion, the Board directed the District Manager to post the special district transparency notice on the District Website and the Special District Association website.

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PUBLIC COMMENTS

Mr. Goldberg discussed concerns regarding security issues and safety in the community.

FINANCIAL MATTERS

Claims: The Board reviewed the payment of claims represented for the period beginning on November 1, 2021 through September 30, 2022, in the amount of \$150,373.93. Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board ratified approval of payment of claims for the period beginning on November 1, 2021 through September 30, 2022, in the amount of \$150,373.93.

Unaudited Financial Statements: The Board reviewed and accepted the unaudited financial statements through the period ending September 30, 2022. Following review, upon motion duly made by Director Mulqueen, seconded by Director Myers and, upon vote, unanimously carried, the Board accepted the unaudited financial statements through the period ending September 30, 2022.

Operation Funding Agreement (“OFA”): The Board reviewed the proposed OFA by and between the District and Century at Belleview Place, LLC for a shortfall amount of \$48,215.00 for the 2021 fiscal year. Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen, and upon vote, unanimously carried, the Board approved the OFA.

Public Hearing on Amendment to 2021 Budget: The President opened the public hearing to consider an amendment to the 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider an amendment to the 2021 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Following review and discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-02 to Amend the 2021 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

2021 Audit: The Board reviewed the draft 2021 Audit.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board approved the 2021 Audit, subject to auditor’s opinion and legal review.

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2022 Audit Preparation: The Board considered the engagement of Wipfli LLP for the preparation of the 2022 Audit.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board approved the engagement of Wipfli LLP for the preparation of the 2022 Audit in an amount not to exceed \$5,300.00.

Public Hearing on Amendment to 2022 Budget: The President opened the public hearing to consider an amendment to the 2022 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider an amendment to the 2022 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Following discussion, the Board determined that an amendment was not necessary.

Operations Fee and Working Capital Fee: The Board discussed the Operations Fee and Working Capital Fee and the potential need to increase the Operations Fee.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen, and upon vote, unanimously carried, the Board approved the Amended and Restated Resolution Regarding the Imposition of District Fees.

Public Hearing on 2023 Budget: The President opened the public hearing to consider the proposed 2023 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Following discussion, the Board considered the adoption of Resolution No. 2022-11-03 to Adopt the 2023 Budget and Appropriate Sums of Money, and Resolution No. 2022-11-04 to Set Mill Levies (General Fund at 56.582 mills, the Debt Service Fund at 57.265 mills, and the ARI Mill Levy at 1.145 mills, for a total mill levy of 114.992 mills). Upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-03 and Resolution No. 2022-11-04 and authorized execution of the Certification of Budget. The District Accountant was directed to transmit the Certification of Tax

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Levies to the Board of County Commissioners of Arapahoe County no later than December 15, 2022. The District Manger was authorized to transmit the Certification of Budget to the Division of Local Government no later than January 30, 2023. A copy of the adopted Resolutions are attached hereto and incorporated herein by this reference.

Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan: The Board reviewed Resolution No. 2022-11-05 Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-05 Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

DLG-70 Mill Levy Certification Form: The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

Preparation of 2024 Budget: Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the District's 2024 Budget.

LEGAL MATTERS

Conveyance of Landscape Tracts: The Board discussed the status of the conveyance of landscape tracts to the District.

Resolution Calling May 2, 2023 Election: The Board discussed the May 2, 2023 Election. Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-06 Calling a May 2, 2023 Directors' Election, which appointed Peggy Ripko as the Designated Election Official and authorized her to perform all tasks required for the conduct of a mail ballot election.

COVENANT ENFORCEMENT/

Parking Rules and Regulations and Enforcement: The Board discussed parking rules, regulation and enforcement matters.

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DESIGN REVIEW

Resolution Amending and Restating the Parking Rules and Regulations: Pursuant to Section 24-6-402(4)(b), C.R.S., and upon a motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board convened in Executive Session at 12:12 p.m. for the purpose of receiving legal advice on specific legal questions regarding parking rules and regulations.

Furthermore, pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record or electronic recording will be kept of those portions of the Executive Session that, in the opinion of the Board's attorney, constitute privileged attorney-client communication pursuant to Section 24-6-402(4)(b) and (e), C.R.S.

Following discussion in Executive Session, and upon a motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board reconvened in public session at 12:29 p.m.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board adopted the Resolution Amending and Restating the Parking Rules and Regulations, noting that the changes were made for public safety issues.

OPERATION MATTERS

Landscape Maintenance Services Agreement: The Board reviewed the Service Agreement for Landscaping Services between the District and Consolidated Divisions Inc. d/b/a CDI Environmental Contractor.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board ratified the approval of the Service Agreement for Landscaping Services between the District and Consolidated Divisions Inc. d/b/a CDI Environmental Contractor.

Dog Station Maintenance: The Board reviewed the proposal for dog station maintenance from Pet Scoop, Inc. No action was taken.

Sidewalk and Stair Repair: The Board reviewed the proposal for sidewalk and stair repairs from HARTCO, Inc. d/b/a CAM Services. No action was taken.

2022-2023 Snow Removal: The Board reviewed the proposal from Consolidated Divisions Inc. d/b/a CDI Environmental Contractor for 2022-2023 Snow Removal.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board approved the

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proposal from Consolidated Divisions Inc. d/b/a CDI Environmental Contractor for 2022-2023 Snow Removal.

Service Agreement for Towing Services: The Board reviewed the Service Agreement for Towing Services between the District and Towing Operations, LLC d/b/a Wyatt's Towing.

Following discussion, upon motion duly made by Director Myers, seconded by Director Mulqueen and, upon vote, unanimously carried, the Board approved the Service Agreement for Towing Services between the District and Towing Operations, LLC d/b/a Wyatt's Towing.

OTHER BUSINESS

The Board discussed fire retardant solutions to mulch. No action was taken.

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Director Myers, seconded by Director Mulqueen, and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By



Secretary for the Meeting

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**ATTORNEY STATEMENT
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Belleview Place Metropolitan District, I attended the executive session meeting Belleview Place Metropolitan District convened at 10:00 a.m. on November 14, 2022, for the sole purpose of receiving legal advice regarding specific legal questions regarding parking rules and regulations as authorized by Section 24-6-402(4)(b), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S., and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Signed	<u>Elisabeth A. Cortese</u> Elisabeth A. Cortese
Dated:	<u>November 14, 2022</u>