

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CANYON PINES METROPOLITAN DISTRICT HELD MARCH 23, 2022

A regular meeting of the Board of Directors of the Canyon Pines Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, the 23rd day of March, 2022, at 10:00 a.m. This District Board meeting was held via Zoom with all participants attending via Zoom at <https://us02web.zoom.us/j/5469119353?pwd=SmtlcHJETFhCQUZEcVBBOGZVU3Fqdz09> and via telephone conference at Dial In: 1-253-215-8782, Meeting ID: 546 911 9353, Passcode: 912873. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Chad Ellington, President  
Todd Johnson, Treasurer  
Nathan Laudick, Secretary  
Robert Laudick, Assistant Secretary  
Thomas W. “Terry” Ten Eyck, Assistant Secretary

#### Also In Attendance Were:

David Solin; Special District Management Services, Inc.

Jennifer L. Ivey, Esq., Icenogle Seaver Pogue, P.C.

Joy Tatton; Simmons & Wheeler, P.C.

Wes Back and Elesha Carbaugh-Gonzales; Independent District Engineering Services, LLC

Kathy Burris; Resident (for a portion of the meeting)

### PUBLIC COMMENTS

There were no public comments.

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

**Disclosures of Potential Conflicts of Interest:** The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Mr. Solin noted that a quorum was present and

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requested members of the Board 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 the statute. Attorney Ivey noted that all Directors' Disclosure Statements had been filed. No additional conflicts were disclosed at the meeting.

### ADMINISTRATIVE MATTERS

**Agenda:** Mr. Solin distributed, for the Board's review and approval, a proposed agenda for the District's Regular Meeting.

Following discussion, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the agenda was approved, as presented.

**Location of Meeting and Posting of Notices:** The Board noted that notice of the time, date, and location of the meeting was duly posted.

**Minutes:** The Board reviewed the minutes of the February 23, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the minutes of the February 23, 2022 Regular Meeting were approved, as presented.

### FINANCIAL MATTERS

**Claims:** Ms. Tatton reviewed with the Board the payment of claims for the period ending March 31, 2022, in the amount of \$930,651.92.

Following discussion, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the Board ratified approval of the payment of claims, as presented.

**Expense Tracking Report (ETR):** Ms. Carbaugh-Gonzales reviewed the Expense Tracking Report with the Board.

**District Expenditures Verification Report prepared by Independent District Engineering Services, LLC ("IDES"):** Ms. Carbaugh-Gonzales reviewed with the Board IDES' report entitled "District Expenditures Verification for March 2022," which summarizes IDES' review and verification of the expenditures of the District for March 2022 related to certain District construction contracts. The Verification Report identified \$915,708.42 of District Eligible Expenses and \$14,943.50 of Non-Eligible Expenses.

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Following discussion, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the Board determined to accept the District Eligible Expenses in the amount of \$915,708.42.

**Requisition No. 6 (under the Series 2021A-1(3) Bonds) authorizing payment to Canyon Pines Metropolitan District:** The Board discussed and considered the approval of Requisition No. 6 (under the Series 2021A-1(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in March 2022.

Following discussion, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the Board approved of Requisition No. 6 (under the Series 2021A-1(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in March 2022.

### **LEGAL MATTERS**

#### **Canyon Pines Special Improvement District (“SID”):**

*SID Collection Policies and Procedures:* The Board deferred discussion.

*Proposal from Special District Management Services, Inc. for Special Assessment Administrator Professional Services:* The Board deferred discussion.

### **CONSTRUCTION MATTERS**

**Construction Status Report:** Mr. Jones reviewed with the Board the Project Status Report dated March 23, 2022. A copy of the report is attached hereto and incorporated herein by this reference.

**Contracts, Task Orders, Work Orders and Change Orders:** The Board discussed the following Contracts, Task Orders, Work Orders and Change Orders:

- Ratify approval of Change Order No. 7 under the Construction Contract between the District and Hudick Excavating, Inc., d/b/a HEI Civil, for contractor Use Tax Refund, for a decrease in the Contract amount of \$81,335.60.
- Ratify approval of Task Order No. 8 under the Construction Contract between the District and Hudick Excavating, Inc., d/b/a HEI Civil, for dry utility sleeving, in the amount of \$72,487.60.
- Ratify approval of Task Order No. 9 under the Construction Contract between the District and Hudick Excavating, Inc., d/b/a HEI Civil, for Boulder Wall Mockup, in the amount of \$5,396.24.

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- Ratify approval of Change Order No. 10 under the Construction Contract between the District and Hudick Excavating, Inc., d/b/a HEI Civil, for changes to water line drawings and material price increase, for a decrease in the Contract amount of \$11,681.52.
- Ratify approval of Task Order No. 11 under the Construction Contract between the District and Hudick Excavating, Inc., d/b/a HEI Civil, for Boulder Walls, in the amount of \$412,155.46.

Following discussion, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the Board approved (or ratified approval of, as appropriate) the Contracts, Change Orders, Task Orders and Work Orders listed above.

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### **OTHER BUSINESS**

Ms. Burris asked where the excavation fill is being exported. Director Ellington explained that it is a contractor determination and not something that the developer really has a role in deciding, but that most of the fill is being used onsite.


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### **ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made by Director Ellington, seconded by Director Johnson and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By \_\_\_\_\_

  
Secretary for the Meeting