

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CANYON PINES METROPOLITAN DISTRICT HELD AUGUST 23, 2023

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 August, 2023 at 10:00 a.m. This District Board meeting was held via Zoom. 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  
Eric Pearson, Assistant Secretary

#### Also In Attendance Were:

AJ Beckman; Public Alliance, LLC.

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

Joy Tatton; Simmons & Wheeler, P.C.

Wes Back; Independent District Engineering Services, LLC

#### 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. Beckman noted that a quorum was present and 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

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meeting. Additionally, Attorney Ivey noted prior to action on the items that pursuant to §§ 24-18-109(3)(b) and 24-18-110, C.R.S. the Directors had complied with the voluntary disclosure requirements related to their conflicts of interest and that participation of the Directors in the vote on various matters is necessary to enable the Board of Directors to act.

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### ADMINISTRATIVE MATTERS

**Agenda:** Mr. Beckman 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 Johnson, seconded by Director Nathan Laudick and, upon vote, unanimously carried, the agenda was approved, as amended.

**Minutes:** The Board reviewed the minutes of the July 26, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Pearson and, upon vote, unanimously carried, the minutes of the July 26, 2023 Regular Meeting were approved, as presented.

**District Website:** Mr. Beckman discussed the District's website with the Board.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Pearson and, upon vote, unanimously carried, the Board approved the new District website and designated it as the official posting place.

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### FINANCIAL MATTERS

**Claims:** Ms. Tatton reviewed with the Board the payment of claims for the period ending August 23, 2023, in the amount of \$85,903.91.

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

**Unaudited Financial Statements:** Ms. Tatton reviewed with the Board the unaudited financial statements for the period ending June 30, 2023.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Nathan Laudick and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending June 30, 2023.

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**Expense Tracking Report and District Expenditures Verification:** Mr. Back reviewed the Expense Tracking Report and District Expenditures Verification for August 2023 with the Board. Director Ellington noted that interest needs to be added on Exhibit B.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Pearson and, upon vote, unanimously carried, the Board approved the Expense Tracking Report and District Expenditures Verification for August 2023, as presented.

**Requisition No. 2 (under the Series 2022(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in July 2023:**

Ms. Tatton reviewed with the Board Requisition No. 2 (under the Series 2022(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in August 2023.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Ellington and, upon vote, unanimously carried, the Board approved Requisition No. 2 (under the Series 2022(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in August 2023, in the amount of \$592,993.00.

**Requisition No. 3 (under the Series 2022(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in July 2023:**

Ms. Tatton reviewed with the Board Requisition No. 3 (under the Series 2022(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in August 2023.

Following discussion, upon motion duly made by Director Johnson, seconded by Director Pearson and, upon vote, unanimously carried, the Board approved Requisition No. 3 (under the Series 2022(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in August 2023, in the amount of \$68,103.25.

**SID Fee Report:** Mr. Beckman reviewed the SID Fee Report with the Board.

Following discussion, upon motion duly made by Director Pearson, seconded by Director Johnson and, upon vote, unanimously carried, the Board accepted the SID Fee Report.

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### LEGAL MATTERS

**2023 Legislative Memorandum:** Attorney Ivey presented to and reviewed with the Board the 2023 Legislative Memorandum, noting that management will be contacting Board members to schedule the annual meeting required by Senate Bill 23-110.

**House Bill 23-1105:** Attorney Ivey presented to and reviewed with the Board the notice requirements in House Bill 23-1105 regarding the Metropolitan District Homeowner’s Rights Task Force. After review and discussion, upon motion, second, and unanimous vote, the Board authorized posting the suggested notice in the same manner that the District provides notice of its meetings for purposes of Section 24-6-402(2)(c)(I), C.R.S.

**Resolution Designating an Official Custodian for the Colorado Open Records Act:** Attorney Ivey reviewed with the Board the Resolution Designating an Official Custodian for the Colorado Open Records Act.

Following discussion, upon motion duly made by Director Nathan Laudick, seconded by Director Robert Laudick and, upon vote, unanimously carried, the Board adopted the Resolution Designating an Official Custodian for the Colorado Open Records Act.

**Official Custodian Adoption of Rules Related to Requests for Inspection of Public Records Pursuant to Colorado Open Records Act:** Attorney Ivey reviewed with the Board the Rules Related to Requests for Inspection of Public Records Pursuant to Colorado Open Records Act.

Following discussion, Director Nathan Laudick approved the Rules Related to Requests for Inspection of Public Records Pursuant to Colorado Open Records Act.

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### CONSTRUCTION MATTERS

**Construction Status Report:** Mr. Back reviewed with the Board the Project Status Report dated July 26, 2023. A copy of the report is attached hereto and incorporated herein by this reference.

**Contracts, Task Orders, Work Orders and Change Orders:** Mr. Back reviewed the following Agreements, Contracts, Task Orders, Work Orders and Change Orders:

- Change Order No. 31 to the Contract between the District and Hudick Excavating, Inc., (“HEI”) for changes to Redi Rock retaining wall on Highway 72, in the amount of \$524,734.66.
- Change Order No. 32 to the Contract between the District and HEI, Inc., for changes to top lift paving, in the amount of \$549,618.65.

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Director Ellington inquired as to when the prices expired. Mr. Back reported that the pricing is good through the end of the year, but he will work with HEI on holding pricing beyond end of year.

Director Ellington also noted that there are significant punch list items to be addressed.

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 Agreements, Contracts, Change Orders, Task Orders and Work Orders listed above.

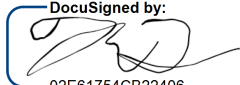
**OTHER BUSINESS**

None.

**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

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