

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CANYON PINES METROPOLITAN DISTRICT HELD OCTOBER 25, 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 25th day of October, 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 and Kate Innes; Public Alliance, LLC.

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

Joy Tatton; Simmons & Wheeler, P.C.

Brandon Collins; Independent District Engineering Services, LLC

Debra Wyatte, Member of the Public

#### 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

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meeting in accordance with the statute. Ms. Ivey noted that all Directors' Disclosure Statements had been filed. No additional conflicts were disclosed at the meeting. Additionally, Ms. 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.

### ADMINISTRATIVE MATTERS

**Agenda:** Mr. Beckman distributed, for the Board's review and approval, a proposed agenda for the District's Regular Meeting. Mr. Beckman confirmed that the meeting notices with the location of the meeting and agenda items were posted in accordance with law.

Following discussion, upon motion duly made by Director Nathan Laudick, seconded by Director Pearson and, upon vote, unanimously carried, the agenda was approved, as amended.

**Minutes:** The Board reviewed the minutes of the September 27, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Nathan Laudick, seconded by Director Pearson and, upon vote, unanimously carried, the minutes of the September 27, 2023 Regular Meeting were approved, as presented.

### FINANCIAL MATTERS

**Claims:** Ms. Tatton reviewed with the Board the payment of claims for the period ending October 25, 2023, in the amount of \$557,900.66.

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

**2023 Budget Amendment Hearing:** Upon the motion of Director Nathan Laudick, and second of Director Pearson, the Board of Directors voted unanimously, and opened the public hearing on the proposed 2023 budget amendment consistent with published notice. Mr. Beckman called for public comments. When there were none, upon the motion of Director Nathan Laudick, and second of Director Pearson, the Board of Directors voted unanimously, and closed the public hearing.

Ms. Tatton reviewed the 2023 Budget Amendment with the Board and Ms. Ivey presented to the Board of Directors a resolution for approval and adoption of the 2023 budget amendment and appropriating funds therefore.

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Following discussion and review, upon motion duly made by Director Nathan Laudick and second of Director Pearson, the Board of Directors unanimously adopted the resolution approving the proposed 2023 budget amendment and appropriate sums of money.

**2024 Budget Hearing:** Mr. Beckman noted that a notice was published in a newspaper with general circulation in the area, and there were no inquiries from the public. Upon the motion of Director Nathan Laudick, and second of Director Pearson, the Board of Directors voted unanimously, and opened the public hearing on the proposed 2024 budget consistent with published notice. Mr. Beckman called for public comments. When there were none, upon the motion of Director Nathan Laudick, and second of Director Pearson, the Board of Directors voted unanimously, and closed the public hearing.

Ms. Tatton reviewed the 2024 Draft Budget with the Board and Ms. Ivey presented to the Board of Directors a resolution for approval and adoption of the 2024 budget, appropriating funds therefore and certification of a mill levy thereunder.

Upon motion by Director Nathan Laudick and second of Director Pearson, the Board of Directors unanimously adopted the resolution approving the 2024 budget, appropriating the funds to the approved budget, and certifying the mill levies as provided in the budget.

**Expense Tracking Report and District Expenditures Verification:** Mr. Collins reviewed the Expense Tracking Report and District Expenditures Verification for October 2023 with the Board.

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

**Requisition No. 5 (under the Series 2022(3) Bonds) authorizing payment to City of Arvada for Canyon Pines/Ransome Pump Station, United Power Reimbursement:** Ms. Tatton reviewed with the Board Requisition No. 5 (under the Series 2022(3) Bonds) authorizing payment to City of Arvada for Canyon Pines/Ransome Pump Station, United Power Reimbursement.

Following discussion, upon motion duly made by Director Nathan Laudick, seconded by Director Chad Ellington and, upon vote, unanimously carried, the Board approved Requisition No. 5 (under the Series 2022(3) Bonds) authorizing payment to City of Arvada for Canyon Pines/Ransome Pump Station, United Power Reimbursement, in the amount of \$56,929.

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**Requisition No. 6 (under the Series 2022(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in October 2023:** Ms. Tatton reviewed with the Board Requisition No. 6 (under the Series 2022(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in October 2023.

Following discussion, upon motion duly made by Director Nathan Laudick, seconded by Director Pearson and, upon vote, unanimously carried, the Board approved Requisition No. 6 (under the Series 2022(3) Bonds) authorizing payment to Canyon Pines Metropolitan District for various capital costs paid in October 2023, in the amount of \$530,993.63.

**Authorized Signer on District Checking Account:** Ms. Tatton discussed with the Board the removal of Terry Ten Eyck as an authorized signer on the District's checking account.

Following discussion, upon motion duly made by Director Nathan Laudick, seconded by Director Pearson and, upon vote, unanimously carried, the Board authorized Ms. Tatton to remove Terry Ten Eyck as an authorized signer on the District's checking account.

**SID Fee Report:** Ms. Innes reviewed the SID Fee Report with the Board. No action was taken.

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### **LEGAL MATTERS**

**Engagement Letter for 2024 Special Assessment Collection Scope of Services:** Ms. Ivey reviewed with the Board the Engagement Letter for 2024 Special Assessment Collection Scope of Services with Public Alliance, LLC.

Following review, upon motion duly made by Director Nathan Laudick, seconded by Director Pearson and, upon vote, unanimously carried, the Board approved the Engagement Letter for 2024 Special Assessment Collection Scope of Services with Public Alliance, LLC.

**Extension of Management Agreement:** Ms. Ivey reviewed with the Board the Extension of Management Agreement with Public Alliance, LLC.

Following review, upon motion duly made by Director Ellington, seconded by Director Pearson and, upon vote, unanimously carried, the Board approved the Extension of Management Agreement with Public Alliance, LLC.

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**CONSTRUCTION MATTERS**

**Construction Status Report:** Mr. Collins reviewed with the Board the Project Status Report dated October 25, 2023. A copy of the report is attached hereto and incorporated herein by this reference.

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

- Approve Consulting Services Agreement between the District and CTL Thompson, in the amount of \$1,220, subject to final review by Counsel.
- Ratify approval of Change Order No. 35 to the Contract between the District and Hudick Excavating, Inc., for Retaining Wall Repair, in the amount of \$282,012.15.
- Ratify approval of Change Order No. 36 to the Contract between the District and Hudick Excavating, Inc., for Highway 72 Asphalt, in the amount of \$52,175.18.
- Ratify approval of Task Order No. 6 to the Master Services Agreement with Ground Engineering Consultants, Inc. for Material Testing Services for Highway 72, in the amount of \$13,495.

Following discussion, upon motion duly made by Director Nathan Laudick, seconded by Director Pearson 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.

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**OTHER BUSINESS**

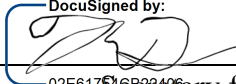
None.

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**ADJOURNMENT**

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

Respectfully submitted,

By  \_\_\_\_\_  
Secretary for the Meeting