

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF

WEEMS NEIGHBORHOOD METROPOLITAN DISTRICT

Held: November 13, 2023 at 3:30 p.m. via teleconference.

**Attendance**

A Special Meeting of the Board of Directors of the Weems Neighborhood Metropolitan District, County of Boulder, Colorado (“**Board**”), was called and held as shown above and in accordance with the applicable statutes of the State of Colorado, with the following Directors present and acting:

Kent Pedersen  
Debra Hessler  
Jennifer Thornbloom  
Jonathan B. Beckwitt

Director Keenan Tompkins was absent. All absences are deemed excused unless otherwise noted in these minutes.

Also present were: Robert G. Rogers, Esq. and Audrey Johnson, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; and Jason Carrol, CliftonLarsonAllen, District Accountant

**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**

Ms. Johnson advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Johnson 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. Ms. Johnson 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.

**Approval of Agenda**

Ms. Johnson presented the Agenda to the Board for consideration. Following discussion, upon motion duly made and seconded, the Board unanimously approved the Agenda as presented.

**Public Comment:** None

**Consent Agenda** Ms. Johnson reviewed the items on the consent agenda with the Board. Ms. Johnson advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Upon motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified, and adopted:

- a. Minutes from May 18, 2023 Special Meeting.
- b. Claims as of November 6, 2023 (\$4,208.30)
- c. Financial Statements as of September 30, 2023
- d. General Liability Schedule and Limits
- e. Proposal with Heatherly Creative for Website Maintenance in 2024
- f. First Amendment to Independent Contractor Agreement with MSI, LLC for Management Services

**Development Matters**

Development and Construction Updates The Board engaged in general discussion noting Filing 1 has been completed. It was also noted that construction of Arapahoe Road is in progress and expected to be completed soon. It is anticipated that Filing 2 construction will begin shortly.

**Financial Matters**

Public Hearing on 2023 Budget Amendment and Consider Adoption of Resolution, *if needed* A 2023 budget amendment was not needed.

Public Hearing on 2024 Budget and Consider Adoption of Resolution Adopting Budget, Certifying Mill Levy and Appropriating Funds Therefor Ms. Johnson opened the public hearing on the proposed 2024 Budget. Ms. Johnson noted that the notice of public hearing was provided in accordance with Colorado Law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Mr. Carrol reviewed the 2024 Budget Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2024 Budget, appropriating funds therefor and certifying mills for the general fund and mills for the debt services fund as shown in the 2024 Budget, subject to

receipt of the final assessed valuation, and directed its consultants to file the budget with the appropriate mill levy calculation based on actions taken by the legislature.

Discuss Requirements of SB23-303 Relating to Limitations of Property Tax Revenue

Ms. Johnson explained to the Board that Proposition HH was not approved by voters in the November election. The ballot measure was a referred measure that would limit tax increases from the prior property tax year to the amount of inflation, and that would also temporarily reduce the valuation for assessment of certain residential and nonresidential property. In response to the failed measure, Governor Polis announced that a special legislative session would be convened on November 17, 2024, to further address the State's property taxes.

### **Legal Matters**

Consider Adoption of Resolution 2024 Annual Administrative Resolution

Ms. Johnson presented the 2024 Annual Administrative Resolution to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the resolution and scheduled the regular meetings for the third Thursday of May and October at 11:00 a.m., and the annual meeting on the third Thursday of May at 10:30 a.m.

Consider Approval of Access and Maintenance Easement Agreement with Lennar Colorado, LLC for Landscape Maintenance

Ms. Johnson presented the Access and Maintenance Easement Agreement. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Access and Maintenance Agreement with Lennar Colorado, LLC for Landscape Maintenance, subject to final comments from Ms. Hessler and legal counsel.

Consider Adoption of Amended and Restated Schedule for Operations Fee

Ms. Johnson presented the Amended and Restated Schedule for Operations Fee. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Amended and Restated Schedule for Operations Fee, subject to the revisions as discussed.

Consider Adoption of Resolution Establishing Guidelines for the Collection of Delinquent Fees

Ms. Johnson presented the Resolution Establishing Guidelines for the Collection of Delinquent Fees. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the Resolution Establishing Guidelines for the Collection of Delinquent Fees.

*Discuss Proposals and Consider Engagement of Special Counsel for Collection Matters*

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the engagement of Winzeburg, Leff, Purvis & Payne, LLP as Special Counsel for Collection Matters.

**Other Matters**

None.

**Other Business**

The next meeting is scheduled for May 16, 2024 at 11:00 a.m.

**Adjourn**

There being no further business to come before the Board and following discussion and upon motion duly made, seconded and unanimously carried, the Board determined to adjourn the meeting.

The foregoing record constitutes a true and correct copy of the Minutes of the above-referenced meeting.



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Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.