

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

HILLS AT CHERRY CREEK METROPOLITAN DISTRICT

Held: Thursday, February 1, 2024 at 4:00 p.m. at 7400 East Orchard Road, Suite 3300 Greenwood Village, CO

Attendance

The regular meeting of the Board of Directors of the Hills at Cherry Creek Metropolitan District was called and held as shown above in accordance with the statutes of the State of Colorado. The following Directors, having confirmed their qualifications to serve on the Board, were in attendance:

Naomi Cohen
Kerry Blacker
Andrea Loschen
Keith Ladson
Jay Christopher

Also present were Elizabeth A. Dauer, Esq., Seter & Vander Wall, P.C.; and Georgia Harland, Simmons & Wheeler, P.C.

Call to Order

Director Cohen noted that a quorum of the Board was present and that the Directors had confirmed their qualifications to serve, and therefore called the regular meeting of the Board of Directors of the Hills at Cherry Creek Metropolitan District to order at 4:00 p.m.

Disclosure Matters

Ms. Dauer advised the Board that pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Board member affirmed their conflicts of interest which had been disclosed and filed with the Secretary of State, and stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting.

Approval of Minutes

Upon motion made, seconded and unanimously carried, the minutes of the November 2, 2023 special and annual meetings were approved as presented.

Annual Administrative Matters- 2024

Ms. Dauer discussed a number of administrative matters with the Board, which are generally addressed at the Board's first meeting of the year, in accordance with Colorado laws.

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Ms. Dauer asked the Directors to complete a statement of qualification of director, which she distributed to each Director, confirming each Director's qualifications to serve on the Board.

Ms. Dauer asked the Directors to review the information provided to each Director by the firm, describing how to identify a conflict of interest, and the requirements under Colorado law for disclosure of such conflicts of interest by each Director. Ms. Dauer asked each Director to review the contents of the letter, and to identify all existing and potential conflicts of interest each Director may have in connection with serving as a member of the Board of the District, and to complete the enclosed disclosure forms to be returned to her office.

The Board determined to continue its regular meeting time and place as the first Thursday of February, May, August, and November at 4:00 p.m. at 7400 East Orchard Road, Suite 3300, Greenwood Village, Colorado.

The Board confirmed the existing officers of the Board:
Naomi Cohen, President/Chair
Kerry Blacker, Secretary/Treasurer
Andrea Loschen, Asst. Secretary

The Board reviewed and determined to continue to use its existing newspaper publication designated for publication of legal notices, identified as *The Villager*.

Next, the Board designated the Jamaica/Belleview Notice Board as the 24-hour posting place for meeting notices that were not otherwise posted under Title 32, C.R.S.

The Board determined to appoint Catherine T. Bright, of the law firm Seter & Vander Wall, P.C., to serve as the Designated Election Official for the District for its election activities.

The Board reviewed the employment of its consultants, Seter & Vander Wall, P.C., serving as the District's legal counsel, and Simmons & Wheeler, P.C., serving as the District's accountant, and determined to renew the consultants for 2024.

Finally, the Board reviewed the proposed form of resolution presented by Ms. Dauer, which memorializes the above

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determinations in addition to certain other annual administrative actions providing direction from the Board regarding actions to be taken by its consultants on the Board's behalf. Upon motion by Director Cohen, seconded by Director Blacker, the Board unanimously approved the Resolution.

Financial Matters
Payment of Claims

/ Ms. Harland presented the listing of checks for approval in the amount of \$34,545.57. Ms. Harland also presented the entry monument claims in the amount of \$3,540.00. Upon motion, second, and unanimous vote, the Board approved and ratified the checks as presented.

Ms. Harland then reviewed the financial statements dated December 31, 2023 with the Board. Upon motion, second, and unanimous vote, the Board accepted the financial statements as presented.

Ms. Harland discussed that the District was eligible for exemption from the 2023 audit and presented the application for same. Ms. Harland will send the application for exemption from audit to the Directors via AdobeSign.

Landscape Issues
- Discuss
- Landscape
Maintenance
Contractor

2024 Director Ladson reported that the Fall clean-up performed by ColoradoScapes was not sufficient. He noted that the grass is dead in several locations. Director Ladson will draft a list of expectations for landscape contractors for 2024.

Director Ladson reported that he had obtained a proposal for 2024 landscape services from another contractor, but that he will obtain an additional proposal for Board consideration. Director Cohen will obtain a proposal for 2024 from ColoradoScapes. The Board determined to hold a special meeting at 4:00 p.m. on February 22, 2024 to conduct interviews and consider potential landscape contractors.

Tennis Court Matters

Director Blacker reported that a new contract for the roll-up and down service for the wind screens may be needed from Game Set Match. The Board discussed the whether the windscreens are needed at all. Director Blacker will further investigate the need for the windscreens and will also investigate whether additional damage to the nets was vandalism for possible insurance claim.

Attorney Report

- Wall Damage at E.
Berry Avenue

Ms. Dauer discussed the status of the insurance claim for the wall damage at E. Berry Ave. She presented the agreement for

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wall repair by Rock Doctors in the amount of \$27,439.00 for ratification. She also presented the proposal from ColoradoScapes to replace the damaged tree in the amount of \$1,153.52 for ratification. Upon motion, second and discussion the wall repair agreement and tree replacement proposal were ratified.

Ms. Dauer also reported that the Special District's Property and Liability Pool Safety Grant fund request for monument sealant was approved.

- Consider Streamline Website Management Agreement

Ms. Dauer provided an update on HB21-1110 concerning government website accessibility. She presented the Streamline Website Management Agreement. Upon motion, second and discussion, the Streamline Website Management Agreement was approved as presented.

Other Business

Director Christopher discussed whether repair or replacement was necessary for a damaged picnic table. He discussed prices for various types of material to replace broken slats in the table. Upon motion, second and discussion, the Board authorized Director Christopher to purchase replacement wood to insert in the existing metal frame of the table in an amount not to exceed \$400.

Director Loschen distributed her report regarding District facilities requiring replacement and maintenance. The Board discussed the notion of an election to gain additional funds for District operations and debt authorization to conduct capital replacement projects to aging infrastructure such as the irrigation system.

Public Comment

There was no public comment at this time.

Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 6:00 p.m.


Secretary for the Meeting