

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF THE

HILLS AT CHERRY CREEK METROPOLITAN DISTRICT

Held: Thursday, April 27, 2023 at 4:00 P.M., at 7400 East
Orchard Road, Suite 3300, Greenwood Village, CO

Attendance

The special 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
Richard Keene
Kerry Blacker
Andrea Loschen

Absent: Paula McAtee

Also present were Elizabeth A. Dauer, Esq., Seter & Vander Wall, P.C.; Georgia Harland*, Simmons & Wheeler, P.C.; and Keith Ladson*, a member of the public.

[*Departed where indicated.]

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 special meeting of the Board of Directors of the Hills at Cherry Creek Metropolitan District to order.

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 February 2, 2023 regular meeting were approved as presented.

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Financial Matters / Payment of Claims

Ms. Harland presented the listing of checks for ratification and approval in the amount of \$17,086.44. Ms. Harland discussed the expense from Game Set Match, noting the company's continued failure to timely invoice for services. Director Loschen volunteered to sit on the District tennis committee and request all invoices be delivered promptly. After discussion, and upon motion made by Director Cohen, seconded by Director Keene, and unanimously carried, the Board approved and ratified the checks as presented.

Next, Ms. Harland presented the District's financial statements for the period ending March 31, 2023. Director Loschen requested that future District financials contain a footnote explaining any discrepancy between beginning and ending balances. Upon motion, second and unanimous vote, the Board accepted the financial statements as presented.

[*Ms. Harland departed the meeting at this time.]

Landscape Issues

- Consider Proposal for Irrigation Repairs

Director Cohen discussed that she believed Comcast was conducting excavation work and damaged District landscaping and the irrigation lines. District resident, Keith Ladson, explained that the company that was conducting the digging was Broadcom. He offered to provide Director Cohen with the contact information for Broadcom to request reimbursement for the damage. Upon motion, second and unanimous vote, the Board approved the proposal from ColoradoScapes to repair the irrigation line in the amount of \$3,284.75.

- Graffiti in Park

District Resident, Keith Ladson, discussed the problem with vandalism and graffiti in the park. He noted that he has attempted to clean-up the park graffiti, but that it is time to request that a professional clean specific surfaces, such as the basketball court. Director Cohen volunteered to inquire whether ColoradoScapes performs this service and obtain pricing. Mr. Ladson then suggested the Board sponsor a District clean-up day to be held quarterly or in conjunction with the food trucks. Upon motion, second and unanimous vote, the Board approved sponsorship of a District clean-up day with Directors Loschen and Blacker to oversee same.

- Gates on Havana

The Board discussed the gates on Havana, noting that the gates do not open. The Board questioned whether the gates serve any purpose or need to be opened. The Board determined that it may make more sense to install a split-rail fence to replace the gates. Director Cohen will obtain proposals for removal and construction of a fence in that area.

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- Other

Director Cohen discussed that she has received complaints that the playground mulch is low and there are many fallen branches in the park. The Board requested that Director Cohen obtain a proposal to replace the mulch and apply a weed killer in those areas.

Director Blacker noted that there is a crack in the playground slide, and it needs to be replaced. Ms. Dauer will send Director Blacker the name of the playground equipment supplier that the District has previously used.

Director Cohen noted that she has received a proposal from ColoradoScapes to install grasses along Berry. Upon motion, second and unanimous vote, the Board approved the proposal from ColoradoScapes to install grasses in an amount not to exceed \$900.

Director Loschen reported that the lighting boxes are secured with a padlock. Director Loschen will send the code to the padlock to the other Directors and legal counsel.

*Keith Ladson departed the meeting at this time.

Tennis Court Matters

Director Cohen noted that the pickleball net is damaged, but that it is the obligation of the HOA to fix it.

Attorney Report

- District Website

Ms. Dauer reported that the District website is fully operational. The Board requested that the District minutes be included on the website.

- Update regarding
May 2, 2023 Director
Election

Ms. Dauer noted that the May 2, 2023 Director election was cancelled because the District did not receive more self-nomination forms than seats available.

- Consider Southeast
Metro Stormwater
Authority Drainage
Easement

Ms. Dauer presented the Southeast Metro Stormwater Authority (“SEMSWA”) Drainage Easement for Board consideration. She explained that the easement was a requirement so that SEMSWA may access certain drainage structures that requires repair from erosion. Upon motion, second and unanimous vote, the Board approved the Southeast Metro Stormwater Authority Drainage Easement as presented.

Other Business

Director Loschen inquired regarding the potential to dissolve the District once the bonds are paid-in-full to consolidate services and only operate a home owners association for the community. Ms. Dauer suggested that dissolving the HOA rather than the District is another option. The Board directed Ms. Dauer to prepare a memo explaining the process to consolidate the

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District with the HOA.

The Board discussed the next meeting date and determined to hold its next meeting on June 15, 2023 at 4:00 p.m.

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.

Andria K. Roschen

Secretary for the Meeting