

MINUTES OF A SPECIAL MEETING OF THE BOARD
OF DIRECTORS

OF

CUNDALL FARMS METROPOLITAN DISTRICT

Held: Tuesday, September 30, 2020, at 5:00 p.m. via
Teleconference.

Due to the Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders issued by the Colorado Department of Health and Environment, and the threat posed by the COVID-19 coronavirus, this meeting will be held via teleconference.

Attendance

A special meeting of the Board of Directors of the Cundall Farms Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve on the Board, were in attendance:

David Scott
Reuben Patrick Maes
Bradley Mark Nelson
Kathy Snyder
Darren Fresquez

Also present was Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron; Melissa Sykes, Advance HOA Management, Inc.; Julie Fitzgerald and Roxanne Fitzgerald, T. Charles Wilson Insurance Service; and homeowners.

Call to Order

Mr. Scott noted that a quorum of the Board was present and called the meeting to order.

**Declaration of Quorum/Director
Qualification/Reaffirmation of
Disclosures**

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

Agenda

The Board reviewed the proposed agenda. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as amended.

Election of Treasurer

Following discussion, upon a motion duly made and seconded, the Board unanimously elected Mr. Scott as the Treasurer.

Public Comment

None.

Consent Agenda

Following a summary by Ms. Murphy, the items on the consent agenda were approved and/or adopted by one motion duly made and seconded, and unanimously carried.

1. Minutes from August 31, 2020 Special Meeting
2. Minutes from September 2, 2020 Special Meeting
3. Work Order no. 8 with Metco Landscape LLC for Irrigation Repairs at 156th & Columbine
4. Work Order No. 9 with Metco Landscape LLC for Irrigation Repairs at Columbine North

Discussion with T. Charles Wilson Regarding Insurance Coverage

Ms. Fitzgerald and Ms. Fitzgerald review the District's current insurance coverage with the Board. Following discussion, upon a motion duly made and seconded, the Board requested insurance coverage by added for the detention pond, the 6' privacy fence along Highway 7, and the monument sign.

District Management Matters

District Manager Report

Ms. Sykes presented her report to the Board.

Following discussion, upon a motion duly made and seconded, the Board authorized Mr. Maes to work with Ms. Sykes to waive late fees for homeowners who are experiencing issues paying their monthly operations fee.

Following discussion, upon a motion duly made and seconded, the Board authorized Mr. Fresquez to select an arborist to review the trees and shrubs in the community and

	prepare a report for the District's insurance company detailing damage caused by a freeze event.
Consider Approval of Proposal from Atwell, LLC for Mapping Services	Ms. Murphy presented a proposal from Atwell, LLC to prepare a maps for the District. Following discussion, upon a motion duly made and seconded, the Board approved the proposal.
Discuss Architectural Review Committee and Architectural Review Submissions	Mr. Scott noted that he did not receive any response from the previous architectural review committee ("ARC") members about serving on the ARC. Following discussion, upon a motion duly made and seconded, the Board determined that Ms. Sykes and Ms. Snyder would comprise the ARC.
	Ms. Murphy noted that the City of Thornton guidelines require trees to be planted in the front yard and recommend the District following these same requirements.
Consider Adoption of Resolution Regarding Policies, Procedures and Penalties for the Enforcement of the Governing Documents	Ms. Murphy presented the Resolution Regarding Policies, Procedures and Penalties for the Enforcement of the Governing Documents to the Board. The Board requested changes and that the revised resolution be added to the next agenda.
Update from Social Committee	Ms. Juhrs provided an update of Social Committee activities in 2020.
Community Policing Signs	Mr. Maes presented a request from a community member that the District allow five community policing signs to be installed on District property. The signs will be paid for and provided by the City of Thornton. Following discussion, upon a motion duly made and seconded, the Board approved the community policing signs.
Discuss Emergency Approval Authorization	Following discussion, upon a motion duly made and seconded, the Board authorized Advance HOA to approve emergency expenditures in an amount not to exceed \$2,500.
Notice of meetings	Following discussion, upon a motion duly made and seconded, the Board directed Ms. Sykes to post the meeting agendas to the District's website and email agendas to the community.
Legal Matters	None.

Financial Matters

Consider Approval of Municipal Advisor

The Board reviewed municipal advisor proposals from Ehlers, Inc.; Lewis Young Robertson & Burningham; Municap, Inc.; North Slope Capital Advisors; and Piper Sandler & Co. Following discussion, upon a motion duly made and seconded, the Board approved the proposal from Municap, Inc.

Executive Session

Upon motion of Mr. Scott, seconded by Ms. Snyder, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 8:08 P.M. for the purpose of receiving legal advice on specific legal questions related to: (a) General Obligation Refunding Bonds, Series 2017A, Subordinate Limited Tax General Obligation Improvement Bonds, Series 2017B, and Limited Tax Junior Lien Subordinate General Obligation Bonds, Series 2017C (collectively, the "Bonds"); and (b) Developer Advance Payment to Cundall Farms, LLC and pursuant to § 24-6-402(4)(e), C.R.S. for the purpose of determining positions relative to matter that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators related to the Bonds and/or the Developer Advance Payment to Cundall Farms, LLC.

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of the District's attorney, constitutes privileged attorney-client communication pursuant to § 24-6-402(4)(b), C.R.S.

Also pursuant to § 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during execution session.

The Board reconvened in regular session at 8:14 P.M.

Following discussion, upon a motion duly made and seconded, the Board authorized Mr. Nelson and Mr. Maes to meet with a representative from Cundall Farms, LLC.

Adjourn

There being no further business to be conducted, the meeting was adjourned.

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

Darren Fresquez
Darren Fresquez (Jan 14, 2021 09:46 MST)

Secretary for the Meeting

The foregoing minutes were approved on the 5th day of January, 2021.










2021-01-05 Cundall Farms Execution Packet

Final Audit Report

2021-01-15

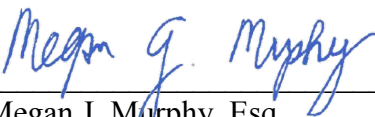
Created:	2021-01-13
By:	Dana Anderson (danderson@wbapc.com)
Status:	Signed
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"2021-01-05 Cundall Farms Execution Packet" History

-  Document created by Dana Anderson (danderson@wbapc.com)
2021-01-13 - 9:36:47 PM GMT- IP address: 50.209.233.181
-  Document emailed to David A Scott (david@cfmd.co) for signature
2021-01-13 - 9:38:56 PM GMT
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Signature Date: 2021-01-14 - 4:46:09 PM GMT - Time Source: server- IP address: 192.188.155.154
-  Email viewed by David A Scott (david@cfmd.co)
2021-01-15 - 5:11:09 PM GMT- IP address: 75.71.0.220
-  Document e-signed by David A Scott (david@cfmd.co)
Signature Date: 2021-01-15 - 6:55:01 PM GMT - Time Source: server- IP address: 75.71.0.220
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**ATTORNEY STATEMENT
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Cundall Farm Metropolitan District, I attended the executive session meeting at a special meeting of Cundall Farm Metropolitan District convened at 8:08 P.M. on September 30, 2020 for the sole purpose of discussing legal advice on specific legal questions related to: (a) General Obligation Refunding Bonds, Series 2017A, Subordinate Limited Tax General Obligation Improvement Bonds, Series 2017B, and Limited Tax Junior Lien Subordinate General Obligation Bonds, Series 2017C (collectively, the “Bonds”); and (b) Developer Advance Payment to Cundall Farms, LLC and determining positions relative to matter that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators related to the Bonds and/or the Developer Advance Payment to Cundall Farms, LLC as authorized by Section 24-4-402(4)(b), C.R.S. and Section 24-4-402(4)(e), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.



Megan J. Murphy, Esq.