

MINUTES OF A SPECIAL MEETING OF THE BOARD
OF DIRECTORS

OF

CUNDALL FARMS METROPOLITAN DISTRICT

Held: Monday, July 12, 2021, at 5:30 p.m. via
Teleconference.

*Due to the threat posed by the COVID-19 coronavirus, this
meeting was 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
Darren Fresquez

Also present was Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Melissa Sykes, Advance HOA Management, Inc., District Manager; Gigi Pangindian, CliftonLarsonAllen LLP, District Accountant.

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.

Acknowledge Resignation of Kathy Snyder effective June 14, 2021

Ms. Murphy noted the resignation of Kathy Snyder as director effective June 14, 2021. Following discussion, upon a motion duly made and seconded, the Board unanimously acknowledge the resignation.

Consider Appointment of Director to Fill Vacancy; Administer Oath of Office

The Board discussed the appointment of Director to fill the vacancy. Following discussion, upon a motion duly made and seconded, the Board unanimously appointed Paula Jurhs to the Board.

Election of Officers

Deferred.

Public Comment

None.

Consent Agenda

Ms. Murphy reviewed the items on the consent agenda with the Board. Ms. Murphy advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. One items was requested to be removed from the consent agenda. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and/or adopted:

1. June 8, 2021 Special Meeting Minutes;
2. 2020 Annual Report;
3. Axe Whooping Contract for Axe Throwing;
4. Lighting Mobile Electric Contract for LED Lamps;
5. CO Smart Landscape Contract for Tree Watering;
6. CO Smart Landscape Contract for Planting Trees, Bushes, and Grasses; and
7. Rescind Approval of Blue Planet Energy Solutions Contract.

Director Matters

None.

Financial Matters

Consider Ratification of Cash Position and Interim Claims Report

Ms. Pangindian presented the schedule of cash position dated April 30, 2021 updated as of June 1, 2021 to the Board. Ms. Pangindian presented checks in the amount of

\$116,695.80 to the Board for ratification. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the schedule of cash position and ratified the claims.

Other Financial Matters

None.

Management Matters

Manager Report

Ms. Sykes reviewed the Manager Report with the Board.

Tree Planting Update

Director Fresquez presented and noted 287 trees were planted so far. Director Fresquez noted that some of the replacement trees have died and will need to be replaced. The Board engaged in discussion regarding landscaping maintenance and the 2021 budget.

Consider Approval of Proposal from Schultz Industries Inc. for Grading

Ms. Sykes presented the proposal from Schultz Industries Inc. for grading to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

Grading Proposal for Tract D

The Board engaged in discussion regarding grading proposals for Tract D. Following discussion, the Board directed Ms. Sykes to request proposals from Atwell and Merrick and present at the next meeting.

Consider Approval of Proposal from Rocky Mountain Wildlife Services, Inc. for Prairie Dog Treatment

Ms. Murphy presented the proposal from Rocky Mountain Wildlife Services, Inc. for Prairie Dog Treatment to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

Discussion Regarding Park Pavilion and Sports Field Reservation System

The Board engaged in discussion regarding the Park Pavilion and Sports Field reservation system. Following discussion, upon a motion duly made and seconded, the Board unanimously declined to implement a reservation system and will continue allowing use of the Park Pavilion and Sports Field on a first-come first-serve basis.

Other Management Matters

None.

Executive Session

Upon motion of Director Scott, seconded by Director Nelson, and upon an affirmative vote of at least two-thirds of the quorum present, pursuant to § 24-6-402(4)(b), C.R.S., conference with an attorney for the District, the Board convened in executive session at 6:33 P.M. for the purpose of receiving legal advice on specific legal questions related

to violations for account 1824450 and pursuant to § 24-6-402(4)(e), C.R.S. determining positions relative to matter that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators related to violations for account 1824450.

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.

Upon motion of Director Scott, seconded by Director Maes, the Board reconvened in regular session at 6:38 P.M.

Legal Matters

Legislative Update

Ms. Murphy noted that the Legislative Memo has been distributed to the Directors.

Other Legal Matters

None.

Discussion Regarding Asphalt And Concrete Repair

Director Fresquez noted that there is asphalt that needs to be repaired in the community. Ms. Skyes noted that this has been sent to DNS. Director Nelson asked that DNS replace survey pins that were removed and not replaced. Ms. Murphy noted she would reach out to the City to see if replacing survey pins is required.

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 | Aug 18, 2021 10:01 AM DT

Secretary for the Meeting

The foregoing minutes were approved on the 3rd day of August, 2021.

**ATTORNEY STATEMENT
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section § 24-6- 402(4)(b), C.R.S., I attest that, in my capacity as the attorney representing Cundall Farms Metropolitan District, I attended the executive session meeting at a special meeting of Cundall Farms Metropolitan District convened at 6:33 P.M. on July 12, 2021 for the sole purpose of discussing legal questions related to violations for account 1824450 and pursuant to § 24-6-402(4)(e), C.R.S. C.R.S. determining positions relative to matter that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators related to violations for account 1824450. 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.