

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
CHAPARRAL POINTE METROPOLITAN DISTRICT
(THE “**DISTRICT**”)
HELD
NOVEMBER 14, 2022

A special meeting of the Board of Directors of the Chaparral Pointe Metropolitan District (referred to hereafter as the “**Board**”) was convened on Monday, November 14, 2022, at 1:00 p.m. This District Board meeting was held via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Cynthia Myers, President
Sarah Darneal, Secretary

Director Mulqueen was absent and excused.

Also, In Attendance Were:

Suzanne Meintzer, Esq.; McGeady Becher P.C.
Krista Baptist, Courteney Hoff, Seef LaRoux, and Mallorie Hansen;
CliftonLarsonAllen LLP (“CLA”)
Brenda Owings; Century Communities
Cheryl Cole, Maurice Motley, David McCann, Dave Bernstein, Mike Ware,
and Bill Peer; Members of Public

ADMINISTRATIVE MATTERS

Call to Order and Agenda and Acting President: Upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board called the meeting to order at 1:02 p.m.

Upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board appointed Director Myers as acting President.

Upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board excused the absence of Director Mulqueen.

The agenda was amended to include the consideration of adoption of the Fee Resolution for 2023. Following discussion, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board approved the agenda, as amended.

Disclosures of Potential Conflicts of Interest: The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or

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potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. It was noted by Attorney Meintzer that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

Quorum, Location of Meeting and Meeting Notices: A quorum of the Board was confirmed.

The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, and upon motion duly made and seconded and upon vote unanimously carried, it was determined to conduct the meeting at the above-stated date, time and location.

Public Comment: David McCann requested clarification on the three-minute time limit per person for public comment. Attorney Meintzer clarified that the members of the public may have up to three minutes to comment and that the Board is not required to respond, but may do so in its discretion.

Mr. McCann addressed the Board regarding the May 2022 Director election and Director terms, communications from the District regarding weed violations and related fees, as well as the timing of completion of development by Century Communities. Discussion ensued regarding landscaping. Mr. McCann noted that multiple emails to Mike Fenton had gone unanswered. The Board informed Mr. McCann that Mike Fenton is no longer on the Board.

Bill Peer inquired about front landscaping and interior paint.

Dave Bernstein expressed concerns that there is only one road in and out of the neighborhood and that it also serves the adjacent multi-family buildings. In the event of an evacuation or an emergency, residents would not be able to evacuate in a safe and timely manner and emergency response vehicles might have a difficult time entering and exiting the community. Director Myers stated that she believes there are plans for an additional access point to be built by one of the multi-family properties currently in development. Director Myers advised that she would look into this matter further and update Mr. Bernstein on her findings. Mr. Bernstein requested a statement of agreement for the additional access point to the neighborhood. No action was taken.

Maurice Motley, addressed the reduction of residents' lot sizes due to the installation of the retaining walls. Director Myers stated she was recently made

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aware of this issue and will follow up on it and provide an update.

Minutes from November 17, 2021 Special Meeting: Following review, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board approved the Minutes from the November 17, 2021 Special Meeting.

May 3, 2022 Regular Director Election (“Director Election”): Attorney Meintzer reviewed the process and procedures of the Director Election with the Board. The election was cancelled in accordance with state statutes given that there were not more candidates than available Board positions.

Resignations of Mike Fenton and Jeff Mattson: Attorney Meintzer reviewed the resignations with the Board. The Board acknowledged the resignations of Mike Fenton and Jeff Mattson, effective October 4, 2022.

Appointment of Officers: Attorney Meintzer reviewed the need to appoint Officers of the Board. Following discussion, the Board appointed the following slate of Officers:

President: Cynthia Myers
Secretary: Sarah Darneal
Treasurer: Brian Mulqueen
Assistant Secretary: Vacant
Assistant Secretary: Vacant

Resolution No. 2022-11-01 Establishing Regular Meeting Dates, Time and Location, and Location for Posting 24-Hour Notices: Attorney Meintzer reviewed the Resolution with the Board. Director Myers suggested quarterly meetings to be held virtually at 6:00 p.m. on the 2nd Monday of the month (February, May, August and November).

Following discussion, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board approved Resolution No. 2022-11-01, Resolution Establishing Regular Meeting Dates, Time and Location, and Location for Posting 24-Hour Notices, as amended.

Renewal of District’s Insurance and Special District Association Membership for 2023: Attorney Meintzer reviewed the renewal of the District’s insurance and Special District Association membership for 2023 with the Board. Upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board authorized the renewal of the District’s insurance and Special District Association membership for 2023.

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Other: None

FINANCIAL MATTERS

2021 Audit: Ms. Hansen reviewed the 2021 Audit with the Board. Upon a motion duly made by Director Darneal, seconded by Director Myers and, upon vote, unanimously carried, the Board ratified approval of the 2021 Audit and filing of the same.

Previous and Current Claims: Ms. Hansen reviewed the previous and current claims with the Board. Following review, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board ratified previous claims and approved current claims.

September 30, 2022 Unaudited Financial Statements: Ms. Hansen reviewed the September 30, 2022 Unaudited Financial Statements and special ownership tax with the Board. Following review, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board accepted the September 30, 2022 Unaudited Financial Statements, as presented.

Public Hearing to Consider Amendment of the 2022 Budget: Director Myers opened the public hearing to consider an amendment to the 2022 Budget.

It was noted that publication of Notice stating that the Board would consider amendment of the 2022 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing and all public comments made during the hearing were addressed by the Board and the public hearing was closed.

Ms. Hansen presented the revised draft amended budget to the Board, noting the need to amend the General Fund to \$116,000 and the Capital Project Fund to \$1,100.

Following discussion, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-02; Resolution to Amend the 2022 Budget, as presented.

Public Hearing on the Proposed 2023 Budget: Director Myers opened the public hearing to consider the 2023 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing and all public comments

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made during the hearing were addressed by the Board and the public hearing was closed.

Following discussion, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-03; Resolution to Adopt the 2023 Budget and Appropriate Sums of Money and Resolution No. 2022-11-07; Resolution to Set Mill Levies (11.453 mills in the General Fund and 34.359 mills in the Debt Service Fund, for a total mill levy of 45.812 mills). Following discussion, upon a motion duly made by Director Myers, seconded by Director Darneal, and vote unanimously carried, the Board adopted the Resolutions and authorized execution of the Certification of Budget. The District Accountant was directed to transmit the Certification of Tax Levies to the Board of County Commissioners of El Paso County not later than December 15, 2022. The District Manager was directed to transmit the Certification of Budget to the Division of Local Government no later than January 30, 2023.

Resolution No. 2022-11-04; Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan: Attorney Meintzer reviewed the Resolution with the Board. Following review, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board adopted the Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan.

Resolution No. 2022-11-05; Resolution Regarding the Imposition of District Fees (“Fee Resolution for 2023”): Ms. Hansen reviewed the Fee Resolution with the Board. Following review, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board adopted the Fee Resolution for 2023.

DLG-70 Certification of Tax Levies form (“Certification”). District Accountant to File the Certification with the Board of County Commissioners and Other Interested Parties: Ms. Hansen reviewed the process of filing the Certification. Following review and discussion, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare the Certification and appointed Director Cynthia Myers to sign the Certification.

Preparation of the 2024 Budget: Following discussion, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2024 Budget.

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2022 Audit: Following review, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board approved the engagement letter with BiggsKofford, P.C. to prepare the 2022 Audit.

Other: None

LEGAL MATTERS

Status of Anticipated Conveyance of Tracts from Century Land Holdings, LLC and Tracts by the District: Director Myers noted that there was no update given the time of year, and reported that the tracts are anticipated to be ready in Spring 2023. The Board deferred action on this item.

Fourth Amendment to Operation Funding Agreement with Century Land Holdings, LLC: Attorney Meintzer reviewed the Fourth Amendment with the Board. Upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board approved the Fourth Amendment to Operation Funding Agreement with Century Land Holdings, LLC, subject to reconciliation of what has been paid and what is currently outstanding.

Resolution No. 2022-11-06; Resolution Calling May 2, 2023 Election for Directors, Designated Election Official (“DEO”) and DEO to Perform all Tasks Required for the Conduct of a Mail Ballot Election: Attorney Meintzer reviewed the Resolution Calling May 2, 2023 Election with the Board. Following discussion, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-06; Resolution Calling May 2, 2023 Election, appointed Lisa A. Jacoby as Designated Election Official (the “DEO”) and authorized the DEO to perform all tasks required for the conduct of a mail ballot election.

Other: None.

MANAGER MATTERS

CliftonLarsonAllen LLP Statement(s) of Work for 2023: Ms. Baptist reviewed the CLA Statements of Work with the Board. Following review and discussion, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board approved the CLA Statements of Work for 2023, as amended to reflect the fee as shown in the adopted 2023 Budget.

Other: None.

OTHER BUSINESS

Other: None.

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ADJOURNMENT

There being no further business to bring before the Board, upon a motion duly made by Director Myers, seconded by Director Darneal and, upon vote, unanimously carried, the Board adjourned the meeting at 2:22 p.m.

Respectfully submitted,

By 
Secretary for the Meeting