

MINUTES OF A JOINT REGULAR MEETING OF THE  
BOARDS OF DIRECTORS

OF

THE CANYONS METROPOLITAN DISTRICT NOS. 1-5

Held: Monday, November 14, 2022 at 3:30 p.m. via  
teleconference.

Attendance

The joint regular meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve, were in attendance.

Jonathan Alpert  
Darren Everett  
Brian Alpert (District Nos. 2-5)  
Bradley Fryer (District No. 5)

Also present were Clint C. Waldron, Esq. and Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Carrie Beacom, CliftonLarsonAllen, LLP, District Accountant; Kaitlin Crandell, Alpert Companies; Rodney Muller, Contour Services, LLC; and Mark Nickless, OMSC, LLC.

Call to Order

Director Jonathan Alpert called the meeting to order.

Declaration of  
Quorum/Director  
Qualifications/  
Reaffirmation of  
Disclosures

Mr. Waldron 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 Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Boards. Mr. Waldron inquired into whether members of the Boards had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. Director Everett noted that he is a member of the Middle Income Housing Authority. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Boards to act.

Combined Meetings

The Boards of Directors of the Districts have determined to hold joint meetings of the Districts and to prepare joint minutes of action taken by the Districts in such meetings. Unless otherwise noted herein, all official action reflected in these minutes is the

action of each of the Districts. Where necessary, action taken by an individual District will be so reflected in these minutes.

**Approval of Agenda**

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

**Public Comment**

None.

**Consent Agenda**

The Boards reviewed the items on the consent agenda. No items were 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 adopted:

- May 18, 2022 Joint Special Meeting Minutes (District Nos. 1-4);
- May 18, 2022 Special Meeting Minutes (District No. 5);
- September 21, 2020 Special Meeting Minutes (District No. 5);
- November 8, 2021 Joint Special Meeting Minutes (District Nos. 2 & 4);
- February 23, 2022 and September 29, 2022 Special Meeting Minutes (District No. 3);
- Special District Disclosure Notices Pursuant to §32-1-809;
- Joint Resolution Calling May 2, 2023 Elections;
- Joint Resolution Designating Meeting Notice Posting Location; and
- Engagement Letter with CliftonLarsonAllen, LLP for PIF Collection Services (District No. 1).

**Legal Matters**

**Discuss Service Plan Amendments (District Nos. 1-4)**

Ms. Murphy noted that District Nos. 1, 2 and 4 are seeking a Service Plan Amendment.

**Consider Approval of 2023 Annual Administrative Resolutions**

Ms. Murphy presented the 2023 Annual Administrative Resolutions to the Boards for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously adopted the resolutions subject to updating District No. 5 to allow for director compensation and workers compensation coverage.

**Discuss and Review Insurance General Liability Schedule and Limits**

The Boards reviewed the current general liability schedule and limits. Following discussion, upon a motion duly made and seconded, the Board of District No. 3 determined to add

Consider Authorization to Bind Coverage to additional excess liability coverage in the amount of \$5,000,000 and authorized legal counsel to bind coverage. Following discussion, upon a motion duly made and seconded, the Board of District No. 5 determined to bind workers compensation coverage and authorized legal counsel to bind coverage.

Consider Approval of Contractor Agreement with Heatherly Creative for Website Maintenance and Management Ms. Murphy presented the Contractor Agreement with Heatherly Creative for Website Maintenance and Management to the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the agreement.

Discuss Board Member Contact Emails for District Website Ms. Murphy noted that the new law requires contact information be posted on the Districts' website. Following discussion, upon motion duly made and seconded, the Boards unanimously approved setting up a general email inbox.

Other Legal Matters None.

### **Financial Matters**

Review Unaudited Financial Statements, Property Tax Summary and Cash Position Ms. Beacom presented the September 30, 2022 Unaudited Financial Statements to the Boards of District Nos. 1, 3 and 5. Director Everett asked if there was anything to note and Ms. Beacom indicated that there was not. Following discussion, upon a motion duly made and seconded, the Boards of District Nos. 1, 3, and 5 unanimously approved the Unaudited Financial Statements.

Approval of Claims Listing Ms. Beacom presented the Claims Listing to the Boards of District Nos. 1, 3 and 5. Following discussion, upon a motion duly made and seconded, the Boards of District Nos. 1, 3 and 5 unanimously approved the Claims Listing.

Public Hearing on 2022 Budget Amendment (District No. 1) Director Alpert opened the public hearing on the 2022 Budget Amendment. Ms. Murphy noted that the notice of public hearing was provided in accordance with Colorado Law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Consider Approval of Resolution Amending the 2022 Budget (District No. 1) Ms. Beacom reviewed the Resolution Amending the 2022 Budget with the Board of District No. 1. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 unanimously adopted the resolution amending the General Fund to \$287,150.

Public Hearing on 2022  
Budget Amendment  
(District No. 2)

Director Alpert opened the public hearing on the 2022 Budget Amendment. Ms. Murphy noted that the notice of public hearing was provided in accordance with Colorado Law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Consider Approval of  
Resolution Amending  
the 2022 Budget  
(District No. 2)

Ms. Beacom reviewed the Resolution Amending the 2022 Budget with the Board of District No. 2. Following discussion, upon a motion duly made and seconded, the Board of District No. 2 unanimously adopted the resolution amending the General Fund to \$29,059.

Public Hearing on 2022  
Budget Amendment  
(District No. 3)

Director Alpert opened the public hearing on the 2022 Budget Amendment. Ms. Murphy noted that the notice of public hearing was provided in accordance with Colorado Law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Consider Approval of  
Resolution Amending  
the 2022 Budget  
(District No. 3)

Ms. Beacom reviewed the Resolution Amending the 2022 Budget with the Board of District No. 3. Following discussion, upon a motion duly made and seconded, the Board of District No. 3 unanimously adopted the resolution amending the General Fund to \$59,100.

Public Hearing on 2022  
Budget Amendment  
(District No. 4)

Director Alpert opened the public hearing on the 2022 Budget Amendment. Ms. Murphy noted that the notice of public hearing was provided in accordance with Colorado Law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Consider Approval of  
Resolution Amending  
the 2022 Budget  
(District No. 4)

Ms. Beacom reviewed the Resolution Amending the 2022 Budget with the Board of District No. 4. Following discussion, upon a motion duly made and seconded, the Board of District No. 4 unanimously adopted the resolution amending the General Fund to \$1,904.

Public Hearing on 2023  
Budget (District No. 1)

Director Alpert opened the public hearing on the proposed 2023 Budget. Ms. Murphy noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Consider Approval of  
Resolution Adopting the

Ms. Beacom reviewed the 2023 Budget Resolution with the Board of District No. 1. Following discussion, upon a motion

2023 Budget (District No. 1)	duly made and seconded, the Board unanimously adopted the resolution adopting the 2023 Budget and appropriating funds therefor as shown in the 2023 Budget, subject to receipt of final assessed valuation.
Public Hearing on 2023 Budget (District No. 2)	Director Alpert opened the public hearing on the proposed 2023 Budget. Ms. Murphy noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.
Consider Approval of Resolution Adopting the 2023 Budget (District No. 2)	Ms. Beacom reviewed the 2023 Budget Resolution with the Board of District No. 2. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2023 Budget, appropriating funds therefor and certifying mills for the General Fund as shown in the 2023 Budget, subject to receipt of final assessed valuation.
Public Hearing on 2023 Budget (District No. 3)	Director Alpert opened the public hearing on the proposed 2023 Budget. Ms. Murphy noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.
Consider Approval of Resolution Adopting the 2023 Budget (District No. 3)	Ms. Beacom reviewed the 2023 Budget Resolution with the Board of District No. 3. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2023 Budget, appropriating funds therefor and certifying mills for the General Fund and mills for the Debt Service Fund as shown in the 2023 Budget, subject to receipt of final assessed valuation.
Public Hearing on 2023 Budget (District No. 4)	Director Alpert opened the public hearing on the proposed 2023 Budget. Ms. Murphy noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.
Consider Approval of Resolution Adopting the 2023 Budget (District No. 4)	Ms. Beacom reviewed the 2023 Budget Resolution with the Board of District No. 4. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2023 Budget, appropriating funds therefor and certifying mills for the General Fund as shown in the 2023 Budget, subject to receipt of final assessed valuation.
Public Hearing on 2023 Budget (District No. 5)	Director Alpert opened the public hearing on the proposed 2023 Budget. Ms. Murphy noted that the notice of public hearing was

provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Consider Approval of Resolution Adopting the 2023 Budget (District No. 5) Ms. Beacom reviewed the 2023 Budget Resolution with the Board of District No. 5. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2023 Budget, appropriating funds therefor and certifying mills for the General Fund and mills for the Debt Service Fund as shown in the 2023 Budget, subject to receipt of final assessed valuation.

Consider Authorization of Filing of Applications for Exemption from 2022 Audit (District Nos. 1, 2 & 4) Ms. Beacom presented the Applications for Exemption from the 2022 Audit to District Nos. 1, 2 and 4. Following discussion, upon a motion duly made and seconded, the Boards of District Nos. 1, 2 and 4 unanimously approved the exemptions.

Consider Approval of Proposal from Auditor for 2022 Audits (District Nos. 3 & 5) Ms. Beacom presented the Proposal from Auditor for the 2022 Audits to the Boards of District Nos. 3 and 5. Following discussion, upon a motion duly made and seconded, the Boards of District Nos. 3 and 5 unanimously approved the proposal.

Consider Approval of Resolution Accepting Verified Costs No. 23 (District No. 5) Ms. Beacom presented the Resolution Accepting Verified Costs No. 23 to the Board of District No. 5. Following discussion, upon a motion duly made and seconded, the Board of District No. 5 unanimously adopted the resolution subject to receipt of the final report.

Consider Approval of Special Districts Preparation Scope of Work with CliftonLarsonAllen LLP for District Accounting Services (District No. 5) and Payroll Services Ms. Beacom presented the Special Districts Preparation Scope of Work with CliftonLarsonAllen LLP for District Accounting Services to the Board of District No. 5. Following discussion, upon a motion duly made and seconded, the Board of District No. 5 unanimously approved the scope of work for accounting services.

Other Financial Matters None.

### **Construction Matters (District No. 3)**

Review and Discuss Bids for Canyons Secondary Water Loop for Canyons Subdivision Filing No. 2 Mr. Muller reviewed the bids received for the Secondary Water Loop with the Board of District No. 3. Mr. Nickless noted he reviewed the bids and agreed with Mr. Muller's recommendation. He noted there are two easements – one for \$40,000 and one for \$75,000 – that are also included in the cost of this work and Shea will reimburse the District once the work is complete. Following

Consider Award of Contract and Authorize Issuance of Notice of Award and Notice to Proceed discussion, upon a motion duly made and seconded, the Board of District No. 3 unanimously approved the contract and authorized the Issuance of Notice of Award and Notice to Proceed.

SRM Holdings LLC (\$97,239.26) Erosion Control and Maintenance (*added*) Mr. Muller informed the Board of District No. 3 that SRM Holdings LLC is the lowest qualified bidder for erosion control and maintenance. He noted that they also perform erosion inspections for all other District improvements for The Canyons. Following discussion, upon a motion duly made and seconded, the Board of District No. 3 unanimously approved the contract with SRM Holdings LLC for erosion control and maintenance.

SRM Holdings LLC (\$17,585) Erosion Control Inspections (*added*) Mr. Muller noted he will obtain a separate proposal from SRM Holdings LLC for erosion control inspections. Following discussion, upon a motion duly made and seconded, the Board of District No. 3 unanimously approved the contract with SRM Holdings LLC for erosion inspections subject to final legal review.

Iron Woman (\$2,484,043.83) Watermain Installation (*added*) Mr. Muller noted Iron Woman installed the sanitary sewer in this area and are familiar with site conditions. This bid includes base bid alternates. Following discussion, upon a motion duly made and seconded, the Board of District No. 3 unanimously approved the contract with Iron Woman for watermain installation.

Aztec Surveying (\$63,000) (*added*) Mr. Muller noted Aztec Surveying performs all other staking services within The Canyons. Following discussion, upon a motion duly made and seconded, the Board of District No. 3 unanimously approved the contract with Aztec Surveying for staking services.

Ground Engineering (\$49,360) (*added*) Mr. Muller noted the bid from Ground Engineering is for Geotech services. Following discussion, upon a motion duly made and seconded, the Board of District No. 3 unanimously approved the contract with Ground Engineering for Geotech services.

Contour Services (\$96,800) Construction Management Services (*added*) Mr. Muller noted he will provide a separate proposal from Contour Services for construction management services. Following discussion, upon a motion duly made and seconded, the Board of District No. 3 unanimously approved the contract with Contour Services for construction management services.

Other Construction Matters Mr. Nickless noted the construction is proceeding on schedule with the exception of materials which are behind schedule.

**Bond Matters (District No. 5)**

Discuss Status of Bond Issuance Ms. Murphy discussed the status of bond issuance with District No. 5 noting that this is currently on hold because of the interest rate environment.

Other Bond Matters None.

**Other Business** None.

Consider Appointment of Director to Fill Vacancy; Administer Oath of Office; Consider Election of Officers (District No. 1) The Board of District No. 1 noted vacancies exist on the Board. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 unanimously appointed Brian Alpert to the Board.

**Adjourn** There being no further business to come before the Boards, and following discussion and upon motion duly made, seconded and unanimously carried, the Boards determined to adjourn the meeting.

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

The foregoing minutes were approved by District No. 1 on this 24<sup>th</sup> day of February, 2023.

*Brian Alpert*  
Brian Alpert (Feb 27, 2023 11:26 MST)

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District No. 1 Secretary for the Meeting

The foregoing minutes were approved by District No. 2 on this 24<sup>th</sup> day of February, 2023.

*Brian Alpert*  
Brian Alpert (Feb 27, 2023 11:26 MST)

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District No. 2 Secretary for the Meeting



The foregoing minutes were approved by District No. 3 on this 13<sup>th</sup> day of February, 2023.

*Brian Alpert*

[Brian Alpert \(Feb 16, 2023 13:58 MST\)](#)

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District No. 3 Secretary for the Meeting

The foregoing minutes were approved by District No. 4 on this 24<sup>th</sup> day of February, 2023.

*Brian Alpert*

[Brian Alpert \(Feb 27, 2023 11:26 MST\)](#)

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District No. 4 Secretary for the Meeting

The foregoing minutes were approved by District No. 5 on this 24<sup>th</sup> day of February, 2023.

*Brian Alpert*

[Brian Alpert \(Feb 27, 2023 11:26 MST\)](#)

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District No. 5 Secretary for the Meeting