

MINUTES OF A JOINT SPECIAL MEETING OF THE  
BOARDS OF DIRECTORS

OF

FOREST TRACE METROPOLITAN DISTRICT NOS. 1-3

Held: Wednesday, October 13, 2021 at 3:00 p.m. via  
teleconference.

The 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:

Daniel Frank  
Richard Frank\**joined where indicated*  
Marc Cooper

Also present were Clint C. Waldron, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; and Cathy Hamilton, Simmons & Wheeler, P.C., District Accountant.

Call to Order/Declaration of Quorum      Director D. Frank noted that a quorum of the Boards was present and called the meeting to order.

Director Qualifications/Conflicts of Interest/Reaffirmation of Disclosures      of      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. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Boards to act.

Joint 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 motion duly made and seconded, the Boards unanimously approved the agenda as presented.

Public Comment

None.

### **Consent Agenda**

The Boards reviewed the items on the consent agenda. Mr. Waldron advised the Boards that any item may be removed from the consent agenda to the regular agenda upon the request of any director. 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/or adopted;

- July 13, 2021 Joint Special Meeting Minutes
- Claims Payable in the amount of \$4,128.24 (District No. 1)
- Claims Payable in the amount of \$10,663.09 (District No. 2)
- Claims Payable in the amount of \$2,344.09 (District No. 3)
- Special District Disclosure Notice Pursuant to §32-1-809, C.R.S.
- Joint Resolution Designating the Location of Regular Meetings of the Boards
- Joint Resolution Calling May 3, 2022 Regular Elections
- Independent Contractor Agreement with ColoradoScapes, Inc. for landscape maintenance services – 2021 season (District No. 2)
- First Amendment to Independent Contractor Agreement with KPM Property Maintenance LLC (Day Porter and Street Sweeping Services) (District No. 2)
- Contract with Colorado Lighting, Inc. for lighting inspection services (District No. 2)

*\*Direct R. Frank joined the meeting*

### **Legal Matters**

Consider Adoption of 2022 Joint Annual Administrative Resolution

Mr. Waldron reviewed the 2022 Joint Annual Administrative Resolution with the Boards. The Boards requested Paragraph 28 be revised to exclude Worker's Compensation from District Nos. 1 & 3 and include Worker's Compensation for District No. 2. Following discussion, upon motion duly made and seconded, the Boards unanimously approved the Resolution as amended.

Review Insurance Property and Liability Schedule and Limits

The Boards engaged in general discussion regarding the current insurance coverage. Following discussion, upon a motion duly made and seconded, the Boards approved the same insurance coverage limits and amounts as currently in place.

Discuss and Consider Approval of 2022 Exclusion from Worker's Compensation Policy (District Nos. 1 & 3) The Boards of District Nos. 1 & 3 engaged in general discussion regarding exclusion from Worker's Compensation. Following discussion, upon a motion duly made and seconded, the Boards of District Nos. 1 & 3 unanimously approved Exclusion from Worker's Compensation for the 2022 policy year.

Consider Authorization to bind BMO Worker's Compensation Policy (District No. 2) The Board of District No. 2 engaged in general discussion regarding BMO Worker's Compensation Coverage. Following discussion, upon a motion duly made and seconded, the Board of District No. 2 authorized the binding of the BMO Worker's Compensation for the 2022 policy year.

Discuss 2021 Legislative Update Mr. Waldron reviewed the 2021 Legislative Update with the Boards.

Discuss Procurement Policy Mr. Waldron reviewed the Procurement Policy with the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the Procurement Policy, revising the manager approval to less than \$2,500.

Other Legal Matters None.

### **Financial Matters**

Review Unaudited Financial Statements Ms. Hamilton reviewed the June 30, 2021 Unaudited Financials with the Boards.

Discuss Maintenance Fee Collection and Reconciliation (District No. 2) Ms. Hamilton provided an update on the collection of maintenance fees with the Board of District No. 2, noting that the maintenance fees were being billed on actual expenses rather than budgeted expenses, so there will be an adjustment to the third and fourth quarter billings.

Discuss Detention Pond Payment and Reconciliation (District No. 2) Mr. Waldron noted that the District received and paid its share of the detention pond maintenance expenses to the Association, in the amount of \$499.50.

Discuss Status of Xcel Mitigation Payments (District No. 1) No update.

Public Hearing on 2021 Budget Amendments (District No. 3) Director D. Frank opened the public hearing on the 2021 Budget Amendment. Mr. Waldron 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 Adoption of  
Resolution Amending 2021  
Budget (District No. 3)

Ms. Hamilton reviewed the Resolution Amending the 2021 Budget with the Board of District No. 3. Following discussion, upon a motion duly made and seconded, the Board of District No. 3 unanimously approved the Resolution Amending the Debt Service Fund to \$660,000.

Public Hearing on 2022  
Budget (District No. 1)

Director D. Frank opened the public hearing on the proposed 2022 Budget. Mr. Waldron 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  
2022 Budget (District No. 1)

Ms. Hamilton reviewed the 2022 Budget and Budget Resolution with the Board of District No. 1. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 unanimously approved the resolution adopting the 2022 Budget, appropriating funds therefor and certifying 8.000 mills for the General Fund.

Public Hearing on 2022  
Budget (District No. 2)

Director D. Frank opened the public hearing on the proposed 2022 Budget. Mr. Waldron 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  
2022 Budget (District No. 2)

Ms. Hamilton reviewed the 2022 Budget and Budget Resolution with the Board of District No. 2. Following discussion, upon a motion duly made and seconded, the Board of District No. 2 unanimously approved the resolution adopting the 2022 Budget, appropriating funds therefor and certifying 4.000 mills for the General Fund.

Public Hearing on 2022  
Budget (District No. 3)

Director D. Frank opened the public hearing on the proposed 2022 Budget. Mr. Waldron 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  
2022 Budget (District No. 3)

Ms. Hamilton reviewed the 2022 Budget and Budget Resolution with the Board of District No. 3. Following discussion, upon a motion duly made and seconded, the Board of District No. 3 unanimously approved the resolution adopting the 2022 Budget, appropriating funds therefor and certifying 2.000 mills for the General Fund and 52.413 mills for the Debt Service Fund.

Consider Authorization for  
filing 2021 Applications for

Ms. Hamilton discussed the authorization for filing 2021 Applications for Exemption from Audit with the Boards of

Exemption from Audit (District Nos. 1 & 2)	District Nos. 1 & 2. Following discussion, upon motion duly made and seconded, the Boards of District Nos. 1 & 2 unanimously authorized the filing of the applications for exemption from audit.
Consider Approval of Auditor Engagement for 2021 Audit (District No. 3)	Ms. Hamilton discussed engagement of an auditor to conduct the 2021 Audit. Following discussion, upon motion duly made and seconded, the Board of District No. 3 unanimously approved engagement of an auditor to conduct the 2021 Audit, subject to final review by Director D. Frank.
Discuss Tax Exempt Reissuance – 2019 Loan (District No. 3)	The Board of District No. 3 engaged in general discussion regarding the Tax Exempt Reissuance of the 2019 Loan. No action was taken.
Other Financial Matters	None.

**District Operations**

Discuss Landscape Maintenance Services – 2022 Season (District No. 2)	The Board of District No. 2 engaged in general discussion regarding the landscape maintenance services contract for the 2022 season. Following discussion, upon a motion duly made and seconded, the Board of District No. 2 authorized Director D. Frank to work with Mr. Goldhammer to engage a contractor and authorized Director D. Frank to execute the contract.
Consider Approval of Independent Contract Agreement with ColoradoScapes, Inc. for Snow Removal Services for 2021-2022 Season (District No. 2)	Mr. Waldron reviewed the Independent Contract Agreement with ColoradoScapes, Inc. for Snow Removal Services for 2021-2022 Season with the Board of District No. 2. Following discussion, upon motion duly made and seconded, the Board of District No. 2 unanimously approved the Independent Contract Agreement with ColoradoScapes, Inc. for 2021-2022 snow removal services.
Consider Approval of Addendum to Management Agreement with Miller Real Estate Investments, LLC (District No. 2)	Mr. Waldron reviewed the Addendum to Management Agreement with Miller Real Estate Investments, LLC with the Board of District No. 2. Following discussion, upon a motion duly made and seconded, the Board of District No. 2 unanimously approved the Addendum to the Management Agreement with Miller Real Estate Investments, LLC.
Discuss Other Service Contracts	The Boards reviewed and discussed the other service contracts. No action taken.
Other District Operations	None.

**Other Business** None.

## 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.



[Marc Cooper \(May 13, 2022 18:42 MDT\)](#)

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Secretary for the Meeting

The foregoing minutes were approved on the 12th day of May, 2022.