

MINUTES OF A JOINT SPECIAL MEETING OF THE  
BOARDS OF DIRECTORS

OF

FOREST TRACE METROPOLITAN DISTRICT NOS. 1 & 3

Held: Thursday, April 18, 2024 via teleconference

The meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following directors were in attendance:

Kevin Payne  
Shane Simpson  
Richard Robbins

Directors Daniel Frank and Tracy Alford were absent and excused.

Also present were Tate E. Crosby, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Diane Wheeler, Simmons & Wheeler, District Accountant; and John Oliveto, Centerpoint Engineering.

**Call to Order/Declaration  
of Quorum**

It was noted that a quorum of the Boards was present, and the meeting was called to order at 6:30 p.m.

**Director  
Qualifications/Conflicts of  
Interest/Reaffirmation of  
Disclosures**

Ms. Crosby 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. Ms. Crosby 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 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.

**Consider Appointment of Officers** The Boards engaged in general discussion regarding the Appointment of Officers. Following discussion, upon a motion duly made and seconded, the Boards appointed Director Frank as President, Director Alford as Treasurer, and Director Robbins as Secretary.

**Public Comment** None.

**Consent Agenda** The Boards reviewed the items on the consent agenda. Ms. Crosby 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 adopted;

- March 5, 2024 Special Meeting Minutes;
- Claims;
- Independent Contractor Agreement (2024-2025 Landscape Maintenance Services) with Cox Professional Landscape Services, LLC (District No. 1);
- Independent Contractor Agreement (Detention Pond Maintenance) with Cox Professional Landscape Services, LLC (District No. 1); and
- 2023 Audit Exemption Application (District No. 1)

**Discuss Status of Drainage and Erosion Control** Mr. Oliveto engaged in discussion with the Boards. Mr. Oliveto noted revised plans were submitted to the City of Aurora (the “City”) and the City confirmed payment was received. The City anticipates two to three weeks for review. Mr. Oliveto reviewed the changes with the Boards which included the addition of underdrains, lining specific areas with concrete, and measurements of swales. The City waived the request for structural calculations related to the large rocky area in section 5 which may result in a 10-20% increase in cost. Mr. Oliveto will distribute the latest plan when available.

**Landscape Maintenance**

Review Landscape  
Maintenance Report

Director Robbins reviewed the landscape maintenance report with the Boards. The initial cut took place at the beginning of April. Director Robbins noted some weeds remain, but action will be taken. Director Simpson stated the brush up against the fence has not yet been cleaned up and a comment has been submitted to Cox Landscaping.

### **Legal Matters**

Consider Approval of  
Independent Contractor  
Agreement with  
Independent District  
Engineering Services for  
District Engineering  
Services (District No. 3)

Ms. Crosby reviewed the Independent Contractor Agreement with Independent District Engineering Services for District Engineering Services 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 agreement.

*Consider Approval of Work  
Order No. 1 (District No. 3)*

Ms. Crosby reviewed Work Order No. 1 with the Board of District No. 3. Following discussion, upon a motion duly made and seconded, the Board of District No. 3 unanimously approved Work Order No. 1.

Discuss Status of  
Intergovernmental  
Maintenance and License  
Agreement with Forest  
Trace Metropolitan District  
No. 2 (District No. 1)  
(Special Counsel Cockrel  
Ela Glesne Greher &  
Ruhland, P.C.)

Ms. Crosby engaged in discussion with the Board of District No. 1 regarding the Intergovernmental Maintenance and License Agreement with Forest Trace Metropolitan District No. 2. Ms. Crosby noted a revised draft has been submitted to Special Counsel for District No. 1.

Review Memorandum Re:  
Public Entity Digital  
Accessibility Standards and  
Discuss Website Options

Ms. Crosby reviewed the memorandum regarding public entity digital accessibility standards and website options with the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved to continue working with Heatherly Creative and to post items that are required by statute.

Other Legal Matters

None.

### **Financial Matters**

Status of 2023 Audit

Ms. Wheeler reviewed the status of the 2023 audit with the Board of District No. 3. Ms. Wheeler noted the 2023 audit is in progress and will be available at the next board meeting.

Other Financial Matters

Director Payne inquired about the amount of funds the Boards can allocate to the erosion items. The Boards determined to request updates costs for the revised plan if additional costs will be incurred. The Board requested a representative from Centerpoint Engineering to attend the next Board meeting to provide updates.

**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 at 7:05 p.m.

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

*Kevin Payne*  
Kevin Payne (May 23, 2024 21:30 MDT)

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Secretary for the Meeting

The foregoing minutes were approved on the 23<sup>rd</sup> day of May, 2024.