

MINUTES OF THE REGULAR MEETING OF
CITY CENTER WEST METROPOLITAN DISTRICT NO. 2

HELD
October 3, 2023

The Regular Meeting of City Center West Metropolitan District No. 2 was held via Zoom and Teleconference on Tuesday, October 3, 2023, at 5:00 p.m.

ATTENDANCE

Directors in Attendance:

Kimberlee Tiba, President
Melissa Kerr, Treasurer & Secretary
Aparna Karnik, Vice Chair, Asst. Treasurer & Secretary
Trish Trombino, Vice Chair, Asst. Treasurer & Secretary
Trish Tompson, Vice Chair, Asst. Treasurer & Secretary

Also in Attendance:

David O'Leary, Brendan Desmond; Spencer Fane, LLP.
Shannon McEvoy, Kevin Mitts, Kieyesia Conaway, Tracie Kaminski,
Wendy McFarland, Christy McCutchin, and Adam Brix; Pinnacle
Consulting Group, Inc.
Taralee Jackson; Hartford Homes.

ADMINISTRATIVE
ITEMS

Call to Order: The Regular Meeting of the Board of Directors of the City Center West Metropolitan District No. 2 was called to order by Mr. Mitts at 5:01 p.m.

Declaration of Quorum/Director Qualifications/Disclosure of Potential Conflicts of Interest: Mr. Mitts noted that a quorum was present, with five out of five Directors in attendance. All Board Members confirmed their qualifications to serve on the Boards. Mr. O'Leary inquired whether there were any conflicts to disclose by Board members present, which have not already been adequately disclosed. There were no such conflicts to disclose. Mr. O'Leary advised the Board that pursuant to Colorado law, certain disclosures by Board Members might be required prior to taking official action at a meeting. The Board reviewed the agenda for the meeting, following which each Board Member present confirmed the contents of the written disclosures previously made stating the fact and summary nature of any matters as required under Colorado law to permit official action to be taken at the meeting. Additionally, the Board Members determined that the participation of the members present was necessary to obtain a quorum of otherwise enable the board to act.

Approval of Agenda: The Boards considered the approval of the agenda. Following review and discussion, upon a motion duly made by Director Thompson, seconded by Director Tiba, and upon vote, unanimously carried, it was

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RESOLVED to approve the agenda, as presented.

Public Comment: There were no Public Comments received.

Director Comment: There were no Director Comments received.

CONSENT AGENDA

Mr. Mitts reviewed the items on the consent agenda with the Boards. Mr. Mitts 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 by Director Thompson, Seconded by Director Karnik, the following items on the consent agenda were unanimously approved, ratified, and adopted:

- A. Approval of Minutes – July 6, 2023, Special Meeting and July 11, 2023, Regular Meeting.
 - B. Payment of Claims.
 - C. Contract Modifications.
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DISTRICT MANAGER ITEMS

Discussion Regarding 2024 Expectations, Goals, Priorities, and Communication Styles: Mr. Mitts and Mr. McEvoy presented the discussion regarding the 2024 Expectations, Goals, Priorities, and Communication styles to the Board and answered questions.

District Managers' Report: Mr. Mitts, Mr. Brix, and Ms. McCutchin presented the District Managers' Report to the Boards and answered questions.

Appointment of Residential Members on Architectural Control Committee: Ms. McCutchin discussed the proposal requested regarding the appointment of residential members on Architectural Control Committee to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Trombino, seconded by Director Tiba, and upon vote, unanimously carried, it was

RESOLVED to appoint Cesar Hernandez, Steven Younkin, and Zvi Wikum.

CAPITAL INFRASTRUCTURE ITEMS

Update on Remaining Public Landscaping Improvements and Associated District Asset Acceptance: Mr. O'Leary presented the Update on Remaining Public Landscaping Improvements and Associated District Asset Acceptance to the Board and answered questions. Mr. Brix presented the infrastructure portion of the public improvements

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remaining to be completed and provided a status update and descriptions regarding out lots J & K and fences, trees and construction items remaining to be completed or pending final approval with the Town or the District and discussed with the Board the procedures for completion and acceptance.

FINANCIAL ITEMS

Unaudited Financial Statements: Ms. Kaminski reviewed the unaudited Financial Statements for the period ending June 30, 2023, with the Boards and answered questions. The Board members reviewed and discussed the District budget preparation and how the infrastructure, expectations, priorities and projected costs and expenses were going to be addressed with the Board by the October 15 deadline. Following review and discussion, upon a motion duly made by Director Kerr, seconded by Director Thompson, and upon vote, unanimously carried, it was

RESOLVED to accept the unaudited Financial Statements for the period ending June 30, 2023, as presented.

2024 O&M Fee Discussion: Ms. Kaminski presented the 2024 O&M Fee Discussion to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Tiba, seconded by Director Thompson, and upon vote, unanimously carried, it was

RESOLVED to approve increasing O&M Fees up to \$550.00 for Townhomes and remain at \$350.00 for Single Family Units, starting January 1, 2024, subject to final budget approval and consideration.

LEGAL ITEMS

There were no Legal Items to Present.

DIRECTOR ITEMS

There were no Director Items to Present.

OTHER MATTERS

There were no Other Matters to Present.

EXECUTIVE SESSION

The Board discussed calling and holding an Executive session, pursuant to § 24-6-402(4)(b), C.R.S., for the purpose of receiving legal advice from general counsel related to specific legal questions.

Mr. O’Leary advised the Boards that it was permitted, upon compliance with requisite statutory procedures under the Colorado Open Meetings Law, for the Boards to convene an executive session, pursuant to § 24-6-402(4)(b), C.R.S., to conference with an attorney for the purpose of

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receiving legal advice from general counsel related to specific legal questions. Upon a motion duly made by Director Trombino, seconded by Director Tiba, and upon vote, unanimously carried, it was

RESOLVED to convene an Executive Session, pursuant to § 24-6-402(4)(b), C.R.S., to conference with an attorney for the purpose of receiving legal advice from general counsel related to specific legal questions.

It is the 3rd day of October 2023, and the time is 6:58 p.m. For the record, I, David O’Leary, am the presiding officer. This session is subject to the attorney-client privilege and therefore, pursuant to the Open Meetings Law, is not being recorded. Also present at this Executive Session are Directors Kimberlee Tiba, Melissa Kerr, Aparna Karnik, Trish Trombino, and Trish Thompson. District Legal Counsel, David O’Leary.

This is an Executive Session for the following purpose: Receiving legal advice from general counsel related to specific legal questions.

The Executive Session was adjourned at 7:43 p.m. All participants were in the Executive Session at adjournment.

No decisions or actions were taken in the Executive Session.

For the record, if any person participating in the Executive Session believes any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or any improper action occurred during the Executive Session in violation of the Colorado Open Meetings Law, I ask you state your concerns for the record.

No objections were stated.

RECONVENING THE GENERAL MEETING

Upon a motion duly made by Director Trombino, seconded by Director Tiba, and upon vote, unanimously carried, the general meeting was reconvened. The Board asked that Pinnacle consider sharpening their pencils regarding the draft budgets to be presented to the Board by the October 15 deadline with the understanding that the District would like to be fiscally responsible, sensitive to community concerns and efficient and effective in providing services and operating and maintaining District owned and operated facilities and improvements. The Board further indicated that in discussions with the District management and accounting they would be conveyed through director communications with Pinnacle so as to avoid triggering open meetings matters or violations.

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ADJOURNMENT

There being no further business to come before the Boards, upon motion duly made by Director Tiba, seconded by Director Kerr, and upon unanimous vote, the meeting was adjourned at 7:58 p.m.

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

Respectfully submitted,

Kieyesia Conaway
Kieyesia Conaway, Recording Secretary for the Meeting