

# RECORD OF PROCEEDINGS

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## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF

## ASPEN STREET METROPOLITAN DISTRICT

Held: November 29, 2022 at 9:00 a.m. *via* teleconference

### ATTENDANCE

The meeting was held in accordance with the laws of the state of Colorado. The following directors were in attendance:

Ryan Aweida  
James Aweida  
Marlene Aweida  
Derek Peterson

Also present were: Eve G. Velasco, Esq., White Bear Ankele Tanaka & Waldron, Attorney's at Law, District General Counsel; Anna Sparks, LJA Engineering; AJ Beckman, District Manager (for a portion of the meeting), Geol Scheirman, District Manager, Kate Innes, Operations Manager (for a portion of the meeting), Noel Nail, Administrative Manager, Public Alliance, LLC; Diane Wheeler, Simmons & Wheeler, P.C.

### ADMINISTRATIVE MATTERS

- Call to Order                      It was noted that a quorum of the Board was present, and, the meeting was called to order at 9:00 a.m.
- Declaration of Quorum and confirmation of Director Qualifications      Ms. Velasco noted that a quorum for the board was present and that the directors had confirmed their qualification to serve.
- Reaffirmation of Disclosures of Potential or Existing Conflicts of Interest      Ms. Velasco advised the board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Velasco 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 Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Velasco inquired into whether members of the Board 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 Board determined that the participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

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Approval of Agenda Ms. Velasco presented the Board with the proposed agenda for the meeting. Upon motion duly made by Director Ryan Aweida, seconded by Director Maureen Aweida and, upon vote unanimously carried, the Board approved the agenda as amended to include the acceptance of the resignation of Kolby O’Herron and discussion of Board vacancy.

Acceptance of Resignation of Kolby O’Herron and Discussion of Board Vacancy The Board acknowledged the resignation of Kolby O’Herron. Ms. Velasco explained the process of appointing a director and the qualifications required. She advised the Board that as there were no meetings scheduled before May, the best course of action may be to look to fill the vacancy through the May 2023 election.

No action was taken by the Board at this time.

**PUBLIC COMMENTS** None.

**CONSENT AGENDA** The Board was presented with the consent agenda items. Ms. Velasco advised the Board 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 motion duly made by Director Ryan Aweida, seconded by Director Peterson and, upon vote unanimously carried, the Board took the following actions:

- Approval of Special Meeting Minutes from July 19, 2022
- Ratification of Payment of Claims as of November 29, 2022 (\$22,984.61)
- Approval of Payment of claims as of November 29, 2022 (\$18,451.95)
- Approval of Financial Statements as of September 30, 2022
- Approval of Property and Liability Schedule and Limits and Renewal of Property and Insurance Liability Coverage
- Ratification of Independent Contractor Agreement with Public Alliance, LLC for District Management Services

### **FINANCIAL MATTERS**

Public Hearing on 2023 Budget and Consider Adoption of Resolution No. 2022-11-01: Adopting Budget, Imposing Mill Levy and Appropriating Funds Director Ryan Aweida opened the public hearing on the proposed 2023 Budget. Ms. Velasco noted that the notice of public hearing was provided in accordance with Colorado law. No written objections were received prior to the meeting. There being no comment from the public, the hearing was closed.

Ms. Wheeler reviewed the 2023 Budget with the Board and answered questions. Following discussion, upon a motion duly made by Director Ryan Aweida, seconded by Director Peterson and, upon vote unanimously carried, the Board adopted Resolution 2022-11-01 adopting the 2023 Budget, as revised, imposing mill levies, appropriating funds therefore, and certifying mills for the General Fund and Debt Service Fund as shown in the 2023 Budget, subject to receipt of final assessed valuation.

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2022 Audit

Ms. Wheeler explained to the Board that an audit is required, but she has not received a letter of engagement yet from the Auditor.

Following discussion and review, upon a motion duly made by Director Ryan Aweida, seconded by Director Peterson and, upon vote unanimously carried, the Board authorized engagement of an auditor for an amount not to exceed \$5,700.

### LEGAL MATTERS

Consider Adoption of Resolution 2022-11-02: 2023 Annual Administrative Resolution

Ms. Velasco presented the Annual Administrative Resolution to the Board for review. Upon a motion duly made by Director Ryan Aweida, seconded by Director Peterson and, upon vote unanimously carried, the Board adopted the resolution as presented.

Consider Adoption of Resolution 2022-11-03: Resolution Calling May 2023 Election

Ms. Velasco presented the Resolution Calling May 2023 Election to the Board for review and reported that it includes announcing the election via mail or email and posting to the District website for statutory compliance. Upon a motion duly made by Director Ryan Aweida, seconded by Director Peterson and, upon vote unanimously carried, the Board adopted the resolution as presented.

### CAPITAL AND DEVELOPMENT MATTERS

Consider Adoption of Resolution 2022-11-04: Regarding Acceptance of District Eligible Costs (Cost Certification Report No. 5)

Ms. Velasco presented the Resolution Regarding the Acceptance of District Eligible Costs (Cost Certification Report No. 5). Ms. Sparks answered questions regarding the Engineer's Cost Certification Report No. 5. Following discussion and review, upon a motion duly made by Director Ryan Aweida, seconded by Director Peterson and, upon vote unanimously carried, the Board adopted the Resolution, subject to receipt of the Accountant's Cost Certification.

### ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Ryan Aweida, seconded by Director Peterson and, upon vote unanimously carried, the meeting was adjourned at 9:30 a.m.

Respectfully submitted,

By:   
Graham Silver (Jul 26, 2023 10:09 MDT)

Secretary for the Meeting