

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
ORCHARD FARMS METROPOLITAN DISTRICT
HELD
OCTOBER 5, 2022

A special meeting of the Board of Directors of the Orchard Farms Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, October 5, 2022 at 5:00 p.m. via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

In Attendance were Directors:

Ben Reiter, President
Randall Stutz, Treasurer
Brian McNelly, Secretary
Nate Watkins, Assistant Secretary
Ayshan Ibrahim, Assistant Secretary

Also in Attendance were:

Celeste Terrell and Lindsay Ross; CliftonLarsonAllen LLP (“CLA”)
Megan Murphy, Esq. General Counsel; White Bear Ankele Tanaka and
Waldron (“WBA”)
Michael Olson; BrightView Landscape
Susie Ellis; Community Preservation Specialists, Inc.

ADMINISTRATIVE
MATTERS

Call to Order: The meeting was called to order at 5:13 p.m.

Quorum & Disclosures: Ms. Murphy 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. Murphy 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 participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Agenda: The Board discussed amending the agenda to include under Legal Matters: consider acceptance of Tracts E and J from Lennar and update on Resolution Amending Design Guidelines. The Board also discussed including under Director Matters: discuss storage facility and discuss tree replacement.

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Following discussion, upon a motion duly made by Director McNelly, seconded by Director Watkins and, upon vote, unanimously carried, the Board approved the agenda, as amended.

Public Comment: None.

CONSENT
AGENDA

September 7, 2022 Minutes:
Claims Payable in the amount of \$60,534.10:

Following review and discussion, upon a motion duly made by Director Reiter, seconded by Director Watkins and, upon vote, unanimously carried, the Board approved the consent agenda, as presented.

FACILITIES
MANAGEMENT /
DISTRICT
OPERATIONS

Other: None.

LEGAL MATTERS

Resolution Amending Design Guidelines: Director McNelly explained to the Board the fence stain colors listed in the Resolution Amending Design Guidelines are not correct. Director McNelly will email the approved fence stain colors to Ms. Murphy.

Acceptance of Tracts E and J from Lennar: Ms. Terrell will send the requests from Lennar regarding the acceptance of Tracts E and J to Ms. Murphy. Ms. Murphy will contact Lennar regarding additional documentation necessary prior to accepting the tracts. The Board deferred action until the November Board meeting.

Other: None.

FINANCIAL
MATTERS

Other: None.

DIRECTORS'
MATTERS

Additional Dumpster Day: Director Stutz reported to the Board that the cost to hold an additional Dumpster Day would be \$445.00. Following discussion, upon a motion duly made by Director Reiter, seconded by Director McNelly and, upon vote, unanimously carried, the Board approved an additional Dumpster Day and authorized Director Stutz to use any remaining funds for a 3rd dumpster day if necessary.

Rebranding and/or New Logo: Director Stutz discussed rebranding the District and creating a new logo with the Board. Ms. Murphy noted there was legislation recently adopted that imposed new requirements on District websites. The Board directed CLA to send the legislation with the website requirements to Directors Stutz and Watkins as well as set up a meeting to discuss the website and e-newsletter.

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Storage Facility: Ms. Murphy noted that the Board previously authorized the District to have offsite storage in an amount not to exceed \$1,500. Director Watkins reported to the Board that he found a storage unit at Erie Storage for \$85.00 per month. He requested the use of \$500.00 for organizational items. The Board directed Director Watkins to set up the storage unit and work with CLA regarding its payment.

Tree Replacement: Director Reiter discussed tree replacement around the park, noting that not all trees need to be replaced. The Board directed Mr. Olson to have an arborist review the trees and provide recommendations for replacement.

Following discussion, upon a motion duly made by Director Stutz, seconded by Director Watkins and, upon vote, unanimously carried, the Board authorized Director Stutz to work with BrightView to review and approve the replacement of dead trees.

Other: None.

OTHER MATTERS

Meeting Schedule and Budget Hearing Date: The Board determined to hold a special meeting to discuss the draft 2023 budget on October 26, 2022 at 5:00 p.m.

The Board discussed having Board meetings every other month, rotating between shortened Board meetings to discuss essential items only and full Board meetings. The Board determined to keep the December meeting scheduled to accept the tracts from Lennar. If the tracts are not ready to be accepted, the meeting will be cancelled.

Other: Director Watkins requested meeting minutes be approved by email outside of Board meetings. Ms. Murphy said all meeting minutes must be approved in an open Board meeting, however draft minutes can be available with a “draft” watermark on the District’s website. The Board discussed the e-newsletter including a link to the draft minutes.

Director Watkins requested an update regarding amending the Design Guidelines related to jellyfish lighting. Ms. Murphy will work with Director McNelly and the Architectural Review Committee to update the Design Guidelines for jellyfish lighting.

Director Watkins provided an update to the Board that Tracy Hawthorne is no longer a part of the Social Committee.

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ADJOURNMENT

There being no further business to come before the Board at this time, following discussion, upon a motion duly made by Director Stutz, seconded by Director McNelly and, upon vote, unanimously carried, the Board adjourned the meeting at 6:17 p.m.

Respectfully submitted,

DocuSigned by:

Nathaniel S. Watkins

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Secretary for the Meeting

The foregoing minutes were approved on the 2nd day of November 2022.