

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE ORCHARD FARMS METROPOLITAN DISTRICT

HELD  
MAY 3, 2023

A regular meeting of the Board of Directors of the Orchard Farms Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, May 3, 2023 at 5:00 p.m. via Zoom. The meeting was open to the public.

### ATTENDANCE

#### **In Attendance were Directors:**

Ben Reiter, President  
Randall Stutz, Treasurer  
Nate Watkins, Assistant Secretary

Brian McNelly, Secretary, was absent and excused.

#### **Also in Attendance were:**

Celeste Terrell, Lindsay Ross and Alex Clem; CliftonLarsonAllen LLP (“CLA”)  
Megan Murphy, Esq. General Counsel; White Bear Ankele Tanaka and Waldron (“WBA”)  
Susie Ellis; Community Preservation Specialists, Inc.  
Edwin Passini; Homeowner  
Members of the Public

### ADMINISTRATIVE MATTERS

**Call to Order:** The meeting was called to order at 5:04 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 reviewed the agenda for the meeting. Ms. Murphy requested the addition of Discuss Board Vacancy under Other Matters. Following discussion, upon a motion duly made by Director Watkins, seconded by Director Reiter and, upon vote, unanimously carried, the Board approved the agenda, as amended, and excused the absence of Director McNelly.

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**Public Comment:** Mr. Passini introduced himself as a homeowner and expressed interest in joining the Board.

**Appointment of Officers:** The Board deferred the appointment of officers until the Board has no vacant positions.

### CONSENT AGENDA

#### **March 1, 2023 Minutes:** **Claims Payable in the amount of \$40,024.75:**

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

### FACILITIES MANAGEMENT / DISTRICT OPERATIONS

**District Manager's Report:** Ms. Terrell provided an update to the Board, noting that 14 design review requests have been received and approved, except for one shed request. The shed request was denied because it did not adhere to the District's requirements.

**Playground Inspection Report:** Ms. Terrell reviewed the playground inspection report with the Board. No action was taken.

**Protech Electric LLC Proposal for Mail Kiosk Solar Lights in the amount of \$5,600.00:** Following review and discussion, upon a motion duly made by Director Reiter, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved the proposal from Protech Electric LLC to install mail kiosk solar lights in the amount of \$5,600.00 and approved mail kiosk solar lights in an amount not to exceed \$6,810.00.

#### **Committee Reports:**

**Social Committee:** Director Watkins provided an update to the Board, noting that the Easter event was successful. He reported updates have been made to the newsletter format, the community garage sale and dumpster days are coming up and the first food truck night is this evening.

**Landscaping Committee:** Director Stutz provided an update to the Board, noting that several items have not been addressed by BrightView Landscape Services, Inc ("BrightView") and there seems to be a lack of attention to detail when servicing the District. Director Stutz reported an electrical issue caused by BrightView was not reported to the District.

Director Stutz provided a proposal received from Jeremy Jobs and recommended the Board terminate the Independent Contractor Agreement with BrightView for 2023 Landscape Maintenance and engage Jeremy Jobs for landscaping services.

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Following discussion, upon a motion duly made by Director Reiter, seconded by Director Watkins and, upon vote, unanimously carried, the Board directed Ms. Murphy to send Jeremy Jobs the District contract for review and if Jeremy Jobs accepts the contract, she will provide a 30-day termination notice to BrightView.

Following discussion, upon a motion duly made by Director Stutz, seconded by Director Watkins and, upon vote, unanimously carried, the Board directed CLA to repeal the approval on the two BrightView proposals for raised median renovations that were approved at the March 1, 2023 Board meeting.

**Advisory Committee:** Director Reiter reported to the Board that the Advisory Committee has not met. Director Stutz discussed the fee listed in the Design Guidelines for submitting a design review request. Ms. Terrell reported the District has not been charging the fees and recommended removing the fee from the Design Guidelines.

Following discussion, upon a motion duly made by Director Reiter, seconded by Director Stutz and, upon vote, unanimously carried, the Board directed staff to remove the fees listed in section 2.3 of the Design Guidelines.

**Covenant Enforcement Report:** Ms. Ellis provided a report to the Board and addressed questions raised by the Directors.

### LEGAL MATTERS

**Lennar Tract Acceptance:** Ms. Murphy has not received anything from Lennar regarding tract acceptance and will continue to follow up.

**2023 Legislation:** Ms. Murphy reported that due to recently adopted legislation, the District is required to hold an annual meeting, in addition to the District's regular meetings. The details of the annual meeting will be provided at a later date.

### FINANCIAL MATTERS

**March 31, 2023 Unaudited Financial Statements:** Ms. Ross reviewed the March 31, 2023 Unaudited Financial Statements with the Board. Following review, upon a motion duly made by Director Stutz, seconded by Director Reiter and, upon vote, unanimously carried, the Board accepted the March 31, 2023 Unaudited Financial Statements.

### DIRECTORS' MATTERS

**Landscaping Company:** The Board discussed the landscaping company during the Landscaping Committee Report.

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**Potential Pickleball Lines on Tennis Courts:** Director Stutz reported to the Board that he has received several requests for pickleball lines to be added to the tennis courts. Director Stutz contacted a company to review the cracks in the tennis courts and provide a proposal to paint lines of half of the tennis courts. No action was taken.

### OTHER MATTERS

**Board Vacancy:** Ms. Murphy discussed the vacancy on the Board of Directors, with the Board, noting that the vacancy term ends May 2027 and that the Board can appoint an eligible elector to fill the vacancy. The Board directed staff to send an eblast about the vacancy, asking if anyone is interested in joining the Board, and add the same to the monthly newsletter.

The Board directed staff to reschedule the July 5, 2023 Board meeting to June 7, 2023 at 5:00 p.m. via Zoom.

### 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 Watkins and, upon vote, unanimously carried, the Board adjourned the meeting at 6:36 p.m.

Respectfully submitted,

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Secretary for the Meeting

The foregoing minutes were approved on the 7<sup>th</sup> day of June 2023.