

## RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF  
THE CANYONS METROPOLITAN DISTRICT NO. 7 (THE "DISTRICT")  
HELD  
October 11, 2023

A regular meeting of the Board of Directors of The Canyons Metropolitan District No. 7 (referred to hereafter as the "Board") was convened on Wednesday, October 11, 2023, at 10:00 a.m. This meeting was held via Zoom and was open to the public.

### ATTENDANCE

Directors In Attendance Were:

Michele Miller, President  
Dennett Hutchinson, Vice President/Secretary  
Jessica McDonagh, Treasurer  
Derek Zahler, Assistant Secretary  
Jeff Kappes, Assistant Secretary

Also, In Attendance Were:

Stephanie Odewumi, Ashley Heidt and Carrie Beacom; CliftonLarsonAllen LLP ("CLA"), District Manager and Accountant  
Zachary P. White, Esq., White Bear Ankele Tanaka & Waldron P.C., District General Counsel  
Ryan McDermed and Dave Birt; Shea Canyons, LLC, Construction Managers  
Dylan Futrell; BrightView Landscaping

### ADMINISTRATIVE MATTERS

**Call to Order/Declaration of Quorum:** Upon a motion duly made by Director McDonagh, seconded by Director Kappes and, upon vote, unanimously carried, the Board called the meeting to order at 10:02 a.m. A quorum was confirmed.

**Director Conflict of Interest Disclosures:** Attorney White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Attorney White 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. Attorney White 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.

**Approval of Agenda:** The Board reviewed the Agenda for the meeting. Following review, upon motion duly made by Director Hutchinson, seconded

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by Director Kappes and, upon vote, unanimously carried, the Board approved the Agenda as amended with the addition of Manager Item IV. H.

**Public Comment:** None.

### CONSENT AGENDA

Minutes of September 13, 2023 Regular Meeting:

- a. Upon a motion duly made by Director Kappes, seconded by Director McDonagh and, upon a vote, unanimously carried, the Board approved the Consent Agenda.

### FINANCIAL MATTERS

**Payables:** Ms. Beacom reviewed the payables with the Board. Following review, upon a motion duly made by Director McDonagh, seconded by Director Hutchinson and, upon vote, unanimously carried, the Board approved the payables, as presented.

**August 31, 2023 Financial Statements, Schedule of Cash Position and Property Tax Reconciliation:** Ms. Beacom reviewed the August 31, 2023 Financial Statements, Schedule of Cash Position and Property Tax Reconciliation with the Board. Director McDonagh asked about the reserve study and where the charge is for the study on the Financials. It was noted that the charge refers to the Owner Association and not the Metropolitan District. Following review and discussion, upon a motion duly made by Director McDonagh, seconded by Director Zahler and, upon vote, unanimously carried, the Board accepted the August 31, 2023 Financial Statements, Schedule of Cash Position and Property Tax Reconciliation, as presented.

**Aging Report:** Ms. Odewumi reviewed the Aging Report with the Board. A status report was requested on the accounts that were sent to collection. Ms. Odewumi noted there are no additional accounts to be sent to collections at this time.

### MANAGER / OPERATIONS MATTERS

**Managers' Report:** Ms. Odewumi presented an update to the Board pointing out some soil erosion issues. Mr. Clem and Ms. Frey completed a full audit to clean up the Covenant Enforcement Report. Director Hutchinson asked if that is the full report each month or just new accounts. Ms. Odewumi noted that it is just the newest accounts added to the Covenant Report in the packet due to the size of the full Report.

**Covenant Enforcement Report:** Ms. Odewumi reviewed the Report with the Board.

**BrightView Monthly Maintenance Report:** Mr. Futrell provided an update on the general maintenance items. He noted that the irrigation season is approaching, and they are going to schedule the line blow outs and tree wraps.

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Director Kappes asked about extra trips to Ramble Park due to the trash overflowing so quickly. Further discussion ensued, including the BrightView Landscaping Contract and how often they should be servicing Ramble Park. The Board discussed additional servicing at Ramble Park for every Monday, apart from their regular service dates. No action was taken.

**Review and Consider Approval of the Master Snow Management Agreement between the District and BrightView Landscape Development:**

Ms. Odewumi reviewed the Agreement. The Board discussed the scope of work and Douglas County Maintenance and Repair Inc. costs for snow removal on the streets. No action was taken at this time.

**Review and Consider Approval of Proposal Heatherly Creative, LLC for 2024 Website Administration in the amount of \$600.00:**

Ms. Odewumi reviewed the Proposal. Following review, upon a motion duly made by Director Kappes, seconded by Director Hutchinson and, upon vote, unanimously carried, the Board approved the Proposal from Heatherly Creative, LLC for 2024 Website Administration in the amount of \$600.00.

**Discussion and Schedule Town Hall Meeting:** Attorney White reviewed the need to hold a Town Hall Meeting, adding that this could be a combined meeting with Metro Districts No. 5-7. The Board discussed holding the meeting at night to allow resident participation. Attorney White will circulate dates for the Town Hall Meeting. Whereas Ms. Odewumi is to connect with the Exchange for the meeting location availability.

**Discussion and Schedule 2024 Budget Hearing:** Attorney White noted that the Budget Hearing is immediately following another meeting that a lot of the Directors attend and therefore may cause a conflict of start time. He suggested moving the Budget Hearing date back one week to November 15<sup>th</sup> at 10:00 a.m.

**Holiday Light Proposal:** Director Miller reviewed the Proposal. Discussion followed regarding additional lights added to some surrounding shrubs and trees and not just on the bridge. Director Hutchinson asked about adding lights to the large roundabouts as well. Director Miller noted she is not sure if there is power in the roundabout but will check.

Following discussion, upon a motion duly made by Director Hutchinson, seconded by Director McDonagh and, upon vote, unanimously carried, the Board approved the Holiday Light Proposal, in the amount not to exceed \$4,500.00.

**CONSTRUCTION MATTERS**

**Summary and Status of Construction Matters, Review Construction Manager Board Communication:** Mr. McDermed asked if there were any further discussions with the City of Castle Pines regarding park maintenance.

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Attorney White noted there have been several discussions, but he is still working through it. Mr. McDermed provided an update to the Board regarding construction matters.

**Independent Contractor Agreements:** None.

**Construction Agreements:** None.

**Construction Agreement Change Orders:** None.

1. BrightView Landscaping - Mr. McDermed reviewed the Change Order for the warranty and maintenance period.

Following review, upon a motion duly made by Director Kappes, seconded by Director Hutchinson and, upon vote, unanimously carried, the Board approved the Change Order adding two areas to the warranty period in the amount of \$18,324.39.

Director Hutchinson asked how the maintenance contract with the City could affect landscaping and snow removal. Attorney White notes this is something that would need to be discussed.

### LEGAL MATTERS

**Management and Accounting Services with CliftonLarsonAllen.** This item was discussed during executive session.

**Resolution in Support of City Ballot Issue re Park and Recreation Tax:** Attorney White noted that his recommendation is to not issue a resolution but note they do not object to the ballot issue.

**Executive Session for the following purposes: Receiving legal advice pursuant to §24-6-402(4)(b), C.R.S., and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(e), C.R.S. related to Management and Accounting Services Agreements with CliftonLarsonAllen, and Resolution in Favor of City Ballot Issue re Park and Recreation Tax:** Upon motion duly made by Director McDonagh, seconded by Director Kappes and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 11:09 a.m. for the purpose of receiving legal advice pursuant to §24-6-402(4)(b), C.R.S., and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(e), C.R.S. related to Management and Accounting Services Agreements with CliftonLarsonAllen;

The Board reconvened in regular session at 11:19 a.m.

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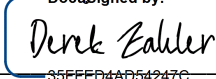
OTHER BUSINESS

**Other:** None.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 11:20 a.m.

Respectfully submitted,

By  \_\_\_\_\_  
DocuSigned by:  
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Secretary for the Meeting