

**NOTICE OF REGULAR MEETING OF  
THE CANYONS METROPOLITAN DISTRICT NO. 7**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the Board of Directors (the “Board”) of The Canyons Metropolitan District No. 7 (the “District”), located in the City of Castle Pines, Douglas County, Colorado, will be held on:

Date: August 14, 2024

Time: 10:00 a.m.

Location: Via Zoom Teleconference

To access the meeting: <https://zoom.us/j/97269919390?pwd=NFJwODJ5RFJlU2lsdy9nTUdqdTV4UT09>

Meeting ID: 972 6991 9390 Passcode: 971159

<b>Board of Directors:</b>	<b>Office:</b>	<b>Term Expires:</b>
Michele Miller	President	May 2027
Dennett Hutchinson	Vice President/ Secretary	May 2027
Jessica McDonagh	Treasurer	May 2025
Jeff Kappes	Assistant Secretary	May 2025
Derek Zahler	Assistant Secretary	May 2025

**Agenda**

- 1) Call to Order
- 2) Declaration of Quorum/ Disclosure of Potential Conflicts of Interest
- 3) Approval of Agenda
- 4) Public Comment: Comments are limited to three (3) minutes per person.
  - a) Drainage Mitigation in Common Area
  - b) Other Comments
- 5) Consent Agenda
  - a) Approval of Minutes of Regular Meeting held July 10, 2024
  - b) Approval of First Addendum to Independent Contractor Agreement with Heatherly Creative for Website Remediation Services
  - c) Ratify Filing of 2023 Financial Audit
- 6) Financial Matters
  - a) Consider Approval/Ratification of Payables
  - b) Consider Approval of Unaudited Financial Statements for period ending June 30, 2024
  - c) Discussion re Authorization for Repayment of Developer Operations Advances
- 7) Legal Matters
  - a) Consider Acceptance of Tracts via Quitclaim Deeds from Shea Canyons, LLC (enclosure)



- b) Update re Intergovernmental Agreement with the City of Castle Pines, Colorado re Park and Recreation Ownership, Operation, and Maintenance
  - c) Executive Session: the Board reserves the right to enter into Executive Session for the following purposes: Discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(e), C.R.S. related to Intergovernmental Agreement with City of Castle Pines, Colorado re Park and Recreation Ownership, Operation, and Maintenance.
- 8) Construction Matters
- a) Construction Update
  - b) Consider Approval of License Agreement from Shea Canyons, LLC to Westbridge Landscape Maintenance (enclosure)
- 9) Management Matters
- a) Manager's Report (enclosure)
  - b) BrightView Monthly Maintenance Report – July
  - c) Discuss SDA Conference
- 10) Other Business
- 11) Adjournment

The next Regular Meeting of the Board of Directors is scheduled for:  
September 11, 2024 10:00 a.m.



**MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
THE CANYONS METROPOLITAN DISTRICT NO. 7 (THE “DISTRICT”)  
HELD July 10, 2024**

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, July 10, 2024, 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  
Jeff Kappes, Assistant Secretary  
Derek Zahler, Assistant Secretary

Also, In Attendance Were:

Sarah Esther, Rachel Hillis, Andrea Weaver, Hannah Wasson, Ben McDowell, and Lane Melott; Advance HOA Management  
Zachary P. White; White Bear Ankele Tanaka & Waldron P.C., District General Counsel  
Eric Keesen and Dylan Futrell; BrightView Landscaping  
Dave Birt; Shea Canyons, LLC, Construction Manager  
2 Members of the Public

**ADMINISTRATIVE  
MATTERS**

**Call to Order:** Upon a motion by Director Miller, seconded by Director Hutchinson, unanimously carried the meeting was called to order at 10:00 a.m.

**Declaration of Quorum/ Director Conflict of Interest Disclosures:** A quorum was confirmed. 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 regarding 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:** Upon a motion by Director Kappes, seconded by Director McDonagh, unanimously carried the Board approved the Agenda as presented.

**PUBLIC  
COMMENTS**

An owner residing on Rim Ridge Drive reported a neighbor’s vendor parking a landscape trailer on the street for extended periods, blocking the flow of traffic. Mr. McDowell informed the owner that Castle Pines is the authority for enforcement on

streets accepted by the City and recommended contacting the City's Public Works Department. The directive was confirmed by Legal Counsel and supported by the Board of Directors.

## CONSENT AGENDA

**Approval of Minutes of Regular Meeting held June 12, 2024, Consider Approval/Ratification of Payables, Consider Approval of Unaudited Financial Statements for period ending May 31, 2024:** Director Kappes requested that the Financial Statements be listed as separate Agenda items for the next meeting. Following review, upon a motion duly made by Director Miller, seconded by Director McDonagh and, upon vote, unanimously carried, the Board unanimously approved and/or ratified, as appropriate, Consent Agenda items.

## FINANCIAL MATTERS

**Review of 2023 Financial Audit:** Ms. Weaver reviewed the Financial Audit with the Board. Director McDonagh requested additional time to review the Financial Audit. Following discussion, upon a motion duly made by Director Kappes, seconded by Director Miller and upon vote, unanimously carried, the Board unanimously accepted the 2023 Financial Audit subject to Director McDonagh's final review.

## LEGAL MATTERS

**Consider Adoption of Resolution Adopting Parking Rules and Regulations:** Mr. White presented the Resolution Adopting Parking Rules and Regulations. Director Hutchinson suggested adding clarifying language to specify the District's enforcement authority and its applicability. Following review, upon a motion duly made by Director Miller, seconded by Director Hutchinson and upon vote, unanimously carried, the Board unanimously approved the Resolution Adopting Parking Rules and Regulations contingent upon the inclusion of the additional clarifying language from Legal Counsel.

**Consider Approval of District Website Maintenance Remediation Contractor:** Mr. White presented proposals from Streamline and Heatherly Creative to provide website remediation services. The Board reviewed the documents required to be posted to the website, relative costs of the two service providers, and the future uses of the District's website. Following discussion, upon a motion duly made and seconded, the Board approved the proposal from Heatherly Creative to remediate the District's website.

**Consider Approval of Intergovernmental Agreement with the City of Castle Pines, Colorado re Park and Recreation Ownership, Operation, and Maintenance:** Mr. White updated the Board regarding the IGA currently being negotiated with the City. No further action was taken at this time.

**Executive Session:** An Executive Session was not required.

## CONSTRUCTION MATTERS

**Consideration of an Independent Contractor Agreement with BrightView for Landscape Maintenance for "Westridge":** Mr. McDowell presented the Independent Contractor Agreement. Mr. White advised the Board that the District does not own the property on the south side of Westridge, so it will need access rights from Shea Canyons, LLC to maintain the landscape improvements that were installed by the District. Following discussion, the Board acknowledged Director Miller would

finalize approval contingent upon the District securing a license from Shea Canyons, LLC to maintain the landscape improvements on the south side of Westbridge Drive. Following review and discussion, upon a motion duly made by Director Kappes, seconded by Director Hutchinson and upon vote, unanimously carried, the Board unanimously approved the Independent Contractor Agreement with BrightView for Landscape Maintenance for Westridge subject to Shea Canyons' authorization as described above and Director Miller's signing of the associated Agreement(s).

**Consider Proposal from Metro Fence for Staining:** Mr. McDowell presented the proposal for fence staining, noting that it is a phased approach for maintenance and can be phased out in accordance with the budget. Director Miller requested more information regarding the phased stain approach and pricing for budget purposes. No action was taken.

**MANAGER/  
OPERATIONS  
MATTERS**

**Manager's Report:** Mr. McDowell reviewed the Report with the Board.

**BrightView Monthly Maintenance Report - June:** Mr. Futrell reviewed the report with the Board.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

There being no further business to come before the Board at this time, following a motion by Director Hutchinson, seconded by Director Kappes, unanimously carried, the meeting was adjourned at 11:28 a.m.

Respectfully submitted,

By \_\_\_\_\_

Secretary for the Meeting

**FIRST ADDENDUM TO  
CONTRACT**  
(District Website Maintenance and Management)

---

This FIRST ADDENDUM TO CONTRACT (the “**First Addendum**”) is entered into the 14<sup>th</sup> day of August, 2024, by and between THE CANYONS METROPOLITAN DISTRICT NO. 7, a quasi-municipal corporation and political subdivision of the State of Colorado (the “**District**”), and Heatherly Creative, LLC, a Colorado limited liability corporation (the “**Contractor**”), collectively referred to herein as the “**Parties.**”

**RECITALS**

WHEREAS, the Parties entered into that certain *Contract*, dated November 9, 2022, for District Website Maintenance and Management Services (the “**Contract**”); and

WHEREAS, the Contract sets forth the services to be performed under the Contract and provides a Compensation Schedule for the performance of such services; and

WHEREAS, the Parties wish to amend the Contract to include additional services concerning website accessibility in order to remediate the District’s website platform to meet required WCAG 2.1 guidelines (the “**Additional Services**”); and

WHEREAS, the Contractor is willing to perform the Additional Services for the additional compensation noted herein (the “**Additional Compensation**”) and

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and value consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties covenant and agree as follows:

**CONTRACT**

1. ADDITIONAL SERVICES AND ADDITIONAL COMPENSATION. The Contractor hereby agrees to perform the Additional Services set forth in **Exhibit A-1**, attached hereto and incorporated herein by this reference, for the Additional Compensation also noted with Exhibit A-1.

2. CONTRACT. Except as expressly modified by this First Addendum, all terms and provisions of the Contract shall remain in full force and effect.

3. COUNTERPART EXECUTION. This First Addendum may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. Executed copies of this First Addendum may be delivered by

facsimile or email of a PDF document, and, upon receipt, shall be deemed originals and binding upon the signatories to this First Addendum.

*[Remainder of Page Intentionally Left Blank. Signature Page Follows.]*

**IN WITNESS WHEREOF**, the Parties have executed this First Addendum as of the date set forth above. By the signature of its representative below, each Party affirms that it has taken all necessary action to authorize said representative to execute this First Addendum.

**DISTRICT:**

THE CANYONS METROPOLITAN DISTRICT NO. 7, a quasi-municipal corporation and political subdivision of the State of Colorado

By: \_\_\_\_\_  
Officer of the District

\_\_\_\_\_  
Attest

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

\_\_\_\_\_  
General Counsel to the District

**CONTRACTOR:**

Heatherly Creative, LLC, a Colorado limited liability corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_



**EXHIBIT A-1**  
(ADDITIONAL SERVICES AND ADDITIONAL COMPENSATION)

Additional Services:

The Contractor shall scan, identify and remediate the District’s website platform to best meet required WCAG guidelines (as of the date of this First Addendum, the WCAG guideline standards are 2.1). Services are limited to the District’s website platform only and do not include PDF accessibility remediation or other services (except for this detailed in the Contract). Current accessibility standards to be best met will be defined by the Colorado Governor’s Office of Information Technology “Rules Establishing Technology Accessibility Standards (8 CCR 1501-11).

Accessibility services to include:

- Propose and implement alternations to the District’s current website template, page structure, number of pages, navigation structure, content and design elements to best meet WCAG guidelines.
- Assist as needed in the development of an accessibility statement for the District’s website.
- Collaborate with the District’s legal counsel on best practices for updating website content while maintaining compliance.
- Partner with Silktide, or similar service, to monitor and improve accessibility through automated scans, identification of non-conforming website elements and report on remediation progress.
- Remediate non-conformation webpage elements in a timely manner.
- Provide quarterly reports from the Silktide dashboard, or similar service, to review current compliance level status and monitor progress of remediation.

Additional Compensation:

A one-time remediation service fee not to exceed \$1,000.00.

On going compliance matter