

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE DENVER HIGH POINT AT DIA METROPOLITAN DISTRICT HELD OCTOBER 23, 2023

A Regular Meeting of the Board of Directors (the “Board”) of the Denver High Point at DIA Metropolitan District (the “District”) was convened on Monday, October 23, 2023, at 1:00 p.m., via Zoom. The meeting was open to the public.

#### ATTENDANCE

#### Directors in Attendance:

Andrew Klein  
Theodore Laudick  
Blake Amen

Following discussion, upon motion duly made by Director Klein, seconded by Director Amen and, upon vote, unanimously carried, the absence of Director Waldschmidt was excused.

#### Also in Attendance:

David Solin; Special District Management Services, Inc.

Jon Hoistad, Esq.; McGeady Becher P.C.

Nichole Kirkpatrick and Lindsay Ross; CliftonLarsonAllen LLP

#### ADMINISTRATIVE MATTERS

**Disclosure of Potential Conflicts of Interest:** The Board noted it was in receipt of disclosures of potential conflicts of interest statements for each of the Directors and that the statements had been filed with the Secretary of State at least seventy-two hours in advance of the meeting. Attorney Hoistad requested that the Directors review the agenda for the meeting and advise the Board of any new conflicts of interest that had not been previously disclosed. No further disclosures were made by Directors present at the meeting.

**Agenda:** Mr. Solin distributed for the Board's review and approval, a proposed agenda for the District's Regular Meeting.

Following discussion, upon motion duly made by Director Klein, seconded by Director Amen and, upon vote, unanimously carried, the agenda was approved, as amended.

**Meeting Location / Posting of Meeting Notices:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning

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the location of the District's Board meeting. The Board determined the meeting would be held by video/telephonic means. The Board further noted that notice of the time, date and location was duly posted and that no objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxpaying electors within the District boundaries, have been received.

**Minutes:** The Board reviewed the Minutes of the September 25, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Klein, seconded by Director Amen and, upon vote, unanimously carried, the Board approved the Minutes of the September 25, 2023 Regular Meeting.

**Resolution No. 2023-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, Establish District Website, and Designating Location for Posting of 24-Hour Notices:** Mr. Solin discussed with the Board Resolution No. 2023-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, Establish District Website, and Designating Location for Posting of 24-Hour Notices.

The Board determined to schedule regular meetings for 2024 at 1:00 p.m. on the 4<sup>th</sup> Monday of each month.

Following review, upon motion duly made by Director Klein, seconded by Director Amen and, and, upon vote, unanimously carried, the Board adopted Resolution No. 2023-10-\_\_; Establishing Regular Meeting Dates, Time and Location, Establishing District Website, and Designating Location for Posting of 24-Hour Notices.

**§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2024:** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2024, and directed that the required Transparency Notice be posted on the SDA and District websites.

### **Insurance Matters:**

*Cyber Security and Increased Crime Coverage:* Attorney Hoistad discussed cyber security issues and the option of increasing the District's crime.

*Renewal of the District's insurance and Special District Association (SDA) membership for 2024:* Following discussion, upon motion duly made by Director Laudick, seconded by Director Klein and, and, upon vote, unanimously carried, the Board authorized the renewal of the District's insurance and Special District Association (SDA) membership for 2024, with an increase in the crime coverage limit to \$100,000.

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### PUBLIC COMMENTS

There were no public comments.

### FINANCIAL MATTERS

**Claims:** The Board deferred discussion at this time.

**Unaudited Financial Statements:** Ms. Ross reviewed with the Board the unaudited financial statements for the period ending June 30, 2023.

Following discussion, upon motion duly made by Director Klein, seconded by Director Amen and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending June 30, 2023, as presented.

**2023 Audit:** The Board discussed the engagement of Schilling & Company Inc. to prepare the 2023 Audit, for an amount not to exceed a \$6,500.

Following discussion, upon motion duly made by Director Klein, seconded by Director Amen, and upon vote, unanimously carried, the Board approved the engagement of Schilling & Company, Inc. to prepare the 2023 Audit for an amount not to exceed \$6,500.

**2023 Budget Amendment Hearing:** The President opened the public hearing to consider an amendment to the 2023 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider an amendment to the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received, and the public hearing was closed.

Following discussion, it was determined that no amendment to the 2023 Budget was required.

**2024 Budget Hearing:** The President opened the public hearing to consider the proposed 2024 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2024 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received, and the public hearing was closed.

Ms. Kirkpatrick reviewed the estimated year-end 2023 revenues and expenditures and the proposed 2024 estimated revenues and expenditures.

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Following discussion, the Board considered the adoption of Resolution No. 2023-10-02 to Adopt the 2024 Budget and Appropriate Sums of Money, and Resolution No. 2023-10-03 to Set Mill Levies (for the General Fund at 0.000 mills, the Debt Service Fund at 0.000 mills, and Regional mill levy at 15.591 mills, for a total of 15.591 mills). Upon motion duly made by Director Amen, seconded by Director Klein upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the City and County of Denver on or before January 3, 2024. Mr. Solin was authorized to transmit the Certification of Mill Levies to the City and County of Denver and the Division of Local Government not later than January 10, 2024. Mr. Solin was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2024. Copies of the adopted Resolutions are attached hereto and incorporated herein by this reference.

**DLG-70 Mill Levy Certification Form:** The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form (“Certification”).

Following discussion, upon motion duly made by Director Amen, seconded by Director Klein and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the Certification and directed the District Manager to file the Certification with the City and County of Denver and other interested parties.

**2025 Budget Preparation:** The Board discussed the preparation of the 2025 Budget.

Following discussion, upon motion duly made by Director Amen, seconded by Director Klein and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2025 Budget.

**CliftonLarsonAllen LLP 2024 Statement of Work:** The Board discussed the CliftonLarsonAllen LLP Statement of Work for 2024 Accounting Services.

Following review and discussion, upon motion duly made by Director Klein, seconded by Director Amen and, upon vote, unanimously carried, the Board approved the CliftonLarsonAllen LLP Statement of Work for 2024 Accounting Services.

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### **CAPITAL MATTERS**

**Engineer’s Report and Verification of Costs Associated with Public Improvements Report prepared by Schedio Group LLC:** There was no report available at this time.

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**Acceptance of verified public improvement costs and allocation of same among Denver High Point at DIA Metropolitan District, Colorado International Center Metropolitan District No. 13, and Colorado International Center Metropolitan District No. 14 (the “Districts”), pursuant to Report No. 19:** The Board deferred action.

**Reimbursement to ACM High Point VI LLC (“ACM”) under the Capital Funding and Reimbursement Agreement (Denver High Point – Westside) between Denver High Point at DIA Metropolitan District and ACM, pursuant to Report No. 19:** The Board deferred action.

**Requisition(s) for Reimbursement of Verified Public Improvement Costs, and any and all Resolution(s) Relating to such requisition(s), pursuant to Report No. 19:** The Board deferred action.

### **OPERATIONS AND MAINTENANCE**

**2024 Landscape Maintenance Services:** The Board discussed landscape maintenance services for 2024.

Following discussion, upon motion duly made by Director Laudick, seconded by Director Klein and, upon vote, unanimously carried, the Board authorized the preparation of a Service Agreement with All Phase Landscape Construction, Inc. for 2024 landscape maintenance services, in an amount not to exceed \$29,000.

**2024 Snow Removal Services:** The Board discussed snow removal services for 2024.

Following discussion, upon motion duly made by Director Laudick, seconded by Director Klein and, upon vote, unanimously carried, the Board authorized the preparation of a Service Agreement with All Phase Landscape Construction, Inc. for 2024 snow removal services.

### **LEGAL MATTERS**

**Resolution Regarding Policy on Colorado Open Records Act Requests:** It was noted that a review of the District records indicated that the District has not previously adopted an official policy regarding Colorado Open Records Act Requests.

Following discussion, upon motion duly made by Director Amen, seconded by Director Klein and, upon vote, unanimously carried, the Board adopted Resolution No. 2023-10-05, Resolution Regarding Colorado Open Records Act Requests.

**Joint Resolution of the Boards of Directors of Denver High Point at DIA Metropolitan District and Colorado International Center Metropolitan District No. 13 Regarding the Imposition of Regional Development Fees:** Following

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discussion, upon motion duly made by Director Laudick, seconded by Director Amen and, upon vote, unanimously carried, the Board adopted Resolution No. 2023-10-07, Joint Resolution of the Boards of Directors of Denver High Point at DIA Metropolitan District and Colorado International Center Metropolitan District No. 13 Regarding the Imposition of Regional Development Fees, to be recorded in the real property records of the City and County of Denver and effective January 1, 2024.

**Joint Resolution of the Boards of Directors of Denver High Point at DIA Metropolitan District and Colorado International Center Metropolitan District No. 14 Regarding the Imposition of Regional Development Fees:** Following discussion, upon motion duly made by Director Laudick, seconded by Director Laudick and, upon vote, unanimously carried, the Board adopted Resolution No. 2023-10-08, Joint Resolution of the Boards of Directors of Denver High Point at DIA Metropolitan District and Colorado International Center Metropolitan District No. 14 Regarding the Imposition of Regional Development Fees, to be recorded in the real property records of the City and County of Denver and effective January 1, 2024.

### **OTHER BUSINESS**

**Annual Meeting:** Mr. Solin confirmed the annual meeting for the property owners and overlapping entities. Notice of the Meeting was published on October 10, 2023.

**Cancellation:** The Board canceled the December 25, 2023 Regular Meeting.

### **ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made by Director Klein, seconded by Director Laudick and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By: 

Secretary for the Meeting