

MINUTES OF A JOINT SPECIAL MEETING OF THE  
BOARDS OF DIRECTORS

OF

PAINTED PRAIRIE METROPOLITAN DISTRICT NOS. 1-12

Held: Thursday, June 17, 2021 at 11:00 a.m. via teleconference.

Due to the threat posed by the COVID-19 coronavirus, the meeting was held via teleconference.

The joint special meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve, were in attendance:

Christopher Fellows  
Tim O'Connor  
Douglas Hatfield

Director Anderson was absent and excused.

Also present were Clint C. Waldron, Esq., and Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Diane Wheeler, Simmons & Wheeler, PC, District Accountant; John Guzman-Peonio, Advance HOA Management, District Manager; Barney Fix, Merrick & Company, District Engineer; Matt Ruhland, Collins Cockrel & Cole, General Counsel to the Painted Prairie Public Improvement Authority; and homeowners.

Call to Order/Declaration of Quorum

Director Fellows noted that a quorum of the Boards was present and called the meeting to order.

Director Conflict of Interest Disclosures

Mr. Waldron 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 Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Boards. Mr. Fellows inquired into whether members of the Boards 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 board members present was necessary to obtain a quorum or to otherwise enable the Boards to act.

Joint Meetings

The Boards of Directors of the Districts have determined to hold joint meetings of the Districts and to prepare joint minutes of action taken by the Districts in such meetings. Unless otherwise noted herein, all official action reflected in these minutes is the action of each of the Districts. Where necessary, action taken by an individual District will be so reflected in these minutes.

Confirmation of Meeting Notice and Posting

Ms. Murphy confirmed the meeting notices were posted as required by law.

Approval of Agenda

The Boards reviewed the proposed agenda. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the agenda as amended.

Public Comment

None.

**Consent Agenda**

Director Fellows reviewed the items on the consent agenda. Ms. Murphy advised the Boards that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and/or adopted:

- May 20, 2021 Joint Special Meeting Minutes
- 2020 Audit Exemptions (District Nos. 3-12)

**Facilities Management/District Operations (District No. 1)**

District Manager's Report

Mr. Guzman-Peonio reviewed the District Manager's Report with the Board of District No. 1.

Update on Insurance Audit

Mr. Guzman-Peonio noted that the insurance audit is in process.

Update on Reserve Study

Mr. Guzman-Peonio discussed the Reserve Study with the Board of District No. 1. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the Reserve Study. Mr. Fellows requested Mr. Guzman-Peonio provide the email confirmations from Mr. Guzman-Peonio, Mr. Waldron, and Mr. Payne.

Discuss Vandalism at Fort

Mr. Guzman-Peonio informed the Board of District No. 1 that the person responsible is still unknown and that the cost of repairs was approximately \$1,000. Director Fellows requested that Mr. Guzman-Peonio prepare a report summarizing all the incidents of vandalism and theft in the community. Mr. Waldron noted that it

might be prudent to send an email blast to the community notifying them that this is happening and request that all community members keep an eye out. Director Fellows requested that Mr. Guzman-Peonio work with Mr. Waldron to send an email blast to the community.

Update on Security Camera Installation and Full-Time Maintenance

Mr. Guzman-Peonio updated the Board of District No. 1 on the status of the security camera installation and full-time maintenance noting that the additional security cameras cost was \$324,000. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 unanimously approved all additional costs for installation and maintenance for security cameras to all district parks.

Director Fellows requested that Mr. Guzman-Peonio prepare a schedule of maintenance activities and solicit bids for the next meeting.

Discuss and Consider Approval of Contractor Agreement for Electrical Wiring and Pole Installation for Security Camera Setup

It was noted that this agenda item was approved along with other costs in Update on Security Camera Installation and Full-Time Maintenance above.

Other Facilities Management/District Operations Matters

Mr. Guzman-Peonio informed the Board of District No. 1 that there is a lot of landscape activity going on in the District. The Board of District No. 1 directed Mr. Waldron to put ECI on notice that they are not happy with the landscaping maintenance services being provided and as a result, the Board may directly hire a contractor to take on landscape maintenance and draw on the escrow account.

Mr. Waldron noted that the District may want to engage an independent arborist to develop a tree care plan, review tree plantings, and tag replacement trees.

### **Construction Updates (District No. 1)**

General Updates

Mr. Fix provided an update to the Board of District No. 1 noting that the final landscaping walkthrough was on Tuesday, June 15, 2021.

Discuss and Consider Approval of Change Orders

Consider Approval of Change Order No. 1 from

Mr. Fix reviewed Change Order No. 1 from Hall Contracting in the amount of \$2,875.00 with the Board of District No. 1. Following

Hall Contracting in the amount of \$2,875.00 discussion, upon a motion duly made and seconded, the Board of District No. 1 unanimously approved Change Order No. 1 with Hall Contracting in the amount of \$2,875.00.

Discuss High Prairie Park Enhancements and Status of Bid Director Fellows informed the Board of District No. 1 that he is reviewing final drawings to be put out to bid.

Discuss Public Art Director Fellows informed the Board of District No. 1 that he is expecting a draft of public art plan next week.

### **Legal Matters**

Other Legal Matters None.

### **Financial Matters**

Review and Consider Acceptance of Unaudited Financial Statements Deferred.

Review and Consider Approval of Claims Payable Ms. Wheeler reviewed the claims listing in the amount of \$238,915.81 with the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved payment of the claims.

Approve/Ratify Requisition No. 32/Draw No. 23 from Escrow Funds (District No. 1) Ms. Wheeler reviewed Requisition No. 32/Draw No. 23 from Escrow Funds with the Board of District No. 1. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 unanimously approved Requisition No. 32/Draw No. 23.

Discuss status of 2020 Audit ( District Nos. 1 & 2) Ms. Wheeler updated the Boards of District Nos. 1 & 2 on the status of 2020 Audits. The Boards of District Nos. 1 & 2 deferred further discussion until the next meeting.

Other Financial Matters None.

### **Other Business**

Discuss and Consider Appointment(s) to Painted Prairie Public Improvement Authority Deferred.

## Adjourn

There being no further business to come before the Boards, and following discussion and upon motion duly made, seconded and unanimously carried, the Boards determined to adjourn the meeting.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

*Timothy OConnor*

[Timothy OConnor \(Oct 19, 2021 10:33 MDT\)](#)

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Secretary for the Meeting, District Nos. 1-12

The foregoing minutes were approved on the 15th day of July 2021.