

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

OF

BIG DRY CREEK METROPOLITAN DISTRICT

Held: Thursday, September 27, 2018, at 9:00 a.m. at Conference Center, Snowmass Room, 1500 E. 128th Ave., Thornton, CO 80241

Attendance

The regular 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.

Corey Elliott
Randall Stutz
Chris Elliott
Ambra Born
John Cheney

Also present were Megan J. Murphy, Esq., White, Bear, Ankele, Tanaka & Waldron, District General Counsel; Sarah Hunsche, CliftonLarsonAllen, District Accountant; Kim Herman and Geol Scheirman, CliftonLarsonAllen, District Managers; and Susie Ellis, Community Preservation Specialist, Inc.

Call to Order

Director Corey Elliott called the meeting to order.

**Declaration of Quorum/
Director Qualifications/
Reaffirmation of
Disclosures**

Director Corey Elliott noted that a quorum of the Board was present and that the directors had confirmed their continuing qualification to serve.

Ms. Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy reported that disclosures for those directors with 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 noted that a quorum was present and 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 Board determined that 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 proposed agenda. Following discussion, upon motion duly made and seconded, the Board unanimously approved the agenda as presented.

Consent Agenda

Ms. Murphy presented the items on the consent agenda to the Board for consideration. Ms. Murphy advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested removed from the consent agenda. Upon motion duly made and seconded, the following items on the consent agenda were unanimously approved and adopted.

- Consider Approval of May 23, 2018 Minutes
- Consider Approval of Claims Payable in the Amount of \$47,699.80
- Consider Approval of First Amendment to 2018 Annual Administrative Resolution
- Consider Ratification of Resolution Regarding Policies, Procedures and Penalties for the Enforcement of the Governing Documents

**Facilities Management/
District Operations**

District Manager's Report

Ms. Herman reviewed the district manager's report with the Board. It was noted that the porta potty is being moved by Lennar from the west side of the park to the middle of the park, just north of the tennis court. Lennar is working with the City of Thornton to change the landscape plans to reflect the relocation. Ms. Herman noted that she has been in contact with Ms. Dorland regarding the relocation.

**Status of Website and Status
of Online Calendar**

Ms. Herman noted that she is working to finalize the calendar feature on the website and it will be functional by the end of October.

**Status of Proposed
Revisions to Guidelines**

Ms. Herman informed the Board that she is working with Lennar to finalize changes to the Design Guidelines and incorporate Xeriscape into the Design Guidelines.

**Discussion Regarding ARC
Requests and Approvals**

The Board engaged in general discussion regarding ARC Form Changes. Following discussion, upon a motion duly made and seconded, the Board approved removing the "Neighboring Property Owner Acknowledgement" from the ARC Form.

The Board engaged in general discussion regarding Section 3.27 of Design Guidelines which states, "Fences constructed by the Developer or

Builder along or abutting property lines, arterial streets, collector streets, and local streets may not be removed, replaced, painted a different color or altered, including, adding a gate, without approval of the ARC.” Following discussion, upon a motion duly made and seconded, the Board requested that the Guidelines be modified so that homeowners can stain or seal their existing fence without approval from the ARC.

The Board engaged in general discussion regarding ARC Fees. Following discussion, upon a motion duly made and seconded, the Board requested that fees for ARC be removed from Section 2.3 of the Guidelines.

Discuss Reservation Sign at Park The Board engaged in general discussion regarding the Reservation sign at the Park. Following discussion, upon a motion duly made and seconded, the Board directed legal counsel to work with the District Manager to create a park reservation sign.

Discuss Updated Park Rules and Regulations and Fees for Residents and Non-Residents Ms. Herman reviewed the updated park rules and regulations with the Board. Following discussion, the Board directed the Advisory Committee to review and comment on the proposed Park Rules and Regulations.

The Board engaged in general discussion regarding Park Reservation Fees for Residents and Non-Residents. Ms. Murphy noted that the First Amendment to Intergovernmental Agreement with the City of Thornton allows the District to impose fees and charges for rentals and reservations of the park pavilion and sports fields consistent with the park rental reservation practices of the City including fee amount and timing of events. Following discussion, upon a motion duly made and seconded, the Board determined to charge the following fees for Park Rentals and Reservations:

| | Resident | Non-Resident |
|---------------|------------------------|--------------------------|
| Pavilion | \$0 fee; \$150 deposit | \$200 fee; \$200 deposit |
| Tennis Courts | \$0 fee | \$7/hour fee |

Covenant Enforcement Matters Ms. Ellis reviewed the Covenant Enforcement report with the Board.

Discuss Status of Tract Turnover to District Ms. Herman informed the Board that she is working with Lennar and the proposed 2019 budget will include landscape maintenance by the District.

Discuss, Review, and Approve Work Orders/Proposals None.

Legal Matters

Consider Adoption of Ms. Murphy reviewed the Resolution Regarding Acceptance and

Resolution Regarding Acceptance and Acquisition of Public Improvements (Underdrain) pursuant to Resolution Establishing Policies and Procedures for the Acceptance of Underdrain Improvements

Acquisition of Public Improvements (Underdrain) pursuant to Resolution Establishing Policies and Procedures for Acceptance of Underdrain Improvements with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Resolution.

Discuss District Name Change from Big Dry Creek to Orchard Farms and Logo

The Board engaged in general discussion regarding a District name change. Following discussion, upon a motion duly made and seconded, the Board determined to proceed with the district name change from “Big Dry Creek Metropolitan District” to “Orchard Farms Metropolitan District” commencing in 2019.

Consider Approval of Resolutions Establishing Advisory Committee and Social Committee

Ms. Murphy reviewed the Resolutions Establishing Advisory and Social Committees with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the resolutions.

The Board also directed legal counsel to draft a resolution establishing a Covenant Compliance Committee.

Consider Approval of Resolution re Acceptance of Verified Reimbursement Amount for Certification No. 3

Ms. Murphy reviewed the Resolution regarding Acceptance of Verified Reimbursement Amount for Certification No. 3. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Resolution.

None.

Other Legal Matters
Financial Matters

Consider Acceptance of Financial Statements and Cash Position Report

Ms. Hunsche reviewed the cash position report, August 31, 2018 Financials, and interim claims in the amount of \$17,219.45 for check nos. 1077-1082 with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the Cash Position Report, August 31, 2018 Financials and approved the interim claims in the amount of \$17,219.45 for check nos. 1077-1082.

Discuss 2019 Budget Workshop and Budget Hearing Dates

The Board engaged in general discussion regarding the 2019 Budget Workshop and 2019 Budget Hearing Dates. Following discussion, the Board directed Ms. Herman to schedule a budget workshop via telephone conference and determined to hold a public hearing on the 2019 budget on November 29, 2018 at 9:00am, location to be determined.

Other Financial Matters

None.

Directors' Items

None.

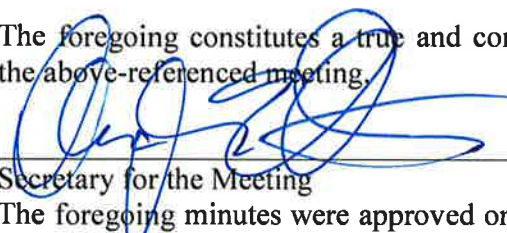
Other Business

None.

Adjourn

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

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



Secretary for the Meeting

The foregoing minutes were approved on the 29th day of November, 2018.