

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
ORCHARD FARMS METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
DECEMBER 4, 2024

A regular meeting of the Board of Directors of the Orchard Farms Metropolitan District (referred to hereafter as the “Board”) was convened on December 4, 2024, at 5:00 p.m. This District Board meeting was held at via Zoom Video Conference. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

Randy Stutz, President
Ben Reiter, Treasurer
Brian McNelly, Secretary
Nate Watkins, Assistant Secretary
Ed Passini, Director

Also, In Attendance Were:

Celeste Terrell, Alex Clem and Terri Boroviak, CliftonLarsonAllen LLP (“CLA”)
Megan Murphy, Esq. and Marissa Peck, Esq.; White Bear Ankele Tanaka and Waldron (“WBA”);
Susie Ellis; Community Preservation Specialists, Inc.
Tim Mollock; Member of the public

ADMINISTRATIVE MATTERS

Call to Order:

The meeting was called to order at 5:01 p.m.

Quorum and Reaffirmation of Disclosures:

A quorum of the Board was confirmed. Attorney Murphy 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 Murphy 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.

Agenda:

The Board reviewed the agenda for the meeting. Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved the agenda, as presented.

Public Comment:

None.

2025 Annual Administrative Matters Resolution:

Following review and discussion, upon a motion duly made by Director Stutz, seconded by Director Watkins and, upon vote, unanimously carried, the Board adopted the 2025 Annual Administrative Matters Resolution, as amended to update the emergency posting location.

CONSENT AGENDA

October 2, 2024 Board Meeting Minutes,

Claims Payable in the amount of \$51,326.97

The Board reviewed the consent agenda. Following discussion, upon a motion duly made by Director Passini, seconded by Director Reiter and, upon vote, unanimously carried, the Board approved the consent agenda listed above.

FACILITIES MANAGEMENT / DISTRICT OPERATIONS

Design Guidelines Review by Advisory Committee:

Director McNelly provided an update for the Board, noting that he will provide Mr. Clem with a copy of the updated Design Guidelines to begin revising.

Fine Hearings:

Ms. Ellis provided an updated regarding the history of violations at the first home and that the resident requested a fine hearing. Discussion ensued regarding the Board and Mr. Pollock. The Board directed Ms. Ellis to suspend the violation for 30 day to allow for the homeowner to cure the violation.

Ms. Ellis provided an updated regarding the history of violations at the second home, noting that the resident requested a hearing but was not present. The Board directed Ms. Ellis to continue with the violation and fine process for the homeowner.

LEGAL MATTERS

Resolution Calling a Regular Election for Directors on May 6, 2025:

Attorney Murphy reviewed the resolution with the Board. Following discussion, upon a motion duly made by Director McNelly, seconded by Director Watkins and, upon vote, unanimously carried, the Board adopted the Resolution Calling a Regular Election for Directors on May 6, 2025, which appointed Ashley Frisbie as the Designated Election Official and authorized her to perform all tasks required for the conduct of a mail ballot election.

Resolution Regarding Colorado Open Records Act Requests:

Attorney Murphy reviewed the resolution with the Board. Following discussion, upon a motion duly made by Director McNelly, seconded by Director Passini and, upon vote, unanimously carried, the Board adopted the Resolution Regarding Colorado Open Records Act Requests.

FINANCIAL MATTERS

September 30, 2024 Unaudited Financial Statements and Schedule of Cash Position:

Ms. Boroviak presented the financial statements to the Board. Following discussion, upon a motion duly made by Director Passini, seconded by Director McNelly and, upon vote, unanimously carried, the Board accepted the September 30, 2024 Unaudited Financial Statements and schedule of cash position.

Public Hearing on Amendment to 2024 Budget:

It was noted that no amendment to the 2024 Budget was required.

Public Hearing on 2025 Budget:

Ms. Terrell opened the public hearing to consider the proposed 2025 budget and to discuss related issues at 5:29 p.m.

It was noted that Notice stating that the Board would consider adoption of the 2025 budget and the date, time and place of the public hearing was published pursuant to statute. No written objections were received prior to the public hearing.

Ms. Boroviak presented the 2025 budget to the Board. Discussion ensued regarding expenditures related to the potential director's election, website maintenance, holiday lighting and transfer fees.

No public comments were received, and the public hearing was closed at 5:50 p.m.

Upon a motion duly made by Director Watkins, seconded by Director McNelly and, upon vote, unanimously carried, the Board approved the 2025 Budget, as discussed, and adopted

the Resolution to Adopt the 2025 Budget and Appropriate Sums of Money and authorized Director McNelly to sign the DLG-70 form, if needed.

Engagement Letter with Wipfli to Prepare the 2024 Audit:

Following review and discussion, upon a motion duly made by Director Stutz, seconded by Director Watkins and, upon vote, unanimously carried, the Board approved the engagement letter with Wipfli to prepare the 2024 Audit.

2025 Fee Schedule:

Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board removed the transfer fee so that it is \$0.

DIRECTORS' MATTERS

None.

MANAGER MATTERS

Property and Liability Coverage Renewal for 2025:

The Board reviewed the Property and Liability Coverage documents and the property schedule. Following discussion, upon a motion duly made by Director Stutz, seconded by Director Reiter and, upon vote, unanimously carried, the Board approved the Property and Liability Coverage renewal for 2025, as presented.

Workers' Compensation Coverage for 2025:

Following discussion, upon a motion duly made by Director Stutz, seconded by Director Watkins and, upon vote, unanimously carried, the Board approved workers' compensation coverage for 2025.

Website Compliance Coordinator:

Following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board designated CLA as the website compliance coordinator.

Transition Website to ADA Compliant Hosting Platform:

Following discussion, upon a motion duly made by Director Passini, seconded by Director McNelly and, upon vote, unanimously carried, the Board directed staff to engage Streamline and appointed Directors Stutz and McNelly to be a website committee to work with staff to transition the website to Streamline's platform.

CLA Statements of Work for 2025:

Following review and discussion, upon a motion duly made by Director Watkins, seconded by Director Reiter and, upon vote, unanimously carried, the Board approved the CLA Statements of Work for 2025.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director McNelly, seconded by Director Watkins and, upon vote, unanimously carried, the meeting was adjourned at 6:32 p.m.

Respectfully submitted,

By _____
Secretary for the Meeting