

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
ORCHARD FARMS METROPOLITAN DISTRICT
HELD
OCTOBER 4, 2023

A special meeting of the Board of Directors of the Orchard Farms Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, October 4, 2023 at 5:30 p.m. at Pavilion, 16120 Columbine St. Thornton, CO 80602. The meeting was open to the public.

ATTENDANCE

In Attendance were Directors:

Randall Stutz, President
Brian McNelly, Secretary
Nate Watkins, Assistant Secretary
Ed Passini, Director

Ben Reiter, President, was absent and excused.

Also in Attendance were:

Celeste Terrell, Alex Clem Lindsay Ross; CliftonLarsonAllen LLP (“CLA”)
Megan Murphy, Esq. General Counsel; White Bear Ankele Tanaka and
Waldron (“WBA”)
Susie Ellis; Community Preservation Specialists, Inc.

ADMINISTRATIVE MATTERS

Call to Order: The meeting was called to order at 5:33 p.m.

Quorum & Disclosures: A quorum of the Board was confirmed. Ms. 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. Ms. 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 Watkins, seconded by Director Stutz and, upon vote, unanimously carried, the Board approved the agenda, as amended, and excused the absence of Director Reiter.

Public Comment: None.

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CONSENT AGENDA

August 2, 2023 Minutes:

Claims Payable in the Amount of \$156,967.76:

Contract with Colorado Outhouse, LLC for Port-O-Potty Services:

2022 Audit:

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

FACILITIES MANAGEMENT / DISTRICT OPERATIONS

Covenant Enforcement Report:

Issues Regarding Covenant Enforcement: Ms. Ellis presented the covenant enforcement report to the Board. The Board discussed issues regarding covenant enforcement. No action was taken.

Resolution Regarding Policies, Procedures and Penalties for the Enforcement of Governing Documents: Ms. Ellis presented the current fine schedule to the Board. Ms. Murphy reviewed the update to the enforcement governing documents. Discussion ensued.

Following review and discussion, upon a motion duly made by Director McNelly, seconded by Director Passini and, upon vote, unanimously carried, the Board adopted the Resolution regarding Policies, Procedures and Penalties for the Enforcement of Governing Documents and determined that accounts with fines exceeding \$3,000.00 should be turned over to collections.

Resident Request for Sport Court: The Board reviewed and considered the sports court request. The Board requested the Advisory Committee review the application again with the additional information provided at the meeting. No action on the request was taken.

LEGAL MATTERS

None.

FINANCIAL MATTERS

Payment from Mineral Rights: Ms. Ross provided an update on the money received from the District's mineral rights.

DIRECTORS' MATTERS

Potential Pickleball Lines on Tennis Courts: Director Stutz provided an update regarding the painting of the pickleball lines on the tennis courts. Following discussion, upon a motion duly made by Director Stutz, seconded by Director McNelly and, upon vote, unanimously carried, the Board approved the proposal to paint pickle ball lines on the tennis courts.

Estimates from Jeremy Jobs: The Board reviewed the proposals from Jeremy Jobs. Following discussion, upon a motion duly made by Director Stutz, seconded by Director Passini and, upon vote, unanimously carried, the Board approved the edging proposal in an amount not to exceed

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\$6,000.00. The Board will review the other Jeremy Jobs proposals at a later meeting.

OTHER MATTERS

None.

ADJOURNMENT

There being no further business to come before the Board at this time, following discussion, upon a motion duly made by Director McNelly, seconded by Director Stutz and, upon vote, unanimously carried, the Board adjourned the meeting at 6:50 p.m.

Respectfully submitted,

Secretary for the Meeting

The foregoing minutes were approved on the 6th day of December 2023.