

## RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
CIMARRON METROPOLITAN DISTRICT (THE “DISTRICT”)  
HELD  
JUNE 20, 2023

A regular meeting of the Board of Directors (referred to hereafter as “Board”) of the Cimarron Metropolitan District (referred to hereafter as the “District”) was convened on Tuesday, June 20, 2023, at 3:30 p.m. at Candelas Parkview Swim & Fitness Club, 19845 W. 94<sup>th</sup> Avenue, Arvada, Colorado 80007. This District Board meeting was also held via Microsoft Teams. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Brian Mulvany  
Patrick Vaughn  
Brian Daly

#### Also In Attendance Were:

Lisa Johnson, Alex Clem, and Alonso Duran Rodriguez; CliftonLarsonAllen LLP (“CLA”)  
Megan Becher, Esq.; McGeady Becher P.C.  
Craig Conway, Peter Schulte and Paul Hoisington; Vauxmont Metropolitan District Board of Directors  
Matthew Ward; Environmental Designs, Inc. (“EDI”)  
Tracey Conway, Karla and Toni Linenberger, Karen O’Malley, Brian Hudson, Page Bolin, Michelle Fenner, RaChelle Fifer, Jamie Kubick, Gary Field, Joe Lanzetta, Pam and Bill Hack, Rudy Resendez, Peter Dyer, Dave Blake and other members of the public

### ADMINISTRATIVE MATTERS

**Call to order and approval of agenda:** The meeting was called to order at 3:30 p.m. There was distributed, for the Board’s review and approval, a proposed agenda for the District’s regular meeting. Following review, upon a motion duly made by Director Daly, seconded by Director Vaughn and upon vote unanimously carried, the Board approved the agenda, as presented.

**Disclosures of potential conflicts of interest:** The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Attorney Becher requested members of the Board disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute, noting that conflict disclosure statements for all of the

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Directors have been filed, and that no additional conflicts were disclosed at the meeting.

**Quorum, location of meeting, and posting of meeting notices:** It was noted that a quorum was present. The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined that the meeting would be held in a hybrid manner, with participants attending both in person at the meeting location and by video/telephonic means. It was noted that the notice of the location and manner of the meeting was duly posted, and that no objections to the location and manner of the meeting or any requests that the location and manner of the meeting be changed by taxpaying electors within the District boundaries have been received.

### **PUBLIC COMMENT**

The Board deferred public comment to the end of the meeting in order for such public comment to be held concurrently with the Vauxmont Metropolitan District board meeting.

### **CONSENT AGENDA**

#### **Approve Minutes of the June 1, 2023 Special Meeting**

Following review, upon a motion duly made by Director Vaughn, seconded by Director Mulvany and upon vote unanimously carried, the Board approved the consent agenda item, as presented.

### **FINANCIAL MATTERS**

**Unaudited financial statements for the period ending April 30, 2023:** Mr. Rodriguez reviewed the financial statements with the Board. Following review, upon a motion duly made by Director Daly, seconded by Director Mulvany and upon vote unanimously carried, the Board accepted the unaudited financial statements for the period ending April 30, 2023, as presented.

**Payment of claims in the amount of \$110,438.47 through the period ending June 14, 2023:** Mr. Rodriguez reviewed the claims with the Board. Following review, upon a motion duly made by Director Daly, seconded by Director Mulvany and upon vote unanimously carried, the Board ratified approval of the payment of claims in the amount of \$110,438.47 through the period ending June 14, 2023, as presented.

**Payment of capital claims in the amount of \$152,794.44:** Mr. Rodriguez reviewed the capital claims with the Board. Following review, upon a motion duly made by Director Daly, seconded by Director Mulvany and upon vote unanimously carried, the Board ratified approval of the payment of capital claims in the amount of \$152,794.44, as presented.

### **LEGAL MATTERS**

**Transition from Cimarron Metropolitan District to Vauxmont Metropolitan District under Master Intergovernmental Agreement:** There

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was no update.

**Status of repairs to Block 28 Tract A6 and authorize necessary action in conjunction therewith. Adjourn to Executive Session, if necessary, to receive legal advice on specific legal questions:** Director Daly provided an update to the Board regarding the status of repairs to Block 28 Tract A6, noting that the District continues to monitor the slope and work with the consulting team on a permanent solution.

**Matters relative to ongoing litigation regarding Block 24, Tract A6 and authorize necessary actions in conjunction therewith. Adjourn to Executive Session, if necessary, to receive legal advice on specific legal questions:** This item was previously discussed.

**Change Order No. 1 to Service Agreement for Tract A6 Slope Stability Support Services between the District and Martin/Martin, Inc. in the amount of \$30,000.00:** Director Daly reviewed the change order with the Board. Following review, upon a motion duly made by Director Mulvany, seconded by Director Daly and upon vote unanimously carried, the Board ratified approval of Change Order No. 1 to Service Agreement for Tract A6 Slope Stability Support Services between the District and Martin/Martin, Inc. in the amount of \$30,000.00, as presented.

**Service Agreement for Engineering Services between the District and Ground Engineering Consultants, Inc.:** Director Daly reviewed the agreement with the Board. Following review, upon a motion duly made by Director Mulvany, seconded by Director Daly and upon vote unanimously carried, the Board approved the Service Agreement for Engineering Services between the District and Ground Engineering Consultants, Inc. (in an amount not to exceed \$20,000.00), as presented.

**Task Order No. 18 to the Service Agreement for Survey Services between the District and Aztec Consultants, Inc., for Candelas Slope Failure Repairs, in the amount of \$10,000.00:** Director Daly reviewed the task order with the Board. Following review, upon a motion duly made by Director Mulvany, seconded by Director Daly and upon vote unanimously carried, the Board ratified approval of Task Order No. 18 to the Service Agreement for Survey Services between the District and Aztec Consultants, Inc., for Candelas Slope Failure Repairs, in the amount of \$10,000.00, as presented.

### **CAPITAL IMPROVEMENTS**

**Status of infrastructure installation for Candelas Project:** Director Daly reviewed the report regarding the status of Capital Projects with the Board.

**Contracts, work orders and change orders:**

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**Task Order No. 24 between the District and CTL Thompson for Geotechnical for Filing 1 Retaining Wall/Slope Failure Testing, Observation and Coordination, in the amount of \$60,000.00:**

Director Daly reviewed the task order with the Board. Following review, upon a motion duly made by Director Mulvany, seconded by Director Daly and upon vote unanimously carried, the Board approved Task Order No. 24 between the District and CTL Thompson for Geotechnical for Filing 1 Retaining Wall/Slope Failure Testing, Observation and Coordination, in the amount of \$60,000.00, as presented.

**Task Order No. 10 between the District and IDES, LLC for Filing 1 Kiosk Relocation and Slope Failure Repairs, in the amount of \$45,000.00:**

Director Daly reviewed the task order with the Board. Following review, upon a motion duly made by Director Mulvany, seconded by Director Daly and upon vote unanimously carried, the Board approved Task Order No. 10 between the District and IDES, LLC for Filing 1 Kiosk Relocation and Slope Failure Repairs, in the amount of \$45,000.00, as presented.

**Costs for construction of, and services related to, District improvements under the Verification of District Expenditures Report prepared by Independent District Engineering Services, LLC (“IDES”) for reimbursement to Arvada Residential Partners, LLC (“ARP”), and consider release and/or transfer of non-District improvements to ARP pursuant to the Facilities Funding and Acquisition Agreement between the District and ARP, based upon the recommendation of IDES:**

The Board reviewed IDES’ report entitled “Verification of District Expenditures for June 2023,” which summarizes IDES’ review and verification of the expenditures of the District for June 2023 (“Verification Report”). The Verification Report identified \$119,466.09 of District Eligible Expenses and \$-0- of Non-Eligible Expenses.

Director Vaughn noted that all expenditures associated with the slope failure are being advanced by Arvada Residential Partners, LLC (“ARP”), subject to a reimbursement agreement between the District and ARP.

Following review, upon a motion duly made by Director Daly, seconded by Director Mulvany and upon vote unanimously carried, the Board determined to accept the District Eligible Expenses in the amount of \$119,466.09.

**PUBLIC COMMENT**

The Board received comments from Rudy Resendez, Gary Field, Karen O’Malley, Bill Hack, Joe Lanzetta, Peter Dyer, Page Bolin and Michelle Fenner, members of the public.

**OTHER BUSINESS**

There was no other business.

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### ADJOURNMENT

Upon a motion duly made by Director Daly, seconded by Director Mulvany and upon vote unanimously carried, the Board adjourned the meeting at 4:47 p.m.

Respectfully submitted,

DocuSigned by:

*Patrick Vaughn*

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Secretary for the Meeting