

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
ELBERT & HIGHWAY 86 COMMERCIAL METROPOLITAN DISTRICT
(THE "DISTRICT")
HELD
MARCH 1, 2021

A special meeting of the Board of Directors of the Elbert & Highway 86 Commercial Metropolitan District (referred to hereafter as the "Board") was convened on Monday, March 1, 2021, at 5:00 p.m. **Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held via Microsoft Teams. The meeting was open to the public.**

ATTENDANCE

Directors In Attendance Were:

Karl Nyquist, President
David Pretzler, Secretary/Treasurer
Todd Lambert, Assistant Secretary
Richard Dinkel, Assistant Secretary
Mark Harding, Assistant Secretary

Also, In Attendance Were:

Denise Denslow & Thuy Dam; CliftonLarsonAllen LLP
Dianne Miller; Miller & Associates Law Offices, P.C.
Jim Marshall; BCX Development
Bradford Eidt; Wild Pointe Resident

ADMINISTRATIVE MATTERS

Call to Order: The meeting was called to order at 5:02 p.m.

Disclosures of potential conflicts of interest: The Board had previously filed Disclosure of Potential Conflict of Interest Statements with the Board and with the Secretary of State at least seventy-two (72) hours in advance of the meeting in accordance with statutory requirements.

Quorum, location of meeting, posting of meeting notices and agenda: It was noted that a quorum was present allowing the Board to act on all matters to come before them at this meeting. Upon a motion duly made by Director Harding, seconded by Director Nyquist, and upon a vote unanimously carried, the Board approved the agenda as presented.

Public comment: Mr. Eidt brought forth several comments to the Board related to the District budget, specifically about property taxes and assessed valuation. He stated that both of those budget items are seemingly low. He also reported

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that it is appropriate for the District to contribute to the traffic signal, given the volume of trips generated near Walmart. The Board was not prepared to discuss Mr. Eidt's request at this meeting as it was not on the agenda.

Minutes from the November 16, 2020 special board meeting: Upon a motion duly made by Director Nyquist, seconded by Director Pretzler, and upon a vote unanimously carried, the Board approved the minutes from the November 16, 2020 special board meeting as presented.

FINANCIAL MATTERS

December 31, 2020 Draft Audit: Ms. Dam reviewed the December 31, 2020 Draft Audit with the Board. She noted that the field work is scheduled to commence on March 12, 2021, and the auditor's opinion is to be issued within 30 days after the field work has been completed. Upon a motion duly made by Director Dinkel, seconded by Director Nyquist, and upon a vote unanimously carried, the Board accepted the December 31, 2020 Draft Audit, subject to receipt of the auditor's final opinion.

Claims: The Board discussed the CVL invoice line item in the claims. It was stated that the payment to CVL will be held until backup is received from CVL. Upon a motion duly made by Director Harding, seconded by Director Lambert, and upon a vote unanimously carried, the Board ratified approval of claims as noted.

Quarterly Continuing Disclosure Report for the period ending December 31, 2020: Ms. Dam reviewed the Quarterly Continuing Disclosure Report with the Board. She stated that the report had been filed prior to the February 14th deadline. Upon a motion duly made by Director Lambert, seconded by Director Nyquist, and upon a vote unanimously carried, the Board ratified the Quarterly Continuing Disclosure Report for the period ending in December 31, 2020.

LEGAL MATTERS

Resolution regarding the imposition of District fees: Ms. Miller briefed the Board on the process for the imposition of District fees. She also noted the information in the packet that accompanied the suggest rate schedule. Director Harding stated that the District remains on the lower end of the entities presented. Ms. Miller stated that the fee resolution, which covers both consumption rates and tap fees, presents a 2.3% increase and if the District had raised rates annually as permitted, the rates would be approximately 8% higher. There were no comments from the public. Upon a motion duly made by Director Harding, seconded by Director Lambert, and upon a vote unanimously carried, the Board approved the adoption of the resolution regarding the imposition of District fees, effective March 1, 2021.

Amendment to Advance and Reimbursement Agreement for Operations and Maintenance with RLF Wild Pointe Properties, LLC: Ms. Miller reviewed the amendment with the Board and noted that this amendment

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addresses a technical issue related to the timing of a bond issuance, which did not occur in 2019 as previously contemplated. Upon a motion duly made by Director Lambert, seconded by Director Nyquist, and upon a vote unanimously carried, the Board approved the amendment to the Advance and Reimbursement Agreement for Operations and Maintenance with RLF Wild Pointe Properties, LLC.

MANAGER MATTERS

Other: None.

OTHER BUSINESS

Director Harding inquired about the status of the bond transaction. Director Nyquist stated that closing the bond transaction is currently targeted for early April. Director Nyquist informed the Board that an additional meeting will be required to complete the transaction.

ADJOURNMENT

There being no further business to come before the Board at this time, the Board adjourned the meeting at 5:32 p.m.

Respectfully submitted,

DocuSigned by:

David Pretzler

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Secretary for the Meeting