

## RECORD OF PROCEEDINGS

### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF SETTLER'S CROSSING METROPOLITAN DISTRICT NO. 1

Held: Wednesday, December 6, 2023, at 10:00 a.m. via  
Zoom video/telephone conference. The meeting  
was open to the public.

#### Attendance

A Regular Meeting of the Board of Directors of the  
Settler's Crossing Metropolitan District No. 1, City of  
Commerce City, County of Adams, State of Colorado,  
was called and held as shown above and in accordance  
with the applicable statutes of the State of Colorado, with  
the following Directors present and acting:

Richard A. Frank, President  
Toni L. Serra, Treasurer  
Daniel E. Frank, Assistant Secretary  
Joel H. Farkas, Assistant Secretary

Following discussion, and upon motion duly made by  
Director Farkas, seconded by Director D. Frank, and  
upon vote unanimously carried, the Board excused the  
absence of Director Susan W. Frank.

#### Also present were:

Paula Williams, Esq., Kate Olson, Esq., and Craig  
Sorensen; McGeady Becher P.C.  
Cathy Hamilton; Simmons & Wheeler, P.C.

#### Disclosure of Potential Conflicts of Interest

The Board discussed the requirements of Colorado law  
to disclose any potential conflicts of interest or potential  
breaches of fiduciary duty of the Board of Directors to  
the Secretary of State. The members of the Board were  
requested to 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. It was noted  
by Mr. Sorensen that disclosures of potential conflicts of  
interest were filed with the Secretary of State for all  
directors, and no new conflicts of interest were disclosed  
at the meeting.

Quorum / Meeting Location / Posting of Notices	<p>Mr. Sorensen confirmed the presence of a quorum. 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.</p> <p>The Board determined that the meeting would take place via Zoom video/telephone conference. Mr. Sorensen reported that notice was duly posted on the website of the District, and that no objections to the meeting location or the video/telephonic manner of the meeting, or any requests that the meeting location or video/telephonic manner of the meeting be changed by taxpaying electors within the District boundaries have been received.</p>
Approval of Agenda	<p>The Board reviewed the agenda for the meeting. Following review and discussion, and upon motion duly made by Director Farkas, seconded by Director D. Frank, and upon vote unanimously carried, the Board approved the agenda, as amended.</p>
May 2, 2023 Regular Directors’ Election	<p>Mr. Sorensen informed the Board that the Election was cancelled, as permitted by statute, as there were not more candidates than seats available. Directors Daniel Frank, and Joel Farkas were each deemed elected to 4-year terms ending in May 2027.</p>
Appointment of Officers	<p>Following discussion, upon motion duly made by Director Serra, seconded by Director Farkas, and upon vote unanimously carried, the Board appointed the following slate of officers:</p> <p>President – Richard A. Frank  Secretary – Craig Sorensen  Treasurer – Toni L. Serra  Assistant Secretary – Daniel E. Frank  Assistant Secretary – Joel H. Farkas  Assistant Secretary – Susan W. Frank</p>
2024 Meeting Schedule / Meeting / Posting Resolution	<p>The Board discussed the regular meeting schedule for 2024. Following discussion, the Board determined that regular meetings for 2024 would be scheduled on Wednesday, June 5, 2024 and Wednesday, December 4, 2024 at 10:00 a.m., to be held virtually.</p> <p>Following review and discussion, and upon motion duly made by Director Farkas, seconded by Director R. Frank, and upon vote unanimously carried, the Board adopted Resolution No. 2023-12-01, Resolution Establishing Regular Meeting Dates, Time and Location, and</p>

Designating Location for Posting of 24-Hour Notices.

Insurance Matters

Cyber Security and Increased Crime Coverage: Attorney Williams discussed cyber security and increased crime coverage options with the Board. Following discussion, upon motion duly made by Director D. Frank, seconded by Director Farkas, and upon vote unanimously carried, the Board approved an increase in the District's crime insurance coverage to \$100,000.

Establishment of Insurance Committee: Following a brief discussion, the Board determined that the establishment of an Insurance Committee was not necessary.

Renewal of District's Insurance and Special District Association ("SDA") Membership for 2024: Following discussion, and upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board authorized the renewal of the District's insurance coverage (with the increased crime coverage limit) and SDA membership for 2024.

Consent Agenda

Following review, upon motion duly made by Director R. Frank, seconded by Director D. Frank, and upon vote unanimously carried, the Board approved the Consent Agenda items, as follows:

- Approve the minutes of the December 2, 2022, December 14, 2022, December 28, 2022, January 20, 2023, and January 24, 2023 Special Meetings.

Claims

Ms. Hamilton reviewed with the Board the claims for the period of December 3, 2022 through December 6, 2023, in the amount of \$96,439.36.

Following review and discussion, and upon motion duly made by Director Farkas, seconded by Director D. Frank, and upon vote unanimously carried, the Board approved the claims, as presented.

Unaudited Financial Statements

Ms. Hamilton reviewed with the Board the unaudited financial statements for the period ending September 30, 2023.

Following review and discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board accepted the unaudited financial statements for the period ending September 30, 2023, as presented.

2023 Budget Amendment

Director R. Frank opened the public hearing to consider

a proposed amendment to the 2023 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider amendment of the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

Ms. Hamilton informed the Board that an amendment to the 2023 Budget was required.

Following discussion, and upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board adopted Resolution No. 2023-12-02, Resolution of the Settler's Crossing Metropolitan District No. 1 to Amend the 2023 Budget. District Counsel was directed to make the appropriate statutory filing.

#### 2024 Budget

Director R. Frank opened the public hearing to consider the proposed 2024 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

Ms. Hamilton reviewed with the Board the estimated 2023 expenditures and the proposed 2024 expenditures.

It was noted that the District would certify a mill levy of 8.000 mills in the General Fund and 61.720 mills in the Debt Service Fund, for a total mill levy of 69.720 mills.

Director Farkas then moved (seconded by Director Serra) to adopt the 2024 Budget (with revisions discussed at the meeting), and the Board considered adoption of Resolution No. 2023-12-03 to Adopt the 2024 Budget and Resolution No. 2023-12-04 to Set Mill Levies. Following discussion, and upon vote unanimously carried, the Board adopted the Resolutions and authorized execution of the Certification of Budget. District Counsel was directed to transmit the Certification of Tax Levies to the Board of County

Commissioners of Adams County not later than January 10, 2024. District Counsel was further directed to transmit the Certification of Budget to the Division of Local Government no later than January 30, 2024.

Resolution Authorizing Adjustment of the District Mill Levy

Following discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board adopted Resolution No. 2023-12-05, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan.

DLG-70 Certification of Tax Levies

Following discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Certification of Tax Levies form (“Certification”) and directed District Counsel to file the Certification with the Board of County Commissioners and other interested parties.

Preparation of 2025 Budget

Following discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board appointed the District Accountant to prepare the 2025 Budget.

2022 Audit

Ms. Hamilton reviewed the 2022 Audit with the Board. Following review and discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board approved the 2022 Audit (subject to final review by counsel) and authorize execution of the Representations Letter.

2023 Audit Preparation

Following review and discussion, upon motion duly made by Director Serra, seconded by Director Farkas, and upon vote unanimously carried, the Board approved the engagement of Hiratsuka & Associates, LLP to prepare the 2023 audit, for a fee not to exceed \$5,500.

Fourth Amendment to 2011-2020 Operation Funding Agreement

Attorney Williams discussed with the Board the Fourth Amendment to 2011-2020 Operation Funding Agreement between the District and 96 Tower Investors, LLC.

Following discussion, upon motion duly made by Director R. Frank, seconded by Director Farkas, and upon vote unanimously carried, the Board approved the Fourth Amendment to 2011-2020 Operation Funding Agreement between the District and 96 Tower Investors,

LLC.

Intergovernmental Agreement Regarding the Reimbursement of Costs for Public Improvements

Attorney Williams reviewed with the Board the Intergovernmental Agreement Regarding the Reimbursement of Costs for Public Improvements by and between Settler’s Crossing Metropolitan District No. 1, Settler’s Crossing Metropolitan District No. 2, and Reunion Metropolitan District No. 4 (the “Reunion IGA”).

Following review and discussion, upon motion duly made by Director R. Frank, seconded by Director Serra, and upon vote unanimously carried, the Board approved the Reunion IGA.

Task Order No. 1 to Master Service Agreement for District Engineering Services

Mr. Sorensen reviewed with the Board Task Order No. 1 to the Master Service Agreement for District Engineering Services between Settler’s Crossing Metropolitan District No. 1 and Independent District Engineering Services, LLC, for District Oversight Services through 2024, for an increase in the contract amount of \$115,000 (“Task Order No. 1”).

Following review and discussion, upon motion duly made by Director Farkas, seconded by Director D. Frank, and upon vote unanimously carried, the Board approved Task Order No. 1.

Resolution Amending Policy on Colorado Open Records Act Requests

Mr. Sorensen reviewed with the Board Resolution No. 2023-12-06, Resolution Amending Policy on Colorado Open Records Act Requests.

Following review and discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board adopted Resolution No. 2023-12-06, Resolution Amending Policy on Colorado Open Records Act Requests.

Section 32-1-809, C.R.S. Requirements (Transparency Notice)

Mr. Sorensen discussed the special district transparency requirements of Section 32-1-809, C.R.S. with the Board. Following discussion, the Board directed District Counsel to post the transparency notice on the Special District Association website and the District website.

Other Business

There was no other business.

Adjournment

There being no further business coming before the Board, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the meeting was adjourned.

The foregoing Minutes were approved by the Board of Directors on April 26, 2024.

The foregoing record constitutes a true and correct copy of the Minutes of the above referenced meeting.

*Craig Sorenson*

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Secretary