

RECORD OF PROCEEDINGS

**MINUTES OF A REGULAR MEETING OF
THE BOARDS OF DIRECTORS OF THE
RAMPART RANGE METROPOLITAN DISTRICT NOS. 4, 5, 6 & 8
(THE “DISTRICTS”)
HELD
AUGUST 24, 2022**

A regular meeting of the Boards of Directors of the Rampart Range Metropolitan District Nos. 4, 5, 6 & 8 (referred to hereafter as the “Boards”) was convened on August 24, 2022 at 3:47 p.m. at Coventry Development Corp., 9878 Schwab Way, Suite 415, Lone Tree, Colorado. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Keith Simon, President
Darryl Jones, Treasurer
Elizabeth Mathews, Secretary
Ken Linhardt, Asst. Secretary
Teresa Kershisnik (RRMD No. 5), Asst. Secretary

Also, In Attendance Were:

Denise Denslow and Susan Sanchez; CliftonLarsonAllen LLP
Megan Becher, Esq.; McGeady Becher P.C. (via telephone)
Dennis Bedford; BrightView Landscape Services, Inc. (“BrightView”)
Carson Besgrove; Merrick and Company
Ernie Warzecha; Diverse Project Consultants
John Connelly; Coventry Development
Jennifer Miller; Shea Homes

ADMINISTRATIVE MATTERS

Quorum/call to order/disclosures of potential conflicts of interest: Director Simon called the meeting to order and confirmed the presence of a quorum.

The Boards discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Boards of Directors to the Secretary of State. The members of the Boards 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 Boards’ members prior to this meeting in accordance with statute. It was noted by Attorney Becher that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

Agenda, location of meeting and posting of meeting notices: The Boards reviewed the Agenda for the meeting. Following discussion, upon a motion

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duly made by Director Linhardt, seconded by Director Jones and, upon vote, unanimously carried, the Boards approved the Agenda, as presented.

The Boards entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the Districts' Boards' meeting. Following discussion, and upon motion duly made by Director Linhardt, seconded by Director Jones and, upon vote, unanimously carried, the Boards determined to conduct the meeting at the above-stated date, time and location, which is within 20 miles of the Districts. It was further noted that notice of the time, date and location was duly posted and that no objections to the location or any requests that the meeting place be changed by taxpaying electors within the Districts' boundaries have been received.

Public Comment: There were no public comments.

CONSENT AGENDA

June 22, 2022 Regular Meeting Minutes:

Change Order No. 3 to the Service Agreement for MD5-014B TOD Filing 1 Roadway and Utility Phase 2 Project between RRMD No. 5 and Brannan in the amount of \$126,418.15:

Change Order No. 1 to Service Agreement for the Ridgeway Parkway Phase 1 Streetscape Lighting between RRMD No. 5 and Clanton & Associates in the amount of \$20,720.00:

Work Change Directive No. 1 for the Lyric Street Signal Improvement Project between RRMD No. 5 and Sturgeon Electric Company, Inc. in the deductive amount of (-\$61,500.00):

Director Simon reviewed the Consent Agenda with the Boards. Following discussion, upon a motion duly made by Director Matthews, seconded by Director Kershnik and, upon vote, unanimously carried, the Boards approved and/or ratified, as appropriate, the consent agenda.

ENGINEER/ CONSTRUCTION MATTERS

Engineer/Design Report: Mr. Besgrove reviewed the below items with the Boards:

Larry Levin Park: Mr. Besgrove reported Merrick's park CDs have been approved the City of Lone Tree. Merrick is finalizing quantities and specs to provide to Consilium.

Ridgeway Parkway – Lyric Street Traffic Signal Project (MD5-018): Mr. Besgrove reported there is ongoing material submittal coordination. Clanton is finalizing the lighting plans.

Ridgeway Parkway Couplet: Mr. Besgrove noted he will submit the Filing 3

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Plat on August 25th. The roadway and storm sewer plans were submitted to the City on July 29th and are awaiting comments. Merrick is finalizing the water/sanitary sewer plans and targeting submittal to PWSD by the end of the week.

Badger Gulch Sanitary Sewer: Mr. Besgrove reported that PWSD has no additional comments on the plans at this time. The plans will not be approved until PWSD receives the surety. Mr. Besgrove noted the GESC plan is finalized and ready for submittal to the City.

City Center: Mr. Besgrove reported Merrick is working on coordinating with RTD related to the at-grade crossing. Merrick is working on updating the street layout to include intersection turn lanes.

Miscellaneous Items:

- The Ridgeway Parkway drainage easements are ready for signature. Merrick is to prepare the easement agreement package.
- The Ridgeway Parkway drainage easement vacation certificate has been executed.

Construction Report: Mr. Warzecha noted that the curb was going in that day for High Note and that grading on the east side of Havana is underway. He also noted that the Lyric traffic signal project has started.

FINANCIAL MATTERS

Prior claims: Ms. Sanchez reviewed the prior claims with the RRMD No. 5 Board, noting that a current claim had been added to the City in the amount of \$6,000.00. Following discussion, upon a motion duly made by Director Simon, seconded by Director Mathews and, upon vote, unanimously carried, the RRMD No. 5 Board ratified approval of prior claims totaling \$551,073.30 represented by Check Nos. 1608 - 1659, including one wire and one ACH payment.

Upon a motion duly made by Director Linhardt, seconded by Director Kershnik and, upon vote, unanimously carried, the RRMD No. 5 Board approved Check No. 1660 to the City in the amount of \$6,000.00.

Cash Position Report: Ms. Sanchez reviewed the Cash Position Report, noting that this is informational only.

2021 Audit for RRMD No. 5: Ms. Sanchez reviewed the 2021 Audit with the RRMD No. 5 Board, noting that it is being reviewed and anticipates an unmodified opinion from the auditor. Discussion ensued. Following discussion, upon a motion duly made by Director Kershnik, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD No. 5 Board approved the 2021 Audit subject to final review by the Board president upon audit completion and

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receipt of a clean and unmodified opinion, and authorized the execution of the Representation Letter.

LEGAL MATTERS

Inclusions under the Inclusion Agreement: Attorney Becher noted that the public hearing had been properly noticed, and then provided context on the proposed inclusion.

RRMD No. 8 - Public Hearing on Petition for Inclusion from Ridgeway Investments, Inc. for the inclusion of approximately 5.0 acres of real property into the boundaries of Rampart Range Metropolitan District No. 8 and consider adoption of Resolution No. 2022-08-01; Resolution for Inclusion of Real Property: Upon a motion duly made by Director Linhardt, seconded by Director Jones, the RRMD No. 8 Board opened the public hearing on the Petition for Inclusion from Ridgeway Investments, Inc. It was noted that publication of Notice stating that the RRMD No. 8 Board would consider approving the inclusion of Ridgeway Investments, Inc.'s property into RRMD No. 8 was made in a newspaper having general circulation within RRMD No. 8. No written objections were received prior to this public hearing. No further public comments were received, and the public hearing was closed.

Following discussion, upon a motion duly made by Director Mathews, seconded by Director Simon and, upon vote, unanimously carried, the RRMD No. 8 Board approved the Petition for Inclusion from Ridgeway Investments, Inc. for the inclusion of approximately 5.00 acres of real property into the boundaries of Rampart Range Metropolitan District No. 8 and adopted Resolution No. 2022-08-01; Resolution for Inclusion of Real Property.

Third Amendment to Infrastructure Agreement by and between RRMD No. 5 and Daro Ventures V LLC (formerly Regency Residential Partners, LLC): Attorney Becher reviewed the Third Amendment with the RRMD No. 5 Board, noting that this is needed due to schedule changes. Following discussion, upon a motion duly made by Director Simon, seconded by Director Mathews and, upon vote, unanimously carried, the RRMD No. 5 Board approved the Third Amendment to Infrastructure Agreement by and between RRMD No. 5 and Daro Ventures V LLC (formerly Regency Residential Partners, LLC).

First Amendment to Joint Resolution of Rampart Range Metropolitan District No. 1, Rampart Range Metropolitan District No. 5, and Rampart Range Metropolitan District No. 8 to Impose Water Resource Credit Fees: Attorney Becher reviewed the First Amendment with the RRMD Nos. 5 and 8 Boards. Following discussion, upon a motion duly made by Director Mathews, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD Nos. 5 and 8 Boards approved the First Amendment to Joint Resolution of Rampart Range Metropolitan District No. 1, Rampart Range Metropolitan District No. 5, and Rampart Range Metropolitan District No. 8 to Impose Water Resource Credit Fees.

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Fourth Amendment to Joint Resolution of Rampart Range Metropolitan District No. 5 and Rampart Range Metropolitan District No. 8 Concerning the Imposition of Development Fees: Attorney Becher reviewed the Fourth Amendment with the RRMD Nos. 5 and 8 Boards. Following discussion, upon a motion duly made by Director Jones, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD Nos. 5 and 8 Boards approved the Fourth Amendment to Joint Resolution of Rampart Range Metropolitan District No. 5 and Rampart Range Metropolitan District No. 8 Concerning the Imposition of Development Fees.

Potential return to active status of RRMD No. 9: Director Simon stated it was not needed at this time.

MANAGER MATTERS

Change Order No. 2 under the Service Agreement for Technology Planning Consulting Services between RRMD No. 5 and The Broadband Group: This item was deferred.

Service Agreement for Landscape Architecture Design between RRMD No. 5 and Consilium Design, Inc. for RidgeGate Parkway Couplet Center Streetscape: Ms. Denslow reviewed the Agreement with the RRMD No. 5 Board. Following discussion, upon a motion duly made by Director Simon, seconded by Director Linhardt and, upon vote, unanimously carried, the RRMD No. 5 Board approved the Service Agreement for Landscape Architecture Design between RRMD No. 5 and Consilium Design, Inc. for RidgeGate Parkway Couplet Center Streetscape in the amount of \$13,740.00.

Other: None.

BOARD MEMBER ITEMS

Other: Director Simon provided a brief update on various District activities.

OTHER BUSINESS


Quorum for September 28, 2022 Regular Meeting: This was not discussed.

Other: None.

ADJOURNMENT

There being no further business to come before the Boards at this time, the meeting was adjourned by Director Simon at 4:36 pm.

Respectfully submitted,

By 
Secretary for the Meeting