

## RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
EAST SMOKY HILL METROPOLITAN DISTRICT NO. 2 (THE  
“DISTRICT”)  
HELD  
NOVEMBER 14, 2023

A regular meeting of the Board of Directors of the East Smoky Hill Metropolitan District No. 2 (referred to hereafter as the “Board”) was convened on Tuesday, November 14, 2023 at 6:00 p.m. at 5430 S. Biscay Circle, Centennial, CO 80015 and via Microsoft Teams. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Thomas Tanner, President  
Connie Buhlke, Vice President  
Laura Embleton, Secretary  
Bonnie Bowman, Treasurer  
Charlotte Faris, Assistant Secretary

#### Also, In Attendance Were:

Rachel Alles and Enid Ruiz-Mattei; CliftonLarsonAllen LLP (“CLA”)  
Trisha Harris, Esq.; White Bear Ankele Tanaka & Waldron (“WBA”)

### ADMINISTRATIVE MATTERS

**Call to Order and Approval of Agenda:** Director Tanner called the meeting to order at 6:02 p.m. Following review, upon a motion duly made by Director Faris, seconded by Director Embleton 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. A quorum was present and it was requested that 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 the statute. It was noted that no additional conflicts of interest were presented.

**Quorum, Location of Meeting and Posting of Meeting Notice:** The Board confirmed a quorum, the location of the meeting and the posting of the meeting notice.

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**Public Comment:** None.

**Resolution Regarding 2024 Annual Administrative Matters:** Following review, upon a motion duly made by Director Embleton, seconded by Director Faris and, upon vote, unanimously carried, the Board adopted the Resolution Regarding 2024 Annual Administrative Matters, as presented.

**Requirements of Section 32-1-809, C.R.S. and Compliance for 2024:** Ms. Alles reviewed the Requirements of Section 32-1-809, C.R.S. with the Board, noting that CLA will prepare and file the District's Transparency Notice by the January 15, 2024 deadline pursuant to statute.

### CONSENT AGENDA

**Minutes from the August 8, 2023 Meeting:**

**Minutes from the October 18, 2023 Meeting:**

Following review, upon a motion duly made by Director Faris, seconded by Director Embleton and, upon vote, unanimously carried, the Board approved the Consent Agenda items, as presented.

### FINANCIAL MATTERS

**Public Hearing to Consider Amendment of the 2023 Budget, If Necessary, and Resolution to Amend the 2023 Budget:** Ms. Ruiz-Mattei reviewed the 2023 Budget amendment with the Board.

Upon a motion duly made by Director Embleton, seconded by Director Bowman and, upon vote, unanimously carried, the Board opened the public hearing at 6:07 p.m. No public comments were received, and upon a motion duly made by Director Tanner, seconded by Director Bowman and, upon vote, unanimously carried, the Board closed the public hearing at 6:08 p.m.

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.

Following review, upon motion duly made by Director Embleton, seconded by Director Bowman and, upon vote, unanimously carried, the Board adopted the Resolution to Amend the 2023 Budget, as presented.

**Public Hearing on the Proposed 2024 Budget and Resolution to Adopt the 2024 Budget and Appropriate Sums of Money:** Ms. Ruiz-Mattei reviewed the 2024 Budget with the Board.

Upon a motion duly made by Director Taner, seconded by Director Buhlke and, upon vote, unanimously carried, the Board opened the public hearing at

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6:33 p.m. No public comments were received, and upon a motion duly made by Director Embleton, seconded by Director Buhlke and, upon vote, unanimously carried, the Board closed the public hearing at 6:34 p.m.

Following review and discussion, upon a motion duly made by Director Bowman, seconded by Director Embleton and, upon vote, unanimously carried, the Board approved the proposed 2024 Budget and adopted the Resolution to Adopt the 2024 Budget and Appropriate Sums of Money, as presented.

**District Accountant to Prepare and Sign the DLG-70 Certification of Tax Levies Form for Certification to the Board of County Commissioners and Other Interested Parties:** Following discussion, upon a motion duly made by Director Buhlke, seconded by Director Bowman and, upon vote, unanimously carried, the Board authorized the District's accountant to prepare and sign the DLG-70 Certification of Tax Levies form for certification to the Board of County Commissioners and other interested parties.

**District Accountant to Prepare 2025 Budget:** Following discussion, upon a motion duly made by Director Buhlke, seconded by Director Bowman and, upon vote, unanimously carried, the Board authorized the District's accountant to prepare the 2025 Budget.

**Engagement of Schilling & Company, Inc. to Prepare the 2023 Audit:** Following discussion, upon a motion duly made by Director Faris, seconded by Director Bowman and, upon vote, unanimously carried, the Board approved the engagement of Schilling & Company, Inc. to prepare the 2023 Audit.

**Unaudited Financial Statements as of September 30, 2023 and Cash Position Report:** Ms. Ruiz-Mattei reviewed the Financial Statements and Cash Position Report with the Board. Discussion ensued. Following review and discussion, upon a motion duly made by Director Bowman, seconded by Director Embleton and, upon vote, unanimously carried, the Board accepted the Unaudited Financial Statements as of September 30, 2023 and Cash Position Report, as presented.

**Bill.com Payments and Directors' Fees:** Following review, upon a motion duly made by Director Embleton, seconded by Director Bowman and, upon vote, unanimously carried, the Board ratified and approved the Bill.com payments and Directors' Fees, as presented.

MANAGER  
MATTERS

**CliftonLarsonAllen LLP Master Services Agreement and Related Statements of Work for 2024:** Following review, upon a motion duly made

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by Director Faris, seconded by Director Embleton and, upon vote, unanimously carried, the Board approved the CliftonLarsonAllen LLP Master Services Agreement and related Statements of Work for 2024, as presented.

**2024 Insurance Renewal and Current Property Schedule:** Following review, upon a motion duly made by Director Embleton, seconded by Director Buhlke and, upon vote, unanimously carried, the Board approved the 2024 insurance renewal and accepted the current property schedule, as presented.

**Worker's Compensation Insurance for 2024:** Following review, upon a motion duly made by Director Embleton, seconded by Director Faris and, upon vote, unanimously carried, the Board approved worker's compensation insurance for 2024, as presented.

**Renewing Membership in the Special District Association for 2024:** Following discussion, upon a motion duly made by Director Buhlke, seconded by Director Embleton and, upon vote, unanimously carried, the Board authorized the renewal of the District's membership in the Special District Association for 2024.

**Proposals for Play Areas at Lake and Yakima and Prentice and Valdai Parks from Star Playgrounds:** Director Tanner provided an update to the Board regarding the proposals for play areas from Star Playgrounds, noting that updated proposals will not be provided until the shade structures have been installed. He stated that the shade structure permit is still under review with Arapahoe County.

### LANDSCAPE UPDATE

**Landscaping Activity:** The Board discussed recent landscaping activity.

#### **Flowerscapes:**

**Independent Contractor Agreement for 2024 Annual Flowers with FlowerScapes, LLC:** Following review, upon a motion duly made by Director Embleton, seconded by Director Bowman and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement for 2024 Annual Flowers with FlowerScapes, LLC, as presented.

#### **ColoradoScapes:**

**Third Addendum to Independent Contractor Agreement for Drainage Installation Behind 6132-52 S. Tempe Way with ColoradoScapes, LLC:** Following review, upon a motion duly made by Director Embleton, seconded by Director Faris and, upon vote,

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unanimously carried, the Board ratified the approval of the Third Addendum to Independent Contractor Agreement for Drainage Installation Behind 6132-52 S. Tempe Way with ColoradoScapes, LLC, as presented.

**Addendum to Independent Contractor Agreement for Additional Edging to Transformer Box with ColoradoScapes, LLC:**

Following review, upon a motion duly made by Director Embleton, seconded by Director Faris and, upon vote, unanimously carried, the Board approved the Addendum to Independent Contractor Agreement for Additional Edging to Transformer Box with ColoradoScapes, LLC, as presented.

**Independent Contractor Agreement for 2024 Landscape Maintenance with ColoradoScapes, LLC:**

Following review, upon a motion duly made by Director Embleton, seconded by Director Faris and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement for 2024 Landscape Maintenance with ColoradoScapes, LLC, as presented.

**First Addendum to Independent Contractor Agreement for 2024 Revive Treatment with ColoradoScapes, LLC:**

Following review, upon a motion duly made by Director Embleton, seconded by Director Faris and, upon vote, unanimously carried, the Board approved the First Addendum to Independent Contractor Agreement for 2024 Revive Treatment with ColoradoScapes, LLC, as presented.

**Davey Tree:**

**Independent Contractor Agreement for 2024 Plant Health Care with Davey Tree Expert Company:**

Following review, upon a motion duly made by Director Tanner, seconded by Director Bowman and, upon vote, unanimously carried, the Board approved the Independent Contractor Agreement for 2024 Plant Health Care with Davey Tree Expert Company, as presented.

**BOARD  
MEMBER MATTERS**

**Status of Playground Shades:** This item was previously discussed.

**Homeowner Association:** Mr. Tanner provided an update to the Board regarding the Homeowner Association.

**OTHER BUSINESS**

None.

**LEGAL MATTERS**

**Website Accessibility Requirements:** Attorney Harris reviewed the website accessibility requirements beginning in 2024 with the Board, noting that CLA

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will ensure that the District's website complies with the requirements by the deadline.

### ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Faris, seconded by Director Embleton and, upon vote, unanimously carried, the Board adjourned the meeting at 6:59 p.m.

Respectfully submitted,

DocuSigned by:

*Laura Embleton*

407A274F6DA0468  
Secretary for the Meeting

**Certificate Of Completion**

Envelope Id: 06E58BA32BB947928CF895D59829D7F8	Status: Completed
Subject: Complete with DocuSign: Minutes - 11-14-2023.pdf	
Client Name: East Smoky Hill MD 2	
Client Number: A520068	
Source Envelope:	
Document Pages: 6	Signatures: 1
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Enabled	Chelsea Bojewski
Time Zone: (UTC-06:00) Central Time (US & Canada)	220 S 6th St Ste 300
	Minneapolis, MN 55402-1418
	Chelsea.Bojewski@claconnect.com
	IP Address: 73.95.188.244

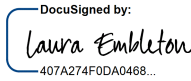
**Record Tracking**

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2/23/2024 1:08:28 PM	Chelsea.Bojewski@claconnect.com	

**Signer Events**

Laura Embleton  
 lembleton@comcast.net  
 Security Level: Email, Account Authentication (None)

**Signature**

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 407A274F0DA0468...  
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 Viewed: 2/25/2024 12:28:45 PM  
 Signed: 2/25/2024 12:28:53 PM

**Electronic Record and Signature Disclosure:**  
 Accepted: 2/25/2024 12:28:45 PM  
 ID: 63b77a96-bc86-47f9-932a-98ce642ff2f6

**In Person Signer Events**

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**Editor Delivery Events**

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 ID: 2eeab7cf-9041-488d-bed0-8baedf289723

**Witness Events**

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**Notary Events**

**Signature**

**Timestamp**

**Envelope Summary Events**

**Status**

**Timestamps**

Envelope Sent	Hashed/Encrypted	2/23/2024 1:09:47 PM
Certified Delivered	Security Checked	2/25/2024 12:28:45 PM
Signing Complete	Security Checked	2/25/2024 12:28:53 PM

Envelope Summary Events	Status	Timestamps
Completed	Security Checked	2/25/2024 12:28:53 PM
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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com)

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To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [BusinessTechnology@CLAconnect.com](mailto:BusinessTechnology@CLAconnect.com) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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