

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE PARK 70 METROPOLITAN DISTRICT HELD JUNE 14, 2023

A Special Meeting of the Board of Directors (referred to hereafter as the “**Board**”) of the Park 70 Metropolitan District (referred to hereafter as the “**District**”) was duly held on Wednesday, the 14th day of June, 2023, at 2:00 p.m. This District Board meeting was held in-person at Prologis, Inc., 1800 Wazee, Suite #500, Denver, CO 80202. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

Keiffer Garton

#### Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Jon Hoistad, Esq.; McGeady Becher P.C.

Lindsay Ross; CliftonLarsonAllen LLP

Katie Kier; Prologis and Board Candidate

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

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 Attorney Hoistad 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.

#### ADMINISTRATIVE MATTERS

#### Confirm Quorum/Meeting Location/Manner and Posting of Meeting Notice:

Ms. Finn 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. Following discussion, and upon motion duly made and seconded by Director Garton, and

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upon vote unanimously carried, it was determined to conduct the meeting at the above-stated date, time and location. 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 District's boundaries have been received.

**Agenda**: Ms. Finn distributed for the Board's review and approval a proposed Agenda for the District's Special Meeting.

Following discussion, upon motion duly made and seconded by Director Garton and, upon vote, unanimously carried, the Agenda was approved.

**May 2, 2023 Election**: Ms. Finn noted for the Board that the May 2, 2023 election was cancelled, as allowed under Colorado law, by the Designated Election Official because there were not more candidates than positions available on the Board of Directors. It was noted there are four vacancies on the Board.

**Vacancies on the Board**: The Board discussed the vacancy on the Board. It was noted that pursuant to Section 32-1-808(2)(a)(I), C.R.S., publication of a Notice of Vacancy on the Board was published in a newspaper having general circulation in the District and that no Letters of Interest from qualified eligible electors were received within ten (10) days of the date of such publication.

As such, eligible elector, Katie Kier, was nominated to serve on the Board. Following discussion, upon motion duly made and seconded by Director Garton, and upon vote unanimously carried, the Board appointed Katie Kier to fill the vacancy on the Board. The Oath of Office was administered.

**Appointment of Officers**: The Board entered into discussion regarding the appointment of officers.

Following discussion, upon motion duly made and seconded by Director Garton and, upon vote, unanimously carried, the following slate of officers were appointed:

President	Keiffer Garton
Treasurer	Katie Kier
Secretary	Ann E. Finn (non-elected position)

**CONSENT AGENDA**: The Board considered the following actions:

- Approve Minutes of the April 28, 2023 Special Meeting.
- Ratify the payment of claims as follows:

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Fund	Period Ending Nov. 30, 2022	Period Ending Dec. 31, 2022	Period Ending Jan. 31, 2023	Period Ending Feb. 28, 2023
General	\$ 12,220.20	\$ 22,653.05	\$ 8,601.59	\$ 6,811.15
Debt Service	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-	\$ -0-
<b>Total</b>	<b>\$ 12,220.20</b>	<b>\$ 22,653.05</b>	<b>\$ 8,601.59</b>	<b>\$ 6,811.15</b>

Fund	Period Ending March 31, 2023	Period Ending April 30, 2023	Period Ending May 31, 2023
General	\$ 6,405.14	\$ 15,362.35	\$ 21,646.43
Debt Service	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ -0-	\$ -0-	\$ -0-
<b>Total</b>	<b>\$ 6,405.14</b>	<b>\$ 15,362.35</b>	<b>\$ 21,646.43</b>

Following discussion, upon motion duly made and seconded by Director Garton and, upon vote, unanimously carried, the Board approved and/or ratified approval of, as appropriate, the above actions.

**PUBLIC  
COMMENT**

None.

**FINANCIAL  
MATTERS**

**Unaudited Financial Statements:** Ms. Ross reviewed the Unaudited Financial Statements for the period ending December 31, 2022 and the Schedule of Cash Position, updated as of April 30, 2023.

Following discussion, upon motion duly made and seconded by Director Garton and, upon vote, unanimously carried, the Board accepted the Unaudited Financial Statements for the period ending December 31, 2022 and the Schedule of Cash Position, updated as of April 30, 2023.

**2022 Audit:** Ms. Ross reviewed the 2022 draft Audited Financial Statements with the Board. Director Garton requested that a Special Meeting or Work Session be held to consider pre-payment of the District's outstanding bonds.

Following discussion, upon motion duly made and seconded by Director Garton and, upon vote, unanimously carried, the Board approved the 2022 Audited Financial Statements and authorized execution of the Representations Letter, subject to final legal review and receipt of an unmodified opinion letter and authorized accountant to file with the state auditor.

**LEGAL MATTERS**

**Service Agreement with Independent District Engineering Services, LLC:** The Board reviewed the Service Agreement with Independent District Engineering Services, LLC.

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Following discussion, upon motion duly made and seconded by Director Garton, and upon vote, unanimously carried, the Board ratified approval of the Service Agreement with Independent District Engineering Services, LLC.

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### **OPERATIONS AND MAINTENANCE**

**Maintenance Report:** Ms. Finn reported to the Board that the flowers have been planted. Ms. Finn met with BrightView Landscape Services, Inc. concerning the detention pond maintenance, the work is ongoing and has been delayed due to recent weather.

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### **OTHER BUSINESS**

The Board discussed the status of the new monument signs. It was noted that the design work and permitting is underway. No action was taken at this time.


Attorney Hoistad noted that the District is a member of the Aurora Regional Transportation Authority (“ARTA”). The Board discussed ARTA and Attorney Hoistad further noted that the District may want to begin discussions with other metropolitan districts in the area about what improvements they would like to see.

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### **ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made and seconded by Director Garton, and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:   
Secretary for the Meeting