

RECORD OF PROCEEDINGS

**MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
RIVERDALE PEAKS II METROPOLITAN DISTRICT
AND
RIVERDALE PEAKS II METROPOLITAN DISTRICT
WATER ACTIVITY ENTERPRISE
HELD
JUNE 17, 2020**

A special meeting of the Board of Directors of the Riverdale Peaks II Metropolitan District and the Board of Directors of the Water Activity Enterprise (referred to hereafter as "Board") was convened on Wednesday, the 17th day of June, 2020, at 6:00 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 by conference call without any individuals (neither district representatives nor the general public) attending in person. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Annette Peters

Jason Jose

Also In Attendance Were:

David Solin and Steve Beck; Special District Management Services, Inc. (SDMS)

MaryAnn M. McGeady, Esq.; McGeady Becher P.C.

Wayne Ramey; Ramey Environmental Compliance

Dawn Schilling; Schilling & Company, Inc.

Amy Vasquez; Resident and Board Candidate

Isaac Womack; Resident and Board Candidate

Lisa Lovell and Anissa Sabrizio; Residents

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure 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. Mr. Solin noted that a quorum was

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present and requested members of the Board 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 the statute. Attorney McGeady noted that all Directors are residents within the District and a Disclosure Statement was filed with the Secretary of State's office 72-hours prior to the meeting for Director Jose.

ADMINISTRATIVE MATTERS

Agenda: Mr. Solin distributed for the Board's review and approval a proposed Agenda for the District's Special meeting.

Following discussion, upon motion duly made by Director Peters, seconded by Director Jose and, upon vote, unanimously carried, the Agenda was approved, as amended.

Approval of Meeting Location: The Board entered into discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the Districts' Board meeting.

Following discussion, upon motion duly made by Director Peters, seconded by Director Jose and, upon vote, unanimously carried, the Board determined that 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, the District meetings were held by conference call. The Boards further noted that notice of the time, date and conference bridge information was duly posted and that they have not received any objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the Districts' boundaries.

Appoint Acting President: Following discussion, upon motion duly made by Director Peters, seconded by Director Jose and, upon vote, unanimously carried, Annette Peters was appointed Acting President.

May 2020 Election: Mr. Solin noted for the Board that the May 5, 2020 election was cancelled, as allowed under Colorado law, by the Designated Election Official because there were no more candidates than positions available on the Board of Directors. It was noted that Ms. Vasquez was elected to a term ending May, 2023 and Mr. Jose was elected to a term ending May, 2022.

Board Vacancies: Mr. Solin noted that Ms. Vasquez was unable to take her Oath within 30 days of the May 5, 2020 cancelled election, therefore there are currently three vacancies on the Board. The Board considered the appointment of Amy Vasquez and Isaac Womack to fill two vacancies on the Board of Directors.

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Following discussion, upon motion duly made by Director Peters, seconded by Director Jose and, upon vote, unanimously carried, Amy Vasquez and Isaac Womack were appointed to fill the vacancies on the board of directors. The Oaths of Office were administered.

Appointment of Officers: Upon motion duly made by Director Jose, seconded by Director Peters and, upon vote, unanimously carried, the following slate of officers was appointed:

President Annette Peters
 Treasurer Amy Vasquez
 Secretary David Solin
 Assistant Secretary Jason Jose
 Assistant Secretary Isaac Womack

Minutes: The Board reviewed the minutes of the November 20, 2019 Joint Regular Meeting.

Following discussion, upon motion duly made by Director Jose, seconded by Director Peters and, upon vote, unanimously carried, the Minutes of the November 20, 2019 Joint Regular meeting were approved.

COMMUNITY COMMNETS

Community Comments: There were no Community Comments.

FINANCIAL MATTERS

Claims: The Board considered ratifying the approval of the payment of claims as follows:

Fund	Period Ending Dec. 31, 2019	Period Ending Jan. 17, 2020	Period Ending Feb. 10, 2020	Period Ending March 11, 2020
General	\$ 1,182.38	\$ 7,473.21	\$ 856.54	\$ 3,617.96
Enterprise	\$ 4,934.12	\$ 28,705.85	\$ 6,262.36	\$ 20,485.94
Debt	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Total	\$ 6,116.50	\$ 36,179.06	\$ 7,118.90	\$ 24,103.90

Fund	Period Ending April 13, 2020	Period Ending May 6, 2020
General	\$ 1,562.59	\$ 994.55
Enterprise	\$ 5,904.42	\$ 5,157.26
Debt	\$ -0-	\$ -0-
Total	\$ 7,467.01	\$ 6,151.81

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Following discussion, upon motion duly made by Director Peters seconded by Director Jose and, upon vote, unanimously carried, the Board ratified approval of the payment of claims as presented.

The Board then considered approval of the payment of claims through the period ending June 17, 2020, in the amount of \$19,730.26.

Following discussion, upon motion duly made by Director Peters, seconded by Director Jose and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending June 17, 2020, as presented.

Unaudited Financial Statements/Schedule of Cash Position: Mr. Solin reviewed the unaudited financial statements of the District setting forth the cash deposits, investments, budget analysis, and accounts payable vouchers for the period ending March 31, 2020

Following review and discussion, upon motion duly made by Director Jose, seconded by Director Peters and, upon vote, unanimously carried, the Board accepted the unaudited financial statements of the District setting forth the cash deposits, investments, budget analysis, and accounts payable vouchers for the period ending March 31, 2020 as presented.

2019 Budget Amendment Hearing: The President opened the public hearing to consider the Resolution to Amend the 2019 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2019 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 this public hearing. No public comments were received and the public hearing was closed.

Following review and discussion, Director Peters moved to adopt the Resolution to Amend 2019 Budget, Director Jose seconded the motion and, upon vote, unanimously carried, the Board adopted Resolution No. 2019-06-01 to Amend the 2019 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

2019 Audit: Ms. Schilling reviewed the 2019 draft Audited Financial Statements with the Board.

Following review and discussion, upon motion duly made by Director Jose, seconded by Director Peters and, upon vote, unanimously carried, the Board approved the 2019 Audited Financial Statements subject to final legal review and authorized execution of the Representations Letter.

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Final Determination of Inability to Make a Scheduled Bond Payment (Section 32-1-903(3), C.R.S.: Following discussion, upon motion duly made by Director Peters, seconded by Director Jose and, upon vote, unanimously carried, the Board acknowledged the District's inability to make the scheduled bond interest payment.

2021 Budget: The Board discussed preparation of the 2021 Budget.

Following discussion, upon motion duly made by Director Jose, seconded by Director Peters and, upon vote, unanimously carried, the Board ratified appointment of the District Accountant to draft the 2021 Budget.

The Board also determined to hold the public hearing to consider adoption of the 2021 Budget for Wednesday, November 18, 2020, at 6:00 p.m. at the regular meeting location.

OPERATIONS AND MAINTENANCE

Property Maintenance:

Service agreement with A&M Landscaping, LLC: The Board reviewed the Service Agreement with A&M Landscaping, LLC for Landscape Architectural Services.

Following discussion, upon motion duly made by Director Peters, seconded by Director Jose and, upon vote, unanimously carried, the Board ratified approval of the Service Agreement with A&M Landscaping, LLC for Landscape Architectural Services.

Service Agreement with Neighborhood Lawn Care, Inc.: The Board reviewed the Service Agreement with Neighborhood Lawn Care, Inc. for Landscape Maintenance Services.

Following discussion, upon motion duly made by Director Peters, seconded by Director Jose and, upon vote, unanimously carried, the Board ratified the approval of Service Agreement with Neighborhood Lawn Care, Inc. for Landscape Maintenance Services.

Water Operations:

Reports from Ramey Environmental Compliance, Inc.: Mr. Ramey reviewed with the Board the Ramey Environmental Compliance, Inc. reports beginning November 2019 through April 2020 regarding the operation of the water system. The Board asked to have graffiti on the tank covered. Mr. Ramey stated he would

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have it painted over. Copies of the reports are attached hereto and incorporated herein by this reference.

LEGAL MATTERS

Local Disaster Emergency: The Board discussed Resolution No. 2020-06-02 Declaring Local Disaster Emergency.

Following discussion, upon motion duly made by Director Jose, seconded by Director Peters and, upon vote, unanimously carried, the Board ratified the adoption of Resolution No. 2020-06-02; Resolution Declaring Local Disaster Emergency.

OTHER MATTERS

A resident raised concerns about the Meeting Notices only being posted by the mailbox and not being emailed. She requested Meeting notices be communicated to all residents through the HOA distribution list. Mr. Solin will reach out to the HOA Manager to discuss further.

A resident asked about the outstanding bonds, and what could be done to manage them.

ADJOURNMENT

There being nothing further for the Board to discuss at this time, upon motion duly made by Director Peters, seconded by Director Jose, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By



Secretary for the Meeting

RESOLUTION TO AMEND 2019 BUDGET
RIVERDALE PEAKS II METROPOLITAN DISTRICT

WHEREAS, the Board of Directors of the Riverdale Peaks II Metropolitan District adopted a budget and appropriated funds for the fiscal year 2019 as follows:

General Fund	\$	107,140
Debt Service Fund	\$	147,076
Water Enterprise Fund	\$	138,996

WHEREAS, the necessity has arisen for additional expenditures in the Debt Service Fund requiring the unanticipated expenditure of funds in excess of those appropriated for the fiscal year 2019; and

WHEREAS, the expenditure of such funds is a contingency which could not have been reasonably foreseen at the time of adoption of the budget; and

WHEREAS, funds are available for such expenditures in the Debt Service Fund from specific ownership taxes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Riverdale Peaks II Metropolitan District shall and hereby does amend the adopted Budget for the fiscal year 2019 and adopts a supplemental budget and appropriation for the Debt Service Fund for the fiscal year 2019, as follows:

Debt Service Fund	\$	152,923
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BE IT FURTHER RESOLVED, that such sums are hereby appropriated from the revenues of the District to the proper funds for the purposes stated.

DATED this 17th day of June, 2020.

RIVERDALE PEAKS II METROPOLITAN DISTRICT

By:



Secretary

RESOLUTION NO. 2020-06-02

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE RIVERDALE PEAKS II METROPOLITAN DISTRICT
DECLARING A LOCAL DISASTER EMERGENCY**

A. Riverdale Peaks II Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado.

B. The District recognizes a disaster (as that term is defined in the Colorado Disaster Emergency Act, Section 24-33.5-701 *et seq.*, C.R.S.) currently present in the service area of the District.

C. The occurrence of the imminent threat of widespread or severe damage, injury, or loss of life or property resulting from the global COVID-19 pandemic requires emergency action to avert danger or damage.

D. The cost and magnitude of responding to and recovering from the impact of the global COVID-19 pandemic is far in excess of the District’s available resources.

E. It would be appropriate and in the interests of the public health and safety, and would further protect property, for the District to declare a local disaster emergency

F. Under the authority granted by Section 24-33.5-709, C.R.S., the District is authorized to declare a local disaster.

G. The District desires to set forth in this Resolution the policy with regard to the declaration of a local disaster.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Riverdale Peaks II Metropolitan District, Adams County, Colorado:

1. There is hereby declared to be a local disaster in the service area of Riverdale Peaks II Metropolitan District, Adams County, Colorado, to wit, the occurrence of imminent threat of widespread or severe damage, injury or loss of life or property, resulting from the global COVID-19 pandemic requiring emergency action to avert danger or damage.

2. The effect of this Declaration shall be to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

3. This Resolution shall be effective upon the date and time given below and shall remain in effect until rescinded by the Board.

4. True copies shall be promptly filed with the Adams County Clerk and Recorder, the Colorado Division of Emergency Management and the Adams County Division of Emergency Management, and Notice of this Resolution Declaring a Local Disaster Emergency shall be promptly published on the District’s website or in *Brighton Standard-Blade*

5. Upon the rescission of this Resolution Declaring a Local Disaster Emergency, the Board of Directors of the Riverdale Peaks II Metropolitan District will adopt a resolution terminating the local disaster emergency to be filed and published in accordance with the methods stated above.

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION
DECLARING A LOCAL DISASTER EMERGENCY]**

RESOLUTION ADOPTED AND APPROVED on June 17, 2020.

**RIVERDALE PEAKS II
METROPOLITAN DISTRICT**

By: 

President

Attest:


Secretary