

## RECORD OF PROCEEDINGS

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**MINUTES OF A JOINT SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
RIVERDALE PEAKS II METROPOLITAN DISTRICT  
AND  
RIVERDALE PEAKS II METROPOLITAN DISTRICT  
WATER ACTIVITY ENTERPRISE  
HELD  
NOVEMBER 15, 2022**

A joint 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, collectively, as the “Board”) was convened on Tuesday, the 15<sup>th</sup> day of November, 2022, at 6:30 P.M. This Joint Special Meeting was held via Zoom 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 (for a portion of the meeting)  
Sikander Shah

#### **Also In Attendance Were:**

Steve Beck and Larry Loften; Special District Management Services, Inc. (“SDMS”)  
Suzanne Meintzer, Esq.; McGeady Becher P.C.  
Michael Murphy; Ramey Environmental Compliance, Inc.

### **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. Beck noted that a quorum was 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 Meintzer 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. Beck distributed for the Board’s review and approval a proposed Agenda for the Joint Special Meeting.

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

**Meeting Location and Posting of Notice:** The Board discussed the requirements of Section 32-1-903(1), C.R.S., concerning the location of the Joint Special Meeting.

Following discussion, upon motion duly made by Director Peters, seconded by Director Shah and, upon vote, unanimously carried, the Board determined that the District meetings would be held by video and conference call via Zoom. The Board further noted that notice of the time, date and Zoom information was duly posted and that it has not received any objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the District's boundaries.

**July 5, 2022 Joint Special Meeting Minutes:** Following review and discussion, upon motion duly made by Director Peters, seconded by Director Shah and, upon vote, unanimously carried, the Board approved the Minutes of the July 5, 2022 Joint Special Meeting.

**Resignation of David M. Solin as Secretary to the Board:** Following discussion, upon motion duly made by Director Peters, seconded by Director Shah and, upon vote, unanimously carried, the Board acknowledged the resignation of David M. Solin and appointed Steve Beck as Secretary to the Board.

**Resolution Establishing Regular Meeting Dates, Times and Location, and Designating Locations and Designating Location for Posting of 24-Hour Notices:** Mr. Beck reviewed the business to be conducted in 2023 and determined to meet on June 13, 2023 and November 14, 2023 at 6:30 p.m., via teleconference.

Following discussion, upon motion duly made by Director Peters, seconded by Director Shah and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-01 of the Board of Directors of the Riverdale Peaks II Metropolitan District Establishing Regular Meeting Dates, Time and Location, and Designating Location for posting 24-Hour Notices. A copy of the Resolution is attached hereto and incorporated herein by this reference.

**Section 32-1-809, C.R.S. Requirements (Transparency Notice):** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2023.

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Following discussion, the Board directed Mr. Beck to post the required transparency notice information on the District's and the Special District Association websites.

### COMMUNITY COMMENTS

There were no comments.

### FINANCIAL MATTERS

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

Fund	Period Ending July 31, 2021	Period Ending Aug. 31, 2022	Period Ending Sept. 30, 2022	Period Ending Oct 31, 2022
General	\$ 5,372.81	\$ 1,272.33	\$ 2,936.52	\$ 2,272.12
Enterprise	\$ 6,098.46	\$ 6,115.11	\$ 6,606.27	\$ 6,451.48
Debt	\$ -0-	\$ -0-	\$ -0-	\$ 2,000.00
<b>Total</b>	<b>\$ 11,471.27</b>	<b>\$ 7,387.44</b>	<b>\$ 9,542.79</b>	<b>\$ 10,723.60</b>

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

**Unaudited Financial Statements and Schedule of Cash Position:** Mr. Beck reviewed the unaudited financial statements of the District setting forth the cash position, investments, budget analysis, and accounts payable vouchers for the period ending September 30, 2022.

Following review and discussion, upon motion duly made by Director Peters, seconded by Director Shah and, upon vote, unanimously carried, the Board accepted the unaudited financial statements of the District setting forth the cash position, investments, budget analysis, and accounts payable vouchers for the period ending September 30, 2022.

**2022 Audit Preparation:** Following review and discussion, upon motion duly made by Director Peters, seconded by Director Shah and, upon vote, unanimously carried, the Board approved the engagement of Schilling & Company, Inc. to perform the 2022 Audit, for an amount not to exceed \$4,700.

**Final Determination of Inability to Make a Scheduled Bond Payment (Section 32-1-903(3), C.R.S.):** Following discussion, the Board acknowledged the District's inability to make the scheduled bond payment. It was noted that an interest payment will be mailed this week in the amount of \$99,147.50.

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**Public Hearing on 2022 Budget Amendment:** The President opened the public hearing to consider an amendment to the 2022 Budget and to discuss related issues.

It was noted that publication of Notice stating that the Board would consider an Amendment to the 2022 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, the Board determined that an amendment to the 2022 Budget was not necessary.

**Public Hearing on 2023 Budget:** The Board opened the public hearing to consider the proposed 2023 Budget and discuss related issues.

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

Mr. Beck reviewed the estimated 2022 expenditures and the proposed 2023 expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2022-12-03 to Adopt the 2023 Budget and Appropriate Sums of Money, and Resolution No. 2022-12-04 to Set Mill Levies (for the General Fund at 43.120 mills and the Debt Service Fund at 65.827 mills, for a total mill levy of 108.947 mills). Upon motion duly made by Director Peters, seconded by Director Shah and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2022. Mr. Beck was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Adams County and the Division of Local Government, not later than December 15, 2022. Mr. Beck was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2023. Copies of the adopted Resolutions are attached to these minutes and incorporated herein by this reference.

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**DLG-70 Mill Levy Certification**: Following discussion, upon motion duly made by Director Peters, seconded by Director Shah, and upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

**Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the District Service Plan**: Following discussion, upon motion duly made by Director Peters, seconded by Director Shah and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-05, Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the District Service Plan. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**2024 Budget Preparation**: Following discussion, upon motion duly made by Director Peters, seconded by Director Shah and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2024 Budget and set the date for a Public Hearing to adopt the 2024 Budget for November 14, 2023, at 6:30 p.m.

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### **OPERATIONS AND MAINTENANCE**

#### **Property Maintenance:**

*Detention Pond Cleanup*: Mr. Beck updated the Board on the status of the Detention Pond cleanup.

*Landscaping*: Mr. Beck and the Board discussed 2023 maintenance and 2024 maintenance priorities.

*Monument Landscaping*: Mr. Beck and the Board discussed the Monument landscaping.

#### **Water Operations:**

*Reports from Ramey Environmental Compliance, Inc.*: Mr. Murphy reviewed and discussed with the Board the Ramey Environmental Compliance, Inc. reports regarding the operation of the water system for the months beginning June 2022 through October 2022. Copies of the reports are attached hereto and incorporated herein by this reference.

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### **LEGAL MATTERS**

**Resolution Calling May 2, 2023 Regular Election:** Attorney Meintzer discussed the Resolution with the Board. Following discussion, upon motion duly made by Director Peters, seconded by Director Shah and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-07 Calling a Regular Election for Directors on May 2, 2023, appointing the Steve Beck as the DEO and authorizing him to perform all tasks required for the conduct of a mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

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### **OTHER MATTERS**


There were no other matters for discussion.

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### **ADJOURNMENT**

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

Respectfully submitted,

By  \_\_\_\_\_  
Secretary for the Meeting