

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE AURORA HIGH POINT AT DIA METROPOLITAN DISTRICT HELD OCTOBER 23, 2023

A Regular Meeting of the Board of Directors (referred to hereafter as the "Board") of the Aurora High Point at DIA Metropolitan District (referred to hereafter as the "District") was convened on Monday, the 23rd day of October, 2023, at 10:00 a.m. This District Board meeting was held and properly noticed to be held by via Zoom. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Andrew Klein  
Theodore Laudick  
Mark Witkiewicz

#### Also In Attendance Were:

David Solin; Special District Management Services, Inc.

Colin B. Mielke, Esq.; Seter & Vander Wall, P.C.

Nichole Kirkpatrick and Lindsay Ross; CliftonLarsonAllen LLP

Paige Langley; Board Candidate

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: The Board noted it was in receipt of disclosures of potential conflicts of interest statements for each of the Directors and that the statements had been filed with the Secretary of State at least seventy-two hours in advance of the meeting. Mr. Solin requested that the Directors review the Agenda for the meeting and advised the Board of any new conflicts of interest which had not been previously disclosed. No further disclosures were made by Directors present at the meeting.

### ADMINISTRATIVE MATTERS

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

Following discussion, upon motion duly made by Director Klein, seconded by Director Witkiewicz and, upon vote, unanimously carried, the Agenda was approved, as presented.

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**Minutes:** The Board reviewed the Minutes of the July 24, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Klein, seconded by Director Witkiewicz and, upon vote, unanimously carried, the Board approved the Minutes of the July 24, 2023 Regular Meeting.

**Annual Administrative Resolution:** The Board reviewed Resolution No. 2023-10-01, Annual Administrative Resolution (2024).

Following discussion, upon motion duly made by Director Klein, seconded by Director Witkiewicz and, upon vote, unanimously carried, the Board adopted Resolution No. 2023-10-01, Annual Administrative Resolution (2024). A copy of the Resolution is attached hereto and incorporated herein by this reference.

**Resignation of Director:** The resignation of Director Otis C. Moore III effective as of July 26, 2023, was acknowledged.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Laudick and, upon vote, unanimously carried, the Board acknowledged Director Moore's resignation, effective upon adjournment of the July 26, 2023 Board meeting.

**Appointment of Director:** The Board considered the appointment of Paige C. Langley to fill a vacancy on the Board of Directors. 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 such publication.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Laudick and, upon vote, unanimously carried, the Board appointed Ms. Langley to fill a vacant position on the Board of Directors. 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 by Director Witkiewicz, seconded by Director Laudick and, upon vote, unanimously carried, the following slate of officers were appointed:

President	Andrew Klein
Treasurer	Paige Langley
Secretary	David Solin

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Assistant Secretary  
Assistant Secretary

Theodore Laudick  
Mark Witkiewicz

### PUBLIC COMMENT

There was no public comment.

### FINANCIAL MATTERS

**Claims:** The Board deferred discussion at this time.

**Unaudited Financial Statements:** The Board deferred discussion at this time.

**2023 Audit:** The Board discussed the engagement of Schilling & Company, Inc. to prepare the 2023 Audit for an amount not to exceed \$6,500.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Laudick, and upon vote, unanimously carried, the Board approved the engagement of Schilling & Company, Inc. to prepare the 2023 Audit for an amount not to exceed \$6,500.

**2022 Audit:** Mr. Solin reviewed the 2022 Audit with the Board.

Following review and discussion, upon motion duly made by Director Witkiewicz seconded by Director Laudick, 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 by the Auditor.

**2023 Budget Amendment Hearing:** The President opened the public hearing to consider a Resolution to Amend the 2023 Budget and discuss related issues.

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

Following discussion, it was determined that a 2023 Budget Amendment was not necessary at this time.

**2024 Budget Hearing:** The President opened the public hearing to consider the proposed 2024 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2024 Budget and the date, time and place of the public hearing was made in a

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newspaper having general circulation within the District. No written objections were received prior to or at this public hearing. No public comments were received, and the President closed the public hearing.

Ms. Kirkpatrick reviewed the estimated year-end 2023 revenues and expenditures and the proposed 2024 estimated revenues and expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2023-10-01 to Adopt the 2024 Budget and Appropriate Sums of Money and to Set Mill Levies (for the General Fund at 0.000 mills, the Debt Service Fund at 0.000 mills, and ARI mill at 0.000 mills, for a total of 0.000 mills). Upon motion duly made by Director Witkiewicz, seconded by Director Laudick 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, 2023. Mr. Solin was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Douglas County and the Division of Local Government by the statutory deadline. Mr. Solin was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2024. Copies of the adopted Resolutions are attached hereto and incorporated herein by this reference

**DLG-70 Mill Levy Certification Form:** The Board considered authorizing 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.

Following review and discussion, upon motion duly made by Director Witkiewicz seconded by Director Laudick and, 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.

**2025 Budget Preparation:** The Board discussed the preparation of the 2025 Budget.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Laudick and, upon vote, unanimously carried, the Board ratified appointment of the District Accountant to prepare the 2025 Budget.

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### **LEGAL MATTERS**

There were no legal matters at this time.

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### CAPITAL PROJECTS

#### Capital Improvement Projects:

Gun Club Road Project ("Project"): Director Laudick updated the Board on the status of the project, noting that the project is complete and going through the City final approval process.

Possum Gulley Channel Improvement Project: Director. Laudick updated the Board on the status of the project, noting that there is one final section of the project that is going through final review by Mile High Flood District.

66th & 67th Avenue Street Light Project: Director. Laudick updated the Board on the status of the project, noting that the District is awaiting electric service from Xcel Energy.

Engineer's Report and Certification #02 prepared by Schedio Group, LLC for additional cost associated with Public Improvements: The Board reviewed Engineer's Report and Certification #02 prepared by Schedio Group, LLC, dated August 25, 2023 for additional cost associated with Public Improvements.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Laudick, and upon vote, unanimously carried, the Board approved the Engineer's Report and Certification #02 prepared by Schedio Group, LLC, in the amount of \$381,048.15 for additional cost associated with Public Improvements.

### OPERATIONS AND MAINTENANCE

2022 Operation and Maintenance Services: Mr. Laudick noted there is no need for 2022 operation and maintenance services at this time.


### OTHER BUSINESS

There was no other business to discuss at this time.

### ADJOURNMENT

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

Respectfully submitted,

By:   
Secretary for the Meeting