

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARDS OF DIRECTORS OF THE
HORIZON METROPOLITAN DISTRICT NOS. 1-10 (THE "DISTRICTS")
HELD
SEPTEMBER 7, 2022

A special meeting of the Boards of Directors (referred to hereafter as the "Boards") of the Districts was convened on Wednesday, September 7, 2022, at 10:00 a.m. via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

District Nos. 1-3

David Crowder, Jr., President
Karen Voit, Vice President
Jason Rutt, Secretary

Treasurer Lisa Garcia and Assistant Secretary Steven Oser were absent and excused.

District Nos. 4-10

David Crowder, Jr., President
Karen Voit, Vice President
Jason Rutt, Secretary

Treasurer Lisa Garcia was absent and excused.

Also, In Attendance Were:

Josh Miller, Stephanie Odewumi, Shauna D'Amato and Margaret Henderson;
CliftonLarsonAllen LLP
Alan Pogue, Esq.; Icenogle Seaver Pogue, P.C.
Eric Keesen; BrightView Landscape Services, Inc.
Jordan Honea; D.R. Horton
Rhiannon Miett; Cohere

ADMINISTRATIVE MATTERS

Call to Order and Approval of Agenda: Director Crowder called the meeting to order at 10:05 a.m. The Boards reviewed the agenda for the special meeting. Following review, upon a motion duly made by Director Voit, seconded by Director Crowder and, upon vote, unanimously carried, the Boards approved the agenda, as amended to include an item considering the overseeding proposal under Manager Matters and to adjust the language for Legal Matters item F.

Disclosures of Potential Conflicts of Interest: The Boards discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Boards of Directors to the Secretary of State. The members of the Boards were requested to disclose any potential

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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 Boards members prior to this meeting in accordance with statute. It was noted by Attorney Pogue 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.

Quorum, Location of Meeting and Posting of Meeting Notice: A quorum was confirmed. The Boards entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the Districts' Boards meeting. Following discussion, and upon motion duly made by Director Voit, seconded by Director Crowder, and, upon vote, unanimously carried, the Boards determined that this meeting was conducted via Microsoft Teams, without any individuals (neither Districts' representatives nor the general public) attending in person. The Boards further noted that notice providing the time, date and video link information was duly posted and that no objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the Districts' boundaries were received.

Public Comment: There was no public comment.

Minutes from the May 17, 2022 Special Meeting of the Districts and the July 12, 2022 Special Meeting of District No. 5: Following review, upon a motion duly made by Director Crowder, seconded by Director Voit and, upon vote, unanimously carried, the Boards approved the Minutes from the May 17, 2022 special meeting of the Districts and the July 12, 2022 special meeting of District No. 5, as presented.

FINANCIAL MATTERS

Previous and Current Claims for District No. 1: Ms. Henderson reviewed the previous and current Claims with the Board of District No. 1. Following review, upon a motion duly made by Director Crowder, seconded by Director Voit and, upon vote, unanimously carried, the Board of District No. 1 ratified the previous and current Claims, as presented.

June 30, 2022 Financial Statements for District Nos. 1, 2 and 3: Ms. Henderson reviewed the Financial Statements with the Boards of District Nos. 1, 2 and 3. Following review and discussion, upon a motion duly made by Director Voit, seconded by Director Rutt and, upon vote, unanimously carried, the Boards of District Nos. 1, 2 and 3 accepted the June 30, 2022 Financial Statements, as presented.

2021 Audits for District Nos. 1 and 2: Ms. Henderson reviewed the 2021 Audits with the Boards of District Nos. 1 and 2, noting that the auditor has not requested any adjustments so far. Following review, upon a motion duly made by Director Voit, seconded by Director Crowder and, upon vote, unanimously

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carried, the Boards of District Nos. 1 and 2 approved the 2021 Audits, as presented.

Other: None.

LEGAL MATTERS

Community Management and Covenant Enforcement Agreement/Scope of Work for District No. 1: Attorney Pogue reviewed the Agreement and Scope of Work with the Board of District No. 1, noting that he has provided his review of the Agreement and requested that the unauthorized worker language be removed since the related statute was repealed. Ms. Odewumi informed the Boards that she will provide examples of letters CLA distributes to residents for the Boards to review. Following review and discussion, upon a motion duly made by Director Crowder, seconded by Director Voit and, upon vote, unanimously carried, the Board of District No. 1 approved the Community Management and Covenant Enforcement Agreement/Scope of Work for District No. 1, as presented. Discussion ensued regarding the overall covenant enforcement process.

Public Hearing to Consider Amendment to 2022 Budget of District No. 1 and Adoption of Resolution No. 2022-09-01 to Amend 2022 Budget: Mr. Miller reviewed the 2022 Budget amendment with the Board of District No. 1, noting that this amendment can be considered when the Boards approve the 2023 Budgets. This item was deferred to the next meeting.

Resolution No. 2022-09-02 Establishing Policy for Use of District-Owned Parks: Attorney Pogue reviewed the Resolution with the Board of District No. 1. Discussion ensued regarding reservation fees. Following review and discussion, upon a motion duly made by Director Crowder, seconded by Director Voit and, upon vote, unanimously carried, the Board of District No. 1 approved Resolution No. 2022-09-02 Establishing Policy for Use of District-Owned Parks, as amended to establish a \$30 fee for half-day reservations and a \$50 fee for full-day reservations and to adjust the Resolution language to reflect “City approval” versus County approval.

Resolution No. 2022-09-03 Approving a Covenant Enforcement and Fine Policy for Violations: The Board of District No. 1 reviewed the Resolution. Director Voit noted she will review it at further length outside of the meeting to ensure the timelines align. Following review and discussion, upon a motion duly made by Director Crowder, seconded by Director Voit and, upon vote, unanimously carried, the Board of District No. 1 approved Resolution No. 2022-09-03 Approving a Covenant Enforcement and Fine Policy for Violations, as presented.

Resolution No. 2022-09-04 Approving the Imposition of a Stormwater System Maintenance Fee: Attorney Pogue reviewed the Resolution with the

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Boards, noting that the townhomes have a \$15 fee per month for stormwater system maintenance. Following review and discussion, upon a motion duly made by Director Crowder, seconded by Director Voit and, upon vote, unanimously carried, the Boards approved Resolution No. 2022-09-04 Approving the Imposition of a Stormwater System Maintenance Fee, as amended.

Improvement Acquisition, Advance and Reimbursement Agreement between Horizon Metropolitan District No. 1 and Lendlease Horizon Holdings, LLC, and in Connection Therewith, Authorization of Subordinate Promissory Note to Lendlease Horizon Holdings, LLC for Operating Advances: Attorney Pogue reviewed the Agreement with the Board of District No. 1, noting that the section referring to Lendlease Horizon Holdings, LLC advancing funds to the District will be removed. It was noted that Attorney Pogue and Director Voit will hold a study session before the next meeting to discuss improvements. This item was deferred.

MANAGER MATTERS

Covenant Enforcement and Community Management:

Event Management Agreement from Cohere: Director Crowder and Ms. Miatt reviewed the Agreement with the Boards. Following review and discussion, upon a motion duly made by Director Crowder, seconded by Director Voit and, upon vote, unanimously carried, the Boards approved the Event Management Agreement from Cohere, as presented.

Establishment of Program/Events Committee: Director Crowder noted he will coordinate events with CLA and that residents can be added to the Program/Events Committee going forward. Following discussion, upon a motion duly made by Director Voit, seconded by Director Rutt and, upon vote, unanimously carried, the Boards appointed Director Crowder to the Program/Events Committee.

Design Review Board Application, Updated Process, Website, Communication, etc.: Mr. Miller discussed the Design Review Board application, updated process and website with the Boards, noting that the application will be updated and added to the Districts' website.

September 10th Park-a-Palooza Event: This item was not discussed.

Actions Taken by Management Since the Last Meeting: Ms. Odewumi reviewed detention pond and landscaping items approved by management and detailed the four work orders from BrightView Landscape Services, Inc. totaling \$8,678.15. Following review, upon a motion duly made by Director Crowder, seconded by Director Rutt and, upon vote, unanimously carried, the Boards ratified the actions taken by management since the last meeting.

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Quality Site Assessment from BrightView Landscape Services, Inc.: Mr. Keesen reviewed the Quality Site Assessment with the Boards.

TerraSeeding/Overseeding of Native Areas: Mr. Keesen reviewed the proposal with the Boards. Directors Crowder and Voit noted they will review the proposal at further length outside of the meeting. Mr. Keesen informed the Boards that he will provide items for 2023 to CLA before the next meeting.

**DIRECTOR
MATTERS**

August 2022 Community Newsletter: The Boards reviewed the August 2022 Community Newsletter.

Programming and Engagement: No update was provided.

OTHER BUSINESS

Confirm Quorum for Next Meeting: A quorum was confirmed for the next meeting.

ADJOURNMENT

There being no further business to come before the Boards at this time, Director Crowder adjourned the meeting at 11:21 a.m.

Respectfully submitted,

DocuSigned by:

Jason Rutt

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Secretary for the Meeting