

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE ELEVATION PARK METROPOLITAN DISTRICT

Held: Wednesday, December 7, 2022 at 10:00 a.m. remotely via Zoom.

Attendance The special meeting of the Board of Directors of the Elevation Park Metropolitan District was called and held as shown above and in accordance with the statutes of the State of Colorado. The following Directors, having confirmed their qualification to serve on the Board, were in attendance remotely:

Alan Suslow
Cameron Winters
Brigit Suslow
Peter Carter

Also present: Joan Fritsche, Fritsche Law LLC; and Leslie Monroe, Accounting Associates, LLC.

Call to Order Chairman Suslow noted that a quorum of the Board was present, verified that notice of the meeting was posted in one location within the District and that the Directors had confirmed their qualification to serve, and therefore called the special meeting of the Board of Directors of the Elevation Park Metropolitan District to order.

Disclosure Matters Ms. Fritsche advised the Board that pursuant to Colorado law, certain disclosures by Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Director disclosed his/her potential conflicts of interest, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting. The Board determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

Chairman Suslow stated he is under contract to purchase real property within the District requiring the payment of a proportionate share of property taxes and he is a member of Woodbridge Durango, LLC, an owner and developer of property within the District, which may be entitled to reimbursement from the District.

Director Winters stated he is under contract to purchase real property within the District requiring the payment of a proportionate share of property taxes and he is a former member of Woodbridge Durango,

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LLC, an owner and developer of property within the District, which may be entitled to reimbursement from the District.

Director Brigit Suslow stated she is under contract to purchase real property within the District requiring the payment of a proportionate share of property taxes and that she is the spouse of Chairman Alan Suslow.

Director Carter stated he is under contract to purchase real property within the District requiring the payment of a proportionate share of property taxes.

Written Disclosures for each of the Directors were filed with the Board and Secretary of State more than 72 hours prior to the meeting.

The Directors executed Affidavits of Director Qualification confirming their eligibility to serve on the Board.

Public Comment

There was no public comment.

Minutes

The Minutes of the special meeting of the Board of Directors held on July 15, 2022 were read. Upon a motion duly made by Director Brigit Suslow, seconded by Director Winters and unanimously carried, the Minutes were approved.

Financial Matters

The Board reviewed the Claims Report for the period March 16, 2022 – November 30, 2022. Upon a motion duly made by Director Brigit Suslow, seconded by Director Winters and unanimously carried, the Board approved the payment of claims.

The Board reviewed the Financial Reports dated October 31, 2022. Upon a motion duly made by Director Brigit Suslow, seconded by Director Winters and unanimously carried, the Board approved the Financial Reports.

2022 Audit

Ms. Monroe informed the Board that Todd Beckstead is retiring and the District will need to engage a new auditor. Upon a motion by Director Brigit Suslow, seconded by Director Winters and unanimously carried, the Board directed Ms. Monroe to solicit audit proposals to conduct the District's 2022 audit and directed Ms. Monroe and Ms. Fritsche to recommend an audit firm to Chairman Suslow for engagement by the District.

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- Development Fees The Board reviewed the status of the District’s development fees. Development fees received are deposited to the District’s Debt Service Fund.
- 2023 Budget Hearing Ms. Fritsche reported that notice of the meeting was published in *The Durango Herald* as the District’s public hearing on its proposed 2023 budget. Chairman Alan Suslow opened the public hearing. There being no members of the public wishing to comment, Chairman Alan Suslow closed the public hearing. Ms. Monroe reviewed the proposed 2023 budget. Upon a motion duly made by Director Carter and seconded by Director Winters, and unanimously carried, the Board approved a resolution adopting the 2023 budget as amended, certifying a General Fund mill levy of 10.000 mills and a Debt Service mill levy of 50.000 mills for collection in 2023, and appropriating funds as set forth in the Budget.
- Development Update Chairman Suslow provided a development update on housing sales and the status of the CDOT access permit required for Phase 2 construction.
- 2022 Annual Report Upon motion duly made by Director Brigit Suslow, seconded by Director Winters and unanimously carried, the Board authorized preparation and filing of the District’s 2022 Annual Report.
- Annual Administrative Matters Attorney Fritsche discussed a number of administrative matters with the Board, in accordance with Colorado laws.
- Ms. Fritsche reviewed the District’s Annual Administrative Resolution for 2023 including the following provisions, in addition to other administrative actions providing direction from the Board:
- The Board determined not to compensate Directors for their services.
- The Board determined to continue to use *The Durango Herald* as the newspaper of general circulation within the boundaries of the District for legal publications.
- The Board designated its 2023 regular meeting schedule as 10:00 a.m. on July 11th and November 28th remotely via Zoom.
- The Board determined to appoint Mandi Kirk, to serve as the Designated Election Official for the District for its future election activities.

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Following discussion, the Board determined to elect the 2022 officers as follows:

Alan Suslow – President/Chairman
Cameron Winters – Secretary/Treasurer
Brigit Suslow – Assistant Secretary

The Board approved the continued engagement of Fritsche Law LLC to provide legal services and Accounting Associates, LLC to provide accounting services to the District.

Upon a motion duly made by Director Brigit Suslow, seconded by Director Winters and unanimously carried, the Board approved the 2023 Annual Administrative Matters Resolution.

Resolution
Determining not to
Provide Workers’
Compensation
Insurance Coverage

The Colorado Department of Labor & Employment, Division of Workers’ Compensation has requested that the Board annually adopt a formal resolution and file Form WC44 to acknowledge the Board’s decision not to provide workers compensation insurance to its uncompensated elected officials. Upon a motion duly made by Director Brigit Suslow, seconded by Director Winters and unanimously carried, the Board adopted a resolution waiving workers’ compensation coverage for the Directors for 2023.

May 2023 Regular
Election and
Appointing a
Designated Election
Official

Upon a motion duly made by Director Brigit Suslow, seconded by Director Winters and unanimously carried, the Board adopted a resolution calling the District’s 2023 Regular Election, appointing Mandi Kirk as the Designated Election Official and authorizing the Designated Election Official to take actions necessary to conduct the Election, including cancelling the Election, if possible.

2022 Legislative
Update

Ms. Fritsche reviewed the 2022 legislative update with the Board.

2023 Meeting Schedule

The Board designated its 2023 regular meeting schedule as 10:00 a.m. on July 11th and November 28th remotely via Zoom.

Adjournment

There being no further business to come before the Board, the meeting was adjourned.


Cameron Winters (Jul 12, 2023 16:25 MDT)

Secretary for the Meeting

2022-12-07 Spec Minutesv2

Final Audit Report

2023-07-12

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| Created: | 2023-07-12 |
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