
RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CONSERVATORY METROPOLITAN DISTRICT HELD January 24, 2022

A Regular Meeting of the Board of Directors (referred to hereafter as “Board”) of the Conservatory Metropolitan District (referred to hereafter as “District”) was convened. The meeting was open to the public and the conferencing information was posted.

The meeting was held via teleconference.

ATTENDANCE

Directors in Attendance Were:

Birgit Baldwin
Joy DeMots
Pedro L. Moczo, Jr.
Robert C. Giles
Janine Schilling

Also In Attendance Were:

AJ Beckman; Public Alliance, LLC
Noel Nail; Public Alliance, LLC
Sarah Warner; Public Alliance, LLC
Jennifer Gruber Tanaka, Esq.; White Bear Ankele Tanaka & Waldron, P.C.
Erin Stutz, Esq.; White Bear Ankele Tanaka & Waldron, P.C.
Georgia Harland; Simmons & Wheeler, P.C.
Wendy Booth; Ivy Street Design Group, Inc.
Laverne Palmer; member of the public

DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

Disclosures of Potential Conflicts of Interest: Attorney Tanaka advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. The Board reviewed the Agenda for the meeting, following which Directors Baldwin, DeMots, Moczo, Giles, and Schilling, along with each consultant, confirmed that they have no conflicts of interest in connection with any of the matters listed on the Agenda.

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PLEDGE OF ALLEGIANCE

Pledge of Allegiance: Director Giles led the Board in reciting the Pledge of Allegiance.

ADMINISTRATIVE MATTERS

Agenda: Mr. Beckman reviewed the proposed Agenda with the Board for the District's Regular Meeting. Following discussion, upon motion duly made by Director Moczo, seconded by Director Giles and, upon vote, unanimously carried, the Agenda was approved as amended.

Destruction of Documents: Mr. Beckman reviewed a list of documents recommended for digital archival or destruction with the Board. He noted that Public Alliance is in possession of nine boxes of hard files received from the previous District Management company. The list includes recommendations for various documents to be scanned and added to digital files, or destroyed without archival.

Following discussion, upon motion duly made by Director Giles, seconded by Director Schilling, and upon vote, unanimously carried, the Board authorized Mr. Beckman to proceed with the digitizing or destruction of the listed records in accordance with the District's Records Retention Policy upon concurrence by Counsel of the recommended actions as noted on the list of documents.

Consent Agenda: The Board considered the following actions:

- Approval of Minutes of the November 5, 2021 Special Meeting
- Ratification of the Independent Contractor Agreement with Schilling & Company, Inc. for 2021 Audit
- Ratification of the First Addendum to the Contract with Ivy Street Designs
- Approval of Resolution 2022-01-01 Designating the District's Website for the Online Posting of Meeting Notices and 24-Hour Posting Location

Following discussion, upon motion duly made by Director Moczo, seconded by Director Giles and, upon vote, unanimously carried, the Board approved the Consent Agenda as amended.

COMMUNITY COMMENTS

Public Comment: Ms. Palmer thanked the Directors for their service in 2021, their transparency and responsiveness to questions and concerns, and for their integrity.

Director Baldwin noted that there had been concern voiced in the community after the Marshall Fire in Boulder County about areas of native

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grass in the community that were not being mowed, and that the Conservatory Community had in fact had a small fire recently. She noted that the places of concern are City of Aurora property and suggested that concerned residents contact the City.

FINANCIAL MATTERS

Claims: Ms. Harland reviewed the check register for the period ending January 24, 2022, including check numbers 4602 through 4636, totaling \$114,860.88. She reported that work to convert monument lighting to LED would be coded to capital improvements. Mr. Beckman explained that the payment to Weather Track was for renewal of their warranty, which was required in order to upgrade to 5G wireless technology.

Following discussion, upon motion duly made by Director Moczo, seconded by Director Giles and, upon vote, unanimously carried, the Board approved the claims totaling \$114,860.88.

Year-end Financial Statements: Ms. Harland reviewed the year-end financial statements with the Board. Following discussion, upon a motion duly made by Director Moczo, seconded by Director Schilling, and upon vote, unanimously carried, the Board accepted the unaudited financial statements as presented.

Ms. Harland noted that the audit work will start in February. The draft audit is expected to be presented at the March 21, 2022 Board Meeting. Ms. Harland reviewed the Schedule of Cash Position and Cash Projection through June 2022 with the Board.

Ms. Harland left the meeting at this time.

Review Proposals for Reserve Study: Mr. Beckman reviewed the proposals from Reserve Advisors, LLC, Association Reserves, Inc., and Data Reserve Analyst, Inc. with the Board. He explained that he had only worked with Reserve Advisors. Director Baldwin polled the Board, and each member of the Board expressed their support for Reserve Advisors.

Upon a motion duly made by Director Schilling, seconded by Director DeMots, and upon vote unanimously carried, the Board directed Mr. Beckman to engage Reserve Advisors to perform a reserve study.

OPERATIONS MATTERS

Manager's Report: Mr. Beckman reviewed the District Manager's Report with the Board, attached hereto, and incorporated herein by this reference.

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Mr. Beckman reported that the progress with Pond 6 is moving slower than expected. The current status is that the plans have been submitted to the City with the District Engineer's comments, following the initial review.

He also noted that he has had difficulty getting proposals for an Interactive GIS Map as there appear to be fewer companies doing this kind of work compared to a couple of years ago. He will continue searching for a viable resource.

Mr. Beckman then noted that designing signage for the gazebo in Tract V and creating a reservation policy was something that the Board previously requested. The Directors were in agreement that a sign would be useful in communicating to the public that the gazebo is not City of Aurora property and to contact the District for reservations. The Board directed Mr. Beckman to print a permanent version of the sign and post it out of reach of vandals.

Mr. Beckman then reported that Public Alliance will be actively involved in monitoring the District's smart controllers this irrigation season.

Detention Pond Committee Report: Director Giles reported that maintenance was being performed on Pond 5 and Pond 6; both were mowed the day prior to the meeting.

LANDSCAPING MATTERS

Landscaping Budget Tracking: Mr. Beckman reviewed the Matrix format and 2022 landscaping budget with the Board.

BrightView Report: Director Baldwin reviewed the report with the Board. She noted that the pictures illustrating the status of the Pond 6 trickle channel were not an accurate depiction of the current status. She encouraged the Board and committees to review the District's contracts to be familiar with the scope of responsibility for each vendor and to help hold the contractors accountable.

Landscaping Committee Report: Directors Schilling and DeMots reported that they will review the Landscaping Tracking Matrix and put together a list of priorities for the year and continue to monitor the budget and work progress going forward. Director Baldwin voiced a concern regarding the condition of the cottonwood trees and how that might affect holiday lighting. Director Schilling assured her it was already a priority.

Ivy Street Designs: Director Baldwin reported that she asked Ms. Booth to drive through the community and report on the present status of the

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District's landscaping as it relates to water wise landscaping improvements and to make recommendations to convert additional common areas to xeric landscaping. Ms. Booth presented concepts for the strategic conversion of specific areas and provided some general recommendations including mulching at the base of trees to protect the exposed roots and adding additional trees in specific areas. Director Schilling noted that the Landscaping Committee is in agreement with Ms. Booth's recommendations. She noted that converting irrigation away from spray heads would also be a good idea. Director Baldwin recommended that the Landscaping Committee and Ms. Booth work together. Mr. Beckman recommended that Public Alliance be involved with the coordination and oversight of landscaping efforts.

BOARD MEMBER INPUT

Director Baldwin: Discussed fire mitigation. She would like to put homeowners at ease, knowing that the District mows its native areas two or three times per year.

Director DeMots: None at this time.

Director Moczo: Noted that there are still holiday wreaths up at the entrances to the community. Director Baldwin said that they are traditionally left up until the National Western Stock Show ends, but as it had just ended, she had followed up with Sav A Tree to have them removed.

Director Giles: None at this time.

Director Schilling: None at this time.

OTHER BUSINESS

Community Outreach:

Matters discussed for inclusion in the Community Update include:

- Election
- Fire mitigation- Explain the City's areas and highlight the District's mowing practice.
- Audit
- Signage at gazebo
- Pond Maintenance
- Xeric research and landscaping design concepts in process

LEGAL MATTERS

May 3, 2022 Election and Call for Nominations: Ms. Tanaka reported that the laws regarding the distribution of the Call for Nominations have

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changed for 2022. Colorado law now requires notice of the call for nominations by two different means, one of which has to be by email or mail, and the other of which can be by posting on the District's website, publication, or inclusion in a newsletter. She noted that self-nominations are due by 5p.m. on February 25th, 2022. If a nomination form is turned in with an error, it may be corrected before the deadline. Write-in candidate affidavits may be received until 5:00 p.m. on Monday, February 28th, and by Tuesday, March 1, 2022 it will be known if the District must hold an election or whether it can be cancelled. Ms. Tanaka discussed the ongoing press coverage of Districts and noted that her firm will continue to work with legislators and provide education.

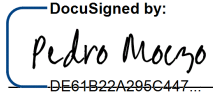
Ms. Tanaka reported that Directors elected will serve a three-year term. Ms. Palmer asked about the process of the election and how the District will receive information about the candidates. Ms. Tanaka noted that in the past the District has requested bios from the candidates and posted them on the website and at the mail kiosks. Signs may also be posted and placed in conformance with covenants and the Fair Campaigns and Practices Act. She noted that she could not provide legal advice to candidates as to how to comply with those practices. Ms. Palmer suggested a public forum for Q&A with candidates via Zoom. Ms. Tanaka recommended that this be discussed further at the March Board Meeting.

Mr. Beckman clarified that the Board will not publish notice of the Call for Nominations as was done in prior elections since the new legal requirements specify a different process intended to improve transparency, and it is likely more candidates will be reached through posting on the website.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 11:23a.m. The next Regular Meeting is scheduled for March 21, 2022.

Respectfully submitted,

By:  Secretary for the Meeting
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