

# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF WESTERLY CREEK METROPOLITAN DISTRICT

HELD  
February 23, 2026

The Regular Meeting of the Board of Directors of Westerly Creek Metropolitan District was held at the MCA Cube and via Zoom and Teleconference on Monday, February 23, 2026, at 6:30 p.m.

### ATTENDANCE

#### Directors in Attendance:

Robert Douglas Marsh, President  
Jack Seward, Vice President  
Matthew Blackburn, Treasurer  
Omid Jazaeri, Secretary  
John Karner, Assistant Secretary

#### Also in Attendance:

Megan Murphy, Esq.; WBA, PC  
Diane Wheeler; Simmons & Wheeler  
Lee Freedman, Esq.; VF-Law  
Kenny Parrish and Andrew Kunkel; Pinnacle Consulting Group, Inc.  
Dustin Chiappetta, Member of the Public

### ADMINISTRATIVE ITEMS

Call to Order: The Regular Meeting of the Board of Directors of the Westerly Creek Metropolitan District was called to order by Director Marsh.

Declaration of Quorum/Director Qualifications: Director Marsh noted that a quorum was present, with five out of five Directors in attendance. All Board Members confirmed their qualifications to serve on the Board.

Disclosure of Potential Conflicts of Interest: Director Blackburn and Director Karner noted they were recently elected to the Park Creek Metropolitan District Board of Directors and will submit written conflict of interest disclosures for future Board meetings. Ms. Murphy advised the Board that pursuant to Colorado law, certain disclosures by Board Members might be required prior to taking official action at a meeting. Ms. Murphy reported that disclosures for those Board Members who provided WBA, PC with notice of potential or existing conflicts of interest, if any, were filed with the Colorado Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board.

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Ms. Murphy inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest regarding any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Approval of Agenda: Upon a motion duly made by Director Seward, seconded by Director Blackburn, and upon vote, unanimously carried, it was

**RESOLVED** to approve the agenda, as presented.

Public Comment: Mr. Chiappetta commented regarding commercial ownership in the District and discussed concerns for assessed values calculated by the City, District mill levies and their impact to annual taxes. Director Blackburn, Director Seward and Ms. Murphy responded describing the District's debt structure and contractual obligations to Park Creek Metropolitan District and mill levy assessment classifications for different types of property established by Colorado law.

Director Comments: There were no Director Comments received.

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### CONSENT AGENDA

Director Marsh reviewed the items on the consent agenda with the Board. Director Marsh advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any Director. Director Seward requested Item B. Approval of Resolution Designating Meeting Notice Posting Location be removed from the consent agenda and moved to the regular agenda. Upon a motion duly made by Director Seward, Seconded by Director Blackburn, the following items on the consent agenda were unanimously approved, ratified and adopted:

- A. Minutes – November 17, 2025, Special Meeting, November 17, 2025, Regular Meeting.
- B. Special District Disclosure Notice Pursuant to § 32-1-809, C.R.S.
- C. Payment of Claims

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### ADMINISTRATIVE ITEMS CONT.

Resolution Designating Meeting Notice Posting Location: Director Seward stated opposition to the approval of the Resolution Designating Meeting Notice Posting Location due to administrative redundancy and Ms. Murphy responded. Following review and discussion, upon a motion

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duly made by Director Seward, seconded by Director Blackburn, and upon vote, unanimously carried, it was

**RESOLVED** to approve the Resolution Designating Meeting Notice Posting Location, as presented.

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### FINANCIAL ITEMS

Financial Statements: Ms. Wheeler presented the Unaudited Financial Statements for the period ending December 31, 2025, to the Board. Director Blackburn discussed potential discrepancies with the financial statements and Ms. Wheeler responded and answered questions. It was the decision of the Board to table this item to the next regular meeting.

Engagement of Audit Services for 2026: Ms. Wheeler recommended the Board engage Fiscal Focus Partners LLC for 2026 Audit Services. Director Blackburn requested clarification regarding obtaining multiple proposals and Ms. Wheeler responded and offered to locate additional vendors. It was the decision of the Board to table this item to the next regular meeting.

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### DISTRICT MANAGER ITEMS

Recommendation from Finance & Accounting RFP Review Committee: Director Blackburn discussed three proposals for finance and accounting services with the Board. The Finance and Accounting RFP Review Committee recommended the engagement of Simmons & Wheeler and Pinnacle Consulting Group, Inc., for Finance and Accounting services with shared responsibilities. The Board directed the Committee to continue discussions with both contractors regarding shared responsibilities and to bring a final engagement recommendation to the Board at the next regular meeting.

Recommendation from Legal Services RFP Review Committee: Director Seward discussed four proposals for Legal Services with the Board. The Legal Services RFP Review Committee recommended the engagement of VF-Law for Legal Services. Following review and discussion, upon a motion duly made by Director Jazaeri, seconded by Director Seward, and upon vote, unanimously carried, it was

**RESOLVED** to engage VF-Law for Legal Services.

Asset Management Plan RFP: Director Karner discussed the recently completed reserve study and the need to complete a formal RFP to develop the Park Creek Metropolitan District, the District and MCA Asset Management Plan. The Board discussed the estimated total for the District's assets and the plan to finalize the RFP process.

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DIRECTOR ITEMS

Discussion Regarding District Communications: Director Marsh recommended the Board table the discussion regarding District communications to the next regular meeting. It was the decision of the Board to table the discussion regarding District communications to the next regular meeting.

District Calendar & Important Dates for 2026: Director Marsh emphasized the importance of solidifying important dates for 2026 with the Board. Director Marsh thanked Ms. Murphy for her service to the District and Ms. Murphy thanked the Board for the opportunity to serve.

Next Board Meeting Date: Director Blackburn suggested the Board extend the regular meeting time to 75 or 90 minutes. It was the decision of the Board to hold the next regularly scheduled meeting in March.

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ADJOURNMENT

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

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The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

Respectfully submitted,

*Andrew Kunkel*

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Andrew Kunkel, Recording Secretary for the Meeting