

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

OF

WESTERLY CREEK METROPOLITAN DISTRICT

Held: Thursday, May 23<sup>rd</sup>, 2024 at 9:30 a.m. via teleconference and at 8371 E. Northfield Blvd., Denver, CO 80238

**ATTENDANCE**

The meeting was held in accordance with the laws of the State of Colorado. The following directors were in attendance:

Robert Douglas Marsh  
Matthew Blackburn  
Jack Seward

Directors Lis and Rozansky were absent. All absences are deemed excused unless otherwise noted in these minutes.

Also present were:

- Megan J. Murphy, Esq., and Marissa M. Peck, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, Attorneys at Law, District General Counsel;
- Diane Wheeler, Simmons & Wheeler, District Accountant.

**ADMINISTRATIVE MATTERS**

Call to Order

Director Marsh noted that a quorum of the Board was present and called the meeting to order at 9:40 a.m.

Declaration of Quorum and Confirmation of Director Qualifications

A quorum for the Board was confirmed present and the directors' qualifications to serve were also confirmed.

Reaffirmation of Disclosures of Potential or Existing Conflicts of Interest

Ms. Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the 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. Ms. Murphy inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to 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

The Board reviewed the proposed agenda for the meeting. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as presented.

**PUBLIC COMMENT**

None.

**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. Following discussion, upon a motion by Director Seward and seconded by Director Blackburn, the Board unanimously approved the agenda as presented.

- a. Minutes from April 14, 2024 Meeting
- b. Claims as of April 22, 2024 (\$10, 086.16)
- c. Independent Contractor Agreement with 4b Marketing for Marketing Services and Slide Deck Preparation

**LEGAL MATTERS**

Consider Approval of Contract with Streamline for Website Services

Ms. Peck presented the Contract with Streamline for Website Services to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the contract.

Consider Approval of Resolution Adopting a Digital Accessibility Policy

Ms. Peck presented the Resolution Adopting a Digital Accessibility Policy. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the resolution, designating White Bear Ankele Tanaka & Waldron as Compliance Officer.

**FINANCIAL MATTERS**

Consider Acceptance of 2023 Audit

Ms. Wheeler presented the 2023 draft audit to the Board. Ms. Wheeler noted the draft has not been finalized by the

auditors. The Board engaged in discussion regarding property tax collections. No action taken.

Other Financial Matters

Director Marsh engaged in discussion regarding the Park Creek Metropolitan District Post-Issuance Report Series. Ms. Wheeler to review the report and inform the Board about the surplus of money.

## **DIRECTOR MATTERS**

Discussion Regarding 4B Marketing Project and Slide Deck

The Board engaged in discussion regarding the Marketing Project and Slide Deck. No action was taken.

Consider Approval of Task Order 3 Proposal with Independent District Engineering Services

Director Seward presented the Task Order 3 Proposal to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Task Order.

Other Director Matters

Director Marsh engaged in discussion with the Board regarding the Annual Special District Association Conference in September. Director Marsh and Director Seward will attend. Director Marsh requests other directors to inform him if they would like to participate.

Director Seward noted a traffic problem on the South side of the neighborhood. Director Seward recommends finishing Smith Road and connecting to Xanthia Street. Director Seward notes this is not a priority for the City of Denver. Westerly Creek Metropolitan District and Park Creek Metropolitan District to work together to complete. Director Seward noted this project would require replacing the bridge and the cost is roughly \$10 million for a ¼ mile of road.

## **MATTERS RELATED TO PARK CREEK METROPOLITAN DISTRICT**

The Board intends to enter into executive session pursuant to §24-6-402(4)(b), to conference with an attorney for the District for the purpose of receiving legal advice as it relates to the Intergovernmental Financing and Construction Agreement and Transfer of Assets with Park Creek Metropolitan District

No Executive Session held.

## ADJOURNMENT

There being no further business to come before the Board, upon a motion duly made and seconded, the Board unanimously determined to adjourn the meeting at approximately 10:51 a.m.

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

*Kristin Rozansky*

Kristin Rozansky (Jun 28, 2024 12:14 MDT)

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Secretary for the District

The foregoing minutes were approved by the Board of Directors on the 17<sup>th</sup> day of June, 2024.