

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE LORETTO HEIGHTS COMMUNITY AUTHORITY (“Authority”) HELD NOVEMBER 27, 2023

A Regular Meeting of the Board of Directors of the Loretto Heights Community Authority (referred to hereafter as “Board”) was convened on Monday, November 27, 2023, at 2:00 p.m. The Board meeting was held via Zoom. The meeting was open to the public.

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#### ATTENDANCE

##### Directors In Attendance Were:

Mark J. Witkiewicz, representing Loretto Heights MD No. 1  
Paige C. Langley, representing Loretto Heights MD No. 3  
Megan Waldschmidt, representing Loretto Heights MD No. 4

##### Also In Attendance Were:

Peggy Ripko; Special District Management Services, Inc.

Megan Becher, Esq. and Jon Hoistad, Esq.; McGeady Becher P.C.

Jason Carroll; CliftonLarsonAllen LLP (“CLA”)

Blake Amen; Board Candidate

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#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. It was noted that a quorum was present, and Attorney Becher requested members of the Board disclose any potential conflicts of interest regarding any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Attorney Becher noted that Directors’ Disclosure Statements were filed for all Directors by the statutory deadline. No additional conflicts were disclosed at the meeting.

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#### ADMINISTRATIVE MATTERS

Agenda: Ms. Ripko distributed for the Board's review and approval a proposed Agenda for the Authority’s Regular Meeting.

## RECORD OF PROCEEDINGS

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Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Agenda was approved, as presented and excused the absence of Director Klein.

**Meeting Location/Manner and Posting of Meeting Notice:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the Authority's Board meeting. The Board determined that the meeting would be held via video/telephonic means and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted, and that the Board had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxpaying electors within the Authority's Service Area.

**Minutes:** The Board reviewed the Minutes of the September 25, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Minutes of the September 25, 2023 Regular Meeting were approved.

**Resolution No. 2023-11-01 Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:** The Board discussed the business to be conducted in 2024 and the location and manner of board meetings.

Following discussion, the Board determined to meet on the 4<sup>th</sup> Monday of each month at 2:00 p.m. via Zoom, and upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board adopted Resolution No. 2023-11-01 Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

**Insurance Matters:** The Board discussed the renewal of the Authority's insurance and Special District Association (SDA) membership for 2024 and authorized the renewal of same.

**§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2019:** The Board discussed §32-1-809, C.R.S., reporting requirements and mode of eligible elector notification for 2024 and directed staff to comply with same.

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## RECORD OF PROCEEDINGS

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### PUBLIC COMMENT

There were no public comments.

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### FINANCIAL MATTERS

**Cash Position Statements:** Mr. Carroll reviewed with the Board the schedule of cash position statements.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board accepted the schedule of cash position statements.

**Unaudited Financial Statements:** Mr. Carroll reviewed with the Board the unaudited financial statements.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board accepted the unaudited financial statements, as presented.

**Application for 2023 Audit Exemption:** The Board considered the appointment of CLA to prepare the 2023 Application for Exemption from Audit.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board appointed CLA to prepare the 2023 application for exemption from Audit or to perform the 2023 Audit.

**Public Hearing on Amendment to 2023 Budget:** The President opened the public hearing to consider a Resolution to Amend the 2023 Budget.

It was noted that publication of Notice stating that the Board would consider amendment of the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the Authority. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

Following discussion, the Board determined that a Budget Amendment was not needed.

**Public Hearing on 2024 Budget:** The President opened the Public Hearing to consider the proposed 2024 Budget and to discuss related issues.

## RECORD OF PROCEEDINGS

---

It was noted that Notice stating that the Board would consider adoption of the 2024 budget and the date, time and place of the public hearing was published pursuant to statute. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

Mr. Carroll reviewed the estimated 2023 expenditures and the proposed 2024 expenditures.

Upon motion duly made by Director Witkiewicz, seconded by Director Langley, and upon vote unanimously carried, the Board approved the 2024 Budget, as discussed, and considered adoption of Resolution No. 2023-11-02 to Adopt the 2024 Budget and Appropriate Sums of Money. Following discussion, upon vote unanimously carried, the Board adopted the Resolutions and authorized execution of the Certification of Budget. Authority Counsel was directed to transmit the Certification of Budget to the Division of Local Government no later than January 30, 2024.

**Preparation of 2025 Budget:** The Board considered the appointment of CLA to prepare the 2025 Budget.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board appointed CLA to prepare the 2025 Budget.

**Special Districts Master Service Agreement (“MSA”) and Special Districts Preparation Statement of Work (“SOW”) between the Authority and CLA for 2024 Accounting Services:** The Board reviewed the MSA and SOW between the Authority and CLA for 2024 Accounting Services.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the Board approved the MSA and SOW between the Authority and CLA for 2024 Accounting Services, subject to final Board and Legal review.

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**CAPITAL/  
CONSTRUCTION/  
MATTERS**

**Engineer’s Report and Verification of Costs Associated with Public Improvements Report No. 18 (“Report No. 18”):** The Board discussed Report No. 18, dated October 19, 2023, prepared by Schedio Group LLC, for the amount of \$596,078.15.

## RECORD OF PROCEEDINGS

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Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley, and upon vote, unanimously carried, the Board approved Report No. 18.

**Engineer’s Report and Verification of Costs Associated with Public Improvements Report No. 19 (“Report No. 19”)**: The Board discussed Report No. 19, dated November 16, 2023, prepared by Schedio Group LLC, for the amount of \$888,933.13.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley, and upon vote, unanimously carried, the Board approved Report No. 19.

**Verified Public Improvement Costs Pursuant to Report No. 18 and Report No. 19**: The Board discussed the verified public improvement costs pursuant to Report No. 18 and Report No. 19.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley, and upon vote, unanimously carried, the Board accepted the verified public improvement costs pursuant to Report No. 18 and Report No. 19.

**Reimbursement by Loretto Heights Metropolitan District No. 1 to ACM Loretto VI LLC under the Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC, pursuant to Report No. 18 and Report No. 19**: The Board discussed the reimbursement by Loretto Heights Metropolitan District No. 1 to ACM Loretto VI LLC under the Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC, pursuant to Report No. 18 and Report No. 19.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and upon vote, unanimously carried, the Board acknowledged the reimbursement by Loretto Heights Metropolitan District No. 1 to ACM Loretto VI LLC under the Facilities Funding and Acquisition Agreement between Loretto Heights Metropolitan District No. 1 and ACM Loretto VI LLC, pursuant to Report No. 18 and Report No. 19.

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### **LEGAL MATTERS**

There were no legal matters at this time.

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## RECORD OF PROCEEDINGS

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### OTHER BUSINESS

**December 25, 2023 Regular Meeting:** The Board discussed cancelling the December 25, 2023 Regular meeting.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Langley and upon vote, unanimously carried, the Board cancelled the December 25, 2023 Regular meeting.


**New Rate Structure:** The Board acknowledged the New Rate Structure from Special District Management Services, Inc.

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### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Witkiewicz, seconded by Director Langley and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:   
Secretary for the Meeting