

MINUTES OF THE SPECIAL MEETING OF THE  
BOARD OF DIRECTORS OF

LEYDEN ROCK METROPOLITAN DISTRICT

Held: Tuesday, September 5, 2023 at 6:00 P.M. via  
Teleconference

**Attendance**

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

Scott J. Plummer  
Brett Vernon  
Jeff Cunningham  
Christian Ardita

Director Batsel Stewart was absent. All absences are deemed excused unless otherwise noted in these minutes.

Also present: Megan Murphy, White Bear Ankele Tanaka & Waldron, District General Counsel; Katie Call, Christine Ahern, and Pam Mitchell, District Managers, AdvanceHOA; and members of the public.

**Call to Order**

It was noted that a quorum of the Board was present, and the meeting was called to order at 6:02 PM.

**Conflict of Interest  
Disclosures**

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 with 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 noted that a quorum was present and 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 Board determined that 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 agenda. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as presented.

**Public Comment**

Ms. Daggmill complimented the District on the social events and working on emergency preparedness. Ms. Daggmill noted that weekly drives for community inspections is not appropriate. Director Cunningham asked the community to keep an open mind regarding the compliance discussion. Director Vernon noted that staff will provide additional information to Ms. Daggmill for review.

Mr. McClain requested a discussion regarding use of clover yards be added to the agenda.

Mr. Mallory noted that there are many neighbors in the neighborhood violating the Covenants and Declarations. Mr. Mallory noted that trailers parked in the driveway and trash cans in front of the fence line are a couple violations for example. Mr. Mallory noted this is an effort to maintain the values in the community.

Mr. Nix inquired about repeat offenders who violate the covenants on a continual basis.

**District Management Matters**

Discussion Regarding Inspection/Compliance for the Community

Ms. Call engaged in discussion with the Board regarding inspection and compliance for the community.

**Director's Matters**

Director Vernon requested the return of live meetings.

Director Ardita noted there is an emergency preparedness meeting on September 6<sup>th</sup> at 6:00 pm.

Director Plummer inquired about Equalized Productions' project in the clubhouse. Ms. Call noted they are working on installing the AV equipment to allow hybrid meetings at the clubhouse.

**Executive Session**

Upon a motion duly made and seconded, followed by an affirmative vote of at least two-thirds of the quorum present, the Board enter into executive session at 8:12 p.m. for the purpose of

receiving legal advice on as it relates to the Verizon Cell Tower Proposal and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, instructing negotiators related to the Verizon Cell Tower Proposal pursuant to Section 24-6-402(4)(b), C.R.S.

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of legal counsel to the District, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

Pursuant to section 24-6-402(4), C.R.S., the Board did not adopt any proposed, policy, position, resolution, rule, regulation, or take formal action during executive session.

The Board reconvened regular session at 8:44 p.m.

### **Executive Session**

Upon a motion duly made and seconded, followed by an affirmative vote of at least two-thirds of the quorum present, the Board enter into executive session at 8:45 p.m. for the purpose of receiving legal advice on as it relates to the Memorandum of Understanding with City of Arvada regarding Emergency Preparedness and Evacuation Routes and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, instructing negotiators related to the Memorandum of Understanding with City of Arvada regarding Emergency Preparedness and Evacuation Routes pursuant to Section 24-6-402(4)(b), C.R.S.

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Pursuant to section 24-6-402(4), C.R.S., the Board did not adopt any proposed, policy, position, resolution, rule, regulation, or take formal action during executive session.

The Board reconvened regular session at 9:10 p.m.

### **Other Business**

## Adjournment

There being no further business to come before the Board and following discussion and upon motion duly made, seconded and unanimously carried, the Board determined to adjourn the meeting.

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

*Scott J Plummer*  
Scott J Plummer (Sep 27, 2023 17:33 MDT)

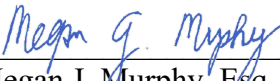
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Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 19<sup>th</sup> day of September, 2023.

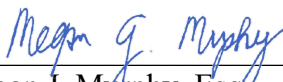
ATTORNEY STATEMENT  
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Leyden Rock Metropolitan District I attended the executive session at the special meeting of Leyden Rock Metropolitan District convened at 8:12 p.m. on September 5, 2023 for the sole purpose of conferencing with an attorney for the District for the purpose of receiving legal advice as it relates to the Verizon Cell Tower Proposal and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, instructing negotiators related to the Verizon Cell Tower Proposal as authorized by Section 24-6-402(4)(b), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

  
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Megan J. Murphy, Esq.

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Megan J. Murphy, Esq.