

MINUTES OF THE REGULAR MEETING OF THE BOARD OF
DIRECTORS OF

LEYDEN ROCK METROPOLITAN DISTRICT

Held: Tuesday, December 19, 2023, at 6:00 P.M. via
teleconference

Attendance

The regular 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:

Brett Vernon
Scott Plummer
Jeff Cunningham
Christian Ardita
Tanis Batsel-Stewart

Also present: Erin K. Stutz, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Katie Call and Christine Ahern, AdvanceHOA, District Management; Alex Fink, CliftonLarsonAllen, LLP, District Accountant; Lindsay Smith, Winzenburg, Leff, Purvis, & Payne, District Covenant Enforcement Counsel, 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.

**Conflict of Interest
Disclosures**

Ms. Stutz advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Stutz 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. Stutz 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.

Agenda The Board reviewed the agenda. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as amended.

Public Comment Mr. Wild thanked the Board.

Consent Agenda Following a summary by Ms. Stutz, the items on the consent agenda were ratified, approved, or accepted in one motion duly made and seconded and unanimously carried:

- Minutes from November 20, 2023 Special Meeting;
- Appropriation of Funds for 2024 Related to Independent Contractor Agreement with Neighborly Fence Staining;
- Requisition No. 11 Related to the District's General Obligation (Limited Tax Convertible to Unlimited Tax) Refunding and Improvement Bonds, Series 2021; and
- Requisition No. 12 Related to the District's General Obligation (Limited Tax Convertible to Unlimited Tax) Refunding and Improvement Bonds, Series 2021

Discuss Architectural Review Committee Tribunal The Board discussed the architectural review committee tribunal. Ms. Smith suggested revisions to the resolutions' repetitious violations and enforcement violations and clarifying the appeal process. Director Cunningham inquired about the Board contributing to decision making through the review process. Director Vernon inquired about the hours of legal counsel time that would be required to revise the guidelines. Director Plummer preferred to focus on the deadlock issue only. Ms. Smith clarified that she recommends revising the enforcement policy to avoid management issues with repetitious or continuous violations. Director Vernon suggested that a third Board Member should provide a decision separately. Ms. Stutz and Ms. Smith to provide a budget regarding the revisions to the guidelines.

Financial Matters

Consider Approval of Payables/Financials None.

Consider Approval of Master Services Agreement and Special Districts Preparation Scope of Work and Payroll Services Scope of Work with Mr. Fink presented the Master Services Agreement and Special Districts Preparation Scope of Work and Payroll Services Scope of Work to the Board. Director Cunningham noted the 10% increase in costs and expressed frustration with the lack of notice. Director Vernon and Director Ardita agree. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement and scope of work, subject to final discussion with

CliftonLarsonAllen LLP
for District Accounting
Services

CliftonLarsonAllen. Directors Cunningham and Vernon to speak with CliftonLarsenAllen concerning the rates.

Other Financial Matters None.

Director's Matters

Discussion Regarding
Vandalism and Remedies

Director Vernon noted the community has experienced vandalism in the pool area, graffiti in the parks, graffiti on cars, broken car windows, and theft of valuables from unlocked cars. Director Vernon opened the discussion for three solutions:

- Solution number one: installation of gates at the entrances. Ms. Stutz noted the District paid for the roads, which are to remain open to the public. Liability issues may arise with the City of Arvada, Fire Department, and district funding.
- Solution number two: surveillance cameras. Director Vernon noted the City of Arvada is working with Flock Security, whose cameras can identify vehicles and license plates. The cost of five cameras is \$15,000. Director Arditia is concerned the vandalism may be coming from residents of the community. Director Vernon noted he would prefer not to increase the budget. The Board directed Ms. Call and Director Vernon to investigate further.
- Solution number three: security patrols. Director Plummer received three bids ranging from \$100,000 to \$200,000 for a security guard to patrol the neighborhood for eight hours at night. Director Vernon and Director Cunningham are concerned about the cost and budgeting for security patrols. The Board directed Director Plummer and Director Arditia to investigate further. Director Vernon noted that Arvada Police Department does not have the ability to complete additional patrols in the community due to staffing issues.
 - Director Vernon noted that Arvada Police Department recommends the following protective measures to residents:
 - Lock Doors;
 - Remove Valuables from Vehicles;
 - Park Vehicles in the Garage;
 - Leave Porch Lights on at Night; and
 - Residential Cameras
 - The Police Department and Fire Department have held community meetings regarding protective measures and less than a dozen community members attended. Director Vernon noted the benefit of these meetings for the public.

Director Ardita thanked the community for attending the meeting.

Other Director's Matters Director Vernon noted that T-Mobile inquired about a cell phone tower located by the railroad tracks. This proposal is an alternative to the Verizon proposal. Director Vernon will obtain more information.

It was noted that Republic Services is constructing a building that would be visible from homes. A berm is being proposed to conceal the building and noises. More information will be provided when available.

It was noted that the Clubhouse AV project is complete.

Director Vernon noted Katie Cooley will have an update from Architerra for sketch plans for the Board by the end of January. Director Vernon inquired about an open house community meeting on the Trails Project in January. Ms. Call will coordinate.

District Management Matters

District Manager's Report Ms. Call presented the report to the Board. Director Vernon inquired about Preservation Tree Care removing the dead trees. Ms. Call noted the initial proposal was contingent on planting and removing at the same time. Ms. Call will discuss a proposal for removal at a meeting with Preservation Tree Care on January 5.

Director Plummer inquired about the Pool and Clubhouse Use Policy. Ms. Call noted that legal counsel is looking into paring down information in the policy.

Discussion Regarding Loft & Blush Clubhouse Refresh Ms. Ahern noted that she had received a proposal and samples, which Ms. Call and she will present at the January 2, 2024 Board Meeting.

Discussion and Consider Proposal Account Balance Recommendations Ms. Call presented the violation account balance from prior years' missing records and requested recommendations. Following discussion, upon a motion duly made and seconded, the Board unanimously approved removing \$423 for prior years' missing violations. Director Plummer addressed ways to ensure violations are not missed in the future. Ms. Call will investigate an alternative storage option.

Other Management Matters Ms. Call noted a warranty issue with the trash enclosure. The gates were damaged, and the vendor states the gates were ruined by wind.

Director Vernon noted that this is an engineering issue. Ms. Call and legal counsel will discuss further.

Ms. Ahern thanks the community for participation in community events.

Capital Projects Discussion

Other Capital Project Matters Director Vernon noted that he has received electrical quotes for the entrances. One vendor noted that power can be pulled from a pedestal near the entrance, which will eliminate the need to work through Xcel. Ms. Call is investigating more bids.

Legal Matters

Review Renewal of Property and Liability Schedule and Limits Ms. Stutz provided the Board with an update regarding the property and liability schedule and limits for the District. Ms. Call noted an insurance audit would be needed and will schedule an audit in January. Director Vernon inquired about the insurance premium increase. Ms. Stutz noted Mr. Fink provided the update at the last Board meeting regarding the increase. No action was taken.

Other Legal Matters None.

Executive Session

Upon motion of Director Vernon, seconded by Director Cunningham, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 7:58 P.M., for the purpose of receiving legal advice as it relates to the First Amendment to the Independent Contractor Agreement with AdvanceHOA pursuant to § 24-6-402(4)(b), 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 First Amendment to the Independent Contractor Agreement with AdvanceHOA and instructing negotiators pursuant to § 24-6-402(4)(e), C.R.S.

Pursuant to § 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 the District's attorney, constitutes privileged attorney-client communication pursuant to § 24-6-402(4)(b), C.R.S.

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

First Amendment to the Independent Contractor Agreement with AdvanceHOA

The Boards reconvened in regular session at 8:05 P.M. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the amendment.

Other Business

Discuss Capital Projects Meeting on January 2, 2024

The Board engaged in discussion and approved the meeting to be held in person.

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 (Jan 20, 2024 20:46 MST)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 16th day of January 2024.

**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 meeting Leyden Rock Metropolitan District convened at 7:58 p.m. and December 19, 2023 for the sole purpose of discussing the First Amendment to the Independent Contractor Agreement with AdvanceHOA 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 First Amendment to the Independent Contractor Agreement with AdvanceHOA and, pursuant to § 24-6-402(4)(b), C.R.S., for the purpose of receiving legal advice as it relates to the First Amendment to the Independent Contractor Agreement with AdvanceHOA. 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.



Erin K. Stutz, Esq.