

MINUTES OF THE SPECIAL MEETING OF THE  
BOARD OF DIRECTORS OF

LEYDEN ROCK METROPOLITAN DISTRICT

Held: Tuesday, May 2, 2023 at 5:00 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  
Tanis Batsel Stewart

Also present: Megan Murphy, White Bear Ankele Tanaka & Waldron, District General Counsel; Ben Smith, District Manager, and Christine Ahern, CCMC; Katie Cooley, Ascent Land Management; Ron Hill, 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 amended.

### **Public Comment**

Mr. Hill presented an alternative proposal for trail access to the Board. Director Plummer inquired about a trail on Antero Court. Mr. Hill noted that the Yule Yucca open space is next to private backyards and Antero Court is a public road. Director Plummer noted that the trail on Yule Yucca connects to berms along the parkway.

### **Capital Projects Discussion**

Discussion regarding light posts in the Clubhouse parking lot

Mr. Smith engaged in discussion with the Board regarding light posts in the Clubhouse parking lot. Mr. Smith noted that they could add lighting to the far side of the parking lot lighting, which would require trenching. Mr. Smith noted he discussed lighting concerns with an electrician who felt the concerns could be addressed without trenching. No action was taken.

Discussion and Consider Approval of Lap Swim Clock

Mr. Smith presented a proposal for a lap swim clock to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal in the amount of \$378 plus shipping paid from the Capital Projects Fund.

Discuss and Consider Approval of Non-Slip Flooring for Pool Bathroom

Mr. Smith presented a proposal for non-slip flooring for pool bathroom to the Board. Mr. Smith noted the money in the Safety Grant Funds could potentially be reimbursed for this project. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal in the amount of \$1,131.03 plus shipping.

Discuss and Consider Approval of Electrical at the Pool

Mr. Smith presented a proposal for electrical improvements at the pool to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal in the amount of \$13,945.

Discuss and Consider Approval of Landscape Plan Matrix

Ms. Cooley presented the Landscape Plan Matrix to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the plan and authorized The Architerra Group to proceed with the contract amendment.

AV Project

Mr. Smith provided a general update to the Board noting the AV project is almost complete except for items on backorder.

Discussion Regarding Flowers at Pool

Director Batsel Stewart engaged in discussion with the Board regarding flowers at the pool noting that the vendor is unable to

hold all plants for delivery at one time. The flowers will be delivered as they arrive and Director Batsel Stewart requested a board member pick up the flowers to save on delivery costs, against legal counsel's advice. Mr. Smith recommended having the vendor deliver the flowers. Director Plummer inquired about the choice of vendor. Following discussion, upon a motion duly made and seconded, the Board unanimously authorized an extra \$500 for delivery by the vendor or Ms. Cooley to pick up the flowers on behalf of the District.

### **District Management Matters**

Discuss and Consider  
Approval of Pool Opening  
Party 'Swag'

Mr. Smith and Ms. Ahern presented the pool opening party 'swag' to the Board, including towels, hats, and sunglasses to be distributed at the pool opening party. Ms. Ahern noted there is not enough money in the social fund for prizes. Mr. Smith noted the overflow of funds in the snow budget and contingency to fund. Following discussion, upon a motion duly made and seconded, the Board unanimously approved \$10 per towel, \$8-10 per pair of sunglasses, and \$15 per hat for a total not to exceed \$6,000.

### **Director's Matters**

Consider Approval of  
Independent Contractor  
Agreement with Mile High  
Pools for Swim Lessons

Ms. Murphy presented the Independent Contractor Agreement with Mile High Pools to the Board. Director Plummer noted Apex indicated swim lessons for two hours a day may not allow the pool filter to keep up for the remainder of the day. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement.

Discuss and Consider  
Approval of Insurance Limit  
Change for Healthy Hub  
Vending

Mr. Smith presented insurance limit change for Healthy Hub Vending to the Board, noting the additional cost is \$200 for \$2,000,000 in insurance coverage. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the payment to Healthy Hub Vending not to exceed \$200 for the increased insurance coverage.

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 6:25 p.m. for the purpose of receiving legal advice on as it relates to District Manager proposals 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 District Manager proposals

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 6:36 p.m.

Discuss and Consider  
Approval of Independent  
Contractor Agreement for  
District Management  
Services

Following discussion, upon a motion duly made and seconded, the Board unanimously approved AdvanceHOA for District Management Services, subject to final review by Director Vernon and Director Cunningham.

**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 (Jun 8, 2023 20:52 MDT)

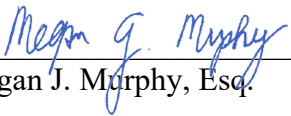
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Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 16<sup>th</sup> day of May 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 6:25 p.m. on May 2, 2023 for the sole purpose of conferencing with an attorney for the District for the purpose of receiving legal advice as it relates to District Manager proposals 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 District Manager proposals. 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.