

RECORD OF PROCEEDINGS

**MINUTES OF A SPECIAL MEETING
OF THE BOARDS OF DIRECTORS OF THE
BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 1
HELD
NOVEMBER 21 2019**

A special meeting of the Boards of Directors of the Banning Lewis Ranch Metropolitan District No. 1 (referred to hereafter as the “Board”) was held on November 21, 2019 at 11:00 a.m. at the North Tree Ranch House, 6885 Vista del Pico, Colorado Springs, CO 80927. The meeting was open to the public.

Attendance

Directors in attendance:

Bruce Rau (via phone)
Michael Townsend
Thomas Garmong
Kelly Leid
Aric Jones

Also in attendance:

Josh Miller & Carrie Bartow; CliftonLarsonAllen LLP
Pat Hrbacek; Spencer Fane LLP
Corey Calcote and Melissa Rousseau, YMCA
Corey Pilato, MSI
Michael Brotten, Resident
Floyd Petty, Resident
Judy McNew, BrightView
Roni Henry, Resident
Alan Hoekman, Resident
Jason Carey, Resident
Brian Carey, Resident
Ray Marshall, Resident
Tara Carey, Resident

Call to Order/Approve
Agenda

Director Leid called the meeting to order at 11:04 a.m.

Following review, upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried, the Board approved the agenda as presented.

Confirm
Quorum/Disclosure of
Potential Conflicts of
Interest

The Directors present noted for the record that they have financial interests in entities active in developing property within the boundaries of the District, or are employed by such entities, and that such interests may be affected from time to time by actions of the District’s Board of Directors. In accordance with state law, the Directors have filed written

RECORD OF PROCEEDINGS

disclosures describing such potential conflicts of interest with the Secretary of State, and the directors present verbally reaffirmed such disclosures on the record of this meeting.

Consent Agenda

The items listed below are a group of items to be acted on with a single motion and vote by the Board to expedite the handling of limited routine matters. The Board has received the information on these matters prior to the meeting. An item may be moved from the consent agenda to the discussion agenda, if desired. Items on the consent agenda are then voted on by a single motion, second, and vote by the Board.

- A. Review and Consider Approval of Minutes of the July 18, 2019 Regular Meeting
- B. Review and Consider Acceptance of Unaudited Financial Statements as of September 30, 2019
- C. Review, Ratify and Approve Claims

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried, the Board approved the Consent Agenda, as presented.

Community Comments

Ray Marshall inquired on an issue with fencing on his property. Director Rau noted that Oakwood would look into and Management would follow-up.

CAB Update

Mr. Brotten discussed Andy Pico's attendance at the last CAB meeting with the Board.

Financial Matters

- A. Conduct Public Hearing to Consider Amending 2019 Budget; Consider Adopting Resolution 2019-11-01; Amending 2019 Budget

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board opened the public hearing to consider the proposed 2019 amendment at 11:13 a.m.

Ms. Bartow reviewed the 2019 budget amendment with the Board.

No public comments were received and upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried, the Board closed the public hearing at 11:15 a.m.

RECORD OF PROCEEDINGS

Following discussion, upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried, the Board adopted Resolution No. 2019-11-01 amending the 2019 budget.

B. Conduct Public Hearing to Consider Adoption of 2020 Budget, Appropriate Expenditures and Certify Mill Levy; Consider Adoption of Resolution 2019-11-02 to Adopt 2020 Budget, Appropriate Expenditures and Certify Mill Levy

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board opened the public hearing to consider the 2020 budget at 11:16 a.m.

Ms. Bartow reviewed the 2020 budget with the Board.

No public comments were received and upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried, the Board closed the public hearing at 11:19 a.m.

Following discussion, upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried, the Board adopted Resolution No. 2019-11-02 to adopt the 2020 budget, appropriate expenditures and certify the mill levy.

C. Review and Consider Approval of Engagement Letter from BiggsKofford Certified Public Accountants for 2019 Audit

Following discussion, upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried, the Board approved the engagement of BiggsKofford for the 2019 audit.

D. Other

None.

Administrative Matters

A. Recreation Center Operations – YMCA Operations Report

Mr. Calcote reviewed the YMCA Operations Report with the Board.

RECORD OF PROCEEDINGS

B. Landscape Maintenance Operations – BrightView
Landscape Maintenance Operations Report

Ms. McNew reviewed the BrightView Landscape Maintenance Operations Report with the Board.

C. Covenant Control Operations – MSI Covenant Control
Operations Report

Ms. Pilato reviewed the MSI Covenant Control Operations Report with the Board.

Manager's Matters

A. District Manager's Report

Mr. Miller reviewed the Manager's Report with the Board.

B. Discuss District Insurance, Review Renewal Schedule &
Authorize Renewal of District Insurance & SDA
Membership

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved the renewal of the District insurance and SDA membership.

C. Acknowledge Continuing Engagement of Spencer Fane
LLP as General Counsel and CliftonLarsonAllen LLP as
District Accountant and Manager

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved the continuing engagement of Spencer Fane LLP as General Counsel and CliftonLarsonAllen LLP as District Accountant and Manager.

D. Review and Consider Approval of 5th Amendment to
YMCA Contract

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved the 5th amendment to the YMCA contract.

E. Review and Consider Approval of Second Amendment
to Brightview Landscape Services, Inc. for 2020
Landscape Maintenance and Snow Removal

RECORD OF PROCEEDINGS

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved the second amendment to BrightView Landscape Services, Inc. for 2020 landscape maintenance and snow removal.

F. Review and Consider Approval of Second Amendment with MSI, LLC for 2020 Covenant Control

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved the second amendment with MSI, LLC for 2020 covenant control.

G. Review and Consider Approval of Pet Waste Stations Proposal

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved the pet waste stations proposal.

H. Other
None.

Attorney Matters

A. Review and Consider Adoption of Resolution 2019-11-04; Annual Administrative Matters for 2020

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved Resolution 2019-11-04; Annual Administrative Matters for 2020.

B. Review and Consider Approval of Resolution 2019-11-05, Concerning Online Notice of Public Meetings

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved Resolution 2019-11-05, Concerning Online Notice of Public Meetings.

C. Review and Consider Approval of Resolution 2019-11-06; Consumer Data Privacy Policy

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the

RECORD OF PROCEEDINGS

Board approved Resolution 2019-11-06; Consumer Data Privacy Policy.

D. Review and Consider Approval of Resolution 2019-11-07; Calling a Regular Election for Directors on May 5, 2020

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved Resolution 2019-11-07; Calling a Regular Election for Directors on May 5, 2020.

E. Review and Consider Approval of Resolution 2019-11-08; Resolution Adopting the Colorado Special District Records Retention Schedule, Appointing an Official Custodian and Adopting Policies and Fee Schedule for the Handling of Record Requests under the Colorado Open Records Act "CORA"

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved Resolution 2019-11-08.

F. Review and Consider Approval of Resolution No. 2019-11-03 to Adopt Hearing Policy and Fine Schedule

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved Resolution No. 2019-11-03 to Adopt Hearing Policy and Fine Schedule.

G. Review and Consider Approval of District Facilities Agreements involving Banning Lewis Ranch MD Nos. 8, 9, 10 and 11, and Banning Lewis Ranch MD No. 1

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved the District Facilities Agreements involving Banning Lewis Ranch MD Nos. 8, 9, 10 and 11, and Banning Lewis Ranch MD No. 1.

H. Review and Consider Termination of District Facilities Agreements involving Banning Lewis Ranch MD No. 1 and Banning Lewis Ranch Regional MD Nos. 1 and 2

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the

RECORD OF PROCEEDINGS

Board approved termination of the District Facilities Agreements involving Banning Lewis Ranch MD No. 1 and Banning Lewis Ranch Regional MD Nos. 1 and 2.

I. Discuss District Fees

Upon a motion duly made by Director Jones, seconded by Director Garmong and, upon vote, unanimously carried the Board approved the District fees.

J. Other

None.

Director Matters

None.

Other Business

A. Confirm Quorum for Next Meeting Date – January 16, 2020

The next meeting date was mentioned but no quorum was confirmed.

Adjournment

With no further items to come before the Board, upon a motion duly made by Director Jones seconded by Director Garmong and, upon vote, unanimously carried, the Board adjourned the meeting at 11:56 a.m.

Respectfully submitted,

DocuSigned by:

Kelly Lied

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Secretary for the Meeting