

## RECORD OF PROCEEDINGS

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MINUTES OF A SPECIAL MEETING OF  
THE BOARDS OF DIRECTORS OF THE  
BANNING LEWIS RANCH METROPOLITAN DISTRICT NOS. 4-5  
(THE "DISTRICTS")  
HELD  
OCTOBER 25, 2021

A special meeting of the Boards of Directors of the Banning Lewis Ranch Metropolitan District Nos. 4-5 (referred to hereafter as the "**Boards**") was convened on Monday, October 25, 2021, at 11:00 a.m. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held via Microsoft Teams. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Kelly Leid, President  
Scott Smith, Assistant Secretary  
Jarrod Walker, Assistant Secretary

#### Absence Excused:

Michael Townsend, Treasurer/Secretary  
Aric Jones, Assistant Secretary

#### Also, In Attendance Were:

Josh Miller, Krista Baptist, Rob Lange, Seef Le Roux and Carrie Bartow;  
CliftonLarsonAllen, LLP  
Lisa Mayers, Esq.; Spencer Fane, LLP

### ADMINISTRATIVE MATTERS

**Call to Order and Approve Agenda:** Director Leid called the meeting to order at 11:10 a.m.

Following discussion, upon a motion duly made by Director Smith, seconded by Director Leid and, upon vote, unanimously carried, the Boards approved the agenda, as presented.

**Director Qualifications/Disclosure Items:** The directors present noted for the record that they have financial interests in entities active in developing property within the boundaries of the Districts, or are employed by such entities, and that such interests may be affected from time to time by actions of the Districts' Boards of Directors. In accordance with state law, the Directors have filed written 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.

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**Confirm Quorum, location of meeting and posting of meeting notices:** A quorum was confirmed. Upon a motion duly made by Director Smith, seconded by Director Walker and, upon vote, unanimously carried, the Boards approved to excuse the absence of Director Townsend and Director Jones.

The Boards entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the Districts' Board meeting. Following discussion, the Boards determined that due to concerns regarding the spread of COVID-19 and the benefit to the control of the spread of the virus by limiting in-person contact, this meeting was conducted via Microsoft Teams and encouraged public participation via Microsoft Teams. The Boards further noted that notice providing the time, date and video link information was duly posted and that no objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the Districts' boundaries.

**Public Comment:** None.

**Minutes from the September 27, 2021 Special Board Meeting:** Following discussion, upon a motion duly made by Director Smith, seconded by Director Walker and, upon vote, unanimously carried, the Boards approved the September 27, 2021 meeting minutes.

**Annual Administrative Matters Resolution:** Discussion ensued regarding changes to statutes. Following review and discussion, upon a motion duly made by Director Smith, seconded by Director Walker and, upon vote, unanimously carried, the Boards approved the Annual Administrative Matters Resolution subject to website utilization for election communication.

**Master Service Agreement with CliftonLarsonAllen, LLP:** Following review, upon a motion duly made by Director Smith, seconded by Director Walker and, upon vote, unanimously carried, the Boards approved the Master Service Agreement with CliftonLarsonAllen, LLP.

**Legislative Changes Effecting Elections and Call for Nominations:** Ms. Mayers reviewed the legislative changes with the Boards. No action was taken.

**2022 Insurance Renewal and Colorado Special Districts Property and Liability Pool and TCW Risk Management and Special District Association Membership:** Following review, upon a motion duly made by Director Smith, seconded by Director Walker and, upon vote, unanimously carried, the Boards adopted the documents needed to obtain or maintain insurance coverage through the Colorado Special Districts Property and Liability Pool or TCW risk Management and authorize membership in the Special District Association.

**FINANCIAL  
MATTERS**

**Acceptance of September 30, 2021 Unaudited Financial Statements:** Ms. Bartow reviewed the September 30, 2021 Unaudited Financial Statements with

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the Boards. Following discussion, upon a motion duly made by Director Smith, seconded by Director Walker and, upon vote, unanimously carried, the Boards accepted the September 30, 2021 Unaudited Financial Statements.

**Public Hearing to Consider Amendment of the 2021 Budget:** Director Smith opened the public hearing at 11:21 a.m. to consider an amendment to the 2021 Budgets.

It was noted that Notice stating that the Boards would consider adoption of the 2021 amended budgets 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 at 11:22 a.m.

Ms. Bartow reviewed the District No. 4 budget amendment with the Board. It was noted that General Fund would increase from \$410,000 to \$413,000 as a result of specific ownership taxes coming in higher than anticipated. Following review, upon a motion duly made by Director Smith, seconded by Director Walker and, upon vote, unanimously carried, the District No. 4 Board adopted the Resolution to Amend the 2021 Budget.

**Public Hearing on Proposed 2022 Budget:** Director Smith opened the public hearing at 11:23 a.m. to consider the proposed 2022 Budgets and to discuss related issues.

It was noted that Notice stating that the Boards would consider adoption of the 2022 budgets 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 at 11:24 a.m.

Ms. Bartow reviewed the 2022 Budgets with the Boards. Upon motion duly made by Director Smith, seconded by Director Walker and, upon vote, unanimously carried, the Boards approved the 2022 Budgets, as discussed, and adopted the Resolutions to Adopt the 2022 Budgets, Appropriate Sums of Money and Set Mill Levy, subject to final assessed valuation and legal review. The District Accountant was directed to transmit the Certification of Tax Levies to the Board of County Commissioners of El Paso County not later than December 15, 2021. District Accountant was directed to transmit the Certification of Budget to the Division of Local Government no later than

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January 31, 2022.

**Engagement Letter with BiggsKofford to Prepare 2021 Audits:** Ms. Bartow reviewed the Engagement Letters with the Boards. Following review and discussion, upon a motion duly made by Director Smith, seconded by Director Walker and, upon vote, unanimously carried, the Boards accepted the Engagement Letters with BiggsKofford to Prepare the 2021 Audits.

LEGAL  
MATTERS

**Resolution calling for Regular Election for Directors:** Following review, upon a motion duly made by Director Smith, seconded by Director Walker and, upon vote, unanimously carried, the Boards approved the Resolution Calling a Regular Election for Directors on May 3, 2022, appointing the DEO and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election. Self-Nomination and Acceptance Forms are due by February 25, 2022.

MANAGER  
MATTERS

**Other:** None

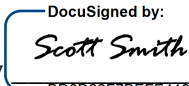
OTHER BUSINESS

**Other:** None

ADJOURNMENT

There being no further business to come before the Boards at this time, Director Leid adjourned the meeting at 11:33 a.m.

Respectfully submitted,

By  BD6D22F7BEFE419  
Secretary for the Meeting