

## RECORD OF PROCEEDINGS

---

### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE SHERIDAN STATION WEST METROPOLITAN DISTRICT HELD JULY 29, 2020

A Special Meeting of the Board of Directors of the Sheridan Station West Metropolitan District (referred to hereafter as the "Board") was convened on Wednesday, July 29, 2020 at 10:00 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 by conference call without any individuals (neither District Representatives nor the General Public) attending in person. The meeting was open to the public.

**Directors In Attendance Were:**

Douglas Elenowitz  
Jordan Scharg  
Scott M. Watkins  
Paul Malone

Following discussion, upon motion duly made by Director Scharg, seconded by Director Malone and, upon vote, unanimously carried, the absence of Director Martines was excused.

**Also In Attendance Was:**

David Solin, Peggy Ripko and Jim Ruthven (for a portion); Special District Management Services, Inc.

Suzanne Meintzer, Esq. and Chris Brummitt, Esq.; McGeady Becher P.C.

Kimberly Johanns (for a portion); Simmons & Wheeler, P.C.

Jenny Gardner, Ashley Begley, Noah Koch, Liam Hoye, Celene Nguyen, Cathy Kolder, Lauren Rennolds, Morgan Barstad, and David Fox; Residents

**DISCLOSURE OF  
POTENTIAL  
CONFLICTS OF  
INTEREST**

**Disclosure of Potential Conflicts of Interest:** Attorney Meintzer noted that disclosures of potential conflict of interest statements for each of the Directors were filed with the Secretary of State seventy-two hours in advance of the meeting. Attorney Meintzer requested that the Directors consider whether they had any additional conflicts of interest to disclose. Attorney Meintzer noted for the record that there were no new disclosures made by the Directors present at the meeting and incorporated for the record

## RECORD OF PROCEEDINGS

---

those applicable disclosures made by the Board Members prior to this meeting and in accordance with the statutes.

### ADMINISTRATIVE MATTERS

**Agenda:** Mr. Solin distributed for the Board's review and approval a proposed Agenda for the District's Special Meeting.

Following discussion, upon motion duly made by Director Scharg, seconded by Director Malone and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

**Approval of Meeting Location:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, upon motion duly made by Director Scharg, seconded by Director Malone and, upon vote, unanimously carried, the Board determined that 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 by conference call without any individuals (neither District Representatives nor the General Public) attending in person on location.

**Minutes:** The Board reviewed the Minutes of the April 22, 2020 Special Meeting.

Following discussion, upon motion duly made by Director Elenowitz, seconded by Director Watkins and, upon vote, unanimously carried, the Board approved the Minutes of the April 22, 2020 Special Meeting, as presented.

**May 2020 Election:** Mr. Solin noted for the Board that the May 5, 2020 election was cancelled, as allowed under Colorado law, by the Designated Election Official because there were no more candidates than positions available on the Board of Directors.

It was noted that Directors Elenowitz, Malone and Watkins were elected to 3-year terms to May 2, 2023.

**Appointment of Officers:** The Board discussed the appointment of officers. Upon motion duly made by Director Scharg, seconded by Director Malone and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Douglas Elenowitz
Treasurer	Jordan Scharg
Secretary	David Solin
Assistant Secretary	Scott M. Watkins
Assistant Secretary	Paul Malone
Assistant Secretary	Michael Martines

## RECORD OF PROCEEDINGS

---

### PUBLIC COMMENTS

Residents offered various public comments regarding:

1. Concrete spalling
2. Parking issues
3. Communications with residents
4. District versus homeowner responsibilities
5. Landscaping matters
6. Board elections

The Board and residents determined to work together on creating a quarterly newsletter, and an FAQ page for the website. Ms. Ripko and Mr. Solin were directed to work on creating those and any other avenues of communications. Ms. Begley offered to assist with the FAQ's.

### FINANCIAL MATTERS

**Claims:** The Board considered ratifying the approval of the payment of claims for the following period:

Fund	Period Ending Apr. 24, 2020	Period Ending May 29, 2020	Period Ending June 25, 2020
General	\$ 13,273.54	\$ 15,562.84	\$ 16,750.60
Debt	\$ -0-	\$ -0-	\$ -0-
Capital	\$ 6,028.80	\$ 6,673.80	\$ 4,380.14
<b>Total</b>	<b>\$ 19,302.34</b>	<b>\$ 22,236.64</b>	<b>\$ 21,130.74</b>

Following discussion, upon motion duly made by Director Scharg, seconded by Director Malone and, upon vote, unanimously carried, the Board ratified approval of the payment of claims, as presented.

The Board then considered approval of the payment of claims for the period ending July 29, 2020, as follows:

General Fund	\$ 16,226.66
Debt Service Fund	\$ -0-
Capital Projects Fund	\$ -0-
Total Claims:	<u>\$ 16,226.66</u>

Following review and discussion, upon motion duly made by Director Malone, seconded by Director Scharg and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending July 29, 2020.

**Unaudited Financial Statements:** The Board reviewed the unaudited financial statements for the period ending June 30, 2020 and the statement of cash position, dated June 30, 2020.

## RECORD OF PROCEEDINGS

---

Following review, upon motion duly made by Director Watkins, seconded by Director Scharg and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending June 30, 2020 and the statement of cash position, dated June 30, 2020.

**2019 Budget Amendment:** The President opened the public hearing to consider the Resolution to Amend the 2019 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2019 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. There were no comments from the public in attendance and the public hearing was closed.

Following review and discussion, Director Malone moved to adopt the Resolution to Amend the 2019 Budget, Director Scharg seconded the motion and, upon vote, unanimously carried, the Board adopted the Resolution to Amend the 2019 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**2019 Audit:** Ms. Johanns presented the 2019 Audit to the Board for approval.

Following discussion, upon motion duly made by Director Malone, seconded by Director Scharg and, upon vote, unanimously carried, the Board approved the 2019 Audit, subject to final review by Counsel, and authorized execution of the Representations Letter.

### **LEGAL MATTERS**

**Rules and Regulations, Policies and Procedures of the District:** The Board determined there were no outstanding issues to address at this time.

### **CAPITAL PROJECT MATTERS**

There were no capital project matters to discuss at this time.

### **OTHER MATTERS**

**Metco's Use of Ice Melt:** The Board discussed Metco's use of ice melt during the 2019-2020 snow season.

Attorney Meintzer advised the Board if they wanted legal advice on the snow removal contract, she recommended adjourning into executive session.

## RECORD OF PROCEEDINGS

---

**EXECUTIVE SESSION:** Pursuant to Section 24-6-402(4)(b), C.R.S., upon motion duly made by Director Elenowitz, seconded by Director Watkins and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 12:07 p.m. for the purpose of receiving legal advice on questions related to the snow contract, as authorized by 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 those portions of the executive session that, in the opinion of the District's general counsel, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

Following discussion, upon motion duly made by Director Elenowitz, seconded by Director Malone and, upon vote, unanimously carried, the Board reconvened in regular session at 12:27 p.m.

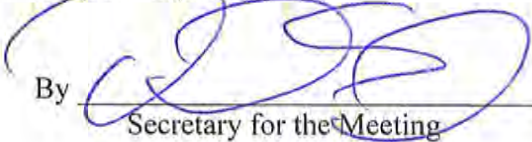
Following discussion, upon motion duly made by Director Elenowitz, seconded by Director Malone and, upon vote, unanimously carried, the Board directed Counsel to perform an additional legal analysis.

### **ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made by Director Scharg, seconded by Director Malone, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By

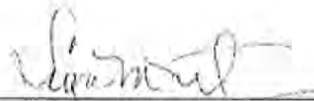
  
Secretary for the Meeting

## RECORD OF PROCEEDINGS

---

### **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 the Sheridan Station West Metropolitan District ("District"), I attended the executive session meeting of the District convened on July 29, 2020, for the purpose of receiving legal advice on specific legal questions regarding the District's snow removal contract, 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)(d.5)(II)(B), C.R.S.



Suzanne Meintzer, Attorney for the District

Date: July 29, 2020

SECOND RESOLUTION TO AMEND 2019 BUDGET  
SHERIDAN STATION WEST METROPOLITAN DISTRICT

WHEREAS, the Board of Directors of the Sheridan Station West Metropolitan District amended the adopted a budget and appropriated funds for the fiscal year 2019 as follows:

General Fund	\$	119,000
Debt Service Fund	\$	221,123
Capital Projects Fund	\$	770,072

WHEREAS, the necessity has arisen for additional expenditures in the General Fund requiring the unanticipated expenditure of funds in excess of those appropriated for the fiscal year 2019; and

WHEREAS, the expenditure of such funds is a contingency which could not have been reasonably foreseen at the time of adoption of the budget; and

WHEREAS, funds are available for such expenditures in the General Fund from metered services, billing and fees and miscellaneous income.


NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sheridan Station West Metropolitan District shall and hereby does amend the amended Budget for the fiscal year 2019 and adopts a supplemental budget and appropriation for the General Fund for the fiscal year 2019, as follows:

General Fund	\$	150,000
--------------	----	---------

BE IT FURTHER RESOLVED, that such sums are hereby appropriated from the revenues of the District to the proper funds for the purposes stated.

DATED this 29th day of July, 2020.

SHERIDAN                      STATION                      WEST  
METROPOLITAN DISTRICT

By:  \_\_\_\_\_  
Secretary