

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE LORETTO HEIGHTS PROGRAMMING METROPOLITAN DISTRICT HELD FEBRUARY 27, 2023

A Regular Meeting of the Board of Directors Loretto Heights Programming Metropolitan District (referred to hereafter as the "Board") was convened on Monday, February 27, 2023, at 2:00 p.m. The District Board meeting was held via Zoom. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Mark J. Witkiewicz
Otis C. Moore, III
Paige C. Langley

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the absences of Directors Andrew R. Klein and Megan Waldschmidt were excused.

Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Megan Becher, Esq; and Jon Hoistad, Esq.; McGeady Becher P.C.

Lindsay Ross; CliftonLarsonAllen LLP

Ted Laudick; Silverbluff Companies, Inc.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. It was noted that a quorum was present, and Attorney Hoistad requested members of the Board disclose any potential conflicts of interest regarding any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Attorney Hoistad noted that Directors' Disclosure Statements were filed for all Directors by the statutory deadline. No additional conflicts were disclosed at the meeting.

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ADMINISTRATIVE MATTERS **Agenda:** Ms. Finn distributed for the Board's review and approval a proposed Agenda for the District's Regular Meeting.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Agenda was approved, as amended, to remove the consideration of the ratification of approval of payment of claims by Loretto Heights Metropolitan District No. 1, and to remove the review and acceptance of Unaudited Financial Statements by Loretto Heights Metropolitan District No. 1.

Meeting Location/Manner and Posting of Meeting Notice: 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. The Board determined that the meeting would be held via video/telephonic means and encouraged public participation via video or telephone. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted, and that the Board had not received any objections to the video/telephonic manner of the meeting, or any requests that the video/telephonic manner of the meeting be changed by taxpaying electors within the District's boundaries.

CONSENT AGENDA The Board considered the following actions:

- Review and consider approval of the January 23, 2023 regular meeting minutes.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the above Consent Agenda items/actions.

PUBLIC COMMENT There were no public comments.

FINANCIAL MATTERS There were no financial matters to discuss at this time.

CAPITAL/ CONSTRUCTION MATTERS **Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 10:** The Board discussed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 10 ("Report No. 10"), dated December 22, 2022, prepared by Schedio Group LLC, for the amount of \$30,283.55.

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Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved Report No. 10.

LEGAL MATTERS

Public Hearing on the Inclusion of Real Property Owned by THB LORETTO LAND LLC: The President of the Board opened the public hearing to consider the Petition for Inclusion regarding the inclusion of approximately 25 acres, of real property owned by THB LORETTO LAND LLC into the boundaries of the District.

It was noted that publication of notice stating that the Board would consider the inclusion of the property 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. No public comments were received, and the public hearing was closed.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the inclusion of the property as described in the Petition and adopted Resolution No. 2023-02-01 for Inclusion of Real Property. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

OTHER BUSINESS

There were no other matters to discuss at this time.

ADJOURNMENT

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

Respectfully submitted,

By: *Ann Finn*
Secretary for the Meeting