

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE LORETTO HEIGHTS METROPOLITAN DISTRICT NO. 5 HELD JUNE 27, 2022

A Regular Meeting of the Board of Directors of the Loretto Heights Metropolitan District No. 5 (referred to hereafter as the "Board") was convened on Monday, June 27, 2022, 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  
Andrew R. Klein  
Otis C. Moore, III

Following discussion, upon motion duly made by Director Moore, seconded by Director Witkiewicz and, upon vote, unanimously carried, the absence of Directors Smith and Schmitz were excused.

#### Also In Attendance Were:

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

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 Moore, seconded by Director Witkiewicz and, upon vote, unanimously carried, the Agenda was approved, as amended.

**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 taxing electors within the District's boundaries.

**May 3, 2022 Election:** Ms. Finn discussed the results of the May 3, 2022 Regular Election. Ms. Finn noted that Director Klein, Director Witkiewicz and Director Smith were each elected for three-year terms.

**Appointment of Officers:** The Board deferred discussion at this time.

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**CONSENT AGENDA** The Board considered the following actions:

- Review and consider approval of the minutes of the April 25, 2022 Regular Meeting.

Following review and discussion, upon motion duly made by Director Moore, seconded by Director Witkiewicz and, upon vote, unanimously carried, the Board

approved and/or ratified approval of, as appropriate, the above Consent Agenda items/actions.

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**PUBLIC COMMENT** There were no public comments.

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

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### CAPITAL/ CONSTRUCTION MATTERS

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 6 ("Report No. 6"):** The Board reviewed and considered the approval of the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 6, dated June 23, 2022, prepared by Schedio Group LLC, for the amount of \$59,761.25.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 6, dated June 23, 2022, prepared by Schedio Group LLC, for the amount of \$59,761.25, subject to final review by Ms. Ross.

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### LEGAL MATTERS

**Amendment to Payment in Lieu of Taxes:** The Board discussed and considered the amendment to the payment in lieu of taxes and acknowledged the bondholder consent thereto.

The Board deferred discussion at this time.

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### OTHER BUSINESS

There were no other matters to discuss at this time.

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### ADJOURNMENT

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

Respectfully submitted,

By: *Ann Finn*  
Secretary for the Meeting