

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF

LEYDEN ROCK METROPOLITAN DISTRICT

Held: Tuesday, March 21, 2023 at 6:00 P.M. via  
Teleconference

**Attendance**

The regular meeting of the Board of Directors of the Leyden Rock Metropolitan District, was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve on the Board, were in attendance:

Brett Vernon  
Scott Plummer  
Jeff Cunningham  
Tanis Batsel Stewart

Director Ardita was absent. All absences are deemed excused unless otherwise noted in these minutes.

Also present: Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Katie Call and Craig Pustejovsky, CCMC; Alex Fink, CliftonLarsonAllen, LLP, District Accountant; Katie Cooley, Ascent Land Development; and members of the public.

**Call to Order**

It was noted that a quorum of the Board was present and the meeting was called to order.

**Conflict of Interest  
Disclosures**

Ms. Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Murphy noted that a quorum was present and inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted.

**Agenda** The Board reviewed the agenda. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as amended.

**Public Comment** None.

**Consent Agenda** Following a summary by Ms. Murphy, the items on the consent agenda were ratified, approved or accepted in one motion duly made and seconded and unanimously carried:

- Minutes from February 21, 2023 Regular Meeting, subject to editorial change;
- Minutes from March 7 2023 Special Meeting;
- Contract with Equalized Productions, LLC for Santa Clause;
- Corrected September 20, 2022 Minutes;
- Corrected December 20, 2022 Minutes;
- Corrected February 7, 2023 Minutes; and
- Contract with Centerpoint Engineering.

**Capital Projects Discussion**

Discuss and Consider Approval for the Addition of Flowerpots at the Pool Ms. Marquez from the Landscaping Committee and Ms. Call presented a proposal for the addition of flowerpots at the pool. The Board engaged in discussion regarding the proposal. Ms. Murphy recommended the vendor deliver the supplies, as there would be an increased liability and nominal savings of approximately \$300 fir volunteers. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal from not to exceed \$9,000 with delivery by the vendor.

Discuss and Consider Approval of Revisions to Entry Monuments and Medians The Board engaged in discussion regarding revisions to the entry monuments and medians. The Board made the following revisions:

82<sup>nd</sup> and Leyden Rock Drive: The west side boulders incorporated into planting beds near the sign;

82<sup>nd</sup> and Yule Way – No changes requested. A second bid for electrical installation on the west side only is pending. The Board is interested in solar, if available.

82<sup>nd</sup> and Culbera – No changes requested. A second bid for electrical installation on the west side only. The Board is interested in solar, if available.

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the plans and authorized Architerra and Ascent Land Development to proceed with the entry monument signs as provided in the concept plans.

### **Financial Matters**

Consider Approval of Payables/Financials Mr. Fink presented the Financial Statements dated December 31, 2022, Claims in the amount of \$23,993.69, and Requisition No. 6. Director Cunningham inquired about the 2022 Audit. Mr. Fink noted the Audit is scheduled to be completed on time. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Financial Statements, Claims, and Requisition No. 6.

Other Financial Matters None.

### **District Management Matters**

District Manager Report Ms. Call presented the Manager Report to the Board.

Discuss and Consider Approval of Hosting a VSPC for the 2024 General Election Ms. Call presented the proposal for hosting a VSPC for the 2024 General Election to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal with a \$1,000 deposit.

Other Management Matters None.

### **Director's Matters**

Other Director's Matters Director Plummer inquired about an update on the community signage. Ms. Call will research and provide an update.

Director Cunningham noted that information from the City was received regarding the installation of a trail network and he will work with Ms. Cooley on the next steps.

Director Batsel-Stewart noted there was confusion about the area of the demonstration gardens and would like additional funds to add additional demonstration gardens.

## Legal Matters

Discuss Collection Services and Proposals Ms. Murphy presented the collection services proposals to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal from Winzenberg, Leff, Purvis, & Payne, LLP.

Discuss and Consider Approval of Candidate Statements and Candidate Forum Ms. Murphy presented the form candidate statements and the option of hosting a candidate forum to the to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the candidate statement and candidate forum process.

Other Legal Matters None.

## Executive Session

Upon Director Vernon' s motion, Director Plummer's second, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 7:11 p.m. for the purpose of receiving legal advice as it relates to Seventh Amendment to Independent Contractor Agreement with Capital Consultants Management Corporation and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, instructing negotiators related to Seventh Amendment to Independent Contractor Agreement with Capital Consultants Management Corporation pursuant to 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 the portion of this executive session that, in the opinion of legal counsel to the District, constitutes privileged attorney-client communication pursuant to section 24-6-402(4)(b), C.R.S.

Pursuant to section 24-6-402(4), C.R.S., the Board did not adopt any proposed, policy, position, resolution, rule, regulation, or take formal action during executive session.

The Board reconvened regular session at 8:13 p.m.

## Executive Session

Upon Director Vernon' s motion, Director Batsel Stewart's second, followed by an affirmative vote of at least two-thirds of the quorum present, the Board entered into executive session at 8:14 p.m. for the purpose of receiving legal advice as it relates to Declaration and Covenants and nuisance complaints and pursuant to § 24-6-402(4)(e), C.R.S., and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, instructing negotiators related to the Declaration and Covenants and

nuisance complaints.

Pursuant to section 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of legal counsel to the District, constitutes privileged attorney-client communication pursuant to section 24-6-402(4)(b), C.R.S.

Pursuant to section 24-6-402(4), C.R.S., the Board did not adopt any proposed, policy, position, resolution, rule, regulation, or take formal action during executive session.

The Board reconvened regular session at 8:24 p.m.

**Other Business**

Next Capital Projects meeting April 4<sup>th</sup> at 6:00 p.m.  
Next Board Meeting April 18<sup>th</sup> at 6:00 p.m.

**Adjournment**

There being no further business to come before the Board and following discussion and upon motion duly made, seconded and unanimously carried, the Board determined to adjourn the meeting.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

*Scott J Plummer*  
Scott J Plummer (Apr 24, 2023 17:06 MDT)

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Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 18<sup>th</sup> day of April, 2023.

**Attorney Statement:**

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 Leyden Rock Metropolitan District, I attended the executive session at the regular meeting of Leyden Rock Metropolitan District convened at 7:11 p.m. on March 21, 2023 for the sole purpose of discussing receiving legal advice as it relates to Seventh Amendment to Independent Contractor Agreement with Capital Consultants Management Corporation and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, instructing negotiators related to Seventh Amendment to Independent Contractor Agreement with Capital Consultants Management Corporation 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)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

  
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Megan J. Murphy, Esq.

**Attorney Statement:**

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 Leyden Rock Metropolitan District. I attended the executive session at the regular meeting of Leyden Rock Metropolitan District convened at 8:14 p.m. on March 21, 2023 for the sole purpose of receiving legal advice as it relates to the Declaration and Covenants and nuisance complaints and pursuant to § 24-6-402(4)(e), C.R.S., and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, instructing negotiators related to the Declaration and Covenants and nuisance complaints 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)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

  
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Megan J. Murphy, Esq.