

**MINUTES OF THE SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
RIVERPARK METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
OCTOBER 26, 2020**

A special meeting of the Board of Directors of the District (referred to hereafter as the “Board”) was convened on Monday, the 26th day of October, 2020, at 2:00 P.M., via Zoom and telephone. 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, the District Board meeting was held and properly noticed to be held via video enabled web conference. The meeting was open to the public via videoconference and telephone.

Directors In Attendance Were:

Tyler Carlson
Erika Shorter
Jeffrey Wikstrom
Susan Wikstrom

Also In Attendance Was:

Megan M. Becher, Esq. and Kate Olson, Esq.; McGeady Becher P.C.

Cathy Hamilton; Simmons & Wheeler, P.C.

**DISCLOSURE OF
POTENTIAL
CONFLICTS OF
INTEREST**

The Board 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 Becher requested that the Directors consider whether they had any additional conflicts of interest to disclose. Attorney Becher noted for the record that there were no new disclosures made by the Directors present at the meeting and incorporated for the record those applicable disclosures made by the Board Members prior to this meeting and in accordance with the statutes.

**ADMINISTRATIVE
MATTERS**

Agenda: Attorney Becher 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 T. Carlson, seconded by Director S. Wikstrom and, upon vote unanimously carried, the Agenda was approved as presented and the absence of Director A. Carlson was excused.

Quorum/Confirmation of Meeting Location/Posting of Notice: Attorney Becher confirmed the presence of a quorum.

The Board entered into discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, and upon motion duly made by Director T. Carlson, seconded by Director J. Wikstrom and, upon vote, unanimously carried, the Board determined due to concerns regarding the spread of COVID-19, and the benefits to the control of the virus by limiting in-person contact, that the meeting would be held by video/telephonic means without any individuals (neither District representatives nor the general public) attending in person. The Board 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 District's boundaries have been received.

Public Comment: There was no public comment.

Minutes of February 18, 2020 Organizational Meeting: The Board reviewed the Minutes of the February 18, 2020 Organizational Meeting. Following review and discussion, upon motion duly made by Director T. Carlson, seconded by Director S. Wikstrom, and upon vote unanimously carried, the Board approved the Minutes, as presented.

2021 Regular Meeting Schedule/Resolution Establishing Regular Meeting Dates, Times and Location, and Designating Location for Posting of 24-Hour Notices ("Resolution No. 2020-10-01"): The Board determined to hold its regular meetings in 2021 on July 12 and October 25 at 3:00 p.m. at Evergreen Devco, Inc., 1873 South Bellaire Street, Suite 1200, Denver, Colorado 80222. Following discussion, upon a motion duly made by Director T. Carlson, seconded by Director S. Wikstrom, and upon vote unanimously carried, the Board approved Resolution No. 2020-10-01.

Insurance Renewal, Insurance Schedules and Renewal of Special District Association Membership: The Board determined to renew Insurance Coverage through the Colorado Special Districts Property and Liability Pool and renew the Special District Association Membership in the general course of business.

§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2020: The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2020. No action was necessary.

FINANCIAL MATTERS

Bill.com: Ms. Hamilton explained Bill.com to the Board. Following discussion, upon a motion duly made by Director T. Carlson, seconded by Director S. Wikstrom and, upon vote, unanimously carried, the Board approved the creation of an account with Bill.com.

Public Hearing on Amendment to 2020 Budget: The President opened the

public hearing to consider an amendment to the 2020 Budget.

It was noted that publication of Notice stating that the Board would consider amendment of the 2020 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 the public hearing. No public comments were received, and the public hearing was closed.

Following discussion, the Board determined that a 2020 Budget Amendment was not necessary.

2021 Budget Hearing: The President opened the public hearing to consider the proposed 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2021 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.

No public comments were received and the public hearing was closed.

Ms. Hamilton reviewed the estimated 2020 expenditures and proposed 2021 expenditures.

Following discussion, the Board considered the adoption of the Resolutions to Adopt the 2021 Budget and Appropriate Sums of Money and Set Mill Levies (for the General Fund at 50.000 mills, for a total mill levy of 50.000 mills). Upon motion duly made by Director T. Carlson, seconded by Director S. Wikstrom and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2020. Ms. Hamilton was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners and the Division of Local Government, not later than December 15, 2020. Ms. Hamilton was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2021.

Operation Funding Agreement by and between the District and Evergreen-Mineral & Santa Fe, L.L.C.: Following discussion, upon a motion duly made by Director T. Carlson, seconded by Director J. Wikstrom and, upon vote, unanimously carried, the Board ratified approval of the Operation Funding Agreement by and between the District and Evergreen-Mineral & Santa Fe, L.L.C.

Facilities Funding and Acquisition Agreement by and between the District and Evergreen-Mineral & Santa Fe, L.L.C.: Following discussion, upon a

motion duly made by Director T. Carlson, seconded by Director J. Wikstrom and, upon vote, unanimously carried, the Board ratified approval of the Facilities Funding and Acquisition Agreement by and between the District and Evergreen-Mineral & Santa Fe, L.L.C.

DLG-70 Mill Levy Certification Form: The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

Following discussion, upon motion duly made by Director T. Carlson, seconded by Director S. Wikstrom and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

2022 Budget Preparation: The Board discussed the preparation of the 2022 Budget.

Following discussion, upon motion duly made by Director T. Carlson, seconded by Director S. Wikstrom and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2022 Budget.

2020 Application for Exemption from Audit: The Board discussed the requirements for an audit.

Following discussion, upon motion duly made by Director T. Carlson, seconded by Director S. Wikstrom and, upon vote, unanimously carried, the Board authorized the engagement of the District Accountant to prepare the Application for Exemption from Audit for 2020.

Proposed Bond Issuance - Engagement of Bond Counsel: Following discussion, upon motion duly made by Director T. Carlson, seconded by Director S. Wikstrom and, upon vote, unanimously carried, the Board authorized the engagement of Kutak Rock LLP as Bond Counsel to the District.

LEGAL MATTERS

Potential PILOT and/or PIF Covenants: Following discussion, it was determined that no action was necessary at this time.

CONSTRUCTION MATTERS

There were no construction matters discussed.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director T. Carlson, seconded by Director J. Wikstrom

and, upon vote unanimously carried, the meeting was adjourned.

Respectfully submitted,

Erika K. Shorter

Secretary for the meeting