

**MINUTES OF THE SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
RIVERPARK METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
DECEMBER 3, 2021**

A special meeting of the Board of Directors of the District (referred to hereafter as the “Board”) was convened on Friday, the 3rd day of December, 2021, at 1:30 p.m. via Zoom and telephone. 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.
Derek Lis; Evergreen-287 & Arapahoe, L.L.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: Following discussion, upon motion duly made by Director J. Wikstrom, seconded by Director T. Carlson 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 J. Wikstrom, seconded by Director T. Carlson, and upon vote unanimously carried, the Board determined the meeting would be held by video/telephonic means. The Board further noted that

notice providing the time, date and video/phone 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 April 5, 2021 Special Meeting: The Board reviewed the Minutes of the April 5, 2021 Special Board Meeting. Following review and discussion, upon motion duly made by Director S. Wikstrom, seconded by Director T. Carlson, and upon vote unanimously carried, the Board approved the Minutes, as presented.

2022 Regular Meeting Schedule/Resolution Establishing Regular Meeting Dates, Times and Location, and Designating Location for Posting of 24-Hour Notices ("Resolution No. 2021-12-01"): The Board discussed the business to be conducted in 2022 and determined to schedule its regular meeting on December 12, 2022 at 1:30 p.m., to be held by electronic means. Following discussion, upon a motion duly made by Director T. Carlson, seconded by Director J. Wikstrom, and upon vote unanimously carried, the Board approved Resolution No. 2021-12-01.

2022 Insurance Renewal and Renewal of Special District Association Membership: Upon motion duly made by Director T. Carlson, seconded by Director J. Wikstrom, and upon vote unanimously carried, the Board approved renewing the District's insurance and Special District Association membership for 2022.

District's Website: Attorney Becher discussed the delay with the establishment of the District's website via the State Internet Portal Authority ("SIPA") and a proposal from Archipelago Web Inc. was presented for consideration.

Following discussion, upon motion duly made by Director T. Carlson, seconded by Director S. Wikstrom, and upon vote unanimously carried, the Board approved the proposal with Archipelago Web Inc. for website creation and maintenance services.

Following discussion, upon motion duly made by Director T. Carlson, seconded by Director S. Wikstrom, and upon vote unanimously carried, the Board approved the termination of the Eligible Governmental Entity Agreement and all associated documents for website services with SIPA.

FINANCIAL MATTERS

Bonds: This matter was deferred.

2021 Budget Amendment Hearing: The President opened the public hearing to consider an amendment to the 2021 Budget.

It was noted that publication of Notice stating that the Board would consider amendment 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 the public hearing. No public comments were

received, and the public hearing was closed.

Following discussion, the Board determined that a 2021 Budget Amendment was not necessary.

First Amendment to 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 S. Wikstrom, and upon vote unanimously carried, the Board approved the First Amendment to Operation Funding Agreement by and between the District and Evergreen-Mineral & Santa Fe, L.L.C.

First Amendment to 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 S. Wikstrom, and upon vote unanimously carried, the Board approved the First Amendment to the Facilities Funding and Acquisition Agreement by and between the District and Evergreen-Mineral & Santa Fe, L.L.C.

2022 Budget Hearing: The President opened the public hearing to consider the proposed 2022 Budget and to discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2022 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 2021 expenditures and proposed 2022 expenditures.

Following discussion, the Board considered the adoption of the Resolutions to Adopt the 2022 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, 2021. District Counsel 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, 2021. District Counsel was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2022.

DLG-70 Mill Levy Certification Form: 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.

2023 Budget Preparation: The Board discussed the preparation of the 2023 Budget. Following discussion, upon motion duly made by Director T. Carlson, seconded by Director J. Wikstrom, and upon vote unanimously carried, the Board appointed the District Accountant to prepare the 2023 Budget.

2021 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 J. Wikstrom, and upon vote unanimously carried, the Board authorized the appointment of the District Accountant to prepare the Application for Exemption from Audit for 2021.

LEGAL MATTERS

May 3, 2022 Regular Director Election: Attorney Becher discussed new legislation related to the upcoming election and Resolution No. 2021-11-04 to Call the May 3, 2022 Election.

Following discussion, upon motion duly made by Director T. Carlson, seconded by Director J. Wikstrom, and upon vote unanimously carried, the Board adopted Resolution No. 2021-11-04 to Call the May 3, 2022 Election and appointed Jennifer Pino as the Designated Election Official and authorized her to perform all tasks required for the May 3, 2022 Regular Election of the Board of Directors for the conduct of a mail ballot election.

§32-1-809, C.R.S. Requirements (Transparency Notice): Attorney Becher discussed the requirements of Section 32-1-809 C.R.S. Following discussion the Board directed staff to post the transparency notice on the Special District Association website and the District website once established.

Declaration of Covenants Imposing and Implementing the RiverPark Occupancy and Add-On Public Improvement Fee: Following discussion, upon motion duly made by Director T. Carlson, seconded by Director S. Wikstrom, and upon vote unanimously carried, the Board rescinded the prior approval of the Declaration of Covenants Imposing and Implementing the RiverPark Occupancy and Add-On Public Improvement Fee.

Intergovernmental Revenue Sharing Agreement: Following discussion, upon motion duly made by Director T. Carlson, seconded by Director S. Wikstrom, and upon vote unanimously carried, the Board rescinded the prior approval of the Intergovernmental Revenue Sharing Agreement by and between the District and the City of Littleton.

**CONSTRUCTION
MATTERS**

Anticipated Schedule for Construction Activity: Director T. Carlson reported that most likely no District construction activity will occur until 2023.

OTHER BUSINESS

Inactive Status: Following discussion the Board determined not to enter into inactive status for 2022.

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