

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE YARROW GARDENS METROPOLITAN DISTRICT HELD MARCH 8, 2022

A Regular Meeting of the Board of Directors of the Yarrow Metropolitan District (referred to hereafter as the "District") was convened on Tuesday, the 8<sup>th</sup> day of March, 2022, at 2:00 p.m. This District Board Meeting was held by teleconference without any individuals (neither District Representatives nor the general public) attending in person. The meeting was open to the public by teleconference.

#### ATTENDANCE

#### Directors In Attendance Were:

Gene Myers  
Jeffrey Seibold  
William "Bill" Rectanus  
John "Jay" Garcia

Following discussion, upon motion duly made by Director Rectanus, seconded by Director G. Myers and, upon vote, unanimously carried, the absence of Director S. Myers was excused.

#### Also In Attendance Were:

David Solin and Peggy Ripko; Special District Management Services, Inc. ("SDMS")

Jeffrey Erb, Esq.; Seter & Vander Wall, P.C.

John Simmons; Simmons & Wheeler, PC

Nathan Aragon; Resident and Director-Elect

Ed Nepomoceno, Kara Nepomoceno and Sarah Lobosco; Residents

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosures 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.

Mr. Solin noted that a quorum was present and requested members of the Board to disclose any potential conflicts of interest with regard to 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 Erb noted that Disclosure Statements have been filed for all

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directors. Director Garcia disclosed his employer is NT Builders LLC, an affiliate of the developer.

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**ADMINISTRATIVE MATTERS** **Agenda:** Mr. Solin 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 Rectanus, seconded by Director G. Myers and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Approval of Meeting Location:** 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.

Following discussion, upon motion duly made by Director Rectanus, seconded by Director G. Myers and, upon vote, unanimously carried, the Board determined that this District Board Meeting would be held by teleconference and neither District Representatives nor the general public would attend in person. The Board further noted that notice of the time, date and location was duly posted and that they have not received any objections to the location or any requests that the meeting place be changed by taxpaying electors within its boundaries.

**Designation of 24-Hour Posting Location:** Following discussion, upon motion duly made by Director Rectanus, seconded by Director G. Myers, and upon vote, unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted within the boundaries of the District as least 24-hours prior to each meeting at the northeast corner of the District.

**Minutes:** The Board reviewed the Minutes of the December 9, 2021 Special Meeting.

Following discussion, upon motion duly made by Director G. Myers, seconded by Director Seibold and, upon vote, unanimously carried, the Minutes from December 9, 2021 Special Meeting were approved as presented.

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### **PUBLIC COMMENTS**

Ms. Lobosco noted that she has concerns about concrete spalling from ice melt being applied. She also asked about District communications and when the website would become available. Ms. Ripko noted that she is waiting on the website assignment from Statewide Internet Portal Authority ("SIPA"), but would create a Dropbox for all documents that would be added to the website, and will email the link to all residents for whom SDMS has email addresses on file

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### FINANCIAL MATTERS

**Claims:** The Board considered ratifying the approval of the payment of claims as follows:

Fund	Period ending Feb. 24, 2022
Total	\$ 17,781.62

Following discussion, upon motion duly made by Director Seibold, seconded by Director Rectanus and, upon vote, unanimously carried, the Board ratified the payment of claims, as presented.

**Unaudited Financial Statements:** Mr. Simmons reviewed with the Board the unaudited financial statements for the period ending December 31, 2021.

Following discussion, upon motion duly made by Director G. Myers, seconded by Director Seibold and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending December 31, 2021, as presented.

**LEGAL MATTERS** There were no legal matters for discussion.

**COVENANTS, OPERATION AND MAINTENANCE MATTERS** There were no covenants, operations and maintenance matters for discussion.

**OTHER BUSINESS** **May 3, 2022 Election:** Mr. Solin reported to the Board that because there were not more candidates than there were open seats, the election was cancelled and Nathan Aragon was deemed elected.

The Board provided an overview of the District's purpose and Board membership procedures.

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

Respectfully submitted,

By:   
Secretary for the Meeting

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