

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE LORETTO HEIGHTS METROPOLITAN DISTRICT NO. 4 HELD MAY 22, 2023

A Regular Meeting of the Board of Directors of the Loretto Heights Metropolitan District No. 4 (referred to hereafter as the "Board") was convened on Monday, May 22, 2023, 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  
Otis C. Moore, III  
Paige Langley

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the absences of Director Andrew R. Klein and Director Megan Waldschmidt were excused.

#### Also In Attendance Were:

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

Megan Becher, Esq. and 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 Authority's Regular Meeting.

Following discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Agenda was approved, as presented.

**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 2, 2023 Election:** Ms. Finn discussed the results of the May 2, 2023 Regular Election. Ms. Finn noted that Director Waldschmidt was elected to a two-year term and Director Moore and Director Langley were each elected for four-year terms.

**Appointment of Officers:** Upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Mark Witkiewicz
Treasurer	Otis Moore, III
Secretary	Ann E. Finn
Assistant Secretary	Andrew R. Klein
Assistant Secretary	Paige C. Langley
Assistant Secretary	Megan Waldschmidt

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

- Review and consider approval of the March 20, 2023 and April 12, 2023 Special Meeting Minutes.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board approved the above Consent Agenda items/actions.

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

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**FINANCIAL  
MATTERS**

**2022 Application for Exemption from Audit:** Ms. Ross discussed with the Board the 2022 Application for Exemption from Audit.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore and, upon vote, unanimously carried, the Board ratified preparation, execution, and filing of the Application for Exemption from Audit for 2022.

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**CAPITAL/  
CONSTRUCTION  
MATTERS**

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 14:** The Board discussed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 14 ("Report No. 14"), dated May 19, 2023, prepared by Schedio Group LLC, for the amount of \$188,692.27.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved Report No. 14.

**Verified Public Improvement Costs Pursuant to Report No. 14:** The Board discussed the verified public improvement costs pursuant to Report No. 14.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board accepted the verified public improvement costs pursuant to Report No. 14.

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**LEGAL MATTERS**

**Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver:** The Board reviewed the Intergovernmental Agreement Regarding PILOT by and among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver.

Following review and discussion, upon motion duly made by Director Witkiewicz, seconded by Director Moore, and upon vote, unanimously carried, the Board approved the Intergovernmental Agreement Regarding PILOT by and

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among the Loretto Heights Community Authority, Loretto Heights Metropolitan District Nos. 1, 2, 3, and 4, ACM Loretto VI LLC, and the City and County of Denver, subject to comments and final legal review.

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### **OTHER BUSINESS**


There was no other business 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 Moore and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:  \_\_\_\_\_  
Secretary for the Meeting