

RECORD OF PROCEEDINGS

MINUTES OF A CONTINUED SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE SILVER PEAKS EAST METROPOLITAN DISTRICT HELD DECEMBER 9, 2020

A continued special meeting of the Board of Directors (the "Board") of the Silver Peaks East Metropolitan District (the "District") was convened on Wednesday, the 9th day of December, 2020, at 4:00 P.M. 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, this District Board meeting was held by Zoom call. The meeting was open to the public via Zoom call.

ATTENDANCE

Directors In Attendance Were:

Harvey E. Deutsch
Steve A. Steele
Michael Blumenthal
Michael Cannon
Michael Bird

Also In Attendance Were:

Judy Leyshon; Special District Management Services, Inc.

MaryAnn M. McGeady, Esq. and Samantha Lillehoff, Esq.; McGeady Becher, P.C

Alex Fink; CliftonLarsonAllen LLP

Matthew Ruhland Esq., Collins, Cockrel & Cole P. C.

James Brown Esq., James E. Brown & Associates, P. C.

Mark Fields; Melody Homes, Inc.

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 and to the Secretary of State. Attorney McGeady 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 McGeady noted that all Directors' Disclosure Statements had been filed.

RECORD OF PROCEEDINGS

**ADMINISTRATIVE
MATTERS**

Engagement of Collins Cockrel and Cole P.C. as District General Counsel:
Deferred.

Acceptance of the resignation of McGeady Becher P.C. as District General Counsel: Deferred.

Agenda: Ms. Leyshon 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 Deutsch, seconded by Director Steele and, upon vote, unanimously carried, the Agenda was approved, as amended.

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 Deutsch, seconded by Director Steele and, upon vote, unanimously carried, the Board determined that because there was not a suitable or convenient location within its boundaries, or within the County in which the District is located, or within twenty (20) miles from the District boundaries to conduct this meeting, it was determined to conduct the meeting at the above-stated location. 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.

**PUBLIC
COMMENTS**

There were no public comments.

LEGAL MATTERS

Ditch Easement Agreement: Following discussion, the Board deferred amendment of the Ditch Easement Agreement between the District and the Farmers Reservoir and Irrigation Company (FRICO).

Intergovernmental Agreement Partial Assignment Concerning Maintenance of Certain Speer Canal Crossing Improvements by and between the Town of Lochbuie and the District: Following discussion, the Board deferred discussion of this matter.

Any reimbursement otherwise owing under the Operation Funding Agreement by and between the District and LOB LLC, as amended, and the Facilities Funding and Acquisition Agreement by and between the District

RECORD OF PROCEEDINGS

and LOB LLC to Melody Homes, Inc.: Following discussion, the Board deferred discussion of this matter.

Termination of Operation Funding Agreement by and between the District and LOB LLC: Following discussion, the Board deferred discussion of this matter.

Termination of Facilities Funding and Acquisition Agreement by and between the District and LOB LLC: Following discussion, the Board deferred discussion of this matter.

OTHER MATTERS

Resignations of Directors Blumenthal, Deutsch and Steele from the Board of Directors: There were no resignations noted at this meeting.

ADJOURNMENT

Following discussion, upon motion duly made by Director Deutsch, and seconded by Director Steele and, upon vote, unanimously carried, the Board determined to continue this meeting to December 10th at 10:00 AM.

Respectfully submitted,

By: 
Secretary for the Meeting