

# RECORD OF PROCEEDINGS

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## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE HARVEST CROSSING METROPOLITAN DISTRICT NO. 4 HELD MAY 24, 2023

A Special Meeting of the Board of Directors (the “Board”) of the Harvest Crossing Metropolitan District No. 3 (formerly known as Villages at Murphy Creek Metropolitan District No. 1, referred to hereafter as the “District”) was convened on Wednesday, May 24, 2023 at 12:00 p.m. The meeting was open to the public via conference call.

### ATTENDANCE

#### Directors In Attendance Were:

Daniel Frank  
Richard Frank

Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the absence of Director Cooper was excused.

#### Also In Attendance Were:

David Solin and Steve Solin; Special District Management Services, Inc.

Paula Williams, Esq. and Tim O’Connor, Esq.; McGeady Becher P.C.

### 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. Mr. Solin noted that a quorum was present and requested members of the Board disclose any potential conflicts of interest with regard to any matters scheduled for discussion at the meeting, and incorporated for the record those applicable disclosures made by the Board members prior to the meeting in accordance with the statute. No additional conflicts were disclosed.

### PUBLIC COMMENT

There were no public comments.

### ADMINISTRATIVE MATTERS

Agenda: Mr. Solin reviewed a proposed Agenda for the District’s Special Meeting with the Board.

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Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the Agenda for the Special Meeting was approved, as amended.

**Approval of Meeting Location:** The Board entered into discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District Board meetings.

Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the Board determined that the District meeting was held by conference call. The Board further noted that notice of the time, date, location and conference bridge information was duly posted and that they have not received any objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the boundaries of the District.

### **LEGAL MATTERS**

**Offsite Improvement and Escrow Agreement by and among Lennar Colorado, LLC, District No. 3, District No. 4, and Land Title Guarantee Company:** The Board entered into discussion regarding the Offsite Improvement and Escrow Agreement by and among Lennar Colorado, LLC, District No. 3, District No. 4, and Land Title Guarantee Company.

Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the Board approved the Offsite Improvement and Escrow Agreement by and among Lennar Colorado, LLC, District No. 3, District No. 4, and Land Title Guarantee Company.

**Development Budget for Harvest Road improvements:** The Board entered into discussion regarding the development budget for Harvest Road improvements, pursuant to. Cost Share Summary prepared by IDES, and per Attachment B of Harvest Road Improvements Cost Share Memorandum.

Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the Board approved the development budget for Harvest Road improvements, pursuant to. Cost Share Summary prepared by IDES, and per Attachment B of Harvest Road Improvements Cost Share Memorandum.

**Limited Tax General Obligation Bonds Series 2022A(3) in the Aggregate Principal Amount of \$12,913,000 (the “Bonds”):** The Board entered into discussion regarding the Bonds and the Trustee Instruction Letter transfer of funds from Restricted Account to Unrestricted Account.

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Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the Board approved the Bonds and the Trustee Instruction Letter transfer of funds from Restricted Account to Unrestricted Account.

### **Amendment to Resolution Regarding Imposition of System Development**

**Fees:** The Board entered into discussion regarding the Amendment to Resolution Regarding Imposition of System Development Fees.

Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the Board adopted the Amendment to Resolution Regarding Imposition of System Development Fees.

**Cost Verification Report No. 6:** The Board entered into discussion regarding the Cost Verification Report No. 6 in the total amount of \$22,943.05, with \$10,048.07 certified to Harvest Crossing Metropolitan District #3 and \$12,894.98 certified to Harvest Crossing Metropolitan District #4.

Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the Board approved the Cost Verification Report No. 6 and directed SDMS to prepare and process the Requisitions in the like amounts.

### **OPERATION AND MAINTENANCE**

**Proposal from A.G. Wassenaar, Inc. for a Pavement Study:** The Board reviewed a proposal from A.G. Wassenaar, Inc.

Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the Board approved the proposal from A.G. Wassenaar, Inc.

**Proposal from Manhard Consulting:** The Board entered into discussion regarding the proposal from Manhard Consulting.

Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the Board approved the proposal from Manhard Consulting.

### **OTHER MATTERS**

There were no other matters to discuss.


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### ADJOURNMENT

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

Respectfully submitted,

By:   
Secretary for the Meeting