

MINUTES OF THE JOINT REGULAR MEETING OF THE BOARD OF DIRECTORS

BUCKLEY YARD METROPOLITAN DISTRICT NO. 2 AND BUCKLEY YARD METROPOLITAN DISTRICT NO. 2 SUBDISTRICT

Held: June 13, 2023, at 11:00 A.M., via Zoom Teleconference.

Attendance/Qualification

A joint regular meeting of the Board of Directors of Buckley Yard Metropolitan District No. 2 and Buckley Yard Metropolitan District No. 2 Subdistrict was held as shown above and in accordance with the applicable statutes of the State of Colorado. The following Directors, having confirmed their qualification to serve on the Boards, were in attendance:

Matthew Jenkins  
Kurtis Williams  
Aaron Clutter

*Also present for the District: K. Sean Allen., Esq. and Audrey G. Johnson, Esq., White, Bear, Ankele, Tanaka & Waldron, Attorneys at Law, District General Counsel; and Terri Boroviak., CliftonLarsonAllen, LLP, District Accountant.*

Call to Order/Quorum

It was noted that a quorum of the District's Board was present and called the meeting to order. In accordance with Section 32-1-1101(1)(f)(III), C.R.S., the District Board constitutes the ex officio the Board of Directors of the Subdistrict.

The Board has determined to hold joint meetings of the District and the Subdistrict and to prepare joint minutes of action taken in such meetings.

Disclosure Matters

Mr. Allen advised the Board that, pursuant to Colorado law, certain disclosures by the Directors may be required prior to taking official action at the meeting. The agenda for the meeting was reviewed, following which each Director confirmed that nothing appeared on the agenda for which disclosure certificates had not been filed. The disclosure certificates, having been reviewed by the relevant Directors, were made part of the official minutes of the meeting by reference. The Board determined that participation by the Directors with potential conflicts of interest was necessary to obtain a quorum or otherwise enable lawful action to occur.

Approval of Agenda The Directors reviewed the agenda. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as amended.

Public Comment None.

Consent Agenda Mr. Allen reviewed the items on the consent agenda with the Board. Mr. Allen advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- Minutes: November 7, 2022 and December 20, 2022 Meetings
- Joint Resolution Designating Meeting Notice Posting Location

### **Construction Report**

Public Improvement Construction Status Director Jenkins provided an update on the status of the public improvements, it was noted that heavy and frequent rain storms have slowed construction and storm water has to be pumped out.

Contractor and Construction Contract Awards Director Jenkins noted the landscaping installation is still pending and bids are under consideration and will be presented at the next meeting.

Construction Management and Independent Contractor Agreement Director Jenkins noted that construction management service have been in place and developer has been paying the service invoices. It was noted that JR Engineering has been serving a supportive role to the construction management. This matter will be further discussed at the next meeting.

### **Financial Matters**

2022 Audit Ms. Boroviak noted the 2022 Audit is still in process.

Financial Statements and Payables Ms. Boroviak presented the March 31, 2023 financial statements to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the financials.

Ms. Boroviak presented the claims payable to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the claims.

Change Orders; Project Ms. Boroviak reviewed Requisition No. 1 in the amount of

Fund Requisitions \$330,287.21 for excavating work and engineering. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the requisition.

Developer Advances Ms. Boroviak discussed the need for administrative and capital developer advances. Requests for advances will be made as needed pursuant to the Funding and Reimbursement Agreement (operations) and Infrastructure Acquisition and Reimbursement Agreement (capital).

Cost certification services were discussed. The Board determined this service is not needed at this time, but will be needed in the future when the developer constructs public improvements and seeks reimbursement pursuant to the Infrastructure Acquisition and Reimbursement Agreement (capital).

Mill Levy (*added*) Ms. Boroviak noted the 18.21-acre “West Parcel’s” exclusion agreement mill levy revenue remittance payment is due to Aurora Centre Tech Metro District by July 30, 2023.

Next Meeting The Board determined to hold the next meeting on September 12, 2023.

Adjournment There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the Boards determined to adjourn the meeting.

The foregoing minutes were approved by the Board of Directors on September 12, 2023, and constitute a true and correct copy of the minutes of the above-referenced meeting.

Aaron Clutter  
Aaron Clutter (Oct 2, 2023 08:09 MDT)

---

Secretary for the Meeting