

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE HARVEST CROSSING METROPOLITAN DISTRICT NO. 3 HELD JANUARY 8, 2024

A Regular 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 Monday, January 8, 2024, at 1:00 p.m. The meeting was open to the public via video/teleconference.

### ATTENDANCE

#### Directors In Attendance Were:

Jerry Richmond  
Aaron Clutter  
Kurtis Williams  
Eric Lee

#### Also In Attendance Were:

David Solin; Special District Management Services, Inc.

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

Angela Chapman, Esq. and Rebecca Givens, Esq.; Moye White LLP

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST / QUORUM

**Disclosure of Potential Conflicts of Interest / Quorum:** 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. It was noted by Attorney Williams that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and 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 Regular Meeting with the Board.

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Following discussion, upon motion duly made by Director Clutter, seconded by Director Richmond and, upon vote unanimously carried, the Agenda for the Regular Meeting was approved.

**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 meeting.

Following discussion, upon motion duly made by Director Clutter, seconded by Director Richmond and, upon vote unanimously carried, the Board determined to hold the District meeting by video/teleconference. The Board further noted that notice of the time, date, location and video/teleconference information was duly posted and no objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the boundaries of the District have been received.

**Designation of 24-hour Posting Location:** Following discussion, upon motion duly made by Director Clutter, seconded by Director Richmond 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 on the District website at least 24-hours prior to each meeting.

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### **CONSENT AGENDA**

The Board considered the following actions:

- Approve the Minutes from the November 13, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Richmond, seconded by Director Clutter and, upon vote unanimously carried, the Board approved and/or ratified approval of the Consent Agenda items.

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### **FINANCIAL MATTERS**

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

Fund	Period Ending Nov. 30, 2023	Period Ending Dec. 31, 2023
General	\$ 5,479.82	\$ 3,920.59
Debt	\$ -0-	\$ -0-
Capital	\$ 8,219.72	\$ 5,880.89
<b>Total</b>	<b>\$ 13,699.54</b>	<b>\$ 9,801.48</b>

Following discussion, upon motion duly made by Director Richmond, seconded by Director Clutter and, upon vote unanimously carried, the Board ratified approval of the payment of claims.

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**Unaudited Financial Statements:** Deferred.

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### **LEGAL MATTERS**

**Construction Contract with Alpine Civil Construction, Inc., d/b/a Alpine Equipment Leasing, LLC:** The Board reviewed a proposed Construction Contract with Alpine Civil Construction, Inc., d/b/a Alpine Equipment Leasing, LLC.

Following discussion, upon motion duly made by Director Clutter, seconded by Director Williams and, upon vote unanimously carried, the Board approved the Construction Contract with Alpine Civil Construction, Inc., d/b/a Alpine Equipment Leasing, LLC.

**Harvest Road Cost Share Revision:** The Board reviewed the Harvest Road Cost Share Revision prepared by Independent District Engineering Services, LLC.

Following discussion, upon motion duly made by Director Richmond, seconded by Director Williams and, upon vote unanimously carried, the Board approved the Harvest Road Cost Share Revision prepared by Independent District Engineering Services, LLC and accepted the in-tract cost sharing memo, subject to final Board review.

**Cost Sharing Intergovernmental Agreement:** The Board reviewed the Cost Sharing Intergovernmental Agreement between the Districts.

Following discussion, upon motion duly made by Director Clutter, seconded by Director Richmond and, upon vote unanimously carried, the Board approved the Cost Sharing Intergovernmental Agreement between the Districts, subject to final Board review.

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### **CONSTRUCTION MATTERS**

**Status of Construction of Harvest Road:** Director Richmond updated the Board on the status of construction of the Harvest Road Project. It was noted that the Construction Committee can approve Pay Applications and Requisitions.

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### **OPERATIONS AND MAINTENANCE MATTERS**

There were no updates at this time.

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### **OTHER MATTERS**

Attorney Williams provided an update regarding the status of various agreements and terminations.

The Board requested that requisitions be sent to the Board going forward.

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### ADJOURNMENT

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

Respectfully submitted,

By:   
Secretary for the Meeting