

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE HARVEST CROSSING METROPOLITAN DISTRICT NO. 4 HELD FEBRUARY 2, 2023

A Special Meeting of the Board of Directors (the “Board”) of the Harvest Crossing Metropolitan District No. 4 (formerly known as Villages at Murphy Creek Metropolitan District No. 2, referred to hereafter as the “District”) was convened on Thursday, February 2, 2023 at 6:30 p.m. The meeting was open to the public via conference call.

ATTENDANCE

Directors In Attendance Were:

Daniel Frank
Marc L. Cooper
Richard Frank

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.

Fernando Dias; Serenity Ridge Metropolitan District No. 2 Board Member

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 R. Frank, seconded by Director D. 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 R. Frank, seconded by Director D. 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.

Resignation and Appointment of Secretary to the Board: The Board discussed the resignation of Steve Solin and considered the appointment of David Solin as Secretary to the Board.

Following discussion, upon motion duly made by Director R. Frank, seconded by Director D. Frank and, upon vote, unanimously carried, the Board accepted the resignation of Steve Solin as Secretary to the Board and appointed David Solin as Secretary to the Board.

Cost Verification Report No. 4: The Board reviewed Cost Verification Report No. 4 revised January 2023, prepared by Independent District Engineering Services, LLC, verifying costs associated with the reimbursement from bond proceeds in the amount of \$140,179.26.

Following discussion, upon motion duly made by Director Cooper, seconded by Director D. Frank and, upon vote, unanimously carried, the Board approved Cost Verification Report No. 4 revised January 2023, prepared by Independent District Engineering Services, LLC, verifying the costs associated with the reimbursement from bond proceeds in the amount of \$140,179.26.

Cost Verification Report No. 5: The Board reviewed Cost Verification Report No. 5 dated January 9, 2023, prepared by Independent District Engineering Services, LLC, verifying costs associated with the reimbursement from bond proceeds in the amount of \$191,713.36.

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Following discussion, upon motion duly made by Director Cooper, seconded by Director D. Frank and, upon vote, unanimously carried, the Board approved Cost Verification Report No. 5 dated January 9, 2023, prepared by Independent District Engineering Services, LLC, verifying the costs associated with the reimbursement from bond proceeds in the amount of \$191,713.36.

Requisition No. 5: Following discussion, upon motion duly made by Director Cooper, seconded by Director D. Frank and, upon vote, unanimously carried, the Board approved Requisition No. 5 from the Project Fund for payment of Certified Costs.

LEGAL MATTERS

Engagement of Arbitrage Compliance Specialists, Inc. for Arbitrage Compliance Services: The Board entered into discussion regarding the engagement of Arbitrage Compliance Specialists, Inc. for Arbitrage Compliance Services.

Following discussion, upon motion duly made by Director D. Frank, seconded by Director Cooper and, upon vote, unanimously carried, the Board acknowledged the engagement of Arbitrage Compliance Specialists, Inc. for Arbitrage Compliance Services.

Potential Cost Sharing Agreement for Completion of Harvest Road: Director D. Frank discussed with the Board the possible Agreement between the District and D.R. Horton. It was noted Director D. Frank and Attorney Williams will continue to work on this issue.

OPERATION AND MAINTENANCE

Task Order No. 2 from Independent District Engineering Services, LLC for Cost Certification Services: The Board reviewed Task Order No. 2 from Independent District Engineering Services, LLC for Cost Certification Services.

Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the Board ratified approval of Task Order No. 2 from Independent District Engineering Services, LLC for Cost Certification Services.

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

Following discussion, upon motion duly made by Director D. Frank, seconded by Director R. Frank and, upon vote, unanimously carried, the Board ratified approval

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of the proposal from A.G. Wassenaar, Inc. for a pavement study.

Engagement of LJA Engineering, Inc.: The Board entered into discussion regard the engagement of LJA Engineering, 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 engagement of LJA Engineering, Inc.


OTHER MATTERS

There were no other matters to discuss.

ADJOURNMENT

Upon motion duly made, seconded and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By: 

Secretary for the Meeting