

# 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 SEPTEMBER 14, 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, September 14, 2023 at 2:00 p.m. The meeting was open to the public via video/conference call.

### ATTENDANCE

#### Directors In Attendance Were:

Jerry B. Richmond, III

#### Also In Attendance Were:

David Solin; Special District Management Services, Inc.

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

Eric Lee; Board Candidate

### PUBLIC COMMENT

There were no public comments.

### ADMINISTRATIVE MATTERS

**Quorum / 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.

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

Following discussion, upon motion duly made by Director Richmond and, upon

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vote unanimously carried, the Agenda for the Special Meeting was approved, as presented.

**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 Richmond and, upon vote, unanimously carried, the Board determined that the District meeting was held by video/conference call. The Board further noted that notice of the time, date, location and video/conference call 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 of Directors:** The Board acknowledged the resignations of Daniel Frank, Richard Frank, and Marc Cooper effective as of August 23, 2023.

**Board Appointments:** The Board discussed the vacancies on the Board. It was noted that pursuant to Section 32-1-808(2)(a)(I), C.R.S., publication of a Notice of Vacancy on the Board was published in a newspaper having general circulation in the District and that no Letters of Interest from qualified eligible electors were received within ten (10) days of the date of such publication.

As such, eligible electors, Kurtis Williams, Eric Lee, and Aaron Clutter, were nominated to serve on the Board. Following discussion, upon motion duly made by Director Richmond and, upon vote unanimously carried, the Board appointed Kurtis Williams, Eric Lee, and Aaron Clutter to fill the vacancies on the Board. The Oaths of Office were administered.

Further, the newly-appointed Directors were authorized as signers on District financial accounts.

**Appointment of Officers:** The Board entered into discussion regarding the appointment of officers.

Following discussion, upon motion duly made by Director Richmond and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Jerry B. Richmond III
Treasurer	Aaron Clutter
Secretary	David Solin
Assistant Secretary	Kurtis Williams
Assistant Secretary	Eric J. Lee

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**CONSENT AGENDA** Following discussion, upon motion duly made by Director Richmond and, upon vote unanimously carried, the Board approved the Minutes of the November 14, 2022, December 5, 2022, February 2, 2023, May 24, 2023, and August 14, 2023 Special Meetings, as presented.

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**FINANCIAL  
MATTERS**

There were no financial matters to discuss.

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**LEGAL  
MATTERS**

**Termination of Facilities Acquisition Agreement with Jewell Developers, Inc. and the Harvest & Jewell, LLC:** The Board deferred action on this matter.

**Operation Funding Agreement with Jen Colorado 20 LLC:** The Board deferred action on this matter.

**Facilities Funding and Acquisition Agreement with Jen Colorado 20 LLC:** The Board deferred action on this matter.

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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 and, upon vote unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:   
Secretary for the Meeting