

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF

COTTONWOOD HOLLOW RESIDENTIAL METROPOLITAN DISTRICT

Held: Wednesday, May 11, 2022 at 1:00 p.m. via teleconference

The special meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve, were in attendance:

Timothy O’Connor  
Dustin Anderson

Director Douglas Hatfield was absent and excused.

Also present were: Clint C. Waldron, Esq. and Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Carrie Bartow and Terri Boroviak, CliftonLarsonAllen, LLP, District Accountant; and Dan Skeeahan, Kimley-Horn & Associates, District Engineer.

Call to Order/Declaration of Quorum Director O’Connor noted that a quorum of the Board was present and called the meeting to order.

Director Conflict of Interest Disclosures Ms. Murphy reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State’s Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Murphy inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

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

Public Comment None.

## Consent Agenda

Ms. Murphy reviewed the items on the consent agenda with the Board. Ms. Murphy advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified, and adopted:

- April 13, 2022 Special Meeting Minutes.

## Legal Matters

Consider Approval of Termination of Stipulation and Agreement

Mr. Waldron reviewed the Termination of Stipulation and Agreement with the Board noting that at the time the Service Plan was approved it was contemplated that the Central Weld County Water District would provide water services to the area, not the Town of Firestone (the “**Town**”); later it was determined that the Town would provide water so the agreement needs to be terminated. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Termination of Stipulation and Agreement.

Consider Approval of Water Credit Use Agreement with Cottonwood Colorado Residential, LLC

Mr. Waldron reviewed the Water Credit Use Agreement (the “**Agreement**”) with Cottonwood Colorado Residential, LLC with the Board noting that the Agreement restricts the use of the Native Water Credits and Additional Native Credits to property that is within the boundaries of the District, and clarifies that any reimbursement of the Purchase Price for Excess Credits and any amount paid by the Town for Town Purchased Credits shall be remitted to the District. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Water Credit Use Agreement with Cottonwood Colorado Residential, LLC subject to final legal review.

Other Legal Matters

None.

## District Operations

Discuss Engagement of Landscape Maintenance Contractor

Director Anderson informed the Board that he met with Advance HOA and the next step is for coordination with Forestar regarding landscape maintenance on District owned tracts.

## Financial Matters

Review Schedule of Cash Position

Ms. Bartow reviewed the schedule of Cash Position report with the Board.

Review and Consider Approval of Claims Payable Ms. Bartow noted that claims will be presented at the next meeting.

Status of 2020 and 2021 Draft Audits Ms. Bartow provided an update on the 2020 and 2021 Audits, noting that they are both still in process.

Status of Letter Regarding Release and Use of District Funds Ms. Bartow informed the Board that she is still working on the letter to the District Attorney.

Other Financial Matters None.

### **Construction Updates**

Update on District Construction Mr. Skeeahan provided an update on the status of District Construction noting that progress is being made onsite.

Consider Approval of Resolution Accepting District Eligible Costs and Approval of Requisitions from Project Fund Mr. Waldron reviewed the Resolution Accepting District Eligible Costs and Approval of Requisitions from Project Fund with the Board noting the different reimbursable costs for the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Resolution Accepting District Eligible Costs and Approval of Requisitions from Project Fund subject to receipt of final documentation and water closing.

Consider Acceptance of Engineer's Report and Approval of Requisitions from Project Fund Deferred.

Update on Acceptance of Costs and Turnover of Tracts from Forestar Mr. Skeeahan provided an update on the acceptance of costs and turnover of tracts from Forestar, noting that there are approximately \$3,700,000 in costs to be accepted by the District and the District will ultimately own the retention ponds.

Other Construction Updates None.

**Other Business** None.

**Adjourn** There being no further business to come before the Board, and following discussion and upon motion duly made and unanimously carried, the Board determined to adjourn the meeting.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

*Dustin Anderson*

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Secretary for the Meeting

The foregoing minutes were approved on the 30th day of June, 2022.










# 2022.06.30 Execution Packet, Cottonwood Hollow Residential and Commercial

Final Audit Report

2022-07-12

Created:	2022-07-11
By:	Julia Dybdahl (jdybdahl@wbapc.com)
Status:	Signed
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## "2022.06.30 Execution Packet, Cottonwood Hollow Residential and Commercial" History

-  Document created by Julia Dybdahl (jdybdahl@wbapc.com)  
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-  Document emailed to dhatfield@albdev.com for signature  
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