

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE ACC METROPOLITAN DISTRICT HELD JUNE 29, 2023

A REGULAR meeting of the Board of Directors (referred to hereafter as “Board”) of the ACC Metropolitan District (referred to hereafter as “District”) convened on Wednesday, the 29th day of June, 2023, at 12:00 P.M. This meeting was held via teleconference. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Julie von Clausburg
Brenda Lamer

Also In Attendance Were:

David Solin; Special District Management Services, Inc.
Paula Williams, Esq. and Kate Olson, Esq. McGeady Becher P.C.
Jim Knopka and John Connors; First Industrial Realty Trust, Inc.
Andrew Gaittens; Independent District Engineering Services
John Strabel, Board Candidate

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosures of Potential Conflicts of Interest: Mr. Solin advised the Board regarding 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. It was noted that a quorum was present, and Directors were asked to disclose any additional conflicts of interest they might have regarding any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made prior to this meeting in accordance with the statute. Disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

ADMINISTRATIVE MATTERS

Agenda: Mr. Solin distributed for the Board’s review and approval, a proposed agenda for the District’s regular meeting.

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote, unanimously carried, the agenda was approved, as amended.

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Meeting Location and Posting of Notice: The Board discussed the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting.

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote, unanimously carried, the Board determined to conduct the meeting via Zoom and encouraged public participation via Zoom. The Board noted that notice of this meeting and Zoom participation information was duly posted and that it had not received any objections to the telephonic meeting or any requests that the meeting be changed by taxpaying electors within the District's boundaries.

Designation of 24-hour Posting Location: Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer 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.

Results of the May 2, 2023 Director Election: Mr. Solin discussed the results May 2, 2023 Director Election with the Board, noting that it was cancelled, as allowed under Colorado law, by the Designated Election Official because there were no more candidates than positions available on the Board of Directors. Director von Clausburg was deemed elected to a 4-year term ending May 2027.

Oaths of Office: Mr. Solin confirmed with the Board the filing of the Oaths of Office with the applicable entities as required by statute.

Vacancies on the Board: Mr. Solin discussed the vacancies with the Board. The Board considered the appointment of eligible elector, John Strabel to the Board of Directors of the District.

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote, unanimously carried, the Board appointed John Strabel to the Board of Directors.

Appointment of Officers: The Board discussed the appointment of officers.

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

President	Julie von Clausburg
Treasurer	John E. Strabel
Secretary	David Solin
Assistant Secretary	Brenda Lamer

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November 2, 2022 Meeting Minutes: The Board reviewed the minutes of the November 2, 2022 regular meeting.

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote, unanimously carried, the Board approved the minutes of the November 2, 2022 regular meeting.

PUBLIC COMMENTS

There were no public comments.

FINANCIAL MATTERS

Payment of Claims: The Board considered the ratification of approval of the payment of claims as follows:

Fund	Period Ending Nov. 30, 2022	Period Ending Dec. 31, 2022	Period Ending Jan. 31, 2023	Period Ending Feb. 28, 2023
General	\$ 3,305.03	\$ 2,833.72	\$ 1,576.28	\$ 1,606.52
Debt	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital	\$ 6,083.60	\$ 18,565.81	\$ 30,364.74	\$ 11,366.19
Total	\$ 9,388.63	\$ 21,399.53	\$ 31,941.02	\$ 12,972.71

Fund	Period Ending March 31, 2023	Period Ending April 30, 2023	Period Ending May 31, 2023
General	\$ 2,001.01	\$ 1,071.98	\$ 18,591.92
Debt	\$ -0-	\$ -0-	\$ 24,787.53
Capital	\$ 10,294.47	\$ 40,507.60	\$ 111,987.07
Total	\$ 12,296.48	\$ 41,579.58	\$ 155,366.52

Following discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote unanimously carried, the Board ratified approval of the payment of claims, as presented.

Financial Statements and Schedule of Cash Position: The Board reviewed the unaudited financial statements dated March 31, 2023 and the Schedule of Cash Position as of March 31, 2023.

Following review and discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote unanimously carried, the Board accepted the unaudited financial statements dated March 31, 2023 and the Schedule of Cash Position as of March 31, 2023.

2021 and 2022 Audits: The Board discussed the status of the 2021 and 2022 Audits. It was reported that the Audits will not be finished and therefore the Accountant will need to file an extension with the Office of the State Auditor. Haynie & Company.

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Following review and discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote unanimously carried, the Board authorized filing an extension for the 2022 Audit.

Cost Certification Report No. 2 and Task Order No. 2: The Board reviewed Cost Certification Report No. 2 and Task Order No. 2 prepared by Independent District Engineering Services, LLC (“IDES”).

Following review and discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote unanimously carried, the Board approved Cost Certification Report No. 2 and Task Order No. 2 prepared by Independent District Engineering Services, LLC (“IDES”).

Professional Services Agreement between the District and Independent District Engineering Services, LLC: The Board reviewed the Professional Services Agreement between the District and Independent District Engineering Services, LLC.

Following review and discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote unanimously carried, the Board approved the Professional Services Agreement between the District and Independent District Engineering Services, LLC.

Additional Service Request and Change Order No. 7 with Langan Engineering and Environmental Services, Inc.: The Board reviewed the Additional Service Request and Change Order No. 7 with Langan Engineering and Environmental Services, Inc.

Following review and discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote unanimously carried, the Board approved the Additional Service Request and Change Order No. 7 with Langan Engineering and Environmental Services, Inc.

Xcel Energy Customer Packet: The Board reviewed the Xcel Energy Customer Packet.

Pay Application #25 to Concrete Express Inc.: The Board reviewed Pay Application #25 to Concrete Express Inc. for the First Creek Enabling Package project in the amount of \$90,139.80.

Following review and discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote unanimously carried, the Board approved Pay Application #25 to Concrete Express Inc. for the First Creek Enabling Package project in the amount of \$90,139.80.

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Pay Application #26 to Concrete Express Inc.: The Board reviewed Pay Application #2 to Concrete Express Inc. for the First Creek Enabling Package project in the amount of \$20,386.90.

Following review and discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote unanimously carried, the Board approved Pay Application #26 to Concrete Express Inc. for the First Creek Enabling Package project in the amount of \$20,386.90.

Pay Application #27 to Concrete Express Inc.: The Board reviewed Pay Application #27 to Concrete Express Inc. for the First Creek Enabling Package project in the amount of \$227,605.23.

Following review and discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote unanimously carried, the Board approved Pay Application #27 to Concrete Express Inc. for the First Creek Enabling Package project in the amount of \$227,605.23.

LEGAL MATTERS

Public Improvements Deferral Agreements with City of Aurora: Attorney Williams and Mr. Knopka discussed with the Board the status of the Public Improvements Deferral Agreements with the City of Aurora.

CAPITAL IMPROVEMENTS

Ownership and Maintenance of Improvements: Mr. Solin discussed with the Board the ownership and maintenance improvements. There were no updates at this time.

Change Order No. 23 for the Service Agreement with Kimley-Horn and Associates, Inc.: The Board discussed Change Order No. 23 for the Service Agreement with Kimley-Horn and Associates, Inc. for Professional Civil Engineering Services for Picadilly Road in the amount of \$5,500.00.

Following review and discussion, upon motion duly made by Director von Clausburg, seconded by Director Lamer and, upon vote unanimously carried, the Board ratified approval of Change Order No. 23 for the Service Agreement with Kimley-Horn and Associates, Inc. for Professional Civil Engineering Services for Picadilly Road in the amount of \$5,500.00.

OTHER MATTERS

The Board discussed considering increases to theft insurance. The Board directed Mr. Solin to get quotes for higher theft coverage through the Pool in the amount of the average debt service payment.


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The Board discussed possibly refunding the Series 2019A and Series 2019B.

ADJOURNMENT

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

Respectfully submitted,

By 
Secretary for the Meeting