

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 8
(THE "DISTRICT")
HELD
APRIL 28, 2023

A regular meeting of the Board of Directors of the Banning Lewis Ranch Metropolitan District No. 8 (referred to hereafter as the "Board") was convened on Friday, April 28, 2023, at 11:00 a.m. The District Board meeting was held via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Thomas Garmong, President
Scott Smith, Secretary/Treasurer
Tyler Jones, Assistant Secretary

Absent and Excused:

Don Ferron, Assistant Secretary

Also, In Attendance Were:

Lisa Mayers, Esq.; Spencer Fane, LLP
Krista Baptist, Courtney Hoff, Ashley Voss, Rob Lange and Miki Manibog;
CliftonLarsonAllen LLP ("CLA")

ADMINISTRATIVE MATTERS

Call to Order and Agenda: Director Garmong called the meeting to order at 11:02 a.m.

Following discussion, upon a motion duly made by Director Smith, seconded by Director Garmong and, upon vote, unanimously carried, the Board approved the agenda, as presented.

Disclosures of Potential Conflicts of Interest: The Directors present noted for the record that they have financial interests in entities active in developing property within the boundaries of the District, or are employed by such entities, and that such interests may be affected from time to time by actions of the District's Board of Directors. Attorney Mayers confirmed that in accordance with state law, the Directors have filed written disclosures describing such potential conflicts of interest with the Secretary of State, and the Directors present verbally reaffirmed such disclosures on the record of this meeting.

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Quorum, Location of Meeting and Meeting Notices: A quorum of the Board was confirmed. The Board noted the meeting was noticed on the website and posted as required.

Public Comment: None.

Minutes from the January 27, 2023 Regular Board Meeting and Minutes from the District No. 8 March 28, 2023 Special Board Meeting: Following review, upon a motion duly made by Director Smith, seconded by Director Garmong and, upon vote, unanimously carried, the Board approved the minutes from the January 27, 2023 Regular Board Meeting and the minutes from the District No. 8 March 28, 2023 Special Board Meeting, as presented.

FINANCIAL MATTERS

March 31, 2023 Unaudited Financial Statements: Mr. Lange reviewed the March 31, 2023 Unaudited Financial Statements with the Board. Discussion ensued regarding when a contract becomes a liability and the number of contracts that are currently open with the District. Following review and discussion, upon a motion duly made by Director Garmong, seconded by Director Smith and, upon vote, unanimously carried, the Board accepted the March 31, 2023 Unaudited Financial Statements.

Past Claims and Current Claims: Mr. Lange reviewed past and current claims with the Board. Following review and discussion, upon a motion duly made by Director Garmong, seconded by Director Smith and, upon vote, unanimously carried, the Board ratified approval of past claims and approved current claims.

ENGINEERING MATTERS

Change Order No. 2 to the Agreement for the A1 Offsite Water and Sanitary Sewer System between the District and Frazee Construction Co. (for the Addition of 16" Water Line) in the Amount of \$350,713.00: The Board discussed the change of cost and project timelines. Following review and discussion, upon a motion duly made by Director Smith, seconded by Director Garmong and, upon vote, unanimously carried, the Board approved Change Order No. 2 to the Agreement for the A1 Offsite Water and Sanitary Sewer System, as presented.

Change Order No. 1 to the Agreement for the Banning Lewis Ranch Parkway Phase 3 Street Improvements Between the District and Schmidt Construction Company (Usage of Concrete Blankets) in the Amount of \$7,098.00: Following review, upon a motion duly made by Director Smith, seconded by Director Garmong and, upon vote, unanimously carried, the Board approved Change Order No. 1 to the Agreement for the Banning Lewis Ranch Parkway Phase 3 Street Improvements, as presented.

Change Order No. 2 to the Agreement for the Banning Lewis Ranch Parkway Phase 3 Street Improvements Between the District and Schmidt

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Construction Company (for Increase in Cement Costs) in the Amount of \$35,963.75: The Board discussed cost change. Following review and discussion, upon a motion duly made by Director Smith, seconded by Director Garmong and, upon vote, unanimously carried, the Board approved Change Order No. 2 to the Agreement for the Banning Lewis Ranch Parkway Phase 3 Street Improvements, as presented.

Change Order No. 1 to the Agreement for the Banning Lewis Ranch Parkway Phase 4 Street Improvements Between the District and Schmidt Construction Company (for Increase in Cement Costs) in the Amount of \$19,399.75: Following review, upon a motion duly made by Director Smith, seconded by Director Garmong and, upon vote, unanimously carried, the Board approved Change Order No. 1 to the Agreement for the Banning Lewis Ranch Parkway Phase 4 Street Improvements, as presented.

Change Order No. 2 to the Agreement for the Banning Lewis Ranch Parkway Phase 4 Street Improvements Between the District and Schmidt Construction Company (Changes to the Original Bid Design) in the Deductive Amount of (-\$342,938.20): The Board discussed the reason for the refund from Schmidt Construct Company. Following review and discussion, upon a motion duly made by Director Garmong, seconded by Director Smith and, upon vote, unanimously carried, the Board approved Change Order No. 2 to the Agreement for the Banning Lewis Ranch Parkway Phase 4 Street Improvements, as presented.

LEGAL MATTERS

May 2023 Election: Attorney Mayers informed the Board that the May 2023 Election was cancelled and reviewed the Election results with the Board. Director Smith noted that there was one vacancy remaining on the Board. Discussion ensued regarding filling the Board vacancy. No action was taken.

Contract for Stetson Hills Boulevard, Phase 1 Project: Attorney Mayers and Director Jones reviewed the bids with Board. Director Jones gave a recommendation for Pyramid Construction, Inc. Discussion ensued. Following review and discussion, upon a motion duly made by Director Smith, seconded by Director Garmong and, upon vote, unanimously carried, the Board awarded the contract for Stetson Hills Boulevard, Phase 1 Paving Project to Pyramid Construction, Inc.

MANAGER MATTERS

None.

OTHER BUSINESS


Mr. Lange reminded the Board about continuing disclosures forthcoming, which will be delivered to Director Smith for execution.

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ADJOURNMENT

There being no further business to come before the Board at this time Director Garmong adjourned the Board meeting at 11:28 a.m.

Respectfully submitted,

By  7B20DC6F0FA54B0...
Secretary