

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
BANNING LEWIS RANCH METROPOLITAN DISTRICT NO.5
(THE "DISTRICTS")
HELD
JANUARY 28, 2021

A special meeting of the Board of Directors of the Banning Lewis Ranch Metropolitan District No. 5 (referred to hereafter as the "Board") was convened on Thursday, January 28, 2021, at 9:00 a.m. and continued to February 4, 2021 at 9:15 a.m. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held via Microsoft Teams. The meeting was open to the public.

ATTENDANCE ON
JANUARY 28, 2021

Directors In Attendance Were:
Kelly Leid, President
Michael Townsend, Treasurer/Secretary
Scott Smith, Assistant Secretary

Absence Excused:
Aric Jones, Assistant Secretary
Jarrod Walker, Assistant Secretary

Also, In Attendance Were:
Josh Miller, Chelsea Gondeck, Seef Le Roux & Carrie Bartow;
CliftonLarsonAllen, LLP
Pat Hrbacek; Spencer Fane, LLP
Robert Beacon; Brightview Landscaping

ATTENDANCE ON
FEBRUARY 4, 2021

Directors In Attendance Were:
Kelly Leid, President
Michael Townsend, Treasurer/Secretary
Scott Smith, Assistant Secretary

Absence Excused:
Aric Jones, Assistant Secretary
Jarrod Walker, Assistant Secretary

Also, In Attendance Were:
Josh Miller, Chelsea Gondeck, Seef Le Roux & Carrie Bartow;
CliftonLarsonAllen, LLP
Pat Hrbacek; Spencer Fane, LLP
Justin Howe; Oakwood Homes

RECORD OF PROCEEDINGS

ADMINISTRATIVE MATTERS

Call to Order and Approve Agenda: Director Leid called the meeting to order at 9:06 a.m.

CONTINUANCE

On January 28, 2021 the Board motioned to continue the meeting to February 4, 2021 at 9:15 a.m.

On January 28, 2021, upon a motion duly made by Director Leid, seconded by Director Townsend and, upon vote, unanimously carried, the Board continued the meeting at 9:08 a.m.

ADMINISTRATIVE MATTERS

Call to Order and Approve Agenda: Director Leid called the meeting to order at 9:21 a.m.

The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Leid, seconded by Director Townsend, and upon vote unanimously carried, the Board approved the Agenda as presented.

Declaration of Quorum/Director Qualifications/Disclosure Items: Attorney Hrbacek confirmed the presence of a quorum.

The Directors present noted for the record that they have financial interests in entities active in developing property within the boundaries of the Districts, or are employed by such entities, and that such interests may be affected from time to time by actions of the District's Boards of Directors. 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.

Public Comment:

There was no public comment.

Minutes of October 29, 2020 Special Meeting: The Board reviewed the Minutes of the October 29, 2020 Special Meeting. Following review and discussion, upon motion duly made by Director Leid, seconded by Director Smith, and upon vote unanimously carried, the Board approved the minutes, as presented.

FINANCIAL MATTERS

Cash Position and Schedule: Ms. Bartow reviewed the cash position and schedules with the Board. Following discussion, upon motion duly made by Director Smith, seconded by Director Leid, and upon vote unanimously carried, the Board accepted the cash position and schedules as presented.

Public Hearing on Amendment to 2021 Budget: Following discussion, upon motion duly made by Director Leid, seconded by Director Smith, and upon vote

RECORD OF PROCEEDINGS

unanimously carried, the Board opened the public hearing at 9:24 a.m. to consider an amendment to the 2021 Budget for Banning Lewis Ranch Metropolitan District No. 5.

It was noted that publication of Notice stating that the Board would consider amendment of the 2021 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

No public comments were received, and upon motion duly made by Director Leid, seconded by Director Townsend, and upon vote unanimously carried, the Board closed the public hearing at 9:25 a.m.

Ms. Bartow reviewed the 2021 budget amendment with the Board.

Following discussion, upon motion duly made by Director Leid, seconded by Director Smith, and upon vote unanimously carried, the Board adopted the Resolution Amending the 2021 Budget for Banning Lewis Ranch Metropolitan District No. 5.

2020 Audit Engagement with BiggsKofford P.C.: Following discussion, upon a motion duly made by Director Smith, seconded by Director Townsend and, upon vote, unanimously carried, the Board approved the engagement of Biggskofford P.C.

LEGAL MATTERS

Discuss and Consider Age Restriction Covenants and Compliance: Following discussion, upon a motion duly made by Director Leid, seconded by Director Townsend and, upon vote, unanimously carried, the Board authorized Mr. Miller, Mr. Hrbacek, Director Smith and Director Leid to create a process for covenant enforcement compliance.

Ratification of Certain Actions Taken on Behalf of the District Related to Construction of Public Improvements, Including Publication of Notice of Bids: Following discussion, upon a motion duly made by Director Leid, seconded by Director Townsend and, upon vote, unanimously carried, the Board awarded the contract to Farrington Construction Management LLC subject to final review and authorization by Director Leid.

MANAGER MATTERS

Other: The Board discussed an issues with landscape maintenance issue which is to be addressed with Brightview.

OTHER BUSINESS


Confirm Quorum for the Next Regular Meeting Date
Mr. Miller noted that management would reach out to confirm quorum when necessary.

RECORD OF PROCEEDINGS

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Leid, seconded by Director Smith, and upon vote unanimously carried, the Board adjourned the meeting at 9:37 a.m.

Respectfully submitted,

By  6D3BDC6AB677454...
Secretary for the Meeting

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