

MINUTES OF A JOINT REGULAR MEETING OF THE  
BOARDS OF DIRECTORS OF THE  
WESTERLY METROPOLITAN DISTRICT NOS. 1-4

Held: Thursday, February 10, 2022 at 10:00 a.m.

*The meeting was held via teleconference.*

**Attendance**

The regular meeting of the Boards of Directors of the Westerly Metropolitan District Nos. 1-4 was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve on the Boards, were in attendance:

Heidi Jo Majerik  
Alex Woodin  
Patrick Chelin

Director Johnson was absent. Absences are deemed excused.

Also present: Zachary P. White, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; and Jason Carroll and Susan Agema, Clifton Larson Allen, District Accountants.

**Call to Order**

It was noted that a quorum of the Boards was present and the meeting was called to order.

The Boards of Directors of the Districts have determined to hold joint meetings of the Districts and to prepare joint minutes of action taken by the Districts in such meetings. Unless otherwise noted herein, all official action reflected in these minutes is the action of each of the Districts. Where necessary, action taken by an individual District will be so reflected in these minutes.

**Conflict of Interest  
Disclosures**

Mr. White 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 Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. White inquired into whether members of the Boards 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 Boards to act.

**Agenda**

Mr. White presented the Boards with the agenda for the meeting for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the agenda.

**Consider Approval of  
January 13, 2022 Meeting  
Minutes**

Mr. White presented minutes from the January 13, 2022 Meeting of the Boards of Directors. Upon a motion duly made and seconded, the Boards unanimously approve the minutes.

**Public Comment**

No public were present in the meeting.

**Legal Matters**

Consider Approval of  
Resolution re Acceptance of  
District Eligible Costs incurred  
by Erie Land Company, LLC

Mr. White presented the Boards of District Nos. 1 and 4 with the Resolution Regarding Acceptance of District Eligible Costs (Acceptance No. 12) Incurred by Erie Land Company, LLC to for consideration. Following discussion, upon a motion duly made and seconded, the Boards of District Nos. 1 and 4 approved the Joint Resolution Regarding Acceptance of District Eligible Costs (Acceptance No. 12) Incurred by Erie Land Company, LLC. Director Majerik abstained.

**Construction Matters**

Construction Status Update

Director Majerik updated that Boards that due to weather, construction is approximately two weeks behind schedule.

Consider Approval of Change  
Order No. 3 to Construction  
Agreement with Thoutt  
Brothers for Filing 1 Concrete

Mr. White presented the Board with Change Order No. 3. The Board engaged in a discussion regarding the construction agreements permit rate increases. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved Change Order No. 3 to the Construction Agreement with Thoutt Brothers for Filing 1 Concrete.

Review and Consider  
Acceptance of Cost  
Verification Report

The Boards reviewed Cost Verification Report No. 12 prepared by Ranger Engineering. Following review, upon a motion duly made and seconded the Boards accepted the Cost Verification Report No. 12.

**Financial Matters**

Consider Approval  
Claims/Financials

Mr. Carroll presented the Board with the claims and financials. Following review, upon a motion duly made and seconded the Boards approved the claims and financials.

Conduct Public Hearing on  
2021 Budget Amendments and  
Consider Adoption of  
Resolutions Amending 2021  
Budget

Mr. White noted that following the budget hearing at the end of 2021, it was discovered that the notice of public hearing was not published by the newspaper. Director Majerik opened the public hearing on the 2021 Budget Amendments and Resolutions Amending 2021 Budget. Mr. White noted that the notice of public hearing was provided in accordance with Colorado Law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Mr. White reviewed the Resolutions Amending the 2021 Budgets for ratification. Following discussion, upon a motion duly made and seconded, the Boards unanimously ratified the Resolutions Amending

the 2021 Budgets.

Mr. White reviewed a new Resolution Amending the 2021 Budget with the Board of District No. 4. Following discussion, upon a motion duly made and seconded, the Board of District No. 4 unanimously adopted the resolution amending the General Fund to \$0.00, and the General Fund to \$100.00.

Conduct Public Hearing on  
2022 Budgets and Consider  
Adoption of Resolution  
Adopting 2022 Budget,  
Imposing Mill Levy and  
Appropriating Funds

Mr. White noted that that following the budget hearing at the end of 2021, it was discovered that the notice of public hearing was not published by the newspaper. Director Majerik opened the public hearing on the 2022 Budgets. Mr. White noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Mr. White reviewed the 2022 Budget Resolutions. Following discussion, upon a motion duly made and seconded, the Boards unanimously ratified the 2022 Budgets

**Other Business**

None.

**Adjourn**

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

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



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Secretary for the Meeting

The foregoing minutes were approved by the Boards of Directors on the 10<sup>th</sup> day of November, 2022.