

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

Held: Thursday, July 13, 2023 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

Director House was absent. His absence was deemed excused.

Also present: Zachary P. White, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel.

**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 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 regarding 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 as amended to revise Item 7.b. to "Approval of Zone 4 Waterline Project" and to remove Items 8.a. and 8.b.

**Election of Officers**

The Boards engaged in general discussion regarding the Election of Officers. Following discussion, upon a motion duly made and seconded, the Boards elected Ms. Majerik as President, Mr. Woodin as Secretary and Treasurer, and Mr. House as Assistant Secretary.

**Public Comment**

None.

**Consent Agenda**

Mr. White reviewed the items on the consent agenda with the Boards. Mr. White advised the Boards that any item may be removed from the consent agenda to the regular agenda upon the request of any director. Consent Agenda Item 6.a. was removed. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified, and adopted:

- November 10, 2022 Minutes
- December 22, 2022 Minutes
- Work Order to Matrix Design for Filing 3 Lot Changes
- Agreement for Staking and Survey Services, Filing 2 with Manhard Consulting
- Agreement for Survey Services for Zone 4 Water Line with Manhard Consulting
- Change Order 5 to HEI Civil for Filing 1
- Change Order 6 to HEI Civil for Filing 1
- Change Order 3 to Martin Marietta Materials for Filing 1
- Purchase Contract Addendum for Filing 1 Landscaping with Arbor Valley Nursery
- Change Order 3 to Ventura Electric for Filing 1
- Change Order 3 to Standard Fence for Filing 1
- Change Order 4 to Standard Fence for Filing 1
- Change Order 2 to HEI Civil for Filing 2
- Change Order 1 to Stormwater Logistics for Filing 2
- Change Order 1 to Thoutt Bros for Filing 2 Concrete

**Construction Matters****Construction Updates**

Ms. Majerik noted that the District is having issues with landscaping and NuStyle. NuStyle's scope of services will be amended, and Southern Land Company will engage other landscapers to complete the work that NuStyle has not completed on time for the community grand opening in August 2023.

The Board reviewed the amenity center signage proposal. Mr. Woodin will discuss the proposal cost with the contractor.

Review Bids and Consider Award of Westerly Zone 4 Waterline Construction Project, Authorize Construction Agreement, Notice of Award

Mr. White discussed bidding for the Zone 4 Waterline Construction Project. Mr. White reported that five bids were received from HEI Civil, American West, Iron Woman, Nelson Pipeline and Stormwater Logistics (for erosion control only). The Board reviewed the bids and determined HEI Civil was the lowest bidder and Stormwater Logistics

and Notice to Proceed

was the lowest bid for erosion control. Following discussion, and upon a motion duly made and seconded, the Board unanimously awarded the construction agreement to HEI Civil and Stormwater Logistics for erosion control scope.

**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 7<sup>th</sup> day of December, 2023.