

# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

GVR METROPOLITAN DISTRICT

Held: Wednesday, March 15, 2023, at 6:30 P.M. at the GVR Metropolitan District Office, 18650 East 45th Avenue, Denver, Colorado. Also available to the public via Zoom.

### Attendance

The regular meeting of the Board of Directors of the GVR Metropolitan District was called and held as shown above in accordance with the statutes of the State of Colorado. The following Directors, having confirmed their qualifications to serve on the Board, were in attendance:

Anthony Noble, President  
William Thomas, Vice President  
Tim Camarillo, Secretary/Treasurer  
Lyman West, Director  
Matt Stallman, Director  
Joyce Bennett, Director

Absent: Eric Gravenson, Director (absence excused)

Also in attendance were Micaela Duffy, District Manager, GVR Metropolitan District; Russell Newton, Seter & Vander Wall, P.C., legal counsel; Charles Britton, member of the public; and one unidentified person attending via Zoom

### Call to Order

Director Noble noted that there is a quorum of the Board in attendance and called the regular meeting of the Board of Directors of the GVR Metropolitan District to order.

### Approval of Agenda

The Board reviewed the agenda. Upon motion, second and unanimous vote, the Board approved the agenda as presented.

### Conflict of Interest / Disclosure Matters

The Board had been previously advised that pursuant to Colorado law, certain disclosures by the Board members might be required prior to taking official action at the meeting. Legal counsel advised

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that written disclosures of the conflicts of interest previously submitted by the applicable Directors had been filed with the Secretary of State prior to the meeting.

No additional conflict disclosures were announced.

## Public Comment Period:

- Denver Police Dept. There were no representatives from the Denver Police Department present for comment.
- Master HOA There were no comments from the Master HOA.
- CAB There were no comments from the CAB.
- Councilwoman Gilmore's Office There were no representatives from Councilwoman Gilmore's office present for comment.
- Public Comment Mr. Charles Britton expressed concern regarding air quality in the District, noting the air burns his nose and throat when outside between 7:00 a.m. and 8:00 a.m. He raised this public health concern with Councilwoman Gilmore's office but has not seen the issue addressed. Director Camarillo suggested that Mr. Britton call 311 when he encounters the issue, and Director Thomas stated he would look into the issue.

## Approval of Minutes

The minutes of the regular meeting of the Board of Directors held February 15, 2023, were read. Director Thomas requested an addition to the Public Comment Master HOA section to clarify that Ms. Duffy reported that the HOA lacks authority to enforce trashcan covenants in right-of-way and leaving trashcans out for Denver to exchange is not a violation. Director West asked whether the HOA service agreement with the District requires enforcement of the trashcan covenants, and Ms. Duffy reported that it does not. Director West asked about the discussion regarding District hierarchy shown in the minutes, and Directors Noble and Thomas provided an explanation of District hierarchy and summary of the Board's discussion at the February 15, 2023 Board meeting. Upon motion, second and a vote of five in favor and one opposed (Director West), the Board approved the minutes with Director Thomas' requested addition.

## Attorney's Report

Mr. Newton directed the Board members to counsel's written legal report, including information regarding the upcoming May 2023 Directors' election, and certain bills affecting special districts currently introduced and discussed by the Colorado legislature.

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Mr. Newton provided a detailed summary of HB23-1065 and HB23-1105; reported that the May 2023 election is cancelled because there were not more candidates than seats available; and reported that the Phase V fence project is in the closeout process. Director West asked how long the fence warranty lasts, and Ms. Duffy reported that she will need to confirm but believes it is twenty years.

## Board Reports:

- February 28, 2023 Financials  
Director Camarillo presented the financial report and claims payable for the period ending February 28, 2023, including the financial overview, and the District's property tax collections. Upon motion, second and unanimous vote, the Board accepted the February financial report and claims as presented.
  
- District Manager's Report  
Ms. Duffy updated the Board with highlights from her manager's report. She reported that the replacement Gator has been ordered and delivery is expected in April, the committee meeting minutes are in the report, and requested a change in meeting date for the June Board meeting due to a vacation conflict. The Board discussed alternative dates to hold a special meeting in lieu of the regular June meeting, and the consensus was to schedule a special meeting on the second Wednesday in June. The Board discussed potential impacts and actions the District could take if the Gator does not arrive in April. Director West asked if the HOA meeting on March 17<sup>th</sup> is open to the public. Ms. Duffy reported that the meeting is open to the public via virtual attendance, as the HOA Board has determined to hold meetings virtually.

## Discussion Items / Unfinished Business:

The Board reviewed the monthly legal invoice for general counsel services for the recent period.

## Discussion Items / New Business:

There were no new business items presented at this time.

## Executive Session

Upon motion, second and unanimous vote, the Board entered into executive session at approximately 7:08 p.m. pursuant to §§ 24-6-402(4)(b) and (e), C.R.S., to consult legal counsel on attorney-client privileged content in the legal invoice for general counsel services and a potential discussion of negotiating positions regarding general counsel legal services.

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Upon motion, second and a vote of five in favor and one opposed (Director West), the Board determined to exit executive session at approximately 7:24 p.m.

## Director Items

Director West inquired about the timing of the Gator order and the scheduled delivery. Ms. Duffy reported that a Gator replacement was an approved budget item in prior years, but the product was identified and ordered in January 2023, and delivery is scheduled sometime in April 2023.

Director Stallman reported on an Eagle Scout project to place a dog toybox near the community dog park.

Director Camarillo wished Director Gravenson a speedy recovery. He reported that he will interview for the Denver Planning Board, and he is over half-way done with his Master's Degree.

Director Thomas stated that he will follow up regarding Mr. Britton's air quality concern, and that he will reach out to the District 5 Police and Councilwoman Gilmore to provide updates and briefings for the community.

Director West reported that temporary construction fencing has blocked his neighbor's fence gate, and he asked why that has been done and if the HOA can do anything about it. Ms. Duffy reported that the fencing is related to the City of Aurora's project and she would look for contact information. Director West asked whether it is still a City of Aurora issue if the fence gate is adjacent to District-owned property, and Director Noble confirmed it is.

## Other Business

There was no other business for discussion at this time.

## Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at approximately 7:32 p.m.

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Secretary for the Meeting