
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors of the Red Sky Ranch Metropolitan Districts February 15, 2023

- Attendance** **The following Directors were present:**
- James Malernee
 - Steve Stroker
 - Eric Kurzweil
 - James Benedict
- Also in attendance were:**
- Ken Marchetti, CPA Marchetti & Weaver LLC
 - Kenji Nakata, Recording Secretary, Marchetti & Weaver LLC
 - Kathy Lewensten, Recording Secretary, Marchetti & Weaver LLC
 - Peter McClenahan, Esq. Ogborn Mihm
 - Russ Newton, Seter Vander Wall LLP in for Kim Seter, Seter Vander Wall LLP
- Call to Order** The Regular Meeting of the Board of Directors of the Red Sky Ranch Metropolitan District was called to order by Director Malernee noting a quorum was present.
- Potential Conflicts** The Board reviewed the agenda for the meeting. The Board confirmed that nothing appeared on the agenda for which disclosure certificates had not been filed. The Board noted, for the record, the intent of fully complying with laws pertaining to potential conflicts.
- Minutes** The Board reviewed the minutes of the November 10, 2022 meeting. Upon motion duly made and seconded, it was unanimously
- RESOLVED** to approve the November 10, 2022 minutes.
- Old Business** There were no updates regarding Wolcott area water service requests.
- Director Malernee raised another topic regarding TTHM and water quality. Director Kurzweil reported at the RSR Association meeting that the last measurements show the TTHM levels in the water are back within normal quality levels. A new filtering system and carbon have been installed. The water plant is operated by an independent third party, Water Quality Control Professionals, who report testing and results directly to the Colorado Department of Public Health.

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Election There was general discussion regarding the May Election. If there are no more candidates, then seats available the election will be cancelled.

Legal Mr. Seter stated legal matters will be discussed in executive session.

Financial Mr. Marchetti presented the preliminary December 2022 financial statements including the 2022 Amended Budget. A general discussion of expenditures and potential funding followed. He noted 2022 general fund expenses exceeded the appropriated amount so a Public Hearing Notice to amend the 2022 budget had been published as required for this meeting.

2022 Amended Budget Resolution Mr. Marchetti opened the public hearing, no comment was offered and the public hearing was closed. He explained the special counsel legal expenses had exceeded the 2022 budget causing the need to amend. He moved the conversation to “other sources” of funding, per previous discussions it is anticipated the Red Sky Ranch Property Owners may provide some funding. Mr. Seter mentioned he would contact Mr. Perkins (Association legal counsel) to discuss an MOU for funding. Upon motion duly made and seconded, it was unanimously,

RESOLVED approve the 2022 Amended Budget Resolution as discussed.

Accounts Payable Upon motion duly made and seconded, it was unanimously,

RESOLVED to approve and ratify the accounts payable listing as presented.

Future Meetings The next regular meeting is scheduled for May 17, 2023, at the same time via zoom.

Executive Session Upon motion duly made and seconded, it was unanimously,

RESOLVED to enter into executive session citing §24-6-402(4) (b) and (e) for the purpose of receiving legal advice related to specific legal questions and developing positions related to the lawsuit. Mr. Mason was asked to attend. Furthermore, pursuant to §24-6-402(2)(d.5)(II)(B), C.R.S., no record or electronic recording will be kept of those portions of the executive session that, in the opinion of the Board’s special counsel attorney, constitute privileged attorney-client communication pursuant to §24-6-402(4)(b) and (e). The Board

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entered into executive session at 3:57 p.m. and adjourned the executive session at 4:18 p.m.

Mr. Marchetti, Ms. Lewensten, and Mr. Nakata exited the executive session at 3:58 p.m.

Upon return to regular session, it was announced that all discussions were subject to attorney/client privilege and within the topics authorized by §24-6-402(4)(b) and (e). No motions or other decisions were made or consummated in the executive session.

Ms. Lewensten and Mr. Nakata rejoined the meeting at 4:21 p.m.

Adjourn Upon motion duly made and seconded, it was unanimously,

RESOLVED to adjourn the February 15, 2023, Meeting of the Red Sky Ranch Metropolitan District Board of Directors.

Respectfully submitted,
Kathy Lewensten
Recording Secretary