

DIATC METROPOLITAN DISTRICT

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NOTICE OF SPECIAL MEETING AND AGENDA

DATE:	Monday, December 12, 2022
TIME:	9:00 a.m.
LOCATION & ACCESS	<p>This meeting will be held virtually, via Zoom video/telephone conference:</p> <ol style="list-style-type: none">To attend via Zoom videoconference, use the following link, or e-mail csorensen@specialdistrictlaw.com to have the link e-mailed to you: https://us02web.zoom.us/j/83979263644?pwd=SkF4V2RLT2ZyWlFhdXZCdDdTVmNSZz09To attend via telephone, dial 1-719-359-4580 or 1-253-215-8782 and enter the following additional information:<ol style="list-style-type: none">Meeting ID: 839 7926 3644Passcode: 607399

<u>Board of Directors</u>	<u>Office</u>	<u>Term Expires</u>
Christopher H. Thompson	President	May 2023
Jodie B. Thompson	Secretary/Treasurer	May 2023
Steven L. Everson	Assistant Secretary	May 2023
Jeffrey C. Hemphill	Assistant Secretary	May 2025
Brock R. Chapman	Assistant Secretary	May 2025

I. ADMINISTRATIVE MATTERS

- A. Present disclosures of potential conflicts of interest.
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B. Confirm quorum, location of meeting and posting of meeting notices. Designate location for posting of 24-hour meeting notices. Approve agenda.

C. Discuss results of cancelled May 3, 2022 Regular Directors Election (enclosure).

D. Consider appointment of officers:

President: _____

Secretary/Treasurer: _____

Assistant Secretary: _____

Assistant Secretary: _____

Assistant Secretary: _____

E. Discuss business to be conducted in 2023 and location (**virtual and/or physical**). Schedule regular meeting dates and consider adoption of Resolution No. 2022-11-_____, Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices (enclosure).

F. Discuss and authorize renewal of the District's insurance and Special District Association membership for 2023.

G. Discuss and authorize payment of statutory directors' fees (maximum of \$100 per meeting; \$2,400 per year).

II. CONSENT AGENDA - These items are considered to be routine and will be approved and/or ratified by a single motion and vote. There will be no separate discussion of these items unless a Board Member so requests. In such case the item will be removed from the Consent Agenda and considered as part of the Regular Agenda.

A. Approve minutes of the November 2, 2021 Special Meeting (enclosure).

B. Ratify approval of Fourth Amendment to 2017 Operation Funding Agreement between the District and DIA Tech Center, LLC (enclosure).

C. Ratify approval of Service Agreement for Landscaping Services between the District and Kelley Landscape & Sprinkler, Inc. (enclosure).

D. Ratify approval of Service Agreement for Snow Removal Services between the District and Kelley Landscape & Sprinkler, Inc. (enclosure).

- E. Ratify approval of Service Agreement for Community Management Services between the District and Timberline District Consulting, LLC (enclosure).
- F. Ratify approval of June 9, 2022 Letter from the District to Metro Water Recovery, f/k/a Metro Wastewater Reclamation District regarding Temporary Construction Lease / Stormwater Quality and Detention Pond Issue (enclosure).
- G. Ratify approval of Second Amendment to Lease for Construction Purposes between the District and Metro Water Recovery, f/k/a Metro Wastewater Reclamation District (enclosure).
- H. Ratify approval of 2021 Audit.

III. FINANCIAL MATTERS

- A. Discuss and consider approval of Statements of Work for 2023 Accounting Services between the District and CliftonLarsonAllen LLP (enclosure).
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- B. Consider ratification/approval of payment of claims for the period from November 3, 2021 through November 8, 2022 in the amount of \$312,124.17 (enclosure).
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- C. Consider acceptance of unaudited financial statements for the period ending September 30, 2022 (enclosure).
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- D. Conduct Public Hearing to consider amendment of the 2022 Budget. If necessary, consider adoption of Resolution No. 2022-11-____, Resolution of DIATC Metropolitan District to Amend the 2022 Budget.
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- E. Conduct Public Hearing on the proposed 2023 Budget and consider adoption of Resolution No. 2022-11-____, Resolution to Adopt the 2023 Budget and Appropriate Sums of Money, and Resolution No. 2022-11-____, Resolution to Set Mill Levies (enclosures: preliminary assessed valuation, draft budget and resolutions).
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- F. Authorize District Accountant to prepare, and appoint Board Member to sign, the DLG-70 Certification of Tax Levies form (“Certification”). Direct District Accountant to file the Certification with the Board of County Commissioners and other interested parties.
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G. Consider appointment of District Accountant to prepare 2024 Budget.

H. Discuss and consider the engagement of Schilling & Company, Inc. to prepare the 2022 Audit, for an amount not to exceed \$5,000 (increase of \$300 from last year) (to be distributed).

IV. LEGAL MATTERS

A. Review and consider approval of the following Cost Certification Report prepared by Independent District Engineering Services, LLC (“IDES”) (enclosure), and consider acceptance of District-Eligible Costs in the indicated amount:

Report No.	Date	Amt. of District-Eligible Costs
19	10/31/22	\$370,194.38

B. Review and consider approval of the following Project Fund Requisition (to be distributed), under the Series 2019 Bonds, in the indicated amount and to the indicated payee:

Requisition No.	Date	Amount	Payee
22	TBD	\$390,194.38	DIA Tech Center, LLC

C. Discuss May 2, 2023 Regular Director Election and consider adoption of Resolution Calling May 2, 2023 Election for Directors, appointing Designated Election Official (“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election. Self-Nomination Forms are due by February 24, 2023 (enclosure). Discuss the need for ballot issues and/or questions.

D. Discuss status of transfer of Declarant or Design Review Committee rights from DIA Tech Center, LLC (as successor-in-interest to DIATC, LLC) to the District, in accordance with the Master Covenants of DIA Tech Center, and consider approval of Assignment of Certain Declarant Rights Under Master Covenants of DIA Tech Center between DIA Tech Center, LLC and the District (enclosure).

E. Discuss requirements of Section 32-1-809, C.R.S. and direct staff regarding compliance for 2023 (District Transparency Notice).

V. OPERATIONS/MAINTENANCE MATTERS

A. Review and consider approval of Proposal from Rocky Mountain Pavement, LLC for asphalt repair in the amount of \$11,875.00 (enclosure), and authorize preparation of a Service Agreement.

B. Discuss and consider engagement of contractor for 2023 snow removal services, and authorize any necessary actions in connection therewith.

C. Discuss and consider engagement of contractor for 2023 landscape maintenance services, and authorize any necessary actions in connection therewith.

VI. OTHER BUSINESS

VII. ADJOURNMENT
