



CHAPARRAL POINTE METROPOLITAN DISTRICT
 Regular Board Meeting
Monday, July 15, 2024, at 6:00 p.m.
Via Teleconference

Please join my meeting from your computer, tablet, or smartphone.

<https://video.cloudoffice.avaya.com/join/971246564>

United States: +1 (213) 463-4500

Access Code: 971-246-564

Board of Director	Title	Term
David Berstein	President	May 2027
Grant Westerfield	Treasurer	May 2027
Sima Annis	Secretary	May 2025
Linda Bernstein	Assistant Secretary	May 2025
Cynthia Myers	Assistant Secretary	May 2025

AGENDA

1. Administrative Matters

- a. Call to Order. Confirm Quorum.
- b. Present disclosures of potential conflicts of interest.
- c. Confirm location of meeting and posting of meeting notices and designate 24-hour posting location. Approve agenda.
- d. Public Comment - Members of the public may express their views to the Board on matters that affect the Districts. Comments will be limited to three (3) minutes.
- e. Consent Agenda - The items listed below are a group of items to be acted on with a single motion and vote by the Board. Any item may be removed from the Consent Agenda upon request of any Board Member.
 - Approve Minutes from November 13, 2023 Special Board Meeting (**enclosure**).
 - Approve Minutes from November 13, 2023 Statutory Annual Meeting (**enclosure**).

2. Financial Matters

- a. Review Unaudited Financial Statements as of June 30, 2024 (**enclosure**).
- b. Ratification of Approved Payables through July 15, 2024.
- c. Consider acceptance of the 2023 Audit. Authorize execution of representation

letter.

3. Operation and Maintenance Matters

- a. Update from Landscape Committee.

4. Covenant Enforcement Matters

- a. Covenant Enforcement Updates.

5. Legal Matters

- a. Tract Acceptance Update.
 - Consider acceptance of tracts conveyed by Century Land Holdings, LLC to the Chaparral Pointe Metropolitan District (if applicable).
- b. Adjourn in executive session to receive legal advice pursuant to Sections 24-6-402(4)(b) and (e), C.R.S., to receive legal advice related to negotiations regarding consultant invoicing matters.

6. Other Business

- a. Discuss scheduling of Statutory Annual Meeting.

7. Adjourn

The next regular meeting is scheduled for November 4, 2024 at 6:00 PM





**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
CHAPPARAL POINTE METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD NOVEMBER 13, 2023**

A special meeting of the Board of Directors of the Chaparral Pointe Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, November 13, 2023, at 6:00 p.m., via video teleconference. The meeting was open to the public.

Attendance

Directors:

Cynthia Myers
Grant Westerfield
David Bernstein
Linda Bernstein

Also, in attendance were:

Rebecca Harris and Adam Noel, WSDM District Managers
Suzanne Meintzer, Esq., McGeady Becher P.C.
Sima Annis, Dan, Dave Cummings and Emily Slotz, Residents

1. Administrative Matters

- a. Present disclosures of potential conflicts of interest: The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. Attorney Meintzer noted that disclosures of potential conflicts of interest were filed with the Secretary of State for Director Myers, and that potential conflicts of interest were not filed for the other Directors, as they are residents of the District. No additional conflicts were disclosed at the meeting.
- b. Quorum/Confirmation of Meeting Location/Posting of Notice/Approve Agenda: Mr. Noel confirmed a quorum was present with all four board members present. Mr. Noel confirmed the Board Meeting Notices was posted as required. There were no changes to the Agenda.
- c. Public Comment: There was no public comment.
- d. Consent Agenda: After review, Director David Bernstein moved to approve the Consent Agenda as presented; seconded by Director Linda Bernstein. Motion passed unanimously.
 - Approve Minutes from August 21, 2023 special board meeting.

- e. Resolution No. 2023-11-01; Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices: The Board scheduled 2024 regular meetings for July 15, 2024 and November 4, 2024 at 6:00 p.m. to be held virtually. Director David Bernstein moved to adopt Resolution No. 2023-11-01; Establishing Regular Meeting Dates, Time, and Location, and Designating Location for Posting of 24-Hour Notices; seconded by Director Linda Bernstein. Motion passed unanimously.
- f. Insurance Discussion
- Cyber Security and Increased Crime Coverage: Attorney Meintzer discussed the insurance pool's recommendation to increase the District's cyber security and crime coverage. After discussion, Director Westerfield moved to increase the cyber security and crime coverage to \$100,000 annually, for an additional estimated annual premium of \$460; seconded by Director Linda Bernstein. Motion passed unanimously.
 - Establish Insurance Committee: The Board determined that an Insurance Committee was not needed.
 - 2024 Renewal of Insurance and Special District Association (SDA) Membership: Mr. Noel presented the renewal of District's insurance that includes the increased cyber security and crime coverage and the SDA membership for 2024. After review, Director Myers moved to authorize the renewal of both the District's insurance and SDA membership for 2024; seconded by Director Westerfield. Motion passed unanimously.
- g. Engagement of WSDM, LLC for 2024 Management and Accounting Services: Mr. Noel presented the 2024 Engagement Letter with WSDM, LLC for management and accounting services. After review, Director David Bernstein moved to approve the engagement of WSDM, LLC for 2024 management and accounting services; seconded by Director Linda Bernstein. Motion passed unanimously.
- h. Discuss Vacancy on the Board: Mr. Noel presented the letter of interest from Sima Annis. Ms. Sima Annis introduced herself and discussed why she would like to join the Board of Directors. Ms. Annis took the Oath during the meeting.
- i. Appointment of Officers: Director Myers moved to appoint Officers as follows; seconded by Director Westerfield. Motion passed unanimously.

President: David Bernstein
Secretary: Sima Annis
Treasurer: Grant Westerfield
Assistant Secretary: Cynthia Myers
Assistant Secretary: Linda Bernstein

2. Legal Matters

- a. Section 32-1-809, C.R.S., Requirements (Transparency Notice): Attorney Meintzer discussed the special district transparency requirements of Section 32-1-809, C.R.S. with the Board. After review, Director Westerfield moved to direct WSDM and legal counsel to handle the District transparency notice and requirements; seconded by Director David Bernstein. Motion passed unanimously.

- b. Resolution No. 2023-11-02; Amending Policy on Colorado Open Records Act Requests: Attorney Meintzer presented the Resolution Amending Policy on Colorado Open Records Act Requests. After review, Director Linda Bernstein moved to adopt Resolution No. 2023-11-02; Amending Policy on Colorado Open Records Act Requests; seconded by Director Myers. Motion passed unanimously.
- c. Discuss District services for 2024: The Board discussed the landscape and irrigation system within the District and obtaining proposals for landscape services. Director Myers noted that the walkthrough of the tracts to be done in the spring and that any landscaping for the tracts should be done by the District's landscaper, so the work will be under the District's warranty. Director Myers moved to appoint Director Linda Bernstein and Director David Bernstein to the landscape committee and conduct a walk in the spring and review and approve a landscape contractor with a budget or authority not to exceed \$15,000; seconded by Director Westerfield. Motion passed unanimously.
- d. Update on Tract Acquisition: The Board discussed this item during the above item.
- e. Update on Negotiations Regarding Consultant Invoicing Matters. Director Myers reported that she has reached out multiple times and had not received any response. For time efficiency, the Board determined to move the executive session to the end of the meeting (discussed below).

3. Financial Matters

- a. Unaudited Financial Statements: Mr. Noel presented the Unaudited Financial Statements as of October 31, 2023. The Board requested clarification from WSDM accounting staff regarding the accrued interest expense being reflected. After review, Director Westerfield moved to approve the Unaudited Financial Statements as of October 31, 2023 pending the clarification as discussed; seconded by Director David Bernstein. Motion passed unanimously.
- b. Public Hearing on Amendment to 2023 Budget: Director David Bernstein opened the public hearing to consider an amendment to the 2023 Budget.

It was noted that publication of Notice stating that the Board would consider amendment of the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

Following discussion, upon motion duly made by Director Myers, seconded by Director Linda Bernstein, and upon vote unanimously carried, the Board adopted Resolution No. 2023-11-03 to Amend the 2023 Budget, amending the Debt Service Fund to \$53,000.

- c. Public Hearing on 2024 Budget: Director David Bernstein opened the public hearing to consider the proposed 2024 Budget and to discuss related issues.

It was noted that Notice stating that the Board would consider adoption of the 2024 Budget and the date, time and place of the public hearing was published pursuant to statute. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

The Board reviewed the estimated 2023 expenditures and the proposed 2024 expenditures.

Upon motion duly made by Director Myers, seconded by Director David Bernstein, and upon vote unanimously carried, the Board approved the 2024 Budget, as discussed, and considered adoption of Resolution No. 2023-11-04 to Adopt the 2024 Budget and Appropriate Sums of Money and Resolution No. 2023-11-05 to Set Mill Levies (11.881 mills in the General Fund and 35.642 mills in the Debt Service Fund, for a total mill levy of 47.523 mills.)

Following discussion, upon vote unanimously carried, the Board adopted the Resolutions and authorized execution of the Certification of Budget. The District Accountant was directed to transmit the Certification of Tax Levies to the Board of County Commissioners of El Paso County not later than January 10, 2024. District Counsel was directed to transmit the Certification of Budget to the Division of Local Government no later than January 31, 2024.

- d. Resolution No. 2023-11-06; Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan: Attorney Meintzer presented the Resolution Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan. Director Myers moved to adopt Resolution No. 2023-11-06 Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan; seconded by Director Linda Bernstein. Motion passed unanimously.
 - e. DLG-70 Mill Levy Certification Form: Attorney Meintzer discussed the DLG-70 Certification process. Following discussion, upon motion duly made by Director David Bernstein, seconded by Director Myers, and upon vote unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification Form for certification to the Board of County Commissioners and other interested parties.
 - f. Preparation of 2025 Budget: Director David Bernstein moved to authorize the District Accountant to prepare the 2025 Budget; seconded by Director Myers. Motion passed unanimously.
 - g. 2023 Audit Preparation: Ms. Harris presented a proposal from BiggsKofford to perform the District's 2023 Audit. After review, Director Westerfield moved to approve the proposal from BiggsKofford, P.C. to perform the 2023 Audit for an amount not to exceed \$8,700; seconded by Director David Bernstein. Motion passed unanimously.
4. **Covenant Enforcement Matters**: Ms. Harris reported on Covenant Enforcement. Mr. Noel noted that in the winter months, there are fewer violations for weeds and landscaping, but there are a few trash can violations.
 5. **Other Business**: Director David Bernstein noted that the chases for drainage were installed in the sidewalks and are currently awaiting City inspection. Further, Director David Bernstein noted that, based on his list, there were three outstanding items for Century Communities ("Century") to complete: (1) installation of a park bench near the mailboxes; (2) installation of solar lights; and (3) installation of "No Outlet" signs. Director Myers will follow-up with Century on these items.
 6. **Executive Session**: Director Linda Bernstein moved to adjourn into executive session at 7:00 p.m. to receive legal advice related to negotiations regarding consultant invoicing matters pursuant to Sections 24-6-402(4)(b) and (e), C.R.S., seconded by Director David Bernstein, and upon vote unanimously carried, the Board entered into executive session.

Following discussion, upon motion duly made, seconded, and unanimously carried, the Board adjourned the executive session.

In open session, the Board authorized Legal Counsel to draft a “demand” letter to CliftonLarsonAllen LLP.

7. **Adjournment**

**ATTORNEY STATEMENT
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Chaparral Pointe Metropolitan District, I attended the executive session that Chaparral Pointe Metropolitan District convened at 7:00 p.m. on November 13, 2023 for the sole purpose of receiving legal advice related to negotiations regarding consultant invoicing matters as authorized by Sections 24-6-402(4)(b) and (e), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S., and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Signed

Suzanne M. Meintzer
Attorney for Chaparral Pointe Metropolitan
District

Dated:



RECORD OF PROCEEDINGS

MINUTES OF THE STATUTORY ANNUAL MEETING OF
THE BOARD OF DIRECTORS OF THE
CHAPARRAL POINTE METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
November 13, 2023

Pursuant to Section 32-1-903(6), C.R.S., a statutory annual meeting of the Board of Directors of the Chaparral Pointe Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, November 13, 2023, at 5:00 p.m., via video / telephone conference. The meeting was open to the public.

ATTENDANCE

Directors in attendance:

Cynthia Myers
Grant Westerfield
David Bernstein
Linda Bernstein

Also, in attendance were:

Rebecca Harris and Adam Noel, WSDM District Managers
Suzanne Meintzer, Esq., McGeady Becher P.C.
Sima Annis, Dan, Dave Cummings and Emily Slotz, Residents

**ANNUAL MEETING
ITEMS**

Confirmation of Posting of Annual Meeting Notice: It was noted for the record that notice of the time, date and location of the annual meeting was duly posted on the District’s website and that no objections to the means of hosting the meeting by taxpaying electors within the District’s boundaries have been received.

Presentation Regarding the Status of the Public Infrastructure Projects Within the District and Outstanding Bonds: The District consultants presented information regarding the status of public infrastructure projects within the District, including the status of outstanding bonds.

Unaudited Financial Statements, Including Year-to-Date Revenue and Expenditures of the District in Relation to its Adopted Budget, for the Calendar Year: The District Accountant presented the District’s Unaudited Financial Statements, including year-to-date revenue and expenditures of the District in relation to the District’s adopted budget, for the calendar year.

RECORD OF PROCEEDINGS

Public Questions: There were no public questions.

ADJOURNMENT

There being no further business to come before the Board at this time, the annual meeting was adjourned.

Respectfully submitted,

By _____
Secretary for the Annual Meeting



Chaparral Pointe Metropolitan District

Balance Sheet

As of June 30, 2024

07/09/24

Accrual Basis

	Jun 30, 24
ASSETS	
Current Assets	
Checking/Savings	
ECB Checking	30,901.97
UMB - Bond Fund	36,430.28
Total Checking/Savings	67,332.25
Accounts Receivable	
Accounts Receivable	9,705.00
Total Accounts Receivable	9,705.00
Total Current Assets	77,037.25
Fixed Assets	
Capital Assets	1,165,935.00
Total Fixed Assets	1,165,935.00
TOTAL ASSETS	1,242,972.25
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	36,050.80
Total Accounts Payable	36,050.80
Other Current Liabilities	
Prepaid Homeowner Fee	1,404.00
Accrued Interest Payable	69,701.00
Closings Escrow	5,500.00
Total Other Current Liabilities	76,605.00
Total Current Liabilities	112,655.80
Long Term Liabilities	
Accrued Interest on Dev Advance	25,574.00
Developer Advance Payable	166,000.00
Series 2021 Bond Payable	1,350,000.00
Total Long Term Liabilities	1,541,574.00
Total Liabilities	1,654,229.80
Equity	
Fund Balance - Unrestricted	-445,340.00
Fund Balance - Capital Imp	1,000.38
Fund Balance - Debt	47.48
Fund Balance - O&M	-14,518.25
32000 - Retained Earnings	-25,173.71
Net Income	72,726.55
Total Equity	-411,257.55
TOTAL LIABILITIES & EQUITY	1,242,972.25

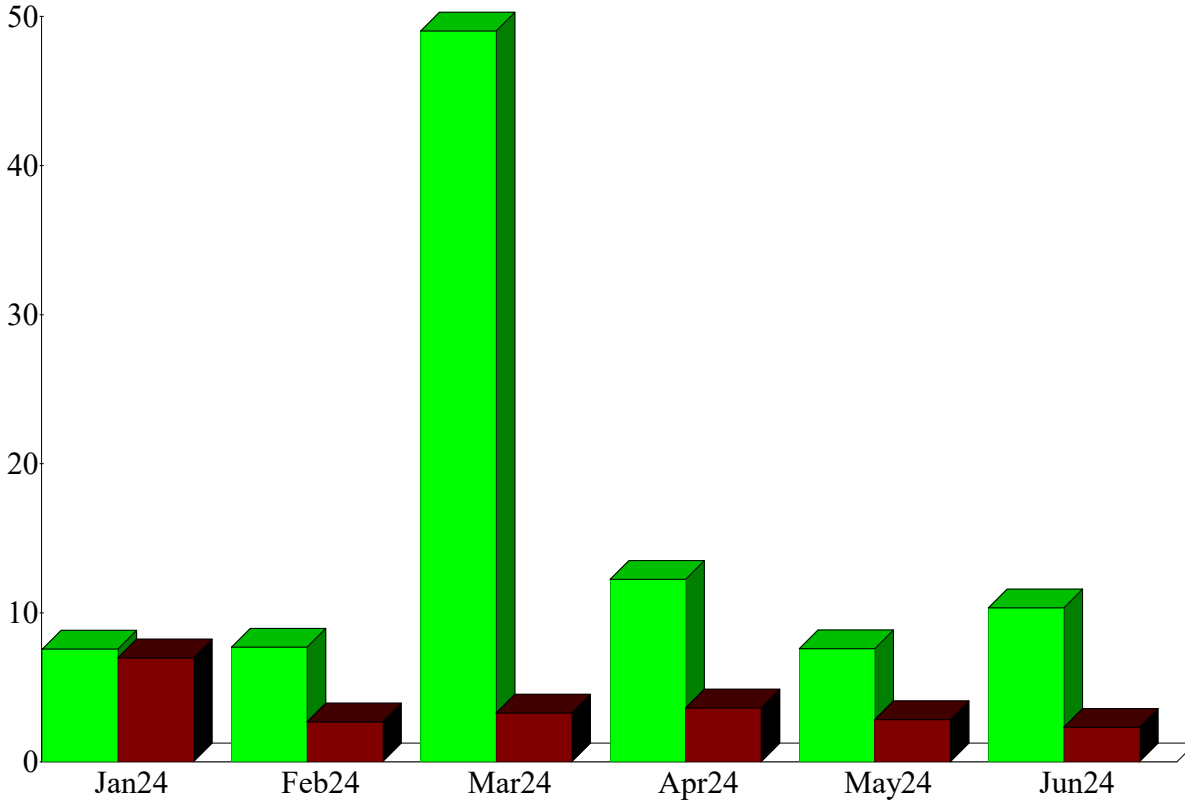
**Chaparral Pointe Metropolitan District
Profit & Loss Budget vs. Actual
January through June 2024**

	TOTAL				
	Jun 24	Jan - Jun 24	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense					
Income					
Homeowners Fee	8,911.00	45,888.00	85,680.00	-39,792.00	53.56%
Interest Income - Debt	146.20	320.53			
CY Property Tax - O&M	159.27	11,268.77	21,109.00	-9,840.23	53.38%
Specific Ownership Tax - O&M	159.83	797.43	1,478.00	-680.57	53.95%
CY Property Tax - Debt	477.81	33,806.29	63,327.00	-29,520.71	53.38%
Specifice Ownership Tax - Debt	479.49	2,392.30	4,433.00	-2,040.70	53.97%
Total Income	10,333.60	94,473.32	176,027.00	-81,553.68	53.67%
Expense					
General & Administrative					
Audit	0.00	0.00	9,000.00	-9,000.00	0.0%
Bank Fees	15.54	64.95			
Billing	89.68	545.29			
Contingency	0.00	0.00	5,000.00	-5,000.00	0.0%
District Management	850.60	8,907.45	45,000.00	-36,092.55	19.79%
Dues & Licenses	0.00	0.00	400.00	-400.00	0.0%
Insurance	0.00	0.00	3,200.00	-3,200.00	0.0%
Legal	272.70	5,901.31	20,000.00	-14,098.69	29.51%
SDA Dues	0.00	355.00			
Treasurer Collection Fee - O&M	2.39	169.05	317.00	-147.95	53.33%
Treasurer Collection Fee - Debt	7.17	507.10	950.00	-442.90	53.38%
Total General & Administrative	1,238.08	16,450.15	83,867.00	-67,416.85	19.62%
Operations & Maintenance					
Landscaping	0.00	0.00	10,000.00	-10,000.00	0.0%
Trash Collection	1,091.45	5,296.62	13,000.00	-7,703.38	40.74%
Utilities	0.00	0.00	2,000.00	-2,000.00	0.0%
Website	0.00	0.00	750.00	-750.00	0.0%
Total Operations & Maintenance	1,091.45	5,296.62	25,750.00	-20,453.38	20.57%
Bond Expense					
Paying Agent Fee	0.00	0.00	6,500.00	-6,500.00	0.0%
Interest Expense 2021A Bond	0.00	0.00	60,309.00	-60,309.00	0.0%
Total Bond Expense	0.00	0.00	66,809.00	-66,809.00	0.0%
Total Expense	2,329.53	21,746.77	176,426.00	-154,679.23	12.33%
Net Ordinary Income	8,004.07	72,726.55	-399.00	73,125.55	-18,227.21%
Net Income	8,004.07	72,726.55	-399.00	73,125.55	-18,227.21%

Income and Expense by Month
January through June 2024

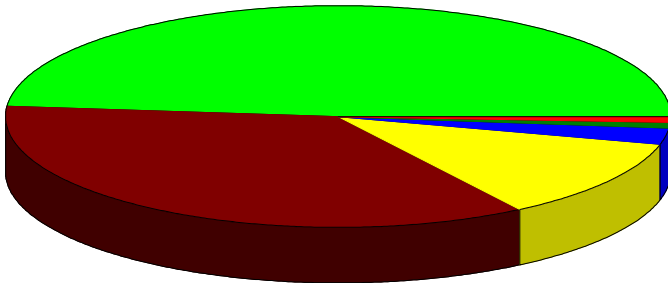


\$ in 1,000's



Income Summary
January through June 2024

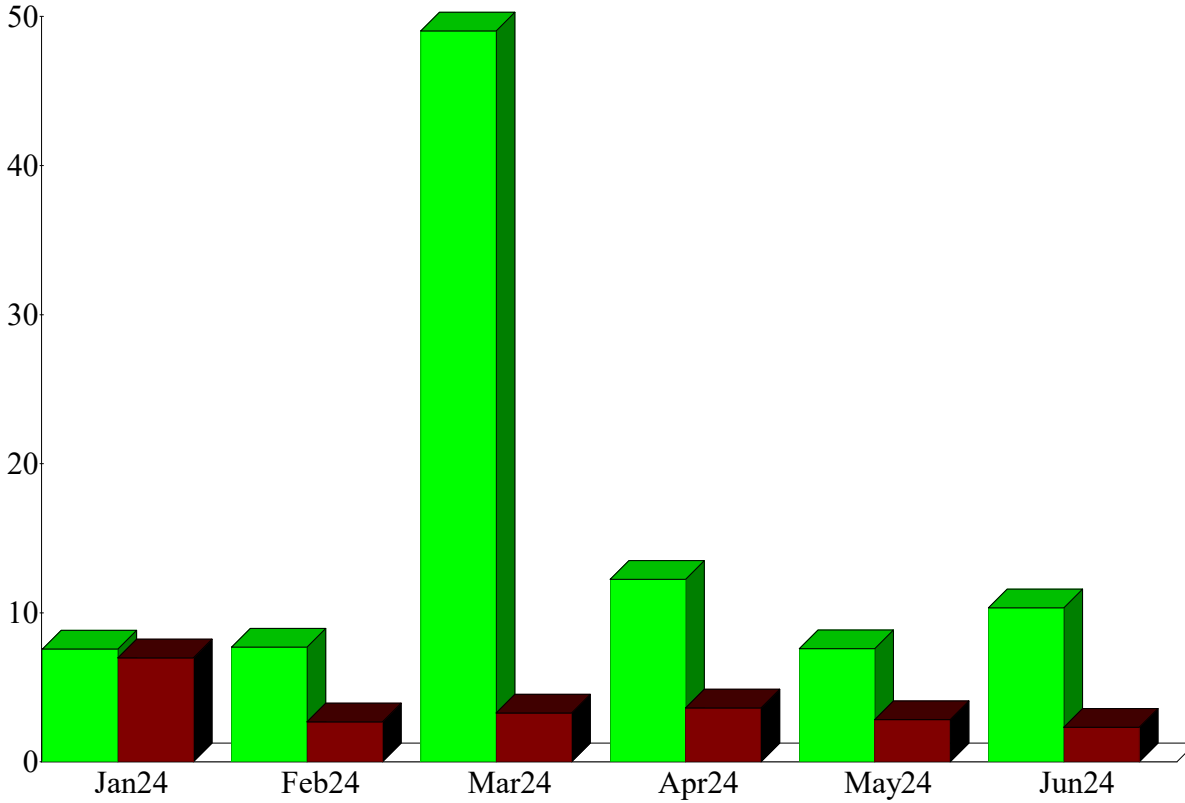
Homeowners Fee	48.57%
CY Property Tax - Debt	35.78
CY Property Tax - O&M	11.93
Specifice Ownership Tax - Debt	2.53
Specific Ownership Tax - O&M	0.84
Interest Income - Debt	0.34
Total	\$94,473.32



Income and Expense by Month
January through June 2024

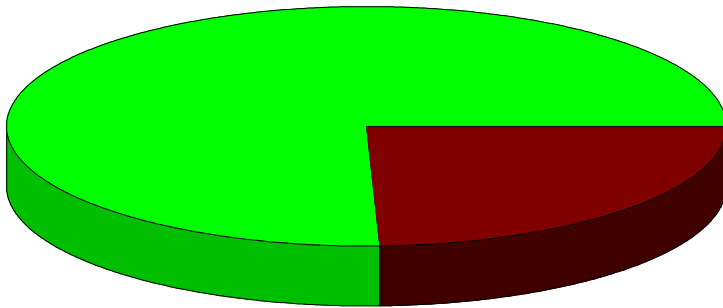
Income
Expense

\$ in 1,000's



Expense Summary
January through June 2024

General & Administrative	75.64%
Operations & Maintenance	24.36
Total	\$21,746.77





**Chaparral Pointe Metropolitan District
PAYMENT REQUEST
7/15/2024
GENERAL FUND ACCOUNT**

Company	Invoice	Date	Amount	Comments
HBS	FR4340664	6/30/2024	\$ 1,091.45	
McGeady Becher PC	116111616	6/30/2024	\$ 272.70	
WSDM	80628021	6/30/2024	\$ 850.60	
TOTAL			\$ 2,214.75	

**Chaparral Pointe Metropolitan District
PAYMENT REQUEST
6/18/2024
DEBT SERVICE FUND**

Company	Invoice	Date	Amount	Comments
UMB Bank N.A.	71024	7/10/2024	30,249.92	June 24 Pledged Revenue

Total Due (Current) 32,464.67

Cash Balance	\$ 72,656.22
Current Draw	\$ (32,464.67)
Cash Balance	\$ 40,191.55