

# RECORD OF PROCEEDINGS

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## MINUTES OF THE COORDINATED REGULAR MEETING OF

WESTGATE METROPOLITAN DISTRICT NO. 1  
WESTGATE METROPOLITAN DISTRICT NO. 2  
WESTGATE METROPOLITAN DISTRICT NO. 3  
WESTGATE METROPOLITAN DISTRICT NO. 4

HELD  
January 26, 2023

The Coordinated Regular Meeting of the Boards of Directors (collectively, “Boards”) of Westgate Metropolitan District No. 1, Westgate Metropolitan District No. 2, Westgate Metropolitan District No. 3, and Westgate Metropolitan District No. 4 (collectively, “Districts”) was held virtually via MS Teams and teleconference on Thursday, January 26, 2023, at 9:00 a.m.

### ATTENDANCE

#### Directors in Attendance:

Marc Savela, Districts 1-4, President/Chairman  
Ronald Corsentino, Districts 1-4, Secretary/Treasurer  
Bryan Reid, District 2, Vice President & Asst. Sec./Asst. Treasurer  
Mary-Kate Corbitt, Districts 1-4, Vice President & Asst. Sec./Asst. Treasurer  
Mildred Candelaria, District 3, Vice President & Asst. Sec./Asst. Treasurer

#### Directors Absent and Excused:

Brian Spittell, Districts 1-4, Vice President & Asst. Sec./Asst. Treasurer  
John Spiegleman, District 1 & 4, Vice President & Asst. Sec./Asst. Treasurer

#### Also in Attendance:

Brendan Desmond, Esq.; Spencer Fane, LLP  
Kathryn Novak and Chris Morton; Broe Real Estate Group  
Bryan Newby, Brendan Campbell, Nic Ortiz, and Shannon Randazzo;  
Pinnacle Consulting Group, Inc.

### CALL TO ORDER

The Regular Meeting of the Boards of Directors of Westgate Metropolitan District Nos. 1, 2, 3 and 4 was called to order at 9:03 a.m. by Ms. Randazzo, noting that a quorum was present for each of the Boards. Each of the Directors confirmed their qualifications to serve on the Boards. The Boards also confirmed prior to the meeting each of the Directors had been notified of the meeting.

### COMBINED MEETINGS

The Boards of Directors determined to hold coordinated meetings of the Districts and to prepare combined minutes of action taken by the Districts at such meetings. Unless otherwise noted herein, all official action reflected in these minutes shall be deemed to be action of all the Districts. Where

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necessary, action taken by an individual District will be so reflected in these minutes.

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## MEETING NOTICE

Ms. Randazzo reported notices of the Boards Meetings were properly posted on the District's website in compliance with state statutes, Board resolution and pursuant to Section 24-6-402(2)(c)(III) C.R.S., regarding meeting notices. The Notice also included the agenda items. Meetings are open to the public.

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## CONFLICTS OF INTEREST

Conflicts of Interest: Mr. Desmond discussed the law relating to conflicts of interest and ethical standards for public officials, and the statutory requirements to disclose any potential conflict of interest to the Boards and to the Secretary of State. Mr. Desmond further advised the Boards regarding the requirements pertaining to general and specific conflicts. Mr. Desmond indicated that appropriate forms disclosing potential conflicts had previously been sent to and completed by each of the Directors at least 72 hours in advance of the meeting as required by statute. The Boards acknowledged the Board Members who are either employees or affiliated with WRD4 Greeley Property, LLC, and its predecessor entity, and its heirs, successors, affiliates, and assigns, and Director Candelaria, who is affiliated with the builder/development entity within District No. 3, and Director Reid, who is affiliated with the builder/development entity within District No. 2, each entity and the affiliations with landowners, and the development entities within the Districts. Mr. Desmond noted additional potential conflicts and questions should be submitted to Spencer Fane, LLP for review and preparation of applicable disclosure statements in advance of each meeting. Mr. Desmond discussed the obligations of individual Directors to assure that the state law regarding disclosure of potential conflicts of interest is properly satisfied. The Boards reviewed the agenda for the meeting, following which each Board Member present confirmed the contents of the written disclosures previously made stating the fact and summary nature of any matters as required under Colorado law to permit official action to be taken at the meeting. Additionally, the Boards determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Boards to act.

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## AGENDA

Ms. Randazzo proposed to the Boards an amendment to agenda items II. A-C., amending the amount to be considered for approval from \$684,104.96 to \$601,861.06. The Boards reviewed the amended agenda. Following review and discussion, upon motion duly made by Director Savela, seconded by Director Corsentino, and upon unanimous vote, it was

**RESOLVED** to approve the agenda, as amended.

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ADMINISTRATIVE  
ITEMS

Appointment for Vacancy on Board of Directors for District No. 2, Affidavit of Qualification, Conflicts of Interest, Oath of Office, Certificate of Appointment and Consider Appointment of Officer: Following the submission of a letter of resignation from District No. 2 Director Brian Spittell effective January 10, 2023, the Boards discussed appointing Brandon Jack to fill the District No. 2 vacancy as Vice President/Assistant Secretary/Assistant Treasurer. Following review and discussion, upon motion duly made by Director Savela, seconded by Director Corsentino, and upon unanimous vote, it was

**RESOLVED** to appoint Brandon Jack to fill the District No. 2 vacancy as Vice President/Assistant Secretary/Assistant Treasurer.

December 22, 2022 Special Meeting Minutes: The minutes of the December 22, 2022, Special Board Meeting were presented and reviewed. Following review and discussion, upon motion duly made by Director Savela, seconded by Director Corsentino, and upon unanimous vote, it was

**RESOLVED** to approve the December 22, 2022, Special Board Meeting minutes, as presented.

PUBLIC  
COMMENT

The Boards opened the meeting to public comments. Upon receiving no comments, this portion of the meeting was closed.

CAPITAL  
INFRASTRUCTURE  
& RELATED  
FINANCIAL ITEMS

Partial Capital Acceptance of Public Improvement Cost: Mr. Ortiz reviewed the cost and summary details and presented to the Boards the request for Partial Capital Public Improvement Cost Acceptance for Public Improvements in the amount of \$601,861.06. Following review and discussion, upon motion duly made by Director Savela, seconded by Director Corbitt, and upon unanimous vote, it was

**RESOLVED** to approve the request for Partial Capital Public Improvement Cost Acceptance in the amount of \$601,861.06.

Project Requisition Draw for Capital Improvement Expenses: Mr. Ortiz reviewed the cost and summary details and presented to the Boards the Project Requisition Draw for Capital Improvement Expenses in the amount of \$601,861.06. Following review and discussion, upon motion duly made by Director Savela, seconded by Director Corbitt, and upon unanimous vote, it was

**RESOLVED** to approve the Project Requisition Draw for Capital

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Improvement Expenses in the amount \$601,861.06.

Resolution of the District to Reimburse Partial Capital Public Improvement Notice for Public Improvement Costs and Expenses: Mr. Ortiz reviewed the cost and summary details and presented to the Boards the Resolution of the District to Reimburse Partial Capital Public Improvement Notice for Public Improvement Costs and Expenses in the amount of \$601,861.06. Following review and discussion, upon motion duly made by Director Savela, seconded by Director Corbitt, and upon unanimous vote, it was

**RESOLVED** to approve the Resolution of the District to Reimburse Partial Capital Public Improvement Notice for Public Improvement Costs and Expenses in the amount of \$601,861.06.

FINANCIAL  
ITEMS

There were no financial items brought before the Boards.

DISTRICT  
MANAGER  
ITEMS

No District Manager items were brought before the Boards at this time.

LEGAL ITEMS

No legal items were brought before the Boards at this time.

DEVELOPMENT  
UPDATE

No development updates were brought before the Boards at this time.

ITEMS FROM  
DIRECTORS

No Director's items were presented to the Boards at this time.

OTHER MATTERS

No other matters were brought before the Boards at this time.

EXECUTIVE  
SESSION

No executive session was needed at this time.

ADJOURNMENT

There being no further business to come before the Boards, upon motion duly made by Director Savela, seconded by Director Corsentino, and unanimously carried, the meeting was adjourned at 9:11 a.m.

Respectfully submitted,

*Bryan Newby*

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Bryan Newby, Recording Secretary for the Meeting