

## RECORD OF PROCEEDINGS

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MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
ASPEN PARK METROPOLITAN DISTRICT (THE “DISTRICT”)  
HELD  
NOVEMBER 14, 2022

A special meeting of the Board of Directors of the Aspen Park Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, November 14, 2022, at 1:00 p.m. This meeting was held via video conference using Microsoft Teams. The meeting was open to the public.

### ATTENDANCE

#### **Directors In Attendance Were:**

Rick Merkel, President  
Michael Tamblyn, Treasurer  
Roxan Rose, Secretary

#### **Also, In Attendance Were:**

Lisa Johnson and Shauna D’Amato; CliftonLarsonAllen LLP (“CLA”)  
Clint Waldron, Esq. and Heather Hartung Esq.; White Bear Ankele Tanaka &  
Waldron  
Marti Whitmore; Hockersmith & Whitmore, LLC  
Bill Berg; Martin and Wood Water Consultants, Inc.

### ADMINISTRATIVE MATTERS

**Call to Order / Quorum / Disclosures of Potential Conflicts of Interest:** It was noted that a quorum of the Board was present, and therefore the meeting was called to order at 1:00 p.m. Attorney Hartung reported that disclosures for the Directors were not filed due to no action being taken by the Board at this meeting. The participation of the members present was necessary to obtain a quorum.

**Meeting Location, Posting of Meeting Notice and Agenda:** The meeting location and the posting of the meeting notice was confirmed. Upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board approved the November 14, 2022 agenda, as presented.

**Public Comment:** There was no public comment.

### LEGAL MATTERS

**Executive session of the Board of Directors for the purpose of receiving legal advice pursuant to Section 24-6-402(4)(b), Colorado Revised Statutes as it relates to water rights:** Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board entered into an executive session at 1:04 p.m. pursuant to Section 24-6-402(4)(b) for the purpose of receiving legal advise related to water rights.

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Following discussion, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board exited from the executive session at 1:48 p.m. No action was taken.

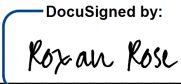
### OTHER BUSINESS

None.

### ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Merkel, seconded by Director Rose and, upon vote, unanimously carried, the Board adjourned the meeting at 1:49 p.m.

Respectfully submitted,

By  7C547FF34C954E7  
Secretary for the Meeting

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### **Attorney Statement:**

#### 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 Aspen Park Metropolitan District, I attended the executive session at the special meeting of Aspen Park Metropolitan District convened at 1:04pm on November 14, 2022 for the sole purpose of discussing water rights as authorized by Section 24-6-402(4)(b), 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)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

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Heather L. Hartung, Esq.  
General Counsel

### **Attorney Statement:**

#### 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 special counsel representing Aspen Park Metropolitan District on water matters, I attended the executive session at the special meeting of Aspen Park Metropolitan District convened at 1:04pm on November 14, 2022 for the sole purpose of discussing water rights as authorized by Section 24-6-402(4)(b), 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)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

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Martha Whitmore, Esq.  
Special Counsel