

MARVELLA METROPOLITAN DISTRICT

8390 E. Crescent Parkway, Suite 300
Greenwood Village, Colorado 80111
(303)779-5710 (303)773-2050 fax
<http://www.marvellamd.com/index.htm>

NOTICE OF SPECIAL MEETING AND AGENDA

DATE: August 18, 2021

TIME: 9:00 a.m.

LOCATION: CLA or Microsoft Teams (Hybrid Meeting)
8390 E. Crescent Pkwy., Ste. 275
Greenwood Village, CO 80111

ACCESS: https://teams.microsoft.com/l/meetup-join/19%3ameeting_Y2JINmE0YzItZGUzYi00YjZjLTliMmUtZjdIY2I0MGNjMjQ4%40thread.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%2216b1c71c-d483-4feb-8929-2d72ea1cdf59%22%7d

To attend via telephone, dial **+1 720-547-5281** United States, Denver
Phone Conference ID: **485 820 591#**

<u>Board of Directors</u>	<u>Office</u>	<u>Term Expires</u>
Tahlia Sayers	President	May, 2022
Craig Corliss	Secretary	May, 2023
Ian Roth	Treasurer	May, 2022
Michael Kark	Assistant Secretary	May, 2023
Vacancy	Assistant Secretary	May, 2022

1. ADMINISTRATIVE MATTERS

- A. Call to order and confirm quorum.
- B. Present disclosures of potential conflicts of interest.

2. CONSENT AGENDA

- A. Approve Agenda, location of meeting, posting of meeting notices and designate 24-hour posting location.
- B. Review and Consider Approval of May 18, 2021 Special Meeting Minutes (enclosed).
- C. Review and Ratify Approval of Claims (to be distributed).

3. PUBLIC COMMENT

Members of the public may express their views to the Board on matters that affect the District that are otherwise not on the agenda. Comments will be limited to three (3) minutes per person.

4. FINANCIAL MATTERS

- A. Review and Consider Approval of Unaudited Financial Statements (to be distributed).
- B. Consider Approval of 2020 Audit Extension Filing by Simmons & Wheeler, P.C.

5. MANAGER ITEMS

- A. Landscaping Update (enclosed).
- B. 2022 Budget Schedule.
 - 1. November 8, 2021 Board Meeting – Public Hearing to Review and Approve 2022 Budget.

6. LEGAL MATTERS

- A. Review and Consider Approval of Resolution Designating an Official Custodian and a Custodian for Purposes of the Colorado Open Records Act, Sections 24-72-200.1 *et seq.*, C.R.S. and Rules Related to Requests for Inspection of Public Records Pursuant to the Colorado Open Records Act, Sections 24-72-200.1 *et seq.*, C.R.S. (enclosed)
- B. 2022 Contract Renewals
- C. Executive Session: pursuant to C.R.S., Section 24-6-402(4)(b) and Section 24-6-402(4)(e) for the purposes of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations as well as instructing negotiators related to the District's approving jurisdiction and agreements with Century Communities.

7. DIRECTOR ITEMS

- A. Other

8. ADJOURNMENT

The next regular meeting is scheduled for November 8, 2021 at 12:00 p.m.

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING AND WORK SESSION OF
THE BOARD OF DIRECTORS OF THE
MARVELLA METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
MAY 24, 2021

A special meeting of the Board of Directors of the Marvella Metropolitan District (referred to hereafter as the “Board”) was convened on May 24, 2021, at 3:00 p.m. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Craig Corliss, Secretary
Ian Roth, Treasurer
Michael Kark, Assistant Secretary

The absence of Director Sayers was excused.

Also, In Attendance Were:

Denise Denslow and Celeste Terrell; CliftonLarsonAllen LLP (CLA)
Karlie Ogden; Icenogle Seaver Pogue

ADMINISTRATIVE MATTERS

Call to Order/Quorum: A quorum was confirmed, and Director Corliss called the meeting to order at 3:02 p.m.

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. No new conflicts were disclosed.

CONSENT AGENDA

Agenda/Location of Meeting, Posting of Meeting Notices and Designate 24-hour Posting Location: The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Kark, seconded by Director Roth and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

Public Comment: There was no public comment.

LEGAL MATTERS

Resolution Indemnifying Board of Directors: Karlie Ogden reviewed the

RECORD OF PROCEEDINGS

Resolution Indemnifying Board of Directors with the board.

Following discussion, upon motion duly made by Director Roth, seconded by Director Corliss and, upon vote, unanimously carried, the Board approved the Resolution Indemnifying Board of Directors.

ADJOURNMENT

The Board also determined that the next special meeting is scheduled on June 24, 2021 at 7:30 a.m.

There being no further business to come before the Board at this time, the meeting was adjourned at 3:08 p.m.

Respectfully submitted,

By _____
Secretary for the Meeting



***MONTHLY MAINTENANCE REPORT
JUNE 2021***

Recipients

Board of Directors
Denise Denslow
Nic Carlson

FOR: Marvella Metro District

SUBMITTED BY: Mike Crespin

DATE: 6/29/21

REVIEW OF OPERATIONS:

**General
Maintenance:**

Weekly Maintenance service will continue throughout the remainder of the season. We have completed the mowing of the beauty bands of the natives and mowed the west retention pond areas, we were going to mow the remainder of the native throughout the community by mid-July. Flower have been installed and on my drive through on 6/30 they were all looking good, we will be fertilizing them in July and again in August.

Turf :

We will be following up with post emergent turf weed sprays the week of July 14th-18th and monitor through the remainder if the season.

Irrigation:

Irrigation system is continuing to run and be inspected with necessary repairs being made. The flower irrigation work has been completed and working well

Site Policing:

Trash and debris cleanup are being completed weekly.

**General
Updates:**

Proposal that Rangler submitted prior to his departure if approved will get scheduled and completed. We are currently running 2-3 week out on approved work getting started.

**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
MARVELLA METROPOLITAN DISTRICT**

A Resolution Designating an Official Custodian and a Custodian for Purposes of the Colorado Open Records Act, Sections 24-72-200.1 *et seq.*, C.R.S.

The Board of Directors of the Marvella Metropolitan District, City of Centennial, Arapahoe County, Colorado, held a special meeting at 9:00 A.M., on Wednesday, August 18, 2021. Due to concerns regarding the spread of Coronavirus (COVID-19) and the benefits to the spread of the virus by limiting in-person contact, this meeting was held by video/telephonic means via https://teams.microsoft.com/l/meetup-join/19%3ameeting_Y2JINmE0YzltZGUzYi00YjZjLTliMmUtZjdlY2I0MGNjMjQ4%40thread.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%2216b1c71c-d483-4feb-8929-d72ea1cdf59%22%7d or Dial-in: 1-720-547-5281 and Phone Conference ID: 485 820 591#. The following resolution was adopted:

WHEREAS, Marvella Metropolitan District (the “District”) is a special district organized and existing pursuant to Sections 32-1-101 *et seq.*, C.R.S.; and

WHEREAS, the District is a political subdivision for purposes of the Colorado Open Records Act, Sections 24-72-200.1 *et seq.*, C.R.S., as may be amended from time to time, (“CORA”), as defined in Section 24-72-202(5), C.R.S., and is thus subject to CORA; and

WHEREAS, the Board of Directors of the District (the “Board”) wishes to designate an “Official Custodian,” as that term is defined in Section 24-72-202(2), C.R.S., who is responsible for the maintenance, care, and keeping of the District’s public records, regardless of whether the records are in his or her actual personal custody and control; and

WHEREAS, the Board wishes to designate a “Custodian,” as that term is defined in Section 24-72-202(1.1), C.R.S., who shall serve as the repository for the District’s public records and shall have personal custody and control of the District’s public records and assist the Official Custodian with the maintenance, care, and keeping of the District’s public records.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF MARVELLA METROPOLITAN DISTRICT AS FOLLOWS:

1. The Board, by a vote of ___ to ___, hereby designates the President of the Board, which position is currently held by Tahlia Sayers, but which may be held by other individuals in the future, as the Official Custodian of the District’s public records for purposes of CORA. This designation of the individual holding the position of President of the Board as the Official Custodian of the District shall continue unless and until the Board amends or repeals this Resolution. Pursuant to Section 24-72-203(1)(a), C.R.S., the Official Custodian may develop rules for the inspection of the District’s public records as are

reasonably necessary for the protection of such records and for the prevention of unnecessary interference with the regular discharge of the duties of the Custodian or the Custodian's office.

2. The Board, by a vote of ___ to ___, hereby designates the District Manager, which position is currently held by Denise Denslow, CliftonLarsonAllen LLP, but which may be held by other individuals in the future, as the Custodian of the District's public records for purposes of CORA. The Custodian shall serve as the repository for the District's public records and shall have personal custody and control of the District's public records and assist the Official Custodian with the maintenance, care, and keeping of the District's public records.
3. All prior acts, orders, or resolutions, or parts thereof, by the District, as well as practices or policies of the District, in conflict with this Resolution, including but not limited to prior or conflicting designations for purposes of CORA, are hereby repealed and superseded by this Resolution.

[Remainder of page intentionally left blank.]

ADOPTED, APPROVED, AND MADE EFFECTIVE the 18th day of August 2021.

MARVELLA METROPOLITAN DISTRICT

By: Tahlia Sayers
Its: President

ATTEST:

By: Craig Corliss
Its: Secretary

MARVELLA METROPOLITAN DISTRICT

RULES RELATED TO REQUESTS FOR INSPECTION OF PUBLIC RECORDS PURSUANT TO THE COLORADO OPEN RECORDS ACT, SECTIONS 24-72-200.1 *et seq.*, C.R.S.

WHEREAS, Marvella Metropolitan District (the “District”) is a special district organized and existing pursuant to Sections 32-1-101 *et seq.*, C.R.S.; and

WHEREAS, the District is a political subdivision for purposes of the Colorado Open Records Act, Sections 24-72-200.1 *et seq.*, C.R.S., as may be amended from time to time (“CORA”), as defined in Section 24-72-202(5), C.R.S., and is thus subject to CORA; and

WHEREAS, the District has designated an “Official Custodian,” as that term is defined in Section 24-72-202(2), C.R.S., who is responsible for the maintenance, care, and keeping of the District’s public records, regardless of whether the records are in his or her actual personal custody and control; and

WHEREAS, pursuant to Section 24-72-203(1)(a), C.R.S., the Official Custodian may make such rules with reference to the inspection of public records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the Custodian (as defined in CORA) and the Custodian’s office; and

WHEREAS, the Official Custodian finds it is necessary and in the best interests of the District to adopt certain rules with reference to the inspection of its public records.

NOW, THEREFORE, THE OFFICIAL CUSTODIAN MAKES AND ADOPTS THE FOLLOWING RULES WITH REFERENCE TO THE INSPECTION OF THE MARVELLA METROPOLITAN DISTRICT’S PUBLIC RECORDS:

1. Inspection of Public Records. All “Public Records” of the District, as such term is defined in Section 24-72-202(6), C.R.S., shall be available for public inspection by any person at reasonable times as provided in CORA, except as otherwise provided in CORA or as otherwise provided by law. All requests to inspect Public Records shall be in writing and delivered to the Official Custodian or his or her designee. Upon the receipt of a written request to inspect Public Records, the Official Custodian or his or her designee shall set a date and hour at which time the requested Public Records will be available for inspection, which date and hour of inspection shall be between the hours of 8:00 A.M. and 5:00 P.M., Mountain Standard Time, three (3) working days or less from the date such Public Records were requested for inspection unless extenuating circumstances exist as provided in Section 24-72-203(3)(b), C.R.S. The day the request is received, weekends, and legally recognized holidays shall not count as a working day for the purposes of computing the date set for inspection of Public Records. A modification to a request for Public Records is considered a new request.
2. Notification for Inspecting Public Records Not Under Control of the Official Custodian.

If the Public Records requested are not in the custody or control of the Official Custodian, the Official Custodian or his or her designee shall notify the person requesting to inspect such records that said records are not in the custody or control of the Official Custodian. The notification shall state in detail to the best of the Official Custodian's knowledge and belief, the reason for the absence of the records, the location of the records, and what person has custody or controls the records.

3. Notification for Inspecting Public Records in Use or Otherwise Unavailable. If the Public Records requested are in active use, in storage, or otherwise not readily available at the time requested, the Official Custodian or his or her designee shall notify the person requesting to inspect the Public Records of the status of the Public Records. Such notification shall be made in writing if desired by the person requesting to inspect the Public Records.
4. Copies of Public Records. Within the period specified in Section 24-72-203(3), C.R.S., the Official Custodian or his or her designee shall notify the person requesting a copy of the Public Records that a copy of the Public Records is available but will only be sent to the requester once the Official Custodian either receives payment or makes arrangements for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed, regardless of whether provided for herein, unless recovery of all or any portion of such costs or fees has been waived by the Official Custodian. Upon receipt of such payment, the Official Custodian or his or her designee shall send a copy of the Public Records to the requester as soon as practicable but no more than three (3) business days after receipt of, or making arrangements to receive, such payment.
5. Fees for Copies of Public Records. The Official Custodian or his or her designee shall furnish, for a fee as set forth herein, a copy, printout, or photograph of the District's Public Records requested. The fee shall be twenty-five cents (\$0.25) per standard page, or such other maximum amount as authorized by Section 24-72-205(5), C.R.S., for a copy, printout, or photograph of the Public Record except as follows:
 - a. When the format is other than a standard page, the fee shall not exceed the actual cost of providing the copy, printout, or photograph;
 - b. If other facilities are necessary to make a copy of the Public Records, the cost of providing the copy at the other facilities shall be paid by the person requesting the copy;
 - c. If the Public Records are a result of computer output other than word processing, the fee for a copy, printout, or photograph thereof may be based on recovery of the actual incremental costs of providing the electronic services and products together with a reasonable portion of the costs associated with building and maintaining the information system;
 - d. If, in response to a specific request, the District has performed a manipulation of data so as to generate a record in a form not used by the District, a reasonable fee

may be charged to the person making the request, which fee shall not exceed the actual costs of manipulating the data and generating the record in accordance with the request; and

- e. Where the fee for a certified copy or other copy, printout, or photograph of a Public Record is specifically prescribed by law, that specific fee shall apply in lieu of the fee(s) set forth herein.
6. Transmission Fees. In addition to the fees set forth above, where the person requesting the Public Record requests the transmission of a certified copy or other copy, printout, or photograph of a Public Record by United States mail or other non-electronic delivery service, the Official Custodian or his or her designee may charge the costs associated with such transmission, except that no transmission fees may be charged to the records requester for transmitting a Public Record via electronic mail.
 7. Research and Retrieval Fees. In addition to the fees set forth above, in accordance with Section 24-72-205(6), C.R.S., the Official Custodian or his or her designee may charge a research and retrieval fee of \$33.58 per hour, or such other maximum hourly fee as may be adjusted from time to time pursuant to Section 24-72-205(6)(b), C.R.S., for time spent by the District's directors, employees, agents, and consultants researching, retrieving, gathering, collecting, compiling, preparing, redacting, manipulating, and/or otherwise producing records in order to respond to a request for Public Records. Provided, however, that such research and retrieval fee may not be imposed for the first hour of time expended in connection with such research and retrieval activities related to a request for Public Records, but may be imposed for each subsequent hour.
 8. Payment of Fees. All fees associated with production of the District's Public Records requested by the person inspecting said Public Records, as set forth in Paragraphs 4 through 7 above, shall be received by the District before the delivery or inspection of said Public Records.
 9. In Force Until Amended or Repealed. These rules of the Official Custodian shall remain in full force and effect unless and until such time as they are amended or repealed by the Official Custodian regardless of any change in either the individual serving as, or the designation of, the Official Custodian of the District.
 10. Repealer. These rules of the Official Custodian shall supersede all previous versions of rules, regulations, practices and policies of the District related to inspection of Public Records.

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ADOPTED, APPROVED, AND MADE EFFECTIVE the 18th day of August 2021.

By: Tahlia Sayers
Official Custodian of Public Records
Marvella Metropolitan District