

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE COLORADO INTERNATIONAL CENTER METROPOLITAN DISTRICT NO. 5 HELD OCTOBER 12, 2021

A Special Meeting of the Board of Directors (referred to hereafter as the "Board") of the Colorado International Center Metropolitan District No. 5 (referred to hereafter as the "District") was convened on Tuesday, the 12th day of October, 2021, at 1:00 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, the District Board meeting was held and properly noticed to be held via conference call. The meeting was open to the public.

#### ATTENDANCE

#### Directors In Attendance Were:

Andrew Klein  
Kevin Smith  
Theodore Laudick

Following discussion, upon motion duly made by Director Smith, seconded by Director Klein and, upon vote, unanimously carried, the absence of Director Moore was excused.

#### Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

Megan Becher, Esq.; McGeady Becher P.C.

Colin B. Mielke, Esq.; Seter & Vander Wall, P.C.

Zachary Leavitt; CliftonLarsonAllen LLP

Mark Witkiewicz; Aurora High Point at DIA Metropolitan District

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

**Disclosure of Potential Conflicts of Interest:** The Board noted it was in receipt of disclosures of potential conflicts of interest statements for each of the Directors and that the statements had been filed with the Secretary of State at least seventy-two hours in advance of the meeting. Attorney Becher requested that the Directors review the Agenda for the meeting and advise the Board of any new conflicts of interest which had not been previously disclosed. No further disclosures were made by Directors present at the meeting.

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### ADMINISTRATIVE MATTERS

**Location/Manner of Meeting and Posting of Notices:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined that, 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, the meeting would be held by telephonic means, and encouraged public participation via telephone. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted and that the District had not received any objections to the telephonic manner of the meeting, or any requests that the telephonic manner of the meeting be changed by taxpaying electors within the District boundaries.

**Agenda:** Ms. Finn distributed for the Board's review and approval a proposed Agenda for the District's Special Meeting.

Following discussion, upon motion duly made by Director Smith, seconded by Director Klein and, upon vote, unanimously carried, the Agenda was approved, as presented.

### PUBLIC COMMENT

There was no public comment.

### LEGAL MATTERS

**Termination of Facilities Funding, Construction and Operations Agreement as to Colorado International Center Metropolitan District No. 7 and Colorado International Center Metropolitan District No. 11, by and between Aurora High Point at DIA Metropolitan District and Colorado International Center Metropolitan District Nos. 4, 5, 6, 7, 8, 9, 10, and 11:** Attorney Becher reviewed with the Board the Termination of Facilities Funding, Construction and Operations Agreement as to Colorado International Center Metropolitan District No. 7 and Colorado International Center Metropolitan District No. 11, among Aurora High Point at DIA Metropolitan District and Colorado International Center Metropolitan District Nos. 4, 5, 6, 7, 8, 9, 10, and 11.

Following discussion, upon motion duly made by Director Smith, seconded by Director Klein and, upon vote, unanimously carried, the Board approved the Termination of Facilities Funding, Construction and Operations Agreement as to Colorado International Center Metropolitan District No. 7 and Colorado International Center Metropolitan District No. 11, among Aurora High Point at DIA Metropolitan District and Colorado International Center Metropolitan District Nos. 4, 5, 6, 7, 8, 9, 10, and 11.

### OTHER BUSINESS

There was no other business.

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### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Smith, seconded by Director Klein and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By: *Ann Finn*  
Secretary for the Meeting