

# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

GVR METROPOLITAN DISTRICT

Held: Wednesday, May 18, 2022, at 6:30 P.M. at the GVR Metropolitan District Office, 18650 East 45th Avenue, Denver, Colorado. Also available to the public via Go-To-Meeting.

### Attendance

The regular meeting of the Board of Directors of the GVR Metropolitan District was called and held as shown above in accordance with the statutes of the State of Colorado. The following Directors, having confirmed their qualifications to serve on the Board, were in attendance:

Tim Camarillo, Chair  
Anthony Noble, Secretary / Treasurer  
William Thomas, Director  
Lyman West, Director

Absent: Eric Gravenson (absence excused).

Also in attendance were Micaela Duffy, District Manager, GVR Metropolitan District; Barbara T. Vander Wall, Seter & Vander Wall, P.C., legal counsel; Matt Stallman; Garrett Pye\*, 4530 Genoa Street, and Chris Maj\*, 4146 Lisbon Street.

[\*Arrived / departed where indicated.]

### Call to Order

Chair Director Camarillo noted that there is a quorum of the Board with four directors in attendance, and called the regular meeting of the Board of Directors of the GVR Metropolitan District to order. The Board excused the absence of Director Gravenson.

### Approval of Agenda

The Board reviewed the agenda. Upon motion, second and unanimous vote, the Board approved the agenda as presented.

### Conflict of Interest / Disclosure Matters

The Board had been previously advised that pursuant to Colorado law, certain disclosures by the Board members might be required prior to taking official action at the meeting. Legal

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counsel advised that written disclosures of the conflicts of interest previously submitted by the applicable Directors had been filed with the Secretary of State prior to the meeting.

No additional conflict disclosures were announced.

## Public Comment Period:

- Denver Police Dept. There were no representatives present from the Denver Police Department at this time.
- Master HOA There were no comments from the Master HOA at this time.
- CAB There were no comments from the CAB at this time.
- Councilwoman Gilmore's Office There were no representatives from Councilwoman Gilmore's office present for comment.

[\*Resident Chris Maj arrived to the meeting at this time.]

- Public Comment Mr. Chris Maj addressed the Board with his public comment, noting that since the District has paid off its bonds, it should transfer its services to the HOA, not renew its contract with the HOA, then cease to exist.

There was no additional public comment at this time.

[\*Mr. Maj departed the meeting at this time.]

## Director Matters:

- Appointment of Board Member The Board discussed the appointment of Mr. Matt Stallman to one of the two existing vacancies on the Board, following the May 2022 director election. Upon motion, second and a vote of three in favor, one against (Director West), Mr. Matt Stallman was appointed to a vacancy with a term expiring May, 2023. Mr. Stallman was administered his oath of office, for filing with the clerk and recorder in order to become an active board member.
- Election of Officers The Board discussed the president (chair), vice president, and secretary/treasurer officer positions on the Board, which are typically voted on following the director election. Upon motion, second and vote of 3 in favor, 1 against (Director West) Director Noble was elected to the position of president, Director Thomas was elected to the position of vice president, and Director Camarillo was elected to the position of secretary/treasurer.

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Following the election of officers, Director Noble took over the position of Board chair.

## Approval of Minutes

The minutes of the regular meeting of the Board of Directors held April 20, 2022, were read. Upon motion, second, and unanimous vote, the Board approved the minutes of the meeting as presented.

Next, the Board reviewed the minutes of the special work session held May 11, 2022. Upon motion, second and unanimous vote, the Board approved the minutes of the May work session as presented.

## Attorney's Report

Ms. Vander Wall directed the Board members to her written legal report included in the meeting materials. She highlighted the bills considered by the 2022 legislature which may impact the District, and noted that House Bill 22-1363, which would have prohibited entering into or renewing contracts for covenant enforcement services, did not pass.

## Board Reports:

- April 30, 2022  
Financials

Director Camarillo presented the financial report and claims payable for the period ending April 30, 2022, including the financial overview, and the District's property tax collections. He reviewed the checks exceeding \$5,000. Upon motion, second and unanimous vote, the Board accepted the April financial report as presented. Director Thomas noted that he is keen on water reduction and turf replacement opportunities for savings on water expenses.

- District Manager's  
Report

Ms. Duffy updated the Board with highlights from her manager's report. She noted that the parking lot paving services contract has been signed and the permits ordered. The work is tentatively scheduled to commence mid-June.

Staff continues to respond to public information requests from the media as they come up.

Ms. Duffy inquired as to whether the Board would like to continue making virtual attendance of the Board meetings available, now that the meetings are available to the public for in-person attendance. The Board agreed to continue offering the virtual option, and directed Ms. Duffy to research equipment upgrades to better accommodate virtual attendance options.

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Ms. Duffy requested feedback from the Board on expectations regarding Board Member requests made outside of Board meetings. Two issues were identified: how much time is needed to respond to a request, and what notice needs to be provided for vacation time from the District manager.

After further discussion, it was determined that a response can be expected within 24-48 hours of the Board member request being made. If the District manager is not available, the assistant manager is the next point of contact who may assist in responding to the request. The Board acknowledged that the current policy requires the District manager to advise the Board president of any vacation absences in advance. Director Noble suggested that these communication recommendations be conveyed to staff.

## Discussion Items / Unfinished Business:

### - Personnel Manual

The Board discussed changes to the personnel manual following the workshop session held on May 11, 2022. Ms. Duffy distributed to the Board members a description of the corrections and open items resulting from the Board's workshop discussion. The Board acknowledged the corrections made, and reviewed the open issues for further discussion and determination.

Section 1.40 proposed removal of language regarding the detailed list of the Board's authority related to Board operations. Upon motion, second and a vote of three in favor, one against (Director West), the Board approved the proposed revision as presented.

Section 2.21 proposed replacing the 120-day time frame to "a reasonable period" in connection with use of compensatory time. After further discussion, and upon motion, second and unanimous vote, the Board determined not to make the changes to the language as proposed.

Section 3.30 addresses 401(k) plan benefits made available to paid Board members, which may be impacted by recent changes in the law regarding PERA provisions. Ms. Duffy noted that her discussions with PERA confirmed that for so long as Board members are paid, they are eligible to participate in the 401(k) plan. The Board acknowledge that no changes to this language was needed.

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Section 4.11 proposes an increase in vacation time from 5 weeks to 6 weeks, available to such employees who have worked for the District for 15 or more years. Upon motion, second and a vote of three in favor, one against (Director Noble), the Board approved the additional vacation benefit as proposed.

The Board acknowledged the changes to Section 4.20, which provides for two additional paid leave holidays (Martin Luther King, Jr. Day and Veterans Day), and the removal of paid leave for employee birthday. It was noted that the employee birthday paid leave would continue through 2022, and terminate as of 2023.

Section 4.70 provides for the closing of the District office and sending staff home in the event of a snow storm, with essential maintenance staff to continue its snow removal responsibilities, except in circumstances involving significant storms. After further discussion, and upon motion, second and unanimous vote, the Board agreed to allow such essential staff to earn time off in the amount of an hour for each hour worked, to compensate for giving up the privilege of being allowed to go home.

Section 5.60 provides for the prohibition of nepotism, except in specified circumstances, and incorporate the term “ordinarily.” Upon motion, second and vote of three in favor, one against (Director West), the Board determined not to make any changes to this provision.

Section 6.20 addresses policies related to drugs and alcohol, and prohibits employees from reporting for duty during regular working hours or while representing the District with any detectable amount of prohibited drugs or alcohol in the employee’s system. The Board discussed whether to remove “detectable” from the policy. Upon motion, second and a vote of three in favor, one against (Director West), the Board determined to retain the language as originally presented.

Section 6.70 describes prohibited conflicts of interest by employees, including gifts of substantial value or substantial economic benefit. In response to the workshop discussion, legal counsel suggested a clarification which refers to language in the Colorado Revised Statutes and the Colorado Constitution, which define “substantial value,” currently establishes the amount at

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\$65, which is adjusted for inflation every four years. The Board acknowledged and agreed to the clarification.

The Board discussed Section 8.00 regarding grievances, and whether to establish an appeals process to the Board in the event of termination of employment. Legal counsel distinguished the grievance process presented in Section 8.00 and the disciplinary process, which includes termination, in Section 7.00. The Board discussed modifying the initial paragraph to add clarifying language, and to remove the final sentence of this paragraph, as proposed. It was further determined that no any additional appeals process should be created under the “Grievances” section at this time, with reliance on the existing language for appeals in a grievance context, and appeals in a disciplinary context. Upon motion, second and vote of three in favor, one against (Director West), the Board approved the changes as presented.

Upon conclusion of the itemized discussion items, upon motion by Director Thomas, second by Director Camarillo, and a vote of three in favor, one against (Director West), the Board approved the revised personnel manual with the amendments and revisions as discussed.

Discussion Items / New Business:

There were no items of new business presented for discussion at this time.

Director Items

Director West noted recent correspondence that was addressed to the District and the HOA; it was noted that the author did not sign or otherwise identify themselves.

Director West asked about executive session requirements related to District employees. Ms. Vander Wall provided the legal criteria for such circumstances.

Director Camarillo reported that he was recently approved to serve as a member on the Denver Board of Adjustment; he will be sworn in on May 31, 2022.

Director Thomas stated that he feels there is a disconnection between the District’s mission and purpose, with what is currently taking place. He would like to find ways to address this issue.

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Director Noble stated his challenge to all Board members to rise to a higher level of professionalism to serve their community. He asked each Board member to submit to him three things to be included as a topic for Board member training. He suggested that future agendas include a "Recommendations Follow Up" item for Board discussion.

Director West stated that the limitations on what the Board can do creates a stalemate.

There were no other director items brought forth at this time.

Other Business

There was no other business for discussion at this time.

Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at approximately 8:40 p.m.

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Secretary for the Meeting