

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF THE  
HAWTHORN METROPOLITAN DISTRICT  
HELD DECEMBER 1, 2025 AT 2:00 P.M.  
VIA TELECONFERENCE**

The regular meeting of the Board of Directors of Hawthorn Metropolitan District was called and held in accordance with the applicable laws of the State of Colorado. The following Directors, having confirmed their qualifications to serve, were in attendance:

**Attendance**

Krystal Bigley, President  
Andrea Stewart, Assistant Secretary  
Gary Silverman, Treasurer  
Stephen Bonneau, Assistant Secretary

Also present were Trisha K. Harris, Esq. and Matt R. Fegan, Esq., WBA, PC, District General Counsel; Allison Willians, CliftonLarsonAllen, LLP, District Accountant; Mark Becker, MSI, LLC, District Manager; and several owners.

**Call to Order/Declaration of Quorum**

It was noted that a quorum of the Board was present, and Ms. Bigley called the meeting to order at 3:02 p.m.

**Conflict of Interest Disclosures**

Ms. Bigley advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Bigley reported that disclosures for those directors that provided WBA, PC, with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Bigley inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted.

**Approval of Agenda**

The Board reviewed the proposed agenda. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as amended, subject to moving the Public Comment section to the end of the meeting, ahead of the executive session.

## **Discuss Board and ARC Vacancies**

- Consider Appointment of Director – Ms. Bigley discussed that one person expressed interest in the vacant seat on the Board but did not meet the qualifications to be on the Board. No action taken.
- Consider Election of Officers – No action taken.
- Consider Appointment of an ARC Member – Ms. Bigley discussed that two individuals expressed an interest in serving of the ARC. Ms. Harris explained that the qualifications for eligibility to serve on the Board do not apply to the ARC. No action taken.

**ACTION ITEM:** Ms. Bigley will reach out to the two individuals who expressed an interest in serving on the ARC to explain what is required and expected, with the intent being for the Board to appoint individuals to the ARC at the March 2026 meeting.

## **Consent Agenda**

Ms. Bigley reviewed the items on the consent agenda with the Board. Ms. Harris advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. The Board voted separately on the below agenda items:

- Approval of Board Meeting Minutes from September 8, 2025 Meeting – Ms. Bigley presented the September 8, 2025 Minutes to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the September 8, 2025 minutes.
- Ratify Supplement to 2024 Annual Report – Ms. Harris presented the 2024 Annual Report to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously ratified the 2024 Annual Report.
- Approval of Amended Digital Accessibility Policy – Ms. Harris presented the Amended Digital Accessibility Policy to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Amended Digital Accessibility Policy.

## **Financial Matters**

- Review and Consider Acceptance of Unaudited Financials – Ms. Williams presented the Unaudited Financials during the Annual Meeting. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the Unaudited Financial Statements.
- Review and Consider Approval of Claims – Ms. Williams presented the Claims to the Board. Ms. Bigley asked about the payments to Poop 911, as that contract was terminated in September 2025. Ms. Williams confirmed that those payments were for invoices prior to the termination. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Claims.

- 2025 Budget Amendment – Not needed. No action taken.
- 2026 Budget
  - Ms. Williams presented the 2026 Budget.
  - Conduct Public Hearing on Proposed 2026 Budget – Director Bigley opened the public hearing on the proposed 2026 Budget. Ms. Harris noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.
  - Consider Adoption of Resolution Adopting 2026 Budget, Imposing Mill Levy and Appropriating Funds – Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the 2026 Budget, appropriating funds therefor as shown in the 2026 Budget, subject to receipt of final assessed valuation.
- Discuss and Consider Approval of 2025 Auditor Engagement Letter – Ms. Bigley presented the 2025 Auditor Engagement Letter to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the 2025 Auditor Engagement Letter.
- Discuss 5.25% Limitation of SB24-233 and HB24B-1001 and Possible November 2026 Election Regarding the Same – Ms. Harris and Ms. Williams discussed the 5.25% Limitation of SB24-233 and HB24B-1001 and Possible November 2026 Election Regarding the Same with the Board. No action taken.
- Consider Approval of Special Districts Preparation Statement of Work with CliftonLarsonAllen, LLP – Ms. Williams presented the Special Districts Preparation Statement of Work with CliftonLarsonAllen, LLP. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Special Districts Preparation Statement of Work with CliftonLarsonAllen, LLP.
- Consider Approval of Special Districts Client Accounting and Advisory Services with CliftonLarsonAllen, LLP – Ms. Williams presented the Special Districts Client Accounting and Advisory Services with CliftonLarsonAllen, LLP to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Special Districts Client Accounting and Advisory Services with CliftonLarsonAllen, LLP.
- Review and Discuss CLA Cash Access Memo – Ms. Williams discussed the CLA Cash Access Memo with the Board. No action needed.

## **Covenant Enforcement Matters**

- Update on Covenant Enforcement Matter turned over to Altitude Law – Ms. Harris reported that Altitude Law has sent a demand letter to the owner regarding the unapproved light, with no response. Also, Altitude Law has requested photos of the light.

**ACTION ITEM:** Mr. Becker to work with the Board to get photos of the light from the complaining neighbor to send to Altitude Law.

## **Legal Matters**

- Discuss 2025 Legislative Update – Ms. Harris discussed the 2025 Legislative Update with the Board. No action taken.
- Consider Approval of WBA, PC Engagement Letter – Ms. Harris presented the WBA, PC Engagement Letter to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the WBA, PC Engagement Letter.
- Consider Adoption of 2026 Annual Administrative Resolution – Ms. Harris presented the 2026 Annual Administrative Resolution to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the 2026 Annual Administrative Resolution.
- Consider Approval of 2026 Fee Schedule from Altitude Law – Ms. Harris presented the 2026 Fee Schedule from Altitude Law to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the 2026 Fee Schedule from Altitude Law.
- Consider Approval of Independent Contractor Agreement with MSI, LLC for 2026 District Management – Ms. Harris presented the Independent Contractor Agreement with MSI, LLC for 2026 District Management to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Independent Contractor Agreement with MSI, LLC for 2026 District Management.

## **Insurance Matters**

- Discuss and Review Insurance General Liability Schedule and Limits, Consider Authorization to Bind Coverage – The Board reviewed the current general liability schedule and limits. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the general liability schedule and authorized legal counsel to bind coverage.
- Consider Approval of 2026 BMO Worker’s Compensation Coverage – Ms. Harris presented the 2026 BMO Worker’s Compensation Coverage to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the 2026 BMO Worker’s Compensation Coverage.

## Facilities/Management Matters

- Management Update – Mr. Becker reported that there are currently six outstanding violations and one pending ARC Request. The Board discussed replacement of the soccer goals or repair of the rear support bars on the soccer goals, as well as replacement of the nets.

**ACTION ITEM:** Mr. Silverman and Mr. Bonneau will work with Mr. Becker to research options related to replacement of the rear support bars, as opposed to replacement of the soccer goals entirely, and will report back to the Board at the March 2026 meeting.

- Discuss Compost Bin and Continuation of Providing the Service – The Board discussed the continuation of providing the composting bins for the community, raising concerns related to the actual usage of the bins, as well as the location, the attraction of wildlife, and the improper use of the bins for trash. No action taken at this time.

**ACTION ITEMS:** Ms. Bigley will get photos of the bins prior to pick up dates to try to document how much the bins are being used, for that information to be presented at the March 2026 meeting so the Board can make an informed decision about whether to continue to provide the service. Ms. Bigley will also research the ability of owners to leave their Christmas trees at or in the compost bin and will also work on community engagement regarding that and the use of the bins in general.

## Other Business

- Update on discussions with CDOT regarding erosion to the north – Mr. Bonneau reported that CDOT hydroseeded the area and put straw baffles into the erosion channels. CDOT has completed what they have said they would do in this area, and are not expected to take any further action at this time.
- The Board discussed that the dog kennel property to the north of the District is for sale and exploring the possibility of the District purchasing the property.

**ACTION ITEMS:** Legal counsel to look into what financing options there might be for the District to be able to purchase the property. Ms. Bigley and Ms. Stewart will tour the property to do some due diligence regarding the condition of the property. This item will be added to the March 2026 agenda for further discussion.

- Mr. Silverman noted that the mulch near the swings needs to be replaced or refreshed.

**ACTION ITEM:** This is to be added to the March 2026 agenda for discussion. Although not specifically discussed at the meeting, it is assumed that Mr. Becker will obtain proposals from Environmental Landworks for mulch replacement and/or refreshing for consideration at the March 2026 meeting.

- Mr. Silverman noted the erosion across the path at the east end of the soccer field that has continued to be a problem. Ms. Bigley commented that Environmental Landworks had suggested one solution to remediate the problem, at a cost of \$12,000. No action taken at this time.

**ACTION ITEM:** Ms. Bigley will work with Environmental Landworks to develop options and proposals for this area, to be presented at the March 2026 meeting.

- Ms. Silverman noted that it is difficult to keep track of what has been discussed at meetings and the status of action items between meetings. Ms. Harris noted that WBA will distribute draft minutes to the Board within two weeks of each meeting, and that going forward, the minutes will include action items to be addressed as a result of the meeting. Also, WBA will periodically follow up with the Board or other consultants on action items between meetings.

### **Public Comment**

Colby Everett asked about whether the District has cash reserves to cover insurance deductibles if needed.

### **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 a swing installed on District-owned property.**

Upon a motion duly made and seconded, followed by an affirmative vote of at least two-thirds of the quorum present, the Board enter into executive session for the purpose of receiving legal advice on a swing installed on District-owned property pursuant to Section 24-6-402(4)(b), C.R.S.

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of legal counsel to the District(s), constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

### **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 Hawthorn Metropolitan District, I attended the executive session at the regular meeting of Hawthorn Metropolitan District convened at approximately 4:30 p.m. on December 1, 2025 for the sole purpose of discussing a swing installed on District-owned property as authorized by Section 24-6-402(4)(b), C.R.S. I further attest it is my opinion that all or a portion 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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Trisha K. Harris, Esq.

## **Adjourn**

There being no further business to come before the Board, following discussion and upon a motion duly made, seconded, and unanimously carried, the Board determined to adjourn the meeting at 4:51 p.m.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

 Andrea Stewart (Mar 4, 2026 19:53:31 MST)

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Secretary for the Meeting

The foregoing minutes were approved on the 2<sup>nd</sup> day of March, 2026