

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT NO. 2

Held: Friday, June 25, 2021, at 9:00 a.m. via Teleconference

Due to the threat posed by the COVID-19 coronavirus, this meeting will be held via teleconference.

Attendance

The special meeting of the Board of Directors of the Hawthorn Metropolitan District No. 2, was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following Directors, having confirmed their qualification to serve on the Board, were in attendance:

Krystal Bigley
Carly Fenton
Andrea Stewart
Brittany Lutz

Also present were Trish Harris, Esq. White Bear Ankele Tanaka & Waldron, District General Counsel; Peggy Ripko, Special District Management Services, Inc., District Manager.

Call to Order

It was noted that a quorum of the Board was present and the meeting was called to order.

Conflict of Interest Disclosures

Ms. Harris advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Harris reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron 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. Harris 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. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Approval of Agenda

Ms. Harris presented the agenda to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as amended.

Executive Session

Upon a motion duly made and seconded, followed by an affirmative vote of at least two-thirds of the quorum present, the Board(s) enter into executive session at 9:03 a.m. for the purpose of receiving legal advice on enforcement of Architectural Review Guidelines as it relates to flags and signs 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. Also pursuant to Section 24-6-402(4), C.R.S., the Board(s) did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during execution session.

The Board(s) reconvened in regular session at 9:29 a.m.

Facilities/Management Matters

Added to Agenda
Review of the Amended and Restated Residential Improvement Guidelines and Site Restrictions for Hawthorn Metropolitan District No. 2

Following discussion, upon a motion duly made and seconded, the board approved revisions to Section 3.28 of the Amended and Restated Residential Improvement Guidelines and Site Restrictions for Hawthorn Metropolitan District No. 2, in relation to flags, generally as follows: Approval is required for freestanding flagpoles, but not for flagpoles attached to the home, as long as the flagpole does not exceed the height of the home. Flags displayed may be no larger than 3” by 5”. Flags may not be illuminated without approval, and any lighting must not disturb neighbors;” and Section 3.63 of the Amended and Restated Residential Improvement Guidelines and Site Restrictions for Hawthorn Metropolitan District No. 2, in relation to signs, generally as follows: Approval is not required for the display of up to two signs, no larger than 36” by 48”. Signs may not be illuminated without approval, and any lighting must not disturb neighbors.

Ms. Harris will prepare the amendment to the Guidelines for execution by the Board no later than June 30, 2021.

Discuss Architectural Review Process

Ms. Ripko discussed the Architectural Review Process with the Board. Any architectural submission that is not within the guidelines is to be escalated to the entire Architectural Review Committee. The Board directed that SDMS will prepare a

mapping of the existing paint colors of all homes in the community and to work on a color book for paint colors

Other Business

Ms. Ripko discussed the continuing erosion problem at Highway 93 and 58th Avenue. SDMS will continue to reach out to Jefferson County about the issue as it was determined by reviewing the plat that the erosion area is occurring within the right of way.

Adjournment

There being no further business to come before the Board and following discussion and upon motion duly made, seconded and unanimously carried, the Board determined to adjourn the meeting.

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

Carly Fenton

Carly Fenton (Sep 30, 2021 20:42 MDT)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 13th day of September, 2021.

**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 No. 2, I attended the executive session at the special meeting of Hawthorn Metropolitan District No. 2 convened at 9:03 a.m. on June 25, 2021 for the sole purpose of discussing enforcement of Architectural Review Guidelines as it relates to flags and signs 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.



Trisha K. Harris, Esq.
District Counsel