

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT NO. 2

Held: Monday, June 7, 2021, at 2:00 p.m. via Teleconference

Due to the Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders issued by the Colorado Department of Public Health and Environment, and 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; Alex Fink, CliftonLarsonAllen LLP, District Accountant; Peggy Ripko, Special District Management Services, Inc., District Manager; and homeowners.

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.

Financial Matters

Acceptance of Unaudited Financials and Approval of Claims

Mr. Fink presented the Board with the March 31, 2021 unaudited financial statements. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the unaudited financial statement.

Mr. Fink presented the Board with claims in the amount of \$69,295.31.

Consider Acceptance of 2020 Audit

Mr. Fink presented the Board with the results of the 2020 audit conducted by Dazzio & Associates. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the 2020 Audit, subject to adjustments to be made per the auditor’s comments and after receipt of a clean auditors opinion and review by legal.

Other Financial Matters

None.

Consent Agenda

Following a summary by Ms. Harris, the item on the consent agenda was approved by one motion duly made and seconded, and unanimously carried.

- 1. Minutes from March 1, 2021 Special Meeting
- 2. Minutes from March 10, 2021 Special Meeting
- 3. 2020 Annual Report

Facilities/Management Matters

District Manager Update

Ms. Ripko provided a District Manager update to the Board. Ms. Ripko reminded the Board that SDMS is on site 2 times per month for inspections. Ms. Ripko also inquired whether the Board would be interested in SDMS handling some of the meeting preparations to save on expenses.

Consider Approval of Architectural Review Guideline Changes Regarding Flags

Ms. Harris presented the Amendment to Amended and Restated Residential Improvement Guidelines and Site Restricts for Hawthorn Metropolitan District No. 2. Following comments from homeowners and discussion, upon a motion duly made and seconded, the Board unanimously approved the Amendment to

Amended and Restated Residential Improvement Guidelines and Site Restricts for Hawthorn Metropolitan District No. 2

Consider Approval of CDI Environmental Contractor Proposal for Trickle Channel Forebay Maintenance

The Board discussed the proposal from CDI. The Board directed Ms Ripko to solicit a proposal from Environmental Land Works for presentation at the next Board Meeting. Additionally related to this agenda item, the Board engaged in a discussion regarding the maintenance of the turf adjacent to the community. Ms. Ripko indicated that she will contact the neighboring homeowners association about the standard of maintenance of their turf. The Board also discussed having the beauty bands mowed as needed in mid-July and reminding Environmental Land Works to mow around the benches.

Consider Approval of Snow Removal Improvement Plan

Ms. Ripko presented the Snow Removal Improvement Plan. After discussion, the Board asked for some revisions and updates to be made to the plan. Ms. Ripko will make revisions and updates to the plan and present to the Board at the next meeting.

Update of Completed Project to Replace Additional (24) Dead Trees

Ms. Ripko provided an update of the replacement of the 24 dead trees. There was one tree that was planted in the wrong place, and two more need to be purchased. Project ongoing.

Update Regarding Spring Seeding

The Board had previously been presented with an overall proposal of about \$40,000 to do the seeding. The Board requested that Ms. Ripko obtain a proposal from Environmental Land Works that is broken down into different areas or zones so that the Board can review on an area-by-area basis.

Related to this matter, a homeowner commented on the spraying that was done on the hill behind her house. The Board confirmed this was not done by the District, and that it might have been the neighboring homeowners association that mistakenly did so

Update Regarding Erosion Near 93rd and 58th by Jefferson County

Ms. Ripko provided an erosion update near 93rd and 58th. Jeremy at SDMS is now working on the issue on behalf of the District and will reach out to Directors Bigley and Lutz to arrange a meeting prior to the next Board meeting.

Covenant Enforcement Update

Ms. Ripko provided a covenant enforcement overview to the Board. The Board asked that Ms. Ripko provide this report to the Board on a monthly basis.

Consider Proposals for Composting

The Board discussed that composting is not a service that the District will provide, however the proposal from the company

providing this service will be sent out to the homeowners, so that those who are interested may participate. The Board also discussed sending out monthly email blasts.

Legal Matters

Consider Engagement of Special Counsel for Covenant Enforcement

Ms. Harris presented proposals from three different law firms to act as special counsel for the District for covenant enforcement matters. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the engagement of Altitude Community Law as Special Counsel for covenant enforcement services.

Consider Approval of Amendment to Resolution Concerning Imposition of an Operations Fees

Ms. Harris presented the Amendment to Resolution Concerning Imposition of an Operations Fees. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Amendment to Resolution Concerning Imposition of an Operations Fees.

Discuss Collection Procedures

Ms. Harris presented the Collections Resolution. Following discussion the Board directed legal counsel to revise the Collections Resolution, and present the revised Collections Resolution for consideration at the next Board meeting.

Director Matters

Discuss Board Vacancy / Consider Appointment of Officer

Following discussion, the Board asked Ms. Ripko to send another email blast to the homeowners, as there have been no indications of interest in serving.

Other Business

Discussion Regarding Dissolution of Hawthorn Metropolitan District No. 1

Ms. Harris provide an update to the Board regarding the Dissolution of Hawthorn Metropolitan District No. 1

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.