

MINUTES OF A REGULAR MEETING OF THE BOARDS OF
DIRECTORS

OF

HAWTHORN METROPOLITAN DISTRICT

Held: Monday, June 2, 2025, at 2:00 p.m., via teleconference.

Attendance

The regular meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve, were in attendance:

Krystal Bigley
Gary Silverman
Stephen Daniels
Stephen Bonneau
Andrea Stewart

Also present were Trisha Harris, Esq. and Matt R. Fegan, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Mark Becker, MSI, LLC, District Managers; and Allison Williams, CliftonLarsonAllen, LLP, District Accountants.

Call to Order

It was noted that a quorum of the Board was present and Director Bigley called the meeting to order at 2:03 p.m.

**Director Conflict of
Interest Disclosures**

Director Bigley advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Director Bigley 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. Director 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. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Approval of Agenda	Ms. Bigley presented the agenda to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda.
Election of Officers	The Board engaged in general discussion regarding the Election of Officers. Following discussion, upon a motion duly made and seconded, the Board elected Director Bigley as President, Director Silverman as Treasurer, Director Daniels as Secretary and Directors Stewart and Bonneau as Assistant Secretaries.
Public Comment	None.
Financial Matters	
Review and Consider Acceptance of Unaudited Financials	Ms. Williams presented the unaudited financials to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the financials.
Review and Consider Approval of Claims	Ms. Williams presented the claims to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously ratified the claims.
Review and Discuss 2024 Draft Audit	Ms. Williams presented the 2024 Draft Audit to the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the draft 2024 Audit, subject to comments from legal and receipt of a clean opinion. The Board discussed the balance due to the developer for advances made for operations and maintenance. Ms. Harris will reach out to the developer about possible forgiveness of the amount due.
Consent Agenda	Ms. Bigley reviewed the items on the consent agenda with the Board and advised the Board that any item may be moved from the consent agenda to the regular agenda upon the request of any director. The Board considered each item on the consent agenda individually. No items were requested to be removed from the consent agenda. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted: • Approval of Board Meeting Minutes from March 3, 2025 Meeting
Legal Matters	
Discuss ADU legislation that effectively prohibits counties and municipalities	Ms. Harris discussed the ADU legislation that effectively prohibits counties and municipalities from prohibiting accessory dwelling units, and its impact on the District with the Board. Ms. Harris and

from prohibiting accessory dwelling units, and its impact on the District

Director Bonneau will work together to gather information and evaluate potential standards.

Discuss repainting guidelines in relation to determining if homes are in need of repainting

Ms. Harris and Directors Daniels and Bonneau discussed attempting to establish more objective standards related to paint condition and when a home, or portions of a home, may need to be repainted. After discussion, the Board determined to have members of the ARC accompany MSI on an inspection in the coming weeks to review paint conditions and prepare a list of homes obviously in need of painting, with the enforcement process to be followed. However, it was determined that owners should have more time to come into compliance for paint violations, allowing 30 days for trim or garage door work to be done and 12 months if the entire home is to be painted. Legal counsel is to prepare an amendment to the covenant enforcement policy to present at the September meeting.

Discuss status of website accessibility and document remediation

Director Bigley discussed that she has worked on minimizing the number of pages on the website and removing older documents from the website. She reported that not all of the documents have yet been reviewed to ensure they are OCR, but that she will coordinate with legal counsel. Ms. Harris discussed that the regulations regarding remediation of all documents may be changing, and that legal counsel will provide further updates.

Discuss Diversified Underground outstanding bills and consider approval of and Agreement with Diversified Underground going forward for utility locates

Ms. Harris and Ms. Williams discussed the issue with the Diversified Underground bills, noting that the underlying agreement with Diversified Underground is a master agreement between Diversified Underground and the District's prior management company, and that the map Diversified Underground is using is overinclusive. Ms. Harris presented a new agreement between the District and Diversified Underground that would clearly establish privity of contract between the two and for which a more specific map would be provided. After discussion, the Board directed legal counsel to correspond with Diversified Underground and offer to enter into the new agreement with Diversified Underground, if Diversified Underground will accept 50% payment of what is due. If not, the District will look into other companies to provide similar locate services.

Discuss the 5.25% revenue growth limit and a possible November election to opt out of the same

Ms. Harris discussed the 5.25% revenue growth limit and a possible November election with the Board. The Board determined to have Ms. Williams look at the possible impact of this on the District and present information on this at the September meeting, for consideration of a possible election in November of 2026.

Facilities/Management Matters

Management Update

Mr. Becker reported that he has done two inspections since taking back the District as its individual manager, and is working on getting some things caught up.

Ratify the reversal of fines imposed on vehicles parked on the street

Ms. Harris discussed the need to reverse the fines imposed as the District does not have authority to enforce parking on the streets. Following discussion, upon a motion duly made and seconded, the Board ratified the reversal of the fines imposed on vehicles parked on the street.

Other Business

Update on Discussions with CDOT regarding Erosion to the North

Mr. Bonneau reported that he continues to work with CDOT on the erosion issue to the north. CDOT did come out and do some repair to the shoulder of the road, but there are still erosion issues, and Mr. Bonneau will continue to follow up. Residents have expressed concern about vehicles leaving the road and rolling down the hill toward homes in the community. The District has previously corresponded with CDOT about that, and CDOT has not been willing to install a guardrail for other safety reasons. Mr. Bonneau has encouraged residents to reach out to CDOT directly.

Dog Kennel Property Update

It was reported that the fence has been replaced. No other updates.

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 specific covenant enforcement matters

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 at 4:03 p.m. for the purpose of receiving legal advice on specific covenant enforcement matters 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, 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 did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during executive session.

The Board reconvened in regular session at 4:44.

After closing the executive session, a motion was made, seconded, and unanimously approved to engage Altitude Community Law in relation to the lighting violation discussed and to move the matter to them for handling, following proof from MSI that proper notices have been send, and authorizing MSI to provide the notices sent to Altitude Community Law, so they can then move forward with a demand letter..

Attorney Statement (Executive Session):

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 [time] on June 2, 2025 for the sole purpose of discussing specific covenant enforcement matters 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.

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 at 4:44 p.m.

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


Andrea Stewart (Sep 10, 2025 10:04:40 MDT)

Secretary for the Meeting

The foregoing minutes were approved on the 8th day of September, 2025.