

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF

HAWTHORN METROPOLITAN DISTRICT NO. 2

Held: Monday, March 10, 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 Megan J. Murphy, Esq., and 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. Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy 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. Murphy 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. Murphy 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 2:04 p.m. for the purpose of receiving legal advice on enforcement of Architectural Review Guidelines as it relates to flags 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 3:26 p.m.

Facilities/Management Matters

Discussion of Architectural Review Guideline Changes Regarding Flags

Following discussion, upon motion duly made and seconded the Board directed legal counsel to modify the Guidelines to clarify that flags can be flown for holidays or specific events for up to 30 days. The Board unanimously approved.

Director Matters

None

Other Business

Discussion Regarding Dissolution of Hawthorn Metropolitan District No. 1

Ms. Murphy provide an update that the land developer may be willing to pay the costs of the Dissolution of Hawthorn Metropolitan District No. 1. No Action was taken.

Discussion Regarding Board Vacancy

Following discussion the Board directed legal counsel to draft a notice of vacancy to be published on the District’s website and in the newsletter. Responses are due on April 15, 2021. Respondent should include a letter of interest and resume.

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 (Jun 26, 2021 21:09 CDT)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 7th day of June, 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 2:04 p.m. on March 10, 2021 for the sole purpose of discussing enforcement of Architectural Review Guidelines as it relates to flags 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