

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF
HOMETOWN METROPOLITAN DISTRICT NO. 2
HELD
OCTOBER 25, 2021

A Special Meeting of the Board of Directors of Hometown Metropolitan District No. 2 (referred to hereafter as “Board”) was convened on Monday, October 25, 2021, at 9:00 A.M. This District Board meeting was held via Zoom Videoconference and telephone. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Audrey Spaen, President

Matt Smith, Secretary/Treasurer

Also In Attendance Were:

Suzanne Meintzer, Esq.; McGeady Becher P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

ADMINISTRATIVE MATTERS

Confirm Quorum and Present Disclosures of Potential Conflicts of Interest: The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Attorney Meintzer noted that a quorum was present and requested members of the Board to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. Director Spaen disclosed that she serves on the Board of the Hometown Community Homeowners Association, Inc. (the “HOA”).

Agenda: The Board reviewed the proposed Agenda for the District’s special meeting. Following discussion, upon motion duly made by Director Spaen, seconded by Director Smith, and upon vote unanimously carried, the Board approved the Agenda as presented.

Approval of Meeting Location: The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, upon motion duly made by Director Spaen, seconded by Director Smith, and upon vote unanimously carried, the meeting was conducted via Zoom videoconference. The Board noted that notice of this meeting and meeting videoconference information was duly posted and the Board had not received any objections to the Zoom meeting or any requests that the meeting be changed by taxpaying electors within the District’s boundaries.

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Designation of 24-Hour Posting Location: Following discussion, upon motion duly made by Director Spaen, seconded by Director Smith, and upon vote unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted within the boundaries of the District as least 24-hours prior to each meeting at the following location: bank of mailboxes within the District.

Public Comment: There was no public comment.

Board Vacancies: The Board discussed the vacancies on the Board of Directors and noted that no qualified candidate has approached with interest in serving. Discussion ensued regarding new election requirements. No action was taken by the Board.

Appointment of Officer Positions: The Board determined to maintain the current office position status.

Minutes: The Board reviewed the minutes of the October 26, 2020 Special Meeting. Following discussion, upon motion duly made by Director Smith, seconded by Director Spaen, and upon vote unanimously carried, the Board approved the minutes from the October 26, 2020 Special Meeting.

District Insurance: The Board discussed renewal of insurance and Special District Association (“SDA”) Membership for 2022. Following discussion, upon motion duly made by Director Spaen, seconded by Director Smith, and upon vote unanimously carried, the Board approved the renewal of the District’s insurance including Workers’ Compensation coverage and the SDA Membership.

Resolution No. 2021-10-01 Establishing 2022 Meeting Dates, Time, Location, and Designating 24-Hour Notice Posting Location: The Board discussed the business to be conducted in 2022 and scheduled a regular meeting for October 24, 2022 at 9:00 a.m., to be held virtually (via electronic means). Following discussion, upon motion duly made by Director Spaen, seconded by Director Smith, and upon vote unanimously carried, the Board adopted Resolution No. 2021-10-01 Establishing 2022 Meeting Dates, Time, Location, and Designating 24-Hour Notice Posting Location.

It was noted that the Board would like to continue posting a paper copy of meeting notices at the mailboxes in addition to website posting.

District Website: Attorney Meintzer reported regarding the SIPA backlog and recommended engagement of Archipelago Web for website services. The Board determined to continue the process with SIPA and reconsider Archipelago Web in October 2022 if the SIPA site is not established at that time. The Eligible Governmental Entity Agreement with SIPA was not terminated.

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FINANCIAL MATTERS

Payment of Claims: Ms. Wheeler reviewed the payment of claims to be ratified and approved. Following discussion, upon motion duly made by Director Spaen, seconded by Director Smith, and upon vote unanimously carried, the Board ratified approval of the payment of claims in the amount of \$12,935.44 represented by check numbers 1173 – 1185; ratified approval of claims in the amount of \$2,535.25 represented by check numbers 1186 – 1189; and, approved the payment of claims dated 9/30/21 in the amount of \$4,752.50.

Unaudited Financial Statements: Ms. Wheeler reviewed the unaudited financial statements dated June 30, 2021 with the Board. Following review, upon motion duly made by Director Spaen, seconded by Director Smith, and upon vote unanimously carried, the Board accepted the unaudited financial statements dated June 30, 2021.

2020 Audit: Following discussion, upon motion duly made by Director Spaen, seconded by Director Smith, and upon vote unanimously carried, the Board ratified approval of the 2020 Audit.

Further, the Board authorized the District Accountant to prepare and file Application for Exemption from 2021 Audit.

Potential Refunding of District Debt: The Board discussed potential bond refunding options and noted that it would like to explore bank loan options. Following discussion, upon motion duly made by Director Spaen, seconded by Director Smith, and upon vote unanimously carried, the Board authorized General Counsel to contact the underwriter to determine whether a refunding is viable.

2021 Budget Amendment Hearing: The President opened the public hearing to consider amendment to the 2021 Budget.

It was noted that Notice stating that the Board would consider amending the 2021 Budget and the date, time and place of the public hearing was published in a newspaper having general circulation within the District, in accordance with statutory requirements. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

It was noted that a 2021 Budget amendment was not necessary at this time.

2022 Budget Hearing: The President opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

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It was noted that Notice stating that the Board would consider adoption of the 2022 Budget and the date, time and place of the public hearing was published in a newspaper having general circulation within the District, in accordance with statutory requirements. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

Ms. Wheeler reviewed the estimated 2021 expenditures and proposed 2022 expenditures with the Board.

Following discussion, the Board considered the adoption of Resolution No. 2021-10-02 to Adopt the 2022 Budget and Appropriate Sums of Money and Resolution No. 2021-10-03 to Set Mill Levies at 30.000 mills (10.000 mills for the General Fund and 20.000 mills for the Debt Service Fund). Upon motion duly made and seconded by Director Spaen, Resolution Nos. 2021-10-02 and 2021-10-03 were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2021. Legal Counsel was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Jefferson County, not later than December 15, 2021. Legal Counsel was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2022.

Resolution Authorizing the Adjustment of the District Mill Levy in Accordance with the District's Service Plan: The Board discussed the proposed Resolution Authorizing the Adjustment of the District Mill Levy in Accordance with the District's Service Plan. Following discussion, the Board determined that adoption of the Mill Levy Adjustment Resolution was not necessary.

DLG-70 Mill Levy Certification: Following discussion, upon motion duly made by Director Spaen, seconded by Director Smith, the Board authorized the District Accountant to prepare and sign the DLG-70 mill levy certification form, for certification to the Board of County Commissioners and other interested parties and for General Counsel to transmit same.

2023 Budget Preparation: Following discussion, upon motion duly made by Director Spaen, seconded by Director Smith, the Board appointed Simmons & Wheeler, P.C. to prepare the 2023 Budget.

LEGAL MATTERS

Resolution No. 2021-10-04 Calling May 3, 2022 Election: Attorney Meintzer discussed new election notification requirements and explained what constitutes an eligible elector and the process for delivery of ballots to same.

Following discussion, the Board approved the engagement of Seter & Vander Wall

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P.C., if available, and if determined not available, then Lisa A. Jacoby to act as the Designated Election Official for the May 3, 2022 Election.

Following discussion, upon motion duly made by Director Smith, seconded by Director Spaen and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-04 to Call the May 3, 2022 Election and appointed Seter & Vander Wall, P.C. or if not available, Lisa A. Jacoby as the Designated Election Official and authorized either to perform all tasks required for the May 3, 2022 Regular Election of the Board of Directors for the conduct of a mail ballot election.

Transparency Notice Required Under Section 32-1-809, C.R.S.: Attorney Meintzer informed the Board of the required transparency notice under Section 32-1-809, C.R.S. The Board directed District Counsel to post the required notice on the Special District Association website and the District's website once it is established.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made, seconded and upon vote, unanimously carried the meeting was adjourned.

Respectfully submitted,

By *Lisa Jacoby*
Secretary for the Meeting