

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE GREAT WESTERN PARK METROPOLITAN DISTRICT NO. 2 HELD NOVEMBER 9, 2022

A Regular Meeting of the Board of Directors of the Great Western Park Metropolitan District No. 2 (referred to hereafter as "Board") was convened on Wednesday, the 9th day of November, 2022, at 1:00 p.m. The District Board meeting was held via Zoom video/teleconference. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

James R. Einolf
Michael Clay
Phillip A. Johnson
Russell Heinen
Gerald P. Hart

Also In Attendance Were:

James Ruthven and Larry Loften; Special District Management Services, Inc.

Jeffrey Erb, Esq.; Erb Law, LLC

Christy Tigges, Resident

CALL TO ORDER

The meeting was called to order at 1:00 p.m.

PUBLIC COMMENT

There were no public comments.

DISCLOSURE OF POTENTIAL CONFLICT 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. Mr. Loften 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. No additional conflicts were disclosed at the meeting.

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Mr. Erb reviewed the updated conflict of interest disclosure forms and the statements of qualification with the Board.

ADMINISTRATIVE MATTERS

Agenda: The Board reviewed the proposed Agenda for the District's Regular Meeting.

Following discussion, upon motion duly made by Director Einolf, seconded by Director Hart and, upon vote, unanimously carried, the Agenda was approved, as amended.

Meeting Location/Manner and Posting of Meeting Notice: 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. The Board determined to conduct this meeting by video/teleconference and encouraged public participation via Zoom video/teleconference. The Board further noted that notice of the Zoom video/teleconference was duly posted at least 24-hours before the meeting.

Resignation and Appointment of Secretary to the Board: The Board discussed the resignation of David Solin and considered the appointment of James Ruthven as Secretary to the Board.

Following discussion, upon motion duly made by Director Hart, seconded by Director Einolf and, upon vote, unanimously carried, the Board accepted the resignation of David Solin as Secretary to the Board and appointed James Ruthven as Secretary to the Board.

Minutes: The Board reviewed the Minutes from the June 8, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Heinen, seconded by Director Johnson and, upon vote, unanimously carried, the Board approved the Minutes from the June 8, 2022 Regular Meeting, as revised.

2023 Annual Administrative Resolution: The Board reviewed a 2023 Annual Administrative Resolution.

Following discussion, upon motion duly made by Director Einolf, seconded by Director Hart and, upon vote, unanimously carried, the Board adopted the 2023 Annual Administrative Resolution, as amended.

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District Website Requirements: Mr. Ruthven discussed with the Board the District's Website Requirements. He noted the website is up and running. The Board directed staff to post the District's information on the website.

FINANCIAL MATTERS

Claims: The Board considered ratifying the approval of the payment of claims as follows:

Fund	Period Ending June 30, 2022	Period Ending July 31, 2022	Period Ending Aug. 31, 2022	Period Ending Sept. 30, 2022
General	\$ 8,815.00	\$ 8,712.72	\$ 2,869.80	\$ 3,106.57
Debt	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Total	\$ 8,815.00	\$ 8,712.72	\$ 2,869.80	\$ 3,106.57

Fund	Period Ending Oct. 31, 2022
General	\$ 2,158.25
Debt	\$ -0-
Capital	\$ -0-
Total	\$ 2,158.25

Following discussion, upon motion duly made by Director Einolf, seconded by Director Heinen and, upon vote, unanimously carried, the Board ratified approval of the payment of the claims as presented.

Unaudited Financial Statements: Mr. Ruthven reviewed the unaudited financial statements of the District setting forth the cash deposits, investments, budget analysis, and accounts payable vouchers for the period ending September 30, 2022.

Following review, upon motion duly made by Director Einolf, seconded by Director Hart and, upon vote, unanimously carried, the unaudited financial statements for the period ending September 30, 2022 were accepted.

2021 Audit: Mr. Ruthven reported to the Board the 2021 Audit was not ready, but he expects it to be ready next week and he will send it to all Board members for review.

Following discussion, upon motion duly made by Director Einolf, seconded by Director Clay and, upon vote, unanimously carried, the Board appointed Directors Heinen and Hart as the committee to approve the Audit.

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Engagement of Auditor for Preparation of 2022 Audit: The Board discussed the engagement of an Auditor for the preparation of 2022 Audit.

Following discussion, upon motion duly made by Director Einolf, seconded by Director Clay and, upon vote, unanimously carried, the Board approved the engagement of an Auditor to perform the 2022 Audit, for an amount not to exceed \$6,000.

2023 Budget Hearing: The President opened the public hearing to consider the proposed 2023 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Following discussion, upon motion duly made by Director Einolf, seconded by Director Clay and, upon vote, unanimously carried, the Board tabled further discussion regarding the 2023 Budget until the Skystone Tract Maintenance Dispute need more words to finish this thought please.

DLG-70 Mill Levy Certification Form: The Board considered authorizing 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.

Following discussion, upon motion duly made by Director Clay, seconded by Director Heinen and, upon vote, unanimously carried, 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.

2024 Budget Preparation: The Board discussed the preparation of the 2024 Budget.

Following discussion, upon motion duly made by Director Heinen, seconded by Director Clay and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2024 Budget. The Board determined to hold the public hearing to consider adoption of the 2024 Budget on Wednesday, November 8, 2023, at 1:00 p.m. via Zoom Meeting.

LEGAL MATTERS

Election Resolution: The Board considered the adoption of the Resolution No. 2022-11-02; Resolution Calling a Regular Election for Directors on May 2, 2023,

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appointing the Designated Election Official (“DEO”), and authorizing the DEO to perform all tasks required for the conduct of mail ballot election. The Board also discussed the need for ballot issues and/or questions.

Following consideration, upon motion duly made by Director Einolf, seconded by Director Hart and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-02; Resolution Calling a Regular Election for Directors on May 2, 2023, appointing the Designated Election Official (“DEO”), and authorizing the DEO to perform all tasks required for the conduct of mail ballot election.

Former Developer’s Director Parcel: Attorney Erb noted he will follow up with Mr. Ruthven for an update on the Former Developer’s Director Parcel.

Skystone Tract Maintenance Maintenance: Attorney Erb read aloud the report of the HOA’s ad hoc committee, sent to Board members on November 7, 2022 regarding negotiations with the SkyeStone Homeowners Association (“HOA”).

Resolution Regarding Final Settlement Offer to SkyeStone HOA: The Board reviewed a Resolution regarding Final Settlement Offer to SkyeStone HOA. Director Einolf proposed the ad hoc committee send a letter to the SkyeStone HOA rejecting the latest proposal and indicating the \$10,000 payment was its last, best and final offer.

Following consideration, upon motion duly made by Director Einolf, seconded by Director Hart and, upon vote, carried with Directors Einolf, Hart, Johnson and Clay voting aye and Director Hart opposing, the Board approved sending the ad hoc committee letter to the SkyeStone HOA rejecting the latest proposal and indicating the \$10,000 payment was its last, best and final offer.

Director Einolf further proposed that should the SkyeStone HOA not accept the District’s offer at the HOA’s November 16, 2022 meeting, that Director Johnson be present at the meeting to explain the Board’s position.

Following consideration, upon motion duly made by Director Einolf, seconded by Director Hart and, upon vote, unanimously carried, the Board approved Director Johnson attending the SkyeStone HOA meeting on November 16, 2022 to present the Board’s position.

Executive Session: Following discussion, the Board decided that the executive session was not needed.

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FINANCIAL MATTERS CONTINUED

2023 Budget Hearing Continued: The President opened the continued public hearing to consider the proposed 2023 Budget and discuss related issues.

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

Ms. Tigges suggested the Board consider increasing the General Fund Mill Levy from 2.000 to 4.000 in order to raise an additional \$42,079 that could be paid to SkyeStone HOA to resolve the dispute over repair and maintenance costs of six tracts of land in the District. She noted the Board could reduce the General Fund Mill Levy back to 2.000 in 2024.

Following discussion, the Board considered the adoption of Resolution to Adopt the 2023 Budget and Appropriate Sums of Money, and Set Mill Levies for General Fund at 2.000 mills, the Debt Service Fund at 30.750 mills, and other fund(s) of 0.000 mills for a total mill levy of 32.750 mills. Upon motion duly made by Director Heinen, seconded by Director Clay and, upon vote, unanimously carried, the Board adopted the Resolution to Adopt the 2023 Budget and Appropriate Sums of Money, and Set Mill Levies.


OTHER BUSINESS

There were no other matters to discuss at this time.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Clay, seconded by Director Einolf and, upon vote, unanimously carried, the meeting was adjourned at 2:10 p.m.

Respectfully submitted,

By: 
Secretary for the Meeting

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