

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARDS OF DIRECTORS OF THE
HORIZON METROPOLITAN DISTRICT NO. 2 (THE “DISTRICT”)
HELD
AUGUST 2, 2023

A regular meeting of the Board of Directors (referred to hereafter as the “Board”) of the District was convened on Wednesday, August 2, 2023, at 9:00 a.m. via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

David Crowder, Jr., President
Karen Voit, Vice President
Lisa Garcia, Treasurer

Secretary Jason Rutt and Assistant Secretary Victoria Partridge was absent and excused.

Also, In Attendance Were:

Shauna D’Amato, Kaitlin Frey, Rachel Alles, Margaret Henderson and Terri Boroviak; CliftonLarsonAllen LLP (“CLA”)
Alan Pogue, Esq.; Icenogle Seaver Pogue, P.C.
Eric Keesen and William Medellin; BrightView Landscape Services, Inc.
Jordan Honea; Member of the Public

ADMINISTRATIVE MATTERS

Call to Order and Approval of Agenda: Director Crowder called the meeting to order at 9:05 a.m. The Board reviewed the agenda for the meeting. Following review and discussion, upon a motion duly made by Director Garcia, seconded by Director Voit and, upon vote, unanimously carried, the Board approved the agenda, as amended to add an item discussing setting up a ColoTrust bank account under Financial Matters.

Disclosures of Potential Conflicts of Interest: The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Boards of Directors to the Secretary of State. The members of the Board were requested 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’s members prior to this meeting in accordance with statute. It was noted by Attorney Pogue that disclosures of potential conflicts of interest were filed with the Secretary of State for the Directors affiliated with the Developer, and no additional conflicts were disclosed at the meeting.

Quorum, Location of Meeting and Posting of Meeting Notice: A quorum was confirmed. The Board entered into a discussion regarding the requirements of

RECORD OF PROCEEDINGS

Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, and upon motion duly made by Director Voit, seconded by Director Crowder, and, upon vote, unanimously carried, the Board determined that this meeting was conducted via Microsoft Teams, without any individuals (neither District's representatives nor the general public) attending in person. The Board further noted that notice providing the time, date and video link information was duly posted and that no objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the District's boundaries were received. Director Rutt and Partridge were absent and excused.

Public Comment: There was no public comment.

CONSENT AGENDA

Minutes from the May 24, 2023 Special Meeting of District Nos. 1-10:

Director Crowder noted that the District's election results need to reflect that he was elected for a four-year term. Following review and discussion, upon a motion duly made by Director Garcia, seconded by Director Voit and, upon vote, unanimously carried, the Boards approved the Consent Agenda item, as amended to include the revision discussed.

FINANCIAL MATTERS

June 30, 2023 Financial Statements: Ms. Boroviak reviewed the Financial Statements with the Board. Following review and discussion, upon a motion duly made by Director Voit, seconded by Director Garcia and, upon vote, unanimously carried, the Board accepted the June 30, 2023 Financial Statements, as presented.

Draft 2022 Audit: Ms. Boroviak reviewed the draft 2022 Audit with the Board, noting that it will be filed within the next few weeks. Following review, upon a motion duly made by Director Voit, seconded by Director Garcia and, upon vote, unanimously carried, the Board approved the draft 2022 Audit, subject to the receipt of a clean auditor opinion and filing with the State Auditor.

ColoTrust Bank Account: Ms. Boroviak reviewed the ColoTrust bank account paperwork with the Board. Following review and discussion, upon a motion duly made by Director Voit, seconded by Director Garcia and, upon vote, unanimously carried, the Board approved the Model Resolution to open the ColoTrust bank account, subject to legal review.

LEGAL MATTERS

None.

MANAGER MATTERS

Covenant Enforcement Report: Ms. Frey reviewed the covenant enforcement report with the Boards. Following review, the Boards requested that Ms. Frey review the design review process and provide violation examples at the November meeting.

RECORD OF PROCEEDINGS

Park-A-Palooza Recap: Ms. D'Amato provided a recap of the 2023 Park-A-Palooza event to the Boards.

Covenant Enforcement and Community Management: This item was previously discussed.

Actions Taken by Management Since the Last Meeting: There were no items to ratify.

Establishment of Community Garden Committee and Construction of Community Garden: Ms. D'Amato provided an update to the Boards on the establishment of a Community Garden Committee and construction of a community garden.

Quality Site Assessment from BrightView Landscape Services, Inc.: Mr. Medellin reviewed the Quality Site Assessment with the Boards, noting that BrightView continues to monitor stressed and yellow grass areas. He noted he will circulate a community tree proposal to the Boards later this week for review.

DIRECTOR MATTERS

Newsletters, Programming and Engagement: Director Crowder provided an update to the Boards and requested that the grass issue be included in the next newsletter.

Director Crowder discussed a potential attendance policy for Board members. Attorney Pogue noted that the District cannot adopt an attendance policy but noted that if a Director is absent for three consecutive meetings without their absence being excused, their seat becomes vacant and this can be noted as a reminder for the Board members at the November meeting. It was noted that the Board will consider whether to excuse each absence at all meetings going forward.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Boards at this time, Director Crowder adjourned the meeting at 10:14 a.m.

Respectfully submitted,

DocuSigned by:

Jason Rutt

A096B4809165409

Secretary for the Meeting