

## RECORD OF PROCEEDINGS

### MINUTES OF THE COMBINED SPECIAL MEETING OF THE BOARDS OF DIRECTORS OF THE HUNTERS OVERLOOK METROPOLITAN DISTRICT NOS. 1 - 8 TOWN OF SEVERANCE, WELD COUNTY, COLORADO

**HELD:** Wednesday, November 11, 2020 at 1:15 p.m., 7251 20<sup>th</sup> Street, L-200, Greeley, CO  
Via ZOOM - <https://www.zoom.us> Meeting ID: 746 2426 7307, Passcode:  
HqQ6DW and Teleconference – (720) 386-9023, Passcode: 126412.

#### **ATTENDANCE:**

A combined special meeting of the Boards of Directors (collectively, the “Board”) of the Hunters Overlook Metropolitan District Nos. 1 - 8 (collectively, the “District”) was called and held as shown above and in accordance with the applicable statutes of the State of Colorado, with the following directors present and acting:

#### In attendance were Directors:

Larry Buckendorf - President

Laira Ziegler – Secretary/Treasurer

Morgan Kidder - Assistant Vice-President/Secretary/Treasurer

Darrell McAllister - Assistant Vice-President/Secretary/Treasurer

Joseph Schumacher - Assistant Vice-President/Secretary/Treasurer

#### Also present were:

Steve & Cathy Fromm and Megan Holmberg, Fromm & Company LLC

David S. O’Leary, Spencer Fane LLP

3 Members of the Public

#### **CALL TO ORDER:**

Mr. Buckendorf called the meeting to order at 1:15 p.m., noted that a quorum of the Board was present, and confirmed qualification of the Directors to serve on the Board.

#### **DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST:**

Mr. O’Leary discussed the state law requirements for disclosure of potential conflicts of interest with the directors, noting that completed disclosure statements must be filed for each of the Directors with the Secretary of State and the Secretary of the District at least 72 hours prior to a meeting in which a potential conflict may arise. The Board noted that general disclosure statements had been filed on behalf of the members of the Board of Directors with the Office of the Colorado Secretary of State. Mr. O’Leary advised the Board that, pursuant to Colorado law, certain disclosures may be required prior to taking official action at the meeting. The Board reviewed the

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agenda for the meeting, following which they confirmed the contents of written disclosures previously made by the directors, stating the fact and summary nature of any matters, as required by Colorado law, to permit official action to be taken at the meeting.

### **APPROVAL OF THE AGENDA:**

The Board reviewed the agenda. Upon motion duly made by Director McAllister, seconded by Director Schumacher, and unanimously carried, the Board approved the agenda as presented. Mr. O'Leary reported that the meeting notice and agenda had been posted to the district website at [www.frommco.us/client-homd.html](http://www.frommco.us/client-homd.html), at least 24 hours prior to the meeting, pursuant to Statute.

### **APPROVAL OF MINUTES:**

The Board reviewed the Minutes of the combined special meeting held on September 21, 2020. Upon motion duly made by Director McAllister, seconded by Director Kidder, and unanimously carried, the Board approved the Minutes as presented.

### **PUBLIC HEARING ON DELINQUENT ACCOUNTS:**

Ms. Holmberg reported that delinquent notifications had been transmitted out in the form of certified/return-receipt letters, to all residents who have a delinquent balance of at least six (6) months past-due, and \$150, pursuant to Sections 32-1-1101(1)(e) and 39-10-107, of the Colorado Revised Statutes. Ms. Holmberg reviewed the list with the Board and responded to inquiries. Mr. O'Leary presented a Resolution to approve the certification of delinquent accounts. Discussion ensued. Director Buckendorf opened the public hearing. There being no public comment, the public hearing was closed. Upon motion made by Director Kidder, seconded by Director McAllister and unanimously carried, the Board approved the Resolution, to include an additional \$75 administrative fee and a \$30 certified letter fee. Ms. Holmberg reported that all remaining delinquent accounts would be certified to Weld County by the December 1<sup>st</sup>, 2020 deadline for collection with the 2021 Weld County property taxes.

### **FINANCIAL ITEMS:**

a. Payment of Claims. Ms. Fromm presented the listing of claims to be ratified in the amount of \$138,483.98, represented by check numbers 01170 through 01179. Ms. Fromm presented the current listing of claims in the amount of \$39,722.16, represented by check numbers 01180 through 01184. Discussion ensued. Upon motion duly made by Director Schumacher, seconded by Director McAllister, and unanimously carried, the Board approved the payables for ratification and current payables in the total amount of \$178,206.14.

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b. Financial Statements. Ms. Fromm presented the financial statements dated September 30, 2020 to the Board. Discussion ensued regarding the certification of costs and the bond payment that will be made. Upon motion made by Director Kidder, seconded by Director Ziegler, and unanimously carried, the Board accepted and approved the financial statements as presented.

c. 2020 Audit Items. Ms. Fromm presented the 2020 Audit Engagement Letters from Fiscal Focus Partners LLC, noting that District Nos. 1 - 6 would be needing audits for the 2020 year. Upon motion made by Director McAllister, seconded by Director Schumacher, vote was taken and motion carried unanimously to engage Fiscal Focus Partners LLC as the auditors for the 2020 audits.

### **PUBLIC HEARINGS ON 2020 BUDGET AMENDMENT AND 2021 BUDGETS:**

Mr. O'Leary noted that proper publication had been made in order to allow the District to hold public hearings on the 2020 budget amendments and 2021 budgets. Mr. Buckendorf opened the public hearing. There being no public comment, the public hearing was closed. Ms. Fromm presented the 2021 budgets and discussion ensued. Mr. O'Leary requested that the Board consider approval of both the 2020 Amendments and 2021 Budget Resolutions. Upon motion made by Director Kidder, seconded by Director Schumacher and unanimously carried, the Board approved the Resolutions as presented, amending the 2020 Budgets, approving the 2021 Budgets, certifying mill levies and appropriating expenditures within the 2021 year.

### **LEGAL ITEMS:**

a. Acceptance of Public Improvement Capital Costs and Expenses – Big Horn Reservoir. Mr. O'Leary presented the Resolution Approving Acceptance of Capital Costs and Expenses for Certification for the Non-Potable Water System, noting that \$11,540,093 in costs were being certified. Discussion ensued regarding the Big Horn Reservoir storage and Hunters Overlook Water Activity Enterprise. Upon motion duly made by Director McAllister, seconded by Director Kidder and unanimously carried, the Board approved the Resolution and Certification of Capital Costs, as presented, to include a Resolution to Reimburse the Developer for Capital Public Improvement Costs and Expenses and Updates to District/Water Enterprise Capital Notes.

b. 2021 Administrative Matters Resolution. Mr. O'Leary presented the Resolution noting the engagement of all district consultants and transparency notice updates. Upon motion made by Director McAllister, seconded by Director Kidder and unanimously carried, the Board approved the 2021 Administrative Matters Resolution as presented.

c. Exclusion of Worker's Compensation Insurance. Mr. O'Leary requested that the Board approve the ongoing Waiver of Worker's Compensation. Upon motion made by Director McAllister, seconded by Director Kidder and unanimously carried, the Board approved the continual Waiver as requested.

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d. Resolution re Colorado Open Records Act (CORA). Mr. O'Leary noted the change to the fee that can be charged, pursuant to the Colorado Open Records Act and requested that the Board consider approval of the current CORA Resolution. Upon motion made by Director McAllister, seconded by Director Ziegler and unanimously carried, the Board approved the Resolution as presented.

**MANAGEMENT ITEMS:**

Ms. Fromm noted that there had been issues with enforcing the 2020 water restrictions and discussion ensued regarding potential resolutions for the 2021 year. Billing deadlines were also discussed. Upon motion made by Director Kidder, seconded by Director McAllister and unanimously carried, the Board confirmed that payment for all invoices will be due on the 31<sup>st</sup> of the invoicing month.

**OTHER MATTERS:**

There were none.

**PUBLIC COMMENT:**

There was none.

**ADJOURNMENT:**

There being no further business to come before the Board and upon motion duly made by Director McAllister, seconded by Director Kidder, and unanimously carried, the meeting was adjourned at 1:53 p.m.

The foregoing Minutes constitute a true and correct copy of the Minutes of the above-referenced combined meeting and were approved by the Boards of Directors of the Hunters Overlook Metropolitan District Nos. 1 - 8.

Respectfully Submitted,



Secretary for the Meeting