

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE HORSE CREEK METROPOLITAN DISTRICT HELD OCTOBER 12, 2021

A special meeting of the Board of Directors (the “Board”) of the Horse Creek Metropolitan District (the “District”) was convened on Tuesday, the 12<sup>th</sup> day of October, 2021, at 6:00 P.M. via Zoom. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, the District Board meeting was held and properly noticed to be held via Zoom. The meeting was open to the public via Zoom.

#### ATTENDANCE

#### Directors In Attendance Were:

Allison Provence  
Richard Wild

Following discussion, upon motion duly made by Director Provence, seconded by Director Wild and, upon vote, unanimously carried, the absence of Director Young-Sun Yun was excused.

#### Also In Attendance Were:

Matt Cohrs and Jim Ruthven; Special District Management Services, Inc. (“SDMS”)

MaryAnn M. McGeady, Esq. and Tim O’Connor, Esq.; McGeady Becher P.C.

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or breaches of fiduciary duty to the Board of Directors and the Secretary of State. Attorney McGeady noted that a quorum was present and requested that members of the Board disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. No conflicts were disclosed.

#### ADMINISTRATIVE MATTERS

**Agenda:** The Board reviewed the proposed Agenda for the District’s special meeting.

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

**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. It was noted that due to concerns regarding the spread of the COVID-19 and the benefits to the control of the spread of the virus by limiting in-person contact, the District meeting was held and properly noticed to be held via Zoom, without any individuals (neither District representatives nor the general public) attending in person. The Board further noted that notice providing the Zoom information was duly posted and that they have not received any objections or any requests that the means of hosting the meeting be changed by taxpaying electors within the District's boundaries.

**Minutes:** The Board reviewed the Minutes of the May 25, 2021 special meeting, June 16, 2021 special meeting and July 7, 2021 special meeting.

Following discussion, upon motion duly made by Director Wild, seconded by Director Provence and, upon vote, unanimously carried, the Minutes of the May 25, 2021 special meeting, June 16, 2021 special meeting and July 7, 2021 special meeting were approved, as presented.

**Resolution No. 2021-10-01; Resolution Establishing Regular 2022 Meeting Dates, Time and Location, and Designating Locations for Posting of 24-Hour Notices:** The Board discussed business to be conducted in 2022 and determined to hold regular meetings on May 10 and October 11, 2022 at 6:00 p.m. via Zoom.

Following discussion, upon motion duly made by Director Provence, seconded by Director Wild and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-01; Resolution Establishing Regular 2022 Meeting Dates, Time and Location, and Designating Locations for Posting of 24-hour Notices.

It was noted that the District continues to provide meeting information to the HOA for inclusion in the HOA newsletter and the Annual Meeting Notice is mailed to each household in the District, in compliance with the requirements of the District's Service Plan.

**Section 32-1-809, C.R.S. (Transparency Notice) Reporting Requirements, Mode of Eligible Elector Notification:** Attorney McGeedy updated the Board regarding Section 32-1-809, C.R.S. (Transparency Notice) reporting requirements and mode of eligible elector notification for 2022.

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Following discussion, the Board directed SDMS to post the required Transparency Notice information on the Special District Association’s Website and to see that it is included along with the HOA Newsletter transmittal to the District’s residents.

**Public Comment:** There were no public comments.

### **FINANCIAL STATEMENTS**

**Claims:** The Board considered ratifying the payment of claims for the periods ending as follows:

	Period ending June 29, 2021	Period ending July 27, 2021	Period ending Aug. 30, 2021
General Fund	\$ 6,189.36	\$ 9,075.52	\$ 6,768.40
Debt Service Fund	\$ -0-	\$ -0-	\$ -0-
Capital Fund	\$ -0-	\$ -0-	\$ -0-
<b>Total</b>	<b>\$ 6,189.36</b>	<b>\$ 9,075.52</b>	<b>\$ 6,768.40</b>

	Period ending Sept. 23, 2021
General Fund	\$ 3,522.14
Debt Service Fund	\$ -0-
Capital Fund	\$ -0-
<b>Total</b>	<b>\$ 3,522.14</b>

Following discussion, upon motion duly made by Director Wild, seconded by Director Provence 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 for the period ending June 30, 2021, and the cash position statement dated June 30, 2021 with the Board.

Following discussion, upon motion duly made by Director Provence, and seconded by Director Wild and, upon vote, unanimously carried, the unaudited financial statements for the period ending June 30, 2021, and the cash position statement dated June 30, 2021, were accepted.

**2021 Audit:** The Board discussed the engagement of Schilling & Company, Inc. to prepare the 2021 Audit for an amount not to exceed \$5,600.00.

Following discussion, upon motion duly made by Director Wild seconded by Director Provence and, upon vote, unanimously carried, the Board approved the engagement of Schilling & Company, Inc. to prepare the 2021 Audit for an amount not to exceed \$5,600.00.

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**2021 Budget Amendment Hearing:** The Board opened the Public Hearing to consider the Resolution to Amend the 2021 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2021 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, the Board determined that the 2021 Budget Amendment was not necessary.

**2022 Budget Hearing:** The Board opened the Public Hearing to consider the proposed 2022 Budget and to discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2022 Budget and the date, time and location 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.

Following discussion, upon motion duly made by Director Provence, seconded by Director Wild and, upon vote, unanimously carried, the Board determined to continue the Public Hearing to Wednesday October 27, 2021 at 6:00 p.m.

**DLG-70 Mill Levy Certification Form:** The Board determined to defer this item until the continued Public Hearing scheduled for Wednesday October 27, 2021 at 6:00 p.m.

**2023 Budget:** The Board entered into discussion regarding appointing the District Accountant to prepare the 2023 Budget.

Following discussion, upon motion duly made by Director Wild, seconded by Director Provence and upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2023 Budget and directed that the 2023 Budget be the same as the 2022 adopted Budget unless a Board Member provides input to otherwise adjust those assumptions.

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### **LEGAL MATTERS**

**Resolution Calling May 3, 2022 Regular Election:** The Board discussed Resolution No. 2021-10-02; Resolution Calling May 3, 2022 Regular Election for Directors, appointing the Designated Election Official (“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election.

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Following discussion, upon motion duly made by Director Provence, seconded by Director Wild and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-02; Resolution Calling May 3, 2022 Regular Election for Directors, appointing the DEO and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

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### OTHER BUSINESS

**Annual Meeting for Property Owners:** The annual meeting for property owners was conducted. Mr. Cohrs confirmed that notices were mailed to all property owners in compliance with the annual meeting notice requirements pursuant to the District's Service Plan. It was noted that the only property owners in attendance were Board members and the Annual Meeting was closed.

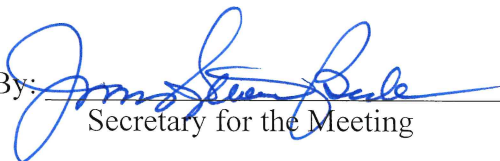
**Appointment of General Counsel:** Attorney McGeady thanked the Board for the opportunity to serve the District and noted due to increasing work load that McGeady Becher P.C. will be terminating its engagement as District General Counsel effective the earlier of the next regular Board meeting, or as soon as the District has engaged new counsel. The Board determined to discuss the process for engagement of new counsel at the upcoming October 27, 2021 Special Meeting.

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### ADJOURNMENT

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

Respectfully submitted,

By:   
Secretary for the Meeting