

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF NEIGHBORS POINT METROPOLITAN DISTRICT

Held: Wednesday, September 27, 2023, at 5:00 P.M.

This meeting was held via teleconference.

Attendance

The meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following Directors were in attendance:

Zoa Schescke
Ramon Clopton

Also present were: Heather L. Hartung, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; Eric Weaver and Katie Salazar, Marchetti and Weaver, LLC, District Accountants.

Call to Order

It was noted that a quorum of the Board was present and the meeting was called to order at 5:05 p.m.

Approval of Agenda

Ms. Hartung presented the proposed agenda to the Board for consideration. Following discussion, upon a motion made and carried, the Board unanimously approved the agenda as presented.

Disclosure Matters

Ms. Hartung advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Hartung reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Hartung inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Public Comment

None.

Consent Agenda

Ms. Hartung advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of

any director. No items were requested to be removed from the consent agenda. Upon a motion made and carried, the following items on the consent agenda were unanimously approved, ratified and adopted:

- a. June 21, 2023 Regular Meeting Minutes
- b. 2022 Audit

Financial Matters

Approval of
Financials/Claims Payable

Mr. Weaver presented the August 31, 2023 unaudited financial statements to the Board for consideration. Following review, upon a motion made, and carried, the Board accepted the financial statements. Mr. Weaver reviewed the listing of claims paid and claims payable, dated September 27, 2023. Following review, upon a motion made, and carried, the Board approved claims payable in the amount of \$43,789.01, and ratified approval of claims paid in the amount of \$43,789.01.

Discuss Requirements of
SB23-303 Relating to
Limitations on Property Tax
Revenue

Mr. Weaver explained to the Board that Proposition HH will be on the ballot this November, which is a referred measure that would limit tax increases from the prior property tax year to the amount of inflation, and that would also temporarily reduce the valuation for assessment of certain residential and nonresidential property. Revenues for the payment of bonds and revenues from a mill levy approved by the local government's voters are excluded from the revenue calculation. If the District does not have an unlimited mill levy, districts can impose a mill levy that exceeds the limit if they; publish a notice of their intent to exceed the limit in a newspaper; and post it on the District's website, at least 10 days in advance of the public hearing at which the mill levy will be considered. The notice must include, the proposed mill levy, any temporary property tax credits, the date, time, and location of the public hearing. At the meeting, the district must provide the public an opportunity to present oral testimony on the mill levy and must adopt a resolution to approve the mill levy after it has heard from interested taxpayers. In exchange for the limit on tax increases and reduced valuation for assessment the ballot measure would allow the State to retain surplus revenue that would otherwise be required to be refunded to taxpayers. Because the District is holding its meeting before the election the District will need to approve a budget with alternate mill levy calculations, one calculation for if Proposition HH passes and one for if it fails.

Conduct Public Hearing on
2023 Budget Amendment (if
needed)

A 2023 Budget Amendment was not needed.

Conduct Public Hearing on 2024 Budget

Director Schescke opened the public hearing on each of the proposed 2024 Budgets (one budget as if Proposition HH passed and one as if Proposition HH did not pass). Ms. Hartung noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Ms. Hartung reviewed the 2024 Budget Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the Resolution adopting the 2024 Budget, subject to Proposition HH determination, appropriating funds therefor and certifying the mill levies] as shown in the 2024 Budget, subject to receipt of final assessed valuation. The Board directed Mr. Weaver's office to file the budget with the appropriate calculation based on the outcome of the November election regarding Proposition HH.

Authorize Filing an Audit Exemption for 2023 Audit

Mr. Weaver discussed the filing of an Audit Exemption for the 2023 audit. He explained the District's loan allows the District to file an exemption if it otherwise qualifies (if the district's revenues nor expenditures do not exceed \$750k). Following discussion, upon a motion duly made and seconded, the Board approved the filing of an Audit Exemption for 2023.

Legal Matters - Annual Administrative Matters

Consider Adoption of 2024 Annual Administrative Resolution

Ms. Hartung presented the 2024 Annual Administrative Resolution. Following discussion, upon a motion duly made and seconded, the Board approved the 2024 Annual Administrative Resolution subject to final legal revisions.

Consider Ratification of 2022 Annual Report and Supplement

Ms. Hartung presented the 2022 Annual Report on the Service Plan and the Supplement to the 2022 Annual Report. Following discussion, upon a motion duly made and seconded, the Board accepted the 2022 Annual Report and Supplement.

Consider Adoption of Resolution Adopting Colorado Special District Records Retention Schedule

Ms. Hartung presented the Resolution Adopting Colorado Special District Records Retention Schedule. Following discussion, upon a motion duly made and seconded, the Board approved the Resolution Adopting Colorado Special District Records Retention Schedule.

Consider Approval of Public Records Request Policy

Ms. Hartung presented the Public Records Request Policy. Following discussion, upon a motion duly made and seconded, the Board approved the Public Records Request Policy.

Consider Approval of Notice to Electors Pursuant to § 32-1-809, C.R.S.

Ms. Hartung presented the Notice to Electors Pursuant to § 32-1-809, C.R.S.. Following discussion, upon a motion duly made and seconded, the Board approved the Notice to Electors Pursuant to § 32-1-809, C.R.S. subject to final legal revisions

Consider Adoption of Resolution Designating Meeting Notice Posting Location

Ms. Hartung presented the Resolution Designating Meeting Notice Posting Location. Following discussion, upon a motion duly made and seconded, the Board approved the Resolution Designating Meeting Notice Posting Location.

Discuss Change to Consumer Data Privacy Statute and Consider Adoption of Resolution Adopting a Personal Data Privacy Policy

Ms. Hartung discussed the change to the Consumer Data Privacy Statute. Following discussion, upon a motion duly made and seconded, the Board approved the Resolution Adopting a Personal Data Privacy Policy

Discuss 2023 Legislative Update

Ms. Hartung discussed the 2023 Legislative Update with the Board, highlighting the task force notification requirement and town hall meeting requirement and discussing the Town Hall meeting that is being held immediately after this meeting

Consider Adoption of Resolution Establishing an Electronic Signature Policy

Ms. Hartung presented the Resolution Establishing an Electronic Signature Policy. Following discussion, upon a motion duly made and seconded, the Board adopted the Resolution Establishing an Electronic Signature Policy.

Discuss District Website Compliance and WCAG 2.1 AA Requirements for ADA Compliance

Tabled to next meeting.

Consider Adoption of Resolution Adopting a Website Accessibility Policy

Tabled to next meeting.

Consider Adoption of Resolution Providing for the Defense and Indemnification of Directors and Employees of the District

Ms. Hartung presented the Resolution Providing for the Defense and Indemnification of Directors and Employees of the District. Following discussion, upon a motion duly made and seconded, the Board approved the Resolution Providing for the Defense and Indemnification of Directors and Employees of the District.

Discuss Director 101 Presentation

Ms. Hartung discussed the Director 101 Presentation with the Board. Following discussion, upon a motion duly made and seconded, the Board approved would like to proceed with the Director 101 Presentation and Ms. Hartung will prepare.

Discuss Creating a FAQ Regarding the District to be Posted on the District's website.

Ms. Hartung discussed creating a FAQ regarding the District to for posting on the District's website. Following discussion, upon a motion duly made and seconded, the Board approved the creation of FAQs for posting to the District's website.

Discuss Investment Direction

Ms. Hartung discussed the District's investments. The District is currently invested in C-Safe and interest is at 5%.

Legal Matters - Insurance Matters

Discuss and Review Proposal for Renewal of General Liability Schedule and Limits and Property Schedule, and Consider Approval and Authorization to Bind Coverage

Ms. Hartung discussed the 2024 Renewal of General Liability Schedule and Limits and Property Schedule with the Board. Following discussion, upon a motion duly made and seconded, the Board approved and authorized the binding of coverage.

Consider Authorization of Renewal of Special District Association of Colorado Membership for 2024

Ms. Hartung discussed the renewal of the Special District Association of Colorado Membership for 2024 with the Board. Following discussion, upon a motion duly made and seconded, the Board approved the renewal of the Special District Association of Colorado Membership for 2024.

Consider Approval of Workers' Compensation Coverage with Colorado Special Districts Property and Liability

Ms. Hartung discussed Worker's Compensation Coverage with the Board. Following discussion, upon a motion duly made and seconded, the Board approved the Worker's Compensation Coverage.

Other Business

No other business.

Adjourn

There being no further business to come before the Board and following discussion and upon motion made, and carried, the Board determined to adjourn the meeting at 5:43 p.m.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.


Ramon Clopton (Oct 28, 2023 13:31 MDT)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on October 25, 2023.