

BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 2
8390 E. Crescent Pkwy., Suite 300
Greenwood Village, CO 80111
Tel: 303-779-5710 Fax: 303-779-0348

A copy of the agenda/meeting packet is available at the Beebe Draw Farms website at beebedrawfarmsauthority.colorado.gov

NOTICE OF REGULAR MEETING AND AGENDA

DATE: June 14, 2023

TIME: 6:00 p.m.

LOCATION: Hybrid Meeting:
Pelican Lake Ranch Community Info and Sales Center
16502 Beebe Draw Farms Parkway
Platteville, CO 80641
Or via Microsoft Teams

You can attend the meetings in any of the following ways:

- ACCESS:**
1. To attend via Microsoft Teams Videoconference use the below link:
https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDM2YzdhZDQtZGRINC00MTJLWE0YTEtYmMzZTI2NDBiMmIx%40thread.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%22d42bab28-fbd8-4e65-a395-965cf9ef152f%22%7d
 2. To attend via telephone, dial 720-547-5281 and enter the following Conference ID: 876 862 720#

<u>Board of Directors</u>	<u>Office</u>	<u>Term Expires</u>
Christine Hethcock	President	May 2025
Diane Mead		May 2027
Joe Knopinski		May 2027
Scott Edgar		May 2025
Vacant		

I. ADMINISTRATIVE MATTERS

- A. Present disclosures of potential conflicts of interest.
- B. Call to order, approval of agenda.
- C. Confirm quorum, location of meeting and posting of meeting notices.
- D. Consider appointment of officers:

President: _____
 Vice President: _____
 Secretary: _____
 Treasurer: _____
 Assistant Secretary: _____

- E. Consider appointment of a Board member to serve on the Beebe Draw Farms Authority.

II. PUBLIC COMMENT

Members of the public may express their views to the Board on matters that affect the District that are otherwise not on the agenda. Comments will be limited to three (3) minutes per person.

III. CONSENT AGENDA

These items are considered routine and will be approved and/or ratified by one motion. There will be no separate discussion of these items unless requested by a Board member; in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda.

- A. Review and consider approval of minutes from November 9, 2022 Regular and May 10, 2023 Special Board Meeting (enclosure).

IV. FINANCIAL MATTERS

- A. Conduct Public Hearing to consider amendment of the 2022 Budget. If necessary, consider adoption of Resolution to Amend the 2022 Budget (enclosure).

V. LEGAL MATTERS

VI. OTHER MATTERS

VII. ADJOURNMENT

The next regular meeting is scheduled for November 8, 2023 at 6:00 p.m. at the Pelican Lake Ranch Community Info and Sales Center and via Microsoft Teams.

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 2
HELD
NOVEMBER 9, 2022**

A regular meeting of the Board of Directors (referred to hereafter as the “Board”) of the Beebe Draw Farms Metropolitan District No. 2 (referred to hereafter as the “District”) was convened on Wednesday, the 9th day of November 2022, at 6:00 P.M. This District Board meeting was conducted via Microsoft Teams videoconference and teleconference, and at the Sales and Information Center, 16502 Beebe Draw Farms Pkwy., Platteville, CO 80651. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Christine Hethcock
Paul Joseph “Joe” Knopinski

Absent and excused was Director Mead.

Also In Attendance Were:

Lisa Johnson, Shauna D’Amato, and Terri Boroviak; CliftonLarsonAllen LLP
Suzanne Meintzer, Esq.; McGeady Becher P.C.
Bill Caldwell, Catrena Rosentreader, Sharon Dillon, Brenda Lewis, and Eric
Wernsman; Beebe Draw Farms Metropolitan District No. 1 Board Members

Members of the Public:

Alan Pogue, Tina Wernsman, Dave Miller, Crystal Clark, John Coleman, Kim
Coleman, Kent Lewis, Patty Caldwell, Judy Tunis, Kelly Deitman, Ed Farrell,
Cindy Key and other members of the public.

ADMINISTRATIVE
MATTERS

Call to Order, Disclosures of Potential Conflicts of Interest: The meeting was called to order at 6:00 p.m.

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 and to the Secretary of State. Ms. Johnson requested members of the Board 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 as filed.

Quorum, location of meeting and posting of notices, Agenda: A quorum was confirmed.

The Board discussed the requirements of 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 Knopinski, seconded by Director Hethcock, and upon vote unanimously carried, the Board determined to conduct the meeting at the above-stated date, time, and location. It was further noted that notice of the time, date, location and manner of meeting was duly posted and that no objections to the location or any requests that the meeting place be changed by taxpaying electors within the District's boundaries were received.

The agenda was presented to the Board for review. Following discussion, upon motion duly made by Director Knopinski, seconded by Director Hethcock and, upon vote, unanimously carried, the Board approved the agenda and excused the absence of Director Mead. Ms. Johnson advised that meeting notices were posted as required.

CliftonLarsonAllen LLP Statements of Work: Ms. Johnson reviewed the Statements of Work with the Board. Following discussion upon a motion duly made by Director Knopinski, seconded by Director Hethcock and, upon vote, unanimously carried, the Board approved the CliftonLarsonAllen LLP Statements of Work as presented.

Resolution No. 2022-11-01, Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices: Ms. Johnson reviewed the Resolution and discussed the upcoming 2023 business to be conducted with the Board. Following review, upon a motion duly made by Director Knopinski, seconded by Director Hethcock and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-01, Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices as presented. The 2023 meeting dates will be June 14th and November 6th at 6:00 p.m. via Microsoft TEAMS as well as in person at the Sales & Info Center, 16502 Beebe Draw Farms Parkway, Platteville, CO 80651.

2023 District Insurance: Ms. Johnson reviewed with the Board. Following discussion, the Board approved the 2023 renewals and instructed CLA to proceed accordingly. The Board further directed renewal of the District's Special District Association Membership.

CONSENT AGENDA

The Board considered the following actions under the Consent Agenda:

- Approve the Minutes of the September 19, 2022 Special Meeting.
- Ratify approval of payment of claims totaling \$14,453.14.
- Accept the September 30, 2022 Financial Statement and Cash Position Schedule.

Following review, upon motion duly made by Director Hethcock seconded by Director Knopinski and, upon vote, unanimously carried, the Board approved the Consent Agenda items.

PUBLIC
COMMENT

There were no public comments.

FINANCIAL
MATTERS

2022 Audit: Following discussion, upon a motion duly made by Director Hethcock seconded by Director Knopinski and, upon vote, unanimously carried, the Board approved the engagement letter with Wipfli LLC to prepare the 2022 Audit.

Conduct Public Hearing on Amendment of 2022 Budget: Director Hethcock opened the public hearing at 6:44 p.m. to consider amendment of the 2022 Budget. It was noted that Notice stating the Board would consider amendment of the 2022 Budget, and the date, time and place of the public hearing was published in a newspaper having general circulation within the District.

No written objections were received prior to the public hearing and the hearing was closed at 6:46 p.m.

Ms. Boroviak presented the need to amend the 2022 Budget to the Board. She noted the General Fund would need to be amended to \$305,000. Following review, upon a motion duly made by Director Knopinski, seconded by Director Hethcock and, upon vote, unanimously carried, the Board approved the amendment to the 2022 Budget, and adopted Resolution No. 2022-11-02 to Amend the 2022 Budget.

Public Hearing on 2023 Budget: Director Hethcock opened the public hearing at 6:47 p.m. to consider the proposed 2023 Budget.

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

No public comments were received, and the hearing was closed at 6:56 p.m.

Ms. Boroviak reviewed the 2023 Budget with the Board. Following discussion and review, upon a motion duly made by Director Knopinski, seconded by President Hethcock, and upon vote, unanimously carried, the Board approved the 2023 Budget, and considered adoption of Resolution No. 2022-11-03 to Adopt the 2023 Budget and Appropriate Sums of Money and Resolution No. 2022-11-04 to Set Mill Levies (50.000 mills in the General Fund, 11.133 mills in each Capital Pledge 2051 Fund, and 11.133 mills in the Capital Pledge 2055 Fund). Following discussion, upon vote unanimously carried, the Board adopted the Resolutions and authorized execution of the Certification of Budget. The District Accountant was directed to transmit the Certification of Tax Levies to the Board of County Commissioners of Weld County not later

than December 15, 2022 and to transmit the Certification of Budget to the Division of Local Government no later than January 30, 2023.

Resolution No. 2022-11-05, Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan: Attorney Meintzer presented the Resolution to the Board. Following review, upon a motion duly made by Director Hethcock, seconded by Director Knopinski and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-05, Authorizing Adjustment of the District Mill Levy in Accordance with the Service Plan.

DLG-70 Certification of Tax Levies Form: Ms. Johnson discussed with the Board. Upon a motion duly made by Director Knopinski, seconded by Director Hethcock and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare the DLG-70 and appointed Director Hethcock to sign the DLG-70 Certification of Tax Levies form and directed the District Accountant to file the Certification with the Board of County Commissioners and other interested parties.

2024 Budget Preparation: Upon a motion duly made by Director Knopinski, seconded by Director Hethcock and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2024 Budget.

LEGAL
MATTERS

Resolution No. 2022-11-06, Calling the May 2, 2023 Regular Election for Directors: Attorney Meintzer reviewed the resolution with the Board and discussed the 2023 election process. Following review, upon a motion duly made by Director Knopinski, seconded by Director Hethcock and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-06, Calling a Regular Election for Directors on May 2, 2023, appointing Jessie Stamper as the Designated Election Official (“DEO”), and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election.

Section 32-1-809, C.R.S. (District Transparency Notice): The Board authorized CliftonLarsonAllen LLP to complete and file the District’s 2023 Transparency Notice.

OTHER MATTERS

There were no other matters to discuss.

ADJOURNMENT

There being no further business to come before the Board at this time, Ms. Johnson adjourned the meeting at 8:14 p.m.

Respectfully submitted,

By _____
Secretary for the Meeting

**MINUTES OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF THE
BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 2
HELD
MAY 10, 2023**

A special meeting of the Board of Directors (referred to hereafter as the “Board”) of the Beebe Draw Farms Metropolitan District No. 2 (“District No. 2”) was convened on Wednesday, the 10th day of May 2023, at 5:00 P.M. This meeting was a hybrid meeting held via Microsoft Teams and at the Sales & Info Center, 16502 Beebe Draw Farms Pkwy., Platteville, CO, 80651. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Christine Hethcock, President
Diane Mead, Treasurer
Paul Joseph Knopinski, Assistant Secretary

The Directors in attendance confirmed their qualifications to serve.

Also In Attendance Were:

Lisa Johnson, Shauna D’Amato, Terri Boroviak and Michael Cronce;
CliftonLarsonAllen LLP
MaryAnn McGeady, Esq.; McGeady Becher, P.C.
Ron Fano, Esq.; Spencer Fane LLP
Anna Wool; Icenogle Seaver Pogue P.C.
Eric Rypkowski; Hilltop Broadband
William Caldwell, Brenda Lewis, Catrena Rosentreader, Sharon Dillon, and
Eric Wernsman; Beebe Draw Farms Metropolitan District No. 1 Directors
Scott Edgar; Board Candidate

Members of the Public in Attendance:

Mary Jo Farrell, Ed Farrell, Melanie Briggs, Tina Wernsman, Ethan Peer, John Coleman, Kim Coleman, Patty Caldwell, Judy Tunis, Gerry Tsohirpke, and Doug Martin

ADMINISTRATIVE
MATTERS

Disclosures of Potential Conflicts 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 and to the Secretary of State. Ms. Johnson requested members of the Boards to disclose any potential conflicts of interest regarding 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.

Agenda: The agenda was presented to the Board for review. Following

discussion, upon motion duly made by Director Knopinski, seconded by Director Hethcock and, upon vote, unanimously carried, the Board approved the agenda.

Quorum, Location of Meeting and Posting of Meeting Notices: Ms. Johnson confirmed a quorum, adequate location of the meeting, and noted that meeting notices were posted as required.

Results of the May 2, 2023 Election: Attorney McGeady presented the results of the May 2, 2023 Election to the Board, noting that the ballot questions passed unanimously. She reported Directors Knopinski and Mead were re-elected to the Board to serve four-year terms to expire in May 2027.

Oaths of Office: It was confirmed that the oaths of office were filed with the respective entities as required by statute.

Board Vacancies: The Board discussed the vacancies on the Board of Directors. Ms. Johnson reported that a notice of vacancy was published in the newspaper of general circulation within the District and that no letters of interest were received by the deadline. Following discussion, upon a motion duly made by Director Hethcock, seconded by Director Knopinski and, upon vote, unanimously carried, the Board appointed eligible elector Scott Edgar to the Board. The oath of office will be administered within the next 30 days.

Election of Officers: Following discussion, the Board deferred the election of officers to the June Board meeting and keep the existing slate of officers for the current meeting.

PUBLIC COMMENT

There were no public comments.

CONSENT AGENDA

- **Minutes from the February 27, 2023 Joint Work Session / Special Board Meeting**
- **March 8, 2023 Joint Special Board Meeting**
- **Claims totaling \$96,883.74**

Following review, upon a motion duly made by Director Knopinski, seconded by Director Mead and, upon vote, unanimously carried, the Board approved the consent agenda, as presented.

FINANCIAL MATTERS

March 31, 2023 Unaudited Financial Statements: Ms. Boroviak presented the financial statements to the Board. Following discussion, upon a motion duly made by Director Mead, seconded by Director Knopinski and, upon vote, unanimously carried, the Board accepted the March 31, 2023, Unaudited Financial Statements, subject to final revisions and acceptance.

LEGAL MATTERS

Second Amendment to Authority Establishment Agreement: Attorney McGeady presented the Second Amendment to the Authority Establishment

Agreement to the Board. Following discussion, upon a motion duly made by Director Knopinski, seconded by Director Mead and, upon vote, unanimously carried, the Board approved the Second Amendment to the Authority Establishment Agreement, contingent upon finalization of the 45-day notice to Weld County.

Resolution Authorizing Second Amendment to Establishment Agreement Contingent Upon 45-Day Notice: Attorney McGeady presented the Resolution Authorizing the Second Amendment to the Authority Establishment Agreement to the Board. Following discussion, upon a motion duly made by Director Knopinski, seconded by Director Mead and, upon vote, unanimously carried, the Board adopted the Resolution Authorizing Second Amendment to Establishment Agreement Contingent Upon finalization of the 45-Day Notice to Weld County.

Agreement Concerning Broadband Funding and Service Extension to the Beebe Draw Farms Authority Community by and between Beebe Draw Farms Authority and Smiling J. LLC d/b/a Hilltop Broadband: Attorney McGeady presented the Agreement Concerning Broadband Funding and Service Extension to the Board. Following discussion, upon a motion duly made by Director Knopinski, seconded by Director Hethcock and, upon vote, unanimously carried, the Board acknowledged the Agreement Concerning Broadband Funding and Service Extension to the Beebe Draw Farms Authority Community by and between Beebe Draw Farms Authority and Smiling J. LLC d/b/a Hilltop Broadband.

Delivery of 45-Day Notice and Status: Attorney McGeady presented the delivery of 45-Day Notice to the Board. The Board acknowledged the transmission of the 45-Day Notice to Weld County.

OTHER MATTERS

There were no other matters to discuss.

ADJOURNMENT

There being no further business to come before Board at this time, upon a motion duly made by Director Hethcock, seconded by Director Mead, and upon vote, unanimously carried, the Board adjourned the meeting at 6:04 p.m.

Respectfully submitted,

By _____
Secretary for the Meeting

RESOLUTION NO. 2023-06-01

RESOLUTION TO AMEND BUDGET

**RESOLUTION OF THE BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 2
TO AMEND THE 2022 BUDGET**

Pursuant to Section 29-1-109, C.R.S., the Board of Beebe Draw Farms Metropolitan District No. 2 (the “**District**”), hereby certifies that a special meeting of the Board of Directors of the District, was held on November 10, 2021, via Microsoft Teams.

A. At such meeting, the Board of Directors of the District adopted that certain Resolution No. 2021-11-03 to Adopt Budget appropriating funds for the fiscal year 2022 as follows:

General Fund	\$285,882
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B. On November 9, 2022, the Board of Directors of the District adopted Resolution No. 2022-11-02, to Amend the 2022 Budget appropriating funds for the fiscal year 2022 as follows:

General Fund	\$300,848
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C. The necessity has arisen for additional General Fund appropriations requiring the expenditure of funds in excess of those appropriated for the fiscal year 2022.

D. The source and amount of revenues for such expenditures, the purposes for which such revenues are being appropriated, and the fund(s) which shall make such supplemental expenditures are described on **Exhibit A**, attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Beebe Draw Farms Metropolitan District No. 2 shall and hereby does amend the budget for the fiscal year 2022 as follows:

General Fund	\$315,000
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BE IT FURTHER RESOLVED, that such sum is hereby appropriated from unexpected revenues available to the District to the General Fund for the purpose stated.

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION OF THE BEEBE DRAW FARMS
METROPOLITAN DISTRICT NO. 2 TO AMEND THE 2022 BUDGET]**

RESOLUTION APPROVED AND ADOPTED on June 14, 2023.

**BEEBE DRAW FARMS
METROPOLITAN DISTRICT NO. 2**

By: _____
President

Attest:

By: _____
Secretary

EXHIBIT A

Original and Amended Budget Appropriations

BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 2
GENERAL FUND
2022 BUDGET AMENDMENT

	AMENDED BUDGET 2022	2ND AMENDMENT BUDGET 2022
BEGINNING FUND BALANCES	\$ (5,181)	\$ -
REVENUES		
Property taxes	244,003	244,003
Property taxes - 2051	13,040	13,040
Property taxes - 2055	11,838	11,838
Specific ownership tax	13,612	14,441
Specific ownership tax - 2051	728	772
Specific ownership tax - 2055	660	701
Interest income	1,065	4,231
Other revenue	-	28,000
Total revenues	<u>284,946</u>	<u>317,026</u>
Total funds available	<u>279,765</u>	<u>317,026</u>
EXPENDITURES		
Accounting	17,500	16,882
County Treasurer's fee	4,031	4,034
Directors' fees	800	1,100
Insurance and bonds	2,945	2,945
District management	5,500	8,379
Legal services	13,000	17,055
Miscellaneous	10	10
Payroll taxes	61	61
Election expense	913	1,442
Transfer to Authority - O&M	144,248	144,248
Transfer to Authority - Infrastructure	88,079	91,269
Transfer to Authority - Amenities	22,701	22,817
Contingency	1,060	4,758
Total expenditures	<u>300,848</u>	<u>315,000</u>
Total expenditures and transfers out	<u>300,848</u>	<u>315,000</u>
ENDING FUND BALANCES	<u>\$ (21,083)</u>	<u>\$ 2,026</u>
EMERGENCY RESERVE	\$ 819	\$ 1,700
AVAILABLE FOR OPERATIONS	-	326
TOTAL RESERVE	<u>\$ 819</u>	<u>\$ 2,026</u>