

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
SECOND CREEK FARM METROPOLITAN DISTRICT NO. 4
HELD
NOVEMBER 13, 2023

A regular meeting of the Board of Directors (“Board”) of the Second Creek Farm Metropolitan District No. 4 (“District”) was convened on Monday, November 13, 2023, at 3:00 p.m. via conference call. The meeting was open to the public via conference call.

ATTENDANCE

Directors in Attendance Were:

Joel H. Farkas, President
Toni Serra, Treasurer

Also in Attendance Were:

Paula Williams and Jennifer Henry, McGeady Becher P.C.
Margaret Henderson, CliftonLarsonAllen LLP
Andrew Gaittens, Independent District Engineering Services, LLC
 (“IDES”)

ADMINISTRATIVE MATTERS

Disclosure of Potential Conflicts of Interest: Attorney Williams 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 of Directors and to the Secretary of State. Attorney Williams noted that a quorum was present and requested members of the Board 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 members prior to this meeting in accordance with the statute. It was noted that Disclosure Statements for Directors Farkas and Serra had been filed by the statutory deadline.

Agenda: The Board reviewed the proposed Agenda for the District’s regular meeting. Following discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board approved the Agenda and excused the absence of Director Sandhu.

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. Following discussion, and upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board determined to hold this meeting via conference call and encouraged public participation via telephone. The

Board noted that notice of this meeting and conference call number was duly posted and that it had not received any objections to the telephonic meeting or any requests that the meeting be changed by taxpaying electors within the District's boundaries.

Resignation of Board Member: Following discussion, the Board acknowledged the resignation of Tom Kowalski effective October 11, 2023.

Appointment of Secretary: Following discussion, and due to the resignation of Mr. Kowalski, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board appointed Jennifer S. Henry as Secretary of the Board.

Public Comment: There were no public comments.

Meeting Minutes: The Board reviewed the minutes from the July 17, 2023 Regular Meeting. Following discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board approved the minutes from the July 17, 2023 Regular Meeting.

Resolution No. 2023-11-01 Establishing 2024 Regular Meeting Dates, Time, and Location, and Designating Location for Posting of 24-Hour Notices: The Board discussed the business to be conducted in 2024, determined to hold meetings virtually, and scheduled regular meetings for July 22, 2024 and November 11, 2024, at 3:00 p.m., via conference call. Following discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board adopted Resolution No. 2023-11-01.

District Insurance: Attorney Williams discussed insurance renewal with the Board. Following discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board authorized renewal of the District's insurance, including workers' compensation, and renewal of its Special District Association membership for 2024.

FINANCIAL MATTERS

Unaudited Financial Statements and Cash Position: Ms. Henderson presented the unaudited financial statements and cash position for the period ending September 30, 2023. Following discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board accepted the unaudited financial statements and cash position for the period ending September 30, 2023.

Cost Certification Report #20 and #21: Mr. Gaittens noted that Cost

Certification Report #20 and #21 prepared by IDES had \$0.00 certified eligible costs attributable to the District and the Board acknowledged same.

2023 Budget Amendment Hearing: The President opened the public hearing to consider amending the 2023 Budget.

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

No public comments were received, and the public hearing was closed.

It was determined that an amendment to the 2023 Budget was not needed at this time.

2024 Budget Hearing: The President opened the public hearing to consider the proposed 2024 Budget and discuss related issues.

It was noted that a Notice stating that the Board would consider adoption of the 2024 Budget, along with the date, time and place of the public hearing was published in a newspaper having general circulation within the District, in accordance with statutory requirements. No written objections were received prior to the public hearing.

No public comments were received, and the public hearing was closed.

Ms. Henderson reviewed the proposed 2024 Budget with the Board. Following discussion, the Board considered the adoption of the Resolution No. 2023-11-02 to Adopt the 2024 Budget and Appropriate Sums of Money and Resolution No. 2023-11-03 to Set Mill Levies (a General Fund Mill Levy of 10.434 mills and a Debt Service Mill Levy of 36.521, for a total Mill Levy of 46.955 mills). Upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, Resolution Nos. 2023-11-02 and 2023-11-03 were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County. The District Accountant was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Adams County by the deadline. Legal Counsel was authorized to transmit the Certification of Budget to the Division of Local Government no later than January 31, 2024.

Resolution Authorizing Adjustment of District Mill Levy in Accordance with Service Plan: It was determined that this resolution is not needed.

DLG-70 Mill Levy Certification Form: Following discussion, upon motion made by Director Serra, seconded by Director Farkas, and upon vote unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Certification of Tax Levies form (“Certification”) and directed the District Accountant to file the Certification with the Board of County Commissioners and other interested parties.

2023 Audit Exemption Application: The Board discussed the requirements of an audit. Following discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board appointed the District Accountant to prepare and file the 2023 Audit Exemption Application.

Master Service Agreement and Statement of Work for Accounting Services: Ms. Henderson discussed the Master Service Agreement and Statement of Work with CliftonLarsonAllen LLP for 2024 services with the Board. Following discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board approved the Master Service Agreement and Statement of Work with CliftonLarsonAllen LLP for 2024 services, subject to final legal review, and appointed CliftonLarsonAllen LLP to prepare the 2025 budget, and directed that the draft 2025 budget be the same as the adopted 2024 budget unless there was input from a Board Member to adjust those assumptions.

LEGAL MATTERS

Transparency Notice Required Under Section 32-1-809, C.R.S.: Attorney Williams informed the Board of the required transparency notice under Section 32-1-809, C.R.S., The Board directed District Counsel to post the required notice on the Special District Association website and the District’s website.

Resolution No. 2023-11-04 Amending Policy on Colorado Open Records Act Requests: Following discussion, upon motion duly made by Director Farkas, seconded by Director Serra, and upon vote unanimously carried, the Board adopted Resolution No. 2023-11-04.

OTHER BUSINESS

None.

ADJOURNMENT

Upon motion duly made and seconded, and, upon vote, unanimously carried, the meeting was adjourned.

The foregoing record constitutes a true and correct copy of the Minutes of the above-referenced meetings.

Respectfully submitted,

By Jennifer S. Henry
Secretary for the Meeting