

# RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
TWIN PEAKS METROPOLITAN DISTRICT  
HELD  
OCTOBER 17, 2022

A regular meeting of the Board of Directors (“Board”) of Twin Peaks Metropolitan District (“District”) was duly held on Monday, October 17, 2022, at 10:00 a.m. This District Board meeting was held via Zoom and by conference call. The meeting was open to the public.

## ATTENDANCE

### **Directors In Attendance:**

Danaria McCoy, President  
Joseph (“Joey”) Ginsborg, Secretary

### **Also In Attendance:**

Paula Williams, Esq., Kate Olson, Esq. and Lisa Jacoby; McGeady Becher P.C.  
Alex Fink; CliftonLarsonAllen LLP (“CLA”)  
Josh Ginsborg; Public

## ADMINISTRATIVE MATTERS

**Confirm Quorum/Disclosure of Potential Conflicts of Interest:** The Board entered into a discussion regarding 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. Ms. Jacoby 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. Ms. Jacoby noted that Directors’ Disclosure Statements had been filed by the statutory deadline.

**Agenda:** The Board reviewed the Agenda for the meeting. Following discussion, upon a motion duly made by Director McCoy, seconded by Director Joseph Ginsborg, and upon vote unanimously carried, the Board approved the Agenda as presented.

**Approval of Meeting Location, Posting of Meeting Notice:** 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, upon motion duly made by Director McCoy, seconded by Director Joseph Ginsborg, and upon vote unanimously carried, the Board determined that because there was not a suitable or convenient location within the District’s boundaries to conduct this meeting, it was determined to conduct the meeting at the above-stated date, time and format. The Board further noted that notice of this meeting and format was posted within the boundaries of the District and the Board has not received any objections to the format or any requests that the meeting be changed by taxpaying electors within the boundaries of the District.

**Designation of 24-Hour Posting Location:** Following discussion, upon motion duly made by Director McCoy, seconded by Director Joseph Ginsborg, and upon vote unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c)(III), C.R.S. and Section 32-1-903(2), C.R.S., shall be posted on the District website. If the District is unable to post the Notice of Meeting on the District Website at least 24 hours prior to each meeting, the Notice of Meeting shall be posted within the boundaries of the District as least 24 hours prior to each meeting at the following location: On a streetlight at the northwest entrance of the District.

**Public Comment:** There was no public comment.

**May 3, 2022 Election:** Ms. Jacoby noted for the Board that the May 3, 2022 Director's election was cancelled, as allowed under Colorado law by the Designated Election Official because there were not more candidates than positions available on the Board of Directors. Director McCoy was deemed elected by acclamation to a 3-year term ending May, 2025.

**Board Vacancies:** The Board discussed the vacancies on the Board of Directors and noted that no qualified eligible elector candidate has expressed an interest in serving.

**Appointment of Officers:** Following discussion, upon motion duly made by Director Joseph Ginsborg, seconded by Director McCoy, and upon vote unanimously carried, the following slate of officers were appointed for the District:

President: Danaria McCoy  
Treasurer: Joseph Ginsborg  
Secretary: Lisa Jacoby

**Minutes of the November 11, 2021 Special Meeting:** The Board reviewed the minutes of the November 11, 2021 special meeting. Following discussion, upon motion duly made by Director McCoy, seconded by Director Joseph Ginsborg, and upon vote unanimously carried, the Board approved the November 11, 2021 meeting minutes.

**District Insurance:** The Board discussed renewal of and considered additional coverage for District owned improvements and property, and the renewal of the Special District Association ("SDA") Membership for 2023.

Ms. Jacoby gave a presentation to the Board regarding District owned improvements/property and provided a quote for insurance coverage for same. Following discussion, the Board determined to request the Developer name the District as an additional insured on the Developer's policy. No additional property coverage was bound by the District.

Following discussion, upon motion duly made by Director McCoy, seconded by Director Joseph Ginsborg, and upon vote unanimously carried, the Board approved the

renewal of the District's insurance including General Liability and Workers' Compensation coverage and the SDA Membership for 2023.

**Resolution No. 2022-10-01 Establishing 2023 Meeting Dates, Time, Location, and Designating 24-Hour Notice Posting Location:** The Board discussed the business to be conducted in 2023 and determined to schedule a regular meeting for Monday, October 16, 2023 at 10:00 a.m., to be held virtually (via electronic means).

Following discussion, upon motion duly made by Director Joseph Ginsborg, seconded by Director McCoy, and upon vote unanimously carried, the Board adopted Resolution No. 2022-10-01 Establishing 2023 Meeting Dates, Time, Location, and Designating 24-Hour Notice Posting Location.

**District Website:** Ms. Jacoby reported that the website was established and active. Attorney Williams discussed new legislative requirements regarding District websites, effective January 1, 2023.

**FINANCIAL  
MATTERS**

**Master Service Agreement and Statements of Work for Accounting Services and Payroll Services for 2023:** Following discussion, upon motion duly made by Director McCoy, seconded by Director Joseph Ginsborg, and upon vote unanimously carried, the Board approved the CLA Master Service Agreement and Statements of Work for Accounting Services and Payroll Services for 2023.

**2021 Audit:** Mr. Fink presented to the Board the 2021 Audit. Following discussion, upon motion duly made by Director Joseph Ginsborg, seconded by Director McCoy, and upon vote unanimously carried, the Board ratified approval of the 2021 Audit and ratified authorization of execution of the Representations Letter.

**Unaudited Financial Statements and Payment of Claims:** Mr. Fink presented to the Board the unaudited financial statements for the period ending June 30, 2022 and the claims for the period of October 1, 2021 through September 30, 2022. Following discussion, upon motion duly made by Director McCoy, and seconded by Director Joseph Ginsborg, and upon vote unanimously carried, the Board accepted the unaudited financial statements for the period ending June 30, 2022 and ratified or approved the payment of claims as appropriate.

**Public Hearing on 2022 Budget Amendment:** Director McCoy opened the public hearing to consider the amendment to the 2022 Budget and to discuss related issues.

It was noted that Notice stating the Board would consider adoption of the 2022 amendment to the Budget, if necessary, and the date, time and place of the public hearing was published pursuant to statute. 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 the 2022 Budget amendment was not necessary.

**Public Hearing on 2023 Budget:** Director McCoy opened the public hearing to consider the proposed 2023 Budget and to discuss related issues.

It was noted that Notice stating that the Board would consider adoption of the 2023 Budget and the date, time and place of the public hearing was published pursuant to statute. No written objections were received prior the public hearing.

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

Following discussion, the Board considered the adoption of Resolution No. 2022-10-02 to Adopt the 2023 Budget and Appropriate Sums of Money and Resolution No. 2022-10-03 to Set Mill Levies. Upon motion duly made by Director McCoy, seconded by Director Joseph Ginsborg, and upon vote unanimously carried, the Board adopted Resolution Nos. 2022-10-02 and 2022-10-03 and authorized execution of the Certification of Budget and Certification of Mill Levies as follows: 25.000 mills in General Fund, 25.000 mills in Debt Service Fund, for a total mill levy of 50.000 mills, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2022. The District Accountant was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Boulder County not later than December 15, 2022. District Counsel was authorized to transmit the Certification of Budget to the Division of Local Government no later than January 30, 2023.

**DLG-70 Mill Levy Certification:** The Board considered authorizing the District Accountant to prepare and a Board Member to sign the DLG-70 Mill Levy Certification for certification to the Board of County Commissioners of Boulder County. Following discussion, upon motion duly made by Director McCoy, seconded by Director Joseph Ginsborg, and upon vote unanimously carried, the Board authorized the District Accountant to prepare and authorized Director McCoy to sign the DLG-70 Mill Levy Certification.

**Preparation of 2024 Budget:** The Board discussed the preparation of the 2024 budget. Following discussion, upon motion duly made by Director McCoy, seconded by Director Joseph Ginsborg, and upon vote unanimously carried, the Board appointed CLA to prepare the 2024 budget. The Board directed that the 2024 draft budget be the same as the 2023 adopted budget unless a Board member provides input to otherwise adjust those assumptions.

**2022 Audit:** The Board considered the engagement of Haynie & Company to perform the District's 2022 Audit. Following discussion, upon motion duly made by Director McCoy, seconded by Director Joseph Ginsborg, and upon vote unanimously carried, the Board approved the engagement of Haynie & Company to perform the District's 2022 Audit.

LEGAL MATTERS

**Resolution No. 2021-11-01; Resolution Regarding District Roadway Rules and Regulations:** The Board acknowledged adoption of Resolution No. 2021-11-01; Resolution Regarding District Roadway Rules and Regulations.

**Resolution No. 2022-10-04 Calling May 2, 2023 Election:** Following discussion, upon motion duly made by Director Joseph Ginsborg, seconded by Director McCoy, and upon vote unanimously carried, the Board adopted Resolution No. 2022-10-04 to Call the May 2, 2023 Election and appointed Jennifer Henry as the Designated Election Official and authorized her to perform all tasks required for the May 2, 2023 Regular Election of the Board of Directors for the conduct of a mail ballot election.

**Transparency Notice Required Under Section 32-1-809, C.R.S.:** The Board discussed the required transparency notice under Section 32-1-809, C.R.S. Upon motion duly made by Director Joseph Ginsborg, seconded by Director McCoy, and upon vote unanimously carried, the Board directed District Counsel to post the required notice on the District and the Special District Association websites.

OTHER BUSINESS

**Designation and Appointment of Twin Peaks Metropolitan District Representative to Serve on the Longmont Urban Renewal Authority ("LURA"):** Following discussion, upon motion duly made by Director Joseph Ginsborg, seconded by Director McCoy, and upon vote unanimously carried, the Board designated Director Joseph Ginsborg as the representative from the District to serve on the Board of LURA, subject to determination if a vacancy on the LURA Board exists.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

Respectfully submitted,

By *Lisa Jacoby*  
Secretary for the Meeting