

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE LARKRIDGE METROPOLITAN DISTRICT NO. 2 HELD OCTOBER 12, 2021

A Special Meeting of the Board of Directors (referred to hereafter as the “Board”) of the Larkridge Metropolitan District No. 2 (the “District”) was convened on Tuesday, the 12th day of October, 2021 at 11:00 a.m. at Jordon Perlmutter & Co., 1601 Blake Street, Suite 600, Denver, CO 80202. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Shell D. Cook  
Jonathan Perlmutter  
Jay Perlmutter  
Douglas Ernst  
Brian S. Heinze

#### Also In Attendance Were:

Ann E. Finn; Special District Management Services, Inc.

MaryAnn M. McGeady, Esq. and Kate Olson, Esq.; McGeady Becher P.C.

Alex Fink; CliftonLarsonAllen LLP

### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

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 potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Ms. Finn 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, 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 all Directors’ Disclosure Statements had been filed.

### ADMINISTRATIVE MATTERS

Agenda: Ms. Finn distributed for the Board’s review and approval a proposed Agenda for the District’s Special Meeting.

Following discussion, upon motion duly made by Director Heinze, seconded by Director Ernst and, upon vote, unanimously carried, the Agenda was approved, as presented.

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**Confirm Location of Meeting/Posting of Meeting Notices:** 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 Heinze, seconded by Director Ernst and, upon vote, unanimously carried, the Board determined that because there was not a suitable or convenient location within its boundaries to conduct this meeting, it was determined to conduct the meeting at the above-stated location, which is within 20 miles of the District. The Board further noted that notice of the time, date and location was duly posted and that they have not received any objections to the location or any requests that the meeting place be changed by taxpaying electors within its boundaries.

**Designation of 24-Hour Posting Location:** Following discussion, upon motion duly made by Director Cook, seconded by Director Jay Perlmutter, 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), C.R.S., shall be posted at least 24 hours prior to each meeting on the District's website at: <https://larkridgemd1-2.colorado.gov/> or if posting on the website is unavailable, notice will be posted at the southwest corner of the intersection of 162<sup>nd</sup> and North Washington Street.

**Minutes:** The Board reviewed the Minutes of the June 8, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Ernst, seconded by Director Jay Perlmutter and, upon vote, unanimously carried, the Board approved the Minutes of the June 8, 2021 Special Meeting.

**Resolution No. 2021-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:**

Ms. Finn discussed with the Board Resolution No. 2021-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

The Board determined to meet at 11:00 a.m. on June 7, 2022 and October 11, 2022 at the offices of Jordon Perlmutter & Co., 1601 Blake St. Suite 600, Denver, CO 80202 and via teleconference.

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

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**32-1-809, C.R.S., Transparency Notice reporting Requirements and Mode of Eligible Elector Notification:** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2022.

Following discussion, upon motion duly made by Director Jon Perlmutter, seconded by Director Cook, upon vote, unanimously carried, the Board authorized the staff to post the Transparency Notice on the Special District Association website and the District's website.

**PUBLIC  
COMMENTS**

There were no public comments.

**FINANCIAL  
MATTERS**

**Claims:** The Board considered ratifying the approval of the payment of claims as follows:

Fund	Period ending June 22, 2021	Period ending July 22, 2021	Period ending August 27, 2021	Period ending Sept. 28, 2021
General	\$ 7,283.68	\$ 3,635.49	\$ 13,339.67	\$ 1,729.52
Capital	\$ -0-	\$ -0-	\$ -0-	\$ -0-
<b>Total</b>	<b>\$ 7,283.68</b>	<b>\$ 3,635.49</b>	<b>\$ 13,339.67</b>	<b>\$ 1,729.52</b>

Following discussion, upon motion duly made by Director Jay Perlmutter, seconded by Director Jon Perlmutter and, upon vote, unanimously carried, the Board ratified the approval of the payment of claims, as presented.

**Unaudited Financial Statements:** Mr. Fink reviewed with the Board the unaudited quarterly financial statements of the District through the period ending March 31, 2021 and the schedule of cash position statement dated July 31, 2021, updated as of August 31, 2021.

Following review and discussion, upon motion duly made by Director Ernst, seconded by Director Cook and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending July 31, 2021 and the schedule of cash position statement dated July 31, 2021, updated as of August 31, 2021.

**Engagement of Dazzio & Associates, P.C. for preparation of 2021 Audit:** The Board discussed the engagement of Dazzio & Associates, P.C. for preparation of 2021 Audit, in the amount of \$5,000.00.

Following review and discussion, upon motion duly made by Director Ernst, seconded by Director Jon Perlmutter and, upon vote, unanimously carried, the Board approved the engagement of Dazzio & Associates, P.C. for preparation of 2021 Audit, in the amount of \$5,000.00.

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**2021 Budget Amendment Hearing:** The President opened the public hearing to consider an amendment to the 2021 Budget.

It was noted that publication of Notice stating that the Board would consider an amendment to 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.

The Board determined that an amendment to the 2021 Budget was not necessary.

**2022 Budget Hearing:** The President opened the public hearing to consider the proposed 2022 Budget.

It was noted that publication of Notice stating that the Board would consider adoption of the 2022 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 and review, the Board considered the adoption of Resolution No. 2021-10-02 to Adopt the 2022 Budget and Appropriate Sums of Money and Resolution No. 2021-10-03 to Set Mill Levies for General Fund at 7.500 mills, the Debt Service Fund at 40.000 mills, and other fund(s) of 0 mills for a total mill levy of 47.500 mills. Upon motion duly made by Director Ernst, seconded by Director Cook and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-02; to Adopt the 2022 Budget and Appropriate Sums of Money and Resolution No. 2021-10-03; to Set Mill Levies. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**District Accountant to Prepare and sign the DLG-70 Mill Levy Certification Form for Certification to the Board of County Commissioners and other interested parties:** The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

Following discussion, upon motion duly made by Director Ernst, seconded by Director Cook and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

**Appointment of District Accountant to Prepare the 2023 Budget and Set the Date of the Budget Hearing:** The Board considered the appointment of the District Accountant to prepare the 2023 Budget.

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Following consideration, upon motion duly made by Director Ernst, seconded by Director Cook and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2023 Budget.

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### LEGAL MATTERS

**Resolution No. 2021-10-04; Resolution Calling a Regular Election for Directors on May 3, 2022, appointing the Designated Election Official (“DEO”), and authorizing the DEO to perform all tasks required for the conduct of mail ballot election:** The Board considered the adoption of Resolution No. 2021-10-04; Resolution Calling a Regular Election for Directors on May 3, 2022, appointing the Designated Election Official (“DEO”), and authorizing the DEO to perform all tasks required for the conduct of mail ballot election. The Board also discussed the need for ballot issues and/or questions.

Following consideration, upon motion duly made by Director Cook, seconded by Director Heinze and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-04; Resolution Calling a Regular Election for Directors on May 3, 2022, appointing Ann Finn as the Designated Election Official (“DEO”), and authorizing the DEO to perform all tasks required for the conduct of mail ballot election.

**Conveyance of Easements:** Attorney Olson discussed the status of the conveyance of Easements and noted that she is working with David Dansky on conveyances.

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### OPERATIONS

**Operation and Maintenance Services for 2022:** There was no update at this time.

**Operation and Maintenance Agreement between the District and Thornton 164 LLC:** The Board deferred discussion and no action was taken.

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### CAPITAL MATTERS

There were no capital matters.

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### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Jonathan Perlmutter, seconded by Director Jay Perlmutter and, upon vote, unanimously carried, the Special Meeting was adjourned.

Respectfully submitted,

By: *Ann Finn*  
Secretary for the Meeting