

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

OF

HARMONY TECHNOLOGY PARK METROPOLITAN DISTRICT

Held: Thursday, October 19, 2023, at 1:00 p.m. via Zoom teleconference.

Attendance

The regular meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following Directors, having confirmed their qualification to serve, were in attendance:

Joseph Knopinski
John Gooch
John Hutto

Also present were: Tate E. Crosby, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; Diane Wheeler, Simmons & Wheeler, P.C., District Accountant; and Dan Kelly, Caroline Smith, and Robert Aldrich, MAVDevelopment Company.

Call to Order/Declaration of Quorum

Director Knopinski noted that a quorum of the Board was present and called the meeting to order.

Director Conflict of Interest Disclosures

Ms. Crosby 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. Crosby 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.

Approval of Agenda

The Board reviewed the proposed agenda. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as amended.

Public Comment

None.

Consent Agenda

The Board reviewed the items on the consent agenda. Ms. Crosby advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. The Board requested the 2024 Agency Fee Invoice from T. Charles Wilson for Broker Services be removed from the consent agenda. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- Minutes from the July 27, 2023 Special Meeting;
- Claims Payable;
- 2022 Annual Report;
- Special District Disclosure Notice Pursuant to §32-1-809, C.R.S.;
- Contractor Agreement with Heatherly Creative for Website Maintenance and Management; and
- Resolution Designating Meeting Notices Posting Location

District Operations

Landscape Maintenance Report

Ms. Smith reviewed the landscape maintenance report with the Board. Ms. Smith noted the updates to weed and pest control and the inlet that is intended to be cleaned out.

Approval of 2024 Agency Fee Invoice from T-Charles Wilson for Broker Services

The Board reviewed the 2024 Agency Fee Invoice from T-Charles Wilson. Following discussion, upon a motion duly made and seconded, the Board approved the invoice. Director Knopinski voted against approval of the invoice.

Other District Operations

None.

Legal Matters

Approval of 2024 Annual Administrative Resolution

Ms. Crosby reviewed the 2024 Annual Administrative Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the resolution.

Approval of Renewal of Property and Liability Schedule and Limits, Workers Compensation

Ms. Crosby reviewed the property and liability schedule and limits, workers compensation coverage, and SDA membership with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the renewal.

Coverage, and SDA
Membership for 2024

Discuss District Website Compliance with WCAG 2.1 AA Requirements for ADA Compliance Ms. Crosby engaged in discussion with the Board regarding district website compliance.

Other Legal Matters None.

Financial Matters

Review Property Tax Summary, Cash Position and Unaudited Financial Statements Ms. Wheeler reviewed the June 30, 2023 unaudited financial statements with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the unaudited financial statements.

Conduct Public Hearing on 2023 Budget Amendment and Consider Adoption of Resolution Amending 2023 Budget Ms. Wheeler noted a 2023 budget amendment was not necessary.

Discuss Requirements of SB23-303 Relating to Limitations on Property Tax Revenue Ms. Crosby 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. 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 it's

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. The motion to approve the budget resolution should include direction to the consultants to file the budget with the appropriate calculation based on the outcome of the election.

Conduct Public Hearing on 2024 Budget and Consider Adoption of Resolution Adopting 2024 Budget, Imposing Mill Levy and Appropriating Funds

The public hearing was opened on the proposed 2024 Budget. Ms. Crosby noted that the notice of public hearing was provided in accordance with Colorado law. No written objections were received prior to the meeting. There being no public comment, the hearing was closed.

Ms. Wheeler 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, appropriating funds therefor as shown in the 2024 Budget, subject to receipt of final assessed valuation, and directed its consultants to file the budget with the appropriate mill levy calculation based on whether or not Proposition HH is approved by the voters.

Consider Approval of Proposal for 2023 Audit Services

Ms. Wheeler reviewed the proposal for 2023 audit services in the amount of \$6,500. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

Discuss Investment Direction

Ms. Wheeler engaged in discussion with the Board.

Other Financial Matters

None.

Other Business

Discuss Remaining Capital Projects and Funding

The Board engaged in general discussion regarding the remaining capital projects and funding. The remaining capital projects consist of Storm Detention and a Traffic Signal. These projects have not yet begun.

Development Updates

Mr. Aldrich reviewed the development updates with the Board. Mr. Aldrich noted the continuous of marketing the site. No sites are currently under contract, however, some are under discussion.

Adjourn

There being no further business to come before the Board, and following discussion and upon motion duly made, seconded and unanimously carried, the Board adjourned the meeting.

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

John M. Hutto

[John M. Hutto \(Jun 1, 2024 13:41 MDT\)](#)

Secretary for the Meeting

The foregoing minutes were approved on the 29th day of May, 2024.