

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 1 HELD JUNE 10, 2014

A regular meeting of the Board of Directors (referred to hereafter as "Board") of the Beebe Draw Farms Metropolitan District No. 1 (referred to hereafter as "District") was convened on Tuesday, the 10th day of June, 2014, at 6:00 P.M., at the Pelican Lake Ranch Community Info and Sales Center, 16502 Beebe Draw Farms Parkway, Platteville, Colorado. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Linda E. Cox
Douglas A. Tabor
Michael Welch
Josh Freeman
Glen Adkins

Also In Attendance Were:

Lisa Johnson and Divena Mortimeyer; Special District Management Services, Inc.

Paul Goedecke; L. Paul Goedecke, P.C.

Paul "Joe" Knopinski and Christine Hethcock; Beebe Draw Farms Authority Board members and Beebe Draw Farms Metropolitan District No. 2 Board members

Tom Burk; Beebe Draw Farms Metropolitan District No. 2 Board member (via speakerphone)

MaryAnn McGeady, Esq.; McGeady Sisneros, P.C. (via speakerphone)

Kelly Deitman; Halcyon Design, LLC

Mark Volle; Tamarack Consulting, LLC

Jennifer Teets and Bill Caldwell; residents

DISCLOSURES OF POTENTIAL CONFLICTS OF

Disclosures of Potential Conflicts of Interest: It was noted that disclosures of potential conflicts of interest statements for each of the Directors were filed with the Secretary of State at least seventy-two hours in advance of the meeting. Ms. Johnson

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INTEREST

requested that the Directors review the Agenda for the meeting and to advise the Board of any conflicts of interest which should be disclosed. Director Freeman disclosed that he currently serves as a board member on the Pelican Lake Ranch Property Owner's Association.

ADMINISTRATIVE MATTERS

Agenda: The Board reviewed the proposed Agenda for the District's regular meeting.

Following discussion, upon motion duly made by President Tabor, seconded by Director Adkins and, upon vote, unanimously carried, the Board approved the Agenda for the District's regular meeting.

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 President Tabor, seconded by Director Adkins 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. The Board further noted that notice of this 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.

May 6, 2014 Election: Ms. Johnson updated the Board on the results of the District's May 6, 2014 election. Glen Adkins, Josh Freeman and Michael Welch were elected to the Board of Directors for four-year terms, through May of 2018. The Oaths of Office were administered by Ms. Johnson on May 13, 2014 and filed with the District Court by Attorney Kron.

Appointment of Officers: Following discussion, upon motion duly made by President Tabor, seconded by Director Cox and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Douglas A. Tabor
Vice President/Treasurer	Linda E. Cox
Secretary	Michael Welch
Assistant Secretary	Glen Adkins
Assistant Secretary	Josh Freeman

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Appointment of a Board Member to the Authority Board of Directors: The Board considered the appointment of one Board member to serve on the Authority Board for a term ending June 2016.

Director Cox and Director Adkins nominated themselves for the appointment.

Following discussion, upon motion duly made by Director Welch, seconded by Director Cox to appoint Director Cox to the Authority Board for a term that will expire June 2016 and, upon vote, with Director Cox voting yes, Directors Tabor, Welch and Freeman voting no and Director Adkins abstaining, the motion failed.

Following additional discussion, upon motion duly made by Director Cox, seconded by President Tabor and, upon vote, with Directors Tabor, Cox, Welch and Freeman voting yes and Director Adkins abstaining, the Board appointed Glen Adkins to the Authority Board for a term that will expire June of 2016.

The Board then discussed appointing alternate board members to serve on the Authority Board in the event that President Tabor or Director Adkins cannot attend a meeting.

Upon motion duly made by President Tabor, seconded by Director Welch and, upon vote, unanimously carried, the Board appointed Linda Cox to serve as the alternate representative from District 1 on the Authority Board in the event President Tabor or Director Adkins cannot attend a meeting.

Following additional discussion, upon motion duly made by President Tabor, seconded by Director Adkins and, upon vote with Directors Tabor, Cox, Freeman and Adkins voting yes and Director Welch voting no, the Board appointed any other member of District 1 to serve as an alternate on the Authority Board in the event Directors Tabor, Adkins or Cox cannot attend a meeting.

Following additional discussion, upon motion duly made by President Tabor, seconded by Director Cox and, upon vote, with Directors Tabor, Cox, Freeman and Adkins voting yes and Director Welch voting no, the Board appointed the first District 1 board member to arrive at the meeting shall serve as an alternate District 1 representative on the Authority Board in the event Directors Tabor, Adkins or Cox cannot attend a meeting.

Resolution No. 2014-06-01 regarding 24-hour Posting Place: The Board considered Resolution No. 2014-06-01 designating the place at which notice will be posted at least 24 hours prior to each meeting.

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Following review, upon motion duly made by President Cox, seconded by President Tabor and, upon vote, unanimously carried, the Board adopted Resolution No. 2014-06-01, as presented. A copy of the Resolution is attached hereto, and incorporated herein, by this reference.

PUBLIC COMMENT There were no public comments.

CONSENT AGENDA **Consent Agenda:** The Board considered the following actions:

- Review and approve Minutes of the November 12, 2013 regular meeting.
- Review and approve the payment of claims through the period ending June 10, 2014, as follows:

General Fund:	\$ 13,425.17
Debt Service Fund	\$ <u>-0-</u>
Total:	\$ <u><u>13,425.17</u></u>

Following discussion, upon motion duly made by President Tabor, seconded by Director Cox and, upon vote, unanimously carried, the Board approved the consent agenda.

LEGAL MATTERS **Resolution Regarding Colorado Open Records Act Requests:** Ms. Johnson presented a Resolution Regarding Colorado Open Records Act Requests prepared by Attorney Kron.

Following discussion, upon motion duly made by President Tabor, seconded by Director Adkins and, upon vote, unanimously carried, the Board approved the Resolution Regarding Colorado Open Records Act Requests. A copy of the Resolution is attached hereto, and incorporated herein, by this reference.

Open Meetings Act Amendment – House Bill 14-1390: Ms. Johnson presented a summary of recent legislation regarding an amendment to the Open Meetings Act.

**FINANCIAL
MATTERS**

2013 Audit: Mr. Goedecke reviewed the 2013 draft Audited Financial Statements with the Board.

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Following review and discussion, upon motion duly made by Director Cox, seconded by President Tabor and, upon vote, unanimously carried, the Board approved the 2013 Audited Financial Statements and authorized execution of the Representations Letter.

2015 Budget Preparation: The Board discussed the preparation of the 2015 Budget.

Following discussion, upon motion duly made by President Tabor, seconded by Director Cox and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2015 Budget. The Board determined to hold the public hearing to consider adoption of the 2015 Budget on Tuesday, November 11, 2014 at 6:00 p.m. at the regular meeting location.

OTHER MATTERS

Potential Purchase of Undeveloped Land by Beebe Draw Farms Authority: The Board discussed at length the potential purchase of undeveloped land by Beebe Draw Farms Authority and determined that moving forward on a purchase is not a viable option at the current price of \$9 million. Ms. Hethcock will revisit the purchase price of the land currently in Filing 2 and report back if the asking price is negotiable.

2014 SDA Conference: Ms. Johnson discussed with the Board the 2014 SDA Conference in Keystone, Colorado on September 10, 11 and 12, 2014 and asked if any Board members were interested in attending the conference this year. It was noted that President Tabor and Director Adkins are interested in attending the conference. Directors Cox and Freeman will review their calendars to determine their availability and report back to Ms. Johnson. Director Welch is not interested in attending.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by President Tabor, seconded by Director Freeman and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By _____

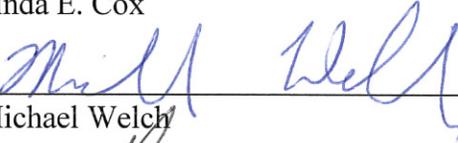

Secretary for the Meeting

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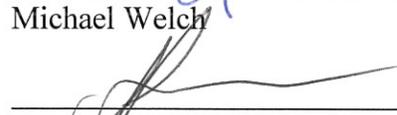
THESE MINUTES ARE APPROVED AS THE OFFICIAL JUNE 10, 2014 MEETING MINUTES OF THE BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 1 BY THE BOARD OF DIRECTORS SIGNING BELOW:



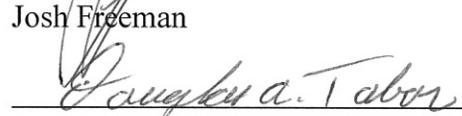
Linda E. Cox



Michael Welch



Josh Freeman



Douglas A. Tabor

Glen Adkins

RESOLUTION NO. 2014-06-01
RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 1
REGARDING POSTING FOR MEETINGS

WHEREAS, Special Districts are required by Subsection 24-6-402(2)(c), C.R.S., to designate annually at the District Board's first regular meeting of each calendar year, the place at which notice will be posted at least 24 hours prior to each meeting.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 1 AS FOLLOWS:

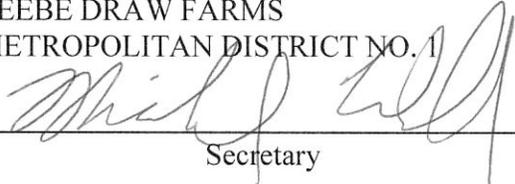
1. Notices of meetings of the District Board required pursuant to Section 24-6-401, et seq., C.R.S., shall be posted within the boundaries of the District at least 24 hours prior to each meeting at the following location:

16498 Badminton Road South
Lot 84
Platteville, Colorado 80651

2. Notices of regular or special meetings required to be posted at three public places within the District and at the office of the County Clerk and Recorder at least 72 hours prior to said meeting shall continue to be made pursuant to Section 32-1-903(2), C.R.S.

ADOPTED this 10th day of June, 2014.

BEEBE DRAW FARMS
METROPOLITAN DISTRICT NO. 1



Secretary

**RESOLUTION
OF
BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 1
REGARDING COLORADO OPEN RECORDS ACT REQUESTS**

WHEREAS, Beebe Draw Farms Metropolitan District No. 1 (the "District") is a quasi-municipal corporation and political subdivision created and operating pursuant to the Colorado Special District Act; and

WHEREAS, the District was created to effect the development and operations and maintenance of the Public Improvements for the benefit of the District residents and property owners as set forth in its Service Plan; and

WHEREAS, the District maintains certain records of the District that are available for inspection by the public under and in accordance with the laws of the State of Colorado; and

WHEREAS, the District anticipates that individuals may, from time to time, request the right to inspect, and/or copy public records of the District; and

WHEREAS, the District is authorized under Section 24-72-203(1)(a), C.R.S. to adopt rules with respect to the inspection and copying of public records of the District; and

WHEREAS, the District desires to set forth in this Resolution the rules with regard to the inspection and copying of all public records of the District.

NOW, THEREFORE, it is hereby resolved by the Board of Directors of the District as follows:

1. Special District Management Services, Inc., the Manager for the District, is hereby designated as the "**Official Custodian**" of the public records of the District, as such term is defined in Section 24-72-202(2), C.R.S.. Contact information for the Official Custodian is: Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado, 80228. Phone: 303-987-0835. Fax: 303-987-2032.

2. The Official Custodian is hereby authorized to charge an amount of twenty-five cents (\$0.25) per standard page, or such other maximum charge as is permitted by law from time to time, for each page of public records copied for any person requesting public records to defray the actual cost of providing a copy, printout, or photograph of a public record and is authorized to charge the actual cost of providing a copy, printout or photograph of a public record in a format other than a standard page.

3. The Official Custodian is authorized to charge \$30.00 per hour for the costs incurred to review public records requests, research, retrieve and prepare documents for inspection, consultation with legal counsel or other consultants regarding such requests, to supervise and coordinate preparation, review and copying of public records, and for actual costs incurred by Official Custodian, District, District Management, outside consultants and legal counsel in responding to and complying with public record requests. Notwithstanding the foregoing, the first hour of such work shall be at no cost to the requestor.

4. All requests for copies or inspection of public records of the District shall be submitted to the Official Custodian in writing on a Public Records Request Form, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference, specifically detailing the exact public records being sought. The Public Records Request Form must be completed and submitted by email or hard copy with the name, address, and telephone number of the person(s) submitting the request. The Official Custodian shall have the authority to deny any request until such time as the Public Records Request Form has been completed and submitted in writing. The District may, from time to time, designate specific records for which a written Public Records Request Form is not required, which designation shall occur in a public meeting of the District and reflected in the minutes.

5. Records requests may be delivered to the District's legal counsel for review and legal advice regarding the lawful availability of the records requested and other matters.

6. All public records of the District copied and provided to interested persons shall be copied in duplicate by the Official Custodian. The Official Custodian shall retain the original record in the appropriate file, and shall retain the duplicate copies in a separate filing bearing the name of the person to whom copies were provided and the date of such person's request. Copies of duplicate copies of public records of the District shall not be charged to the person requesting the public records, but shall be maintained for record purposes by the Official Custodian.

7. All inspections of public records shall take place during regular business hours at the office of the Official Custodian. Public records requests may not preempt or take priority over previously scheduled official District related business activities.

8. No person shall be entitled to remove public records of the District from the Official Custodian's office for inspection, copying, or any other purpose or reason. Public records of the District shall be:

(a) Subject to inspection in the presence of the Official Custodian or the Official Custodian's designee;

(b) Appropriately marked by the person making the request;

(c) Copied after receipt of all required charges therefor; and

(d) Delivered to the person requesting such records at the office of the Official Custodian within the statutory timeframe and after all charges have been paid.

Copies of public records of the District not picked up at the time set aside by the Official Custodian may be destroyed. In the event a person renews the request for the same public records of the District after failing to pick up previously requested copies, they will be charged for the costs of both records requests.

9. Only the Official Custodian (or designee of the Official Custodian) may copy public records of the District.

10. On behalf of the District, the Official Custodian reserves the right to seek a declaratory judgment, pursuant to Section 13-51-101, *et. seq.*, C.R.S. to determine if a large public records request may be exempted from the statutorily required response time.

11. The Official Custodian may establish such other reasonable regulations as are not inconsistent with this Resolution or with applicable Colorado law, as established and amended from time to time.

12. The custodian shall transmit a copy of the records by U.S. mail, other delivery service, fax or electronic mail.

13. Copies will only be sent after payment is received or an arrangement for payment is made.

14. As soon as payment is made, the custodian shall send the copies as soon as is practicable, but no more than three days after receipt of payment.

15. No transmission fees can/will be charged for records provided by electronic mail.

16. The Official Custodian shall publish this resolution in accordance with C.R.S. 24-72-205 and such amendments hereto as may be approved by the Board from time to time.

RESOLVED AND APPROVED this 10th day of June, 2014.

**BEEBE DRAW FARMS METROPOLITAN
DISTRICT NO. 1**

By: *Jangla a. Tabor*
Name:
Its: President

Attest:

Michelle Tully
Secretary

EXHIBIT A

BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 1

Requester Name: _____
Address: _____

Home Phone Number: _____
Secondary Phone Number: _____
Fax Number: _____
Email: _____

District Use ONLY:
Date Received: _____
Date Completed: _____

<u>Detailed Description of Request:</u>

<u>Listing of Applicable Charges:</u>	
Faxed copies of request results	\$0.50 per page (local destinations) \$1.00 per page (long distance destinations)
Copies of Standard size documents (8.5 x 11 or 8.5 x 14)	\$0.25 per page
Research and Compilation Fee. This fee shall apply to any and all requests regardless of type or format	\$30.00 per hour
Non-Standard/Special Requests (when applicable this will be charged in addition to the Research and Compilation Fee)	Billed at actual cost of request incurred by the District

NOTE:

a. Prior to providing copies or providing access to other information requested, the District must receive: (1) a copy of this form completed by the requester or its authorized agent; and (2) payment of all charges incurred as part of the request.

b. Inspection of the District's records and documents is permitted. Such inspection must take place during regular business hours at the office of the Official Custodian for the District. All hourly Research and Compilation Fees and other costs incurred as a result of said inspection shall be charged to the requester.

c. Public records requests shall not preempt or take priority over previously scheduled official District related business activities. As required by § 24-721-101, *et seq.*, C.R.S., requests shall be handled within Seventy-Two (72) business hours unless extenuating circumstances exist. The District reserves the right to seek a declaratory judgment, pursuant to § 13-51-101, *et seq.*, C.R.S., to determine if a large or otherwise difficult public records request may be exempted from the statutorily required response time.

I hereby acknowledge that I have seen or received the information or documents I requested in the form requested and within the required statutory time limits.

Requester's Signature: _____ Date: _____