

MINUTES OF THE COORDINATED  
ORGANIZATIONAL MEETING OF  
BENNETT FARMS METROPOLITAN DISTRICT NOS. 1-6

HELD  
December 8, 2023

The Boards of Directors of Bennett Farms Metropolitan District Nos. 1-6 held a coordinated organizational meeting, open to the public, at 3:00 p.m., Friday, December 8, 2023. Notice of the meeting was posted in one public place within the boundaries of the District.

ATTENDANCE

Directors in Attendance:

Russell Maclennan, President  
Cooper Raines, Treasurer/Secretary  
Stephanie Maclennan, Vice President

Also in Attendance:

Alan Pogue; Icenogle Seaver Pogue, P.C.  
Calleigh Olson; Pless Law

CALL MEETING TO  
ORDER

The meeting was called to order at 3:03 p.m. by Mr. Pogue, noting that a quorum was present. The Directors in attendance confirmed their qualifications to serve.

QUALIFICATION OF  
BOARD MEMBERS/  
OATHS OF OFFICE AND  
BONDS/  
CONFLICT OF  
INTEREST  
DISCLOSURE

Mr. Pogue discussed the process of qualifying Board members, affirmed that Oaths of Office had been administered and filed per Colorado law, and confirmed that Performance Bonds had been obtained for the Directors and Treasurer of each District, as required by law, and filed with the District Court and Division of Local Government.

Mr. Pogue further discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Boards were requested to disclose any potential conflicts of interest regarding 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 statute. It was noted by Mr. Pogue that disclosures of potential conflicts of interest were filed with the Secretary of State for all Directors.

APPROVAL OF  
AGENDA/CONFIRM  
MEETING  
LOCATION/POSTING  
OF NOTICES

The Board reviewed the agenda. Upon motion by Director Russell Maclennan and seconded by Director Raines, the Board unanimously approved the agenda as presented. Mr. Pogue noted that the meeting was being conducted via Zoom as indicated on the agenda and confirmed that notice providing the time, date and video link information was duly posted in advance of the meeting.

PUBLIC COMMENT ON  
MATTERS NOT ON THE  
AGENDA

Mr. Pogue opened the meeting for public comment and, noting that no members of the public were present, closed the public comment period.

APPOINTMENT OF  
OFFICERS

Mr. Pogue discussed with the Board Members the duties of the Officers for the Districts, including the offices of President, Secretary and Treasurer. Upon motion duly made by Director Russell MacLennan and seconded by Director Raines, the Board unanimously selected and approved the Officers of the District as follows:

President: Russell MacLennan  
Treasurer/Secretary: Cooper Raines  
Vice President: Stephanie MacLennan

GOVERNMENTAL  
IMMUNITY MEMO

Mr. Pogue reviewed with the Board the Governmental Immunity Memorandum.

INDEMNIFICATION  
RESOLUTION

Mr. Pogue reviewed the Resolution Providing for the Defense and Indemnification of Directors and Employees of the District. Upon motion duly made by Director Raines and seconded by Director Russell MacLennan the Board unanimously approved the Resolution Providing for the Defense and Indemnification of Directors and Employees of the District.

ENGAGEMENT OF  
CONSULTANTS

The Board considered the engagement District Legal Counsel. Upon motion duly made by Director William Johnson, seconded by Director Charles Johnson, the Board unanimously approved engagement of District Legal Counsel: Icenogle Seaver Pogue, P.C. The Board tabled the engagement of a District Manager and Accountant at this time.

INSURANCE  
COVERAGE

Mr. Pogue discussed the insurance requirements with the Board to obtain insurance coverage through the Colorado Special Districts Property and Liability Pool and join the Special District Association. Upon motion duly made by Director Raines and seconded by Director Russell MacLennan, the Board unanimously approved insurance coverage for Public Official's Liability, General Liability, Directors and Officers Liability, including Workers' Compensation, and membership to the Colorado Special District Association.

SPECIAL DISTRICT  
ASSOCIATION

The Board considered joining the Special District Association. Upon motion duly made by Director Raines, seconded by Director Russell MacLennan, the Board unanimously approved joining the Special District Association.

WEBSITE  
ESTABLISHMENT

The Board considered the direct landowners establishing a District website. Upon motion duly made by Director Russell MacLennan, seconded by Director Raines, the Board unanimously approved the landowners to establish a District website.

WEBSITE POSTING

The Board gave direction to list the District on the Icenogle Seaver Pogue, P.C. website for public viewing.

FINANCIAL ITEMS

Mr. Pogue discussed with the Board the need to establish (1) Form SS-4 Application for Employer Identification Number; (2) Application for Sales Tax Exemption for Colorado Organizations; and (3) Application by Official Custodian for Assignment of PDPA Number for Public Funds Deposited in Banks. Upon motion made duly made by Director Russell MacLennan, seconded by Director Raines, the Board unanimously approved the applications for (1) Form SS-4 Application for Employer Identification Number; (2) Application for Sales Tax Exemption for Colorado Organizations; and (3) Application by Official Custodian for Assignment of PDPA Number for Public Funds Deposited in Banks.

2023 PROPOSED  
BUDGET HEARING

The Board discussed the adoption of the 2023 Budgets and approval of a Resolution to Adopt Budgets, Appropriate Sums of Money, and Certify Mill Levies.

Upon discussion, a motion was duly made by Director Russell MacLennan and seconded by Director Raines, and upon unanimous vote, the Board approved the Resolution to adopt the 2023 Budget.

2024 PROPOSED  
BUDGET HEARING

The Board discussed the adoption of the 2024 Budgets and approval of a Resolution to Adopt Budgets, Appropriate Sums of Money, and Certify Mill Levies.

Upon discussion, a motion was duly made by Director Russell MacLennan and seconded by Director Raines, and upon unanimous vote, the Board approved the Resolution to adopt the 2024 Budget.

DISTRICT CHECKING  
ACCOUNT

The Boards determined to establish a District checking account with First Bank.

LEGAL ITEMS

ORGANIZATIONAL  
MATTERS  
RESOLUTION

Mr. Pogue reviewed and discussed the Organizational Matters Resolution and payment of Director's fees. Upon motion duly made by Director Russell MacLennan and seconded by Director Raines, the Board unanimously approved the Organizational Matters Resolution and payment of Director's fees.

MEETING  
RESOLUTION

Mr. Pogue reviewed the Resolution Establishing Regular Meeting Dates, Times and Locations, and Designating Locations for Posting of 24-Hour Notices. Upon motion duly made by Director Russell MacLennan and seconded by Director Raines, the Board unanimously approved the 2024 Meeting Resolution.

RESOLUTION  
APPROVING PUBLIC  
RECORDS POLICY

Mr. Pogue reviewed the Resolution Regarding a Public Records Policy Regarding the Inspection, Retention and Disposal of Public Records, Appointing an Official Custodian, and Adopting Policies and Fees Schedule for the Handling of Records Requests Under the Colorado Open Records Act. Upon motion duly made by Director Russell MacLennan, seconded by Director Raines, the Board unanimously approved the Resolution Regarding a Public Records Policy Regarding the Inspection, Retention and Disposal of Public Records, Appointing an Official Custodian, and Adopting Policies and Fees Schedule for the Handling of Records Requests Under the Colorado Open Records Act.

RESOLUTION  
APPROVING DATA  
PROTECTION POLICY

Mr. Pogue presented the Resolution Adopting Procedures for Protecting and Destroying Customer Information Maintained by the District. Upon motion duly made by Director Charles Johnson, seconded by Director William Johnson, the Board unanimously approved the Resolution Approving a Data Protection Policy.

RESOLUTION  
ESTABLISHING  
DISTRICT  
INVESTMENT POLICY

Mr. Pogue reviewed the Resolution Establishing a District Investment Policy for the District. Upon motion duly made by Russell MacLennan, seconded by Director Raines, the Board unanimously approved the Resolution Establishing a District Investment Policy.

INTERGOVERNMENTAL  
AGREEMENT WITH  
TOWN OF BENNETT

Mr. Pogue reviewed the agreement with the Board. Upon motion duly made by Director Russell MacLennan, seconded by Director Raines, the Board unanimously approved the Intergovernmental Agreement Concerning District Improvements and Operations with the Town of Bennett and Bennett Farms Metropolitan District Nos. 1-6.

IMPROVEMENT  
ACQUISITION,  
ADVANCE AND  
REIMBURSEMENT  
AGREEMENT

Mr. Pogue reviewed the agreement with the Board. Upon motion duly made by Director Russell MacLennan and seconded by Director Raines, the Board unanimously approved the Improvement Acquisition, Advance and Reimbursement Agreement.

FUNDING AND  
REIMBURSEMENT  
AGREEMENT

Mr. Pogue reviewed the agreement with the Board. Upon motion duly made by Director Russell MacLennan and seconded by Director Raines, the Board unanimously approved the Funding and Reimbursement Agreement.

INTERGOVERNMENTAL  
AGREEMENT WITH  
TOWN OF WINTER  
PARK

Mr. Pogue reviewed the agreement with the Board. Upon motion duly made by Director Russell MacLennan, seconded by Director Raines, the Board unanimously approved the Intergovernmental Agreement with the Town of Bennett and Bennett Farms Metropolitan District Nos. 1-6.

ADJOURNMENT

There being no further business to come before the Boards and upon motion and second, the meeting was adjourned at 3:28 p.m.

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

Respectfully Submitted,



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Alan D. Pogue, Secretary for the Meeting