

**RESOLUTION OF
THE BOARDS OF DIRECTORS OF
PODTBURG METROPOLITAN DISTRICT NOS. 1, 2, 3, 4, 5 AND 6**

2023 MEETING RESOLUTION

WHEREAS, Podtburg Metropolitan District Nos. 1, 2, 3, 4, 5, and 6 (individually, a “District” and collectively, the “Districts”) were organized pursuant to the Special District Act, Sections 32-1-101 *et seq.*, C.R.S.; and

WHEREAS, on January 24, 2022, the Boards of Directors (the “Boards”) of the Districts adopted a Resolution establishing regular meeting dates, times, and location ,and designating locations for posting of 24-hour notices, among other things (“Prior Meeting Resolution”); and

WHEREAS, pursuant to Section 32-1-903(1), C.R.S., the Boards shall meet regularly at a time and in a “location” designated by the Boards; and

WHEREAS, pursuant to Section 32-1-903(5)(a), C.R.S., the term “location” means the physical, telephonic, electronic, other virtual place, or combination of such means where a meeting can be attended; and

WHEREAS, Section 32-1-903(1.5), C.R.S. requires that all meetings of the Boards held solely at physical locations must be held at physical locations that are within the boundaries of the Districts or which is within the boundaries of any county in which the Districts are located, in whole or in part, or in any county so long as the meeting location does not exceed twenty (20) miles from the Districts’ boundaries; and

WHEREAS, the provisions of Section 32-1-903(1.5), C.R.S. may be waived only if the following criteria are met: (a) the proposed change of the physical location of the Boards appear on the agenda of a meeting of the Boards, and (b) a resolution is adopted by the Boards stating the reason for which meeting of the Boards is to be held in a physical location under than the provisions of Section 32-1-903(1.5), C.R.S., and further stating the date, time, and physical location of such meeting; and

WHEREAS, pursuant to Section 32-1-903(2)(a), C.R.S., special meetings may be held as often as the needs of the Districts require, upon notice to each director, and may include study sessions at which a quorum of the Boards is in attendance, and at which information is presented but no official action can be taken by the Boards; and

WHEREAS, pursuant to Section 32-1-903(2)(a), C.R.S., notice of the time and location designated for all regular and special meetings of the Boards shall be provided in accordance with Section 24-6-402, C.R.S.; and

WHEREAS, Section 24-6-402(2)(c)(I), C.R.S. requires the Districts to annually designate one public place within the boundaries of the Districts where notice of the Boards’ meetings shall be posted no less than twenty-four (24) hours prior to the Boards’ meetings; and

WHEREAS, pursuant to Section 24-6-402(2)(c)(III), C.R.S., the Districts shall be deemed to have given full and timely notice of a public meeting if the Districts posts the notice, with specific agenda information if available, no less than twenty-four (24) hours prior to the holding of the meeting on a public website of the Districts; and

WHEREAS, if the Districts post notice on the Districts' public website pursuant to Section 24-6-402(2)(c)(III), C.R.S., the Districts must also designate a public place within its boundaries at which the Districts may post a notice no less than twenty-four (24) hours prior to a meeting if the Districts are unable to post notice online in exigent or emergency circumstances; and

WHEREAS, the meeting notice of all meetings of the Boards that are held telephonically, electronically, or by other means not including physical presence must include the method or procedure, including the conference number or link, by which members of the public can attend the meeting in accordance with Section 32-1-903(2)(a), C.R.S.; and

WHEREAS, the Boards desire to designate the time and place of all regular meetings, and to set forth specific requirements for the Boards to call emergency meetings when such meetings are deemed necessary for the immediate protection of the public health, safety, and welfare of the property owners and residents of the Districts, pursuant to this 2023 Meeting Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARDS OF DIRECTORS OF PODTBURG METROPOLITAN DISTRICT NOS. 1, 2, 3, 4, 5 AND 6 THAT:

1. The Boards hereby determine to hold regular meetings on the fourth Monday of January and the first Monday of November at 1:00 p.m. The location of all regular and special meetings of the Boards will be held virtually via Zoom, MS Teams, or other virtual platform. The meeting notice of all meetings of the Boards will include the method or procedure, including the virtual link, by which members of the public can attend the meeting.

2. The Boards hereby designate the Districts' public website, <https://podtburgmd.net/>, as the twenty-four (24) hour posting location for all meeting notices. The Boards hereby designate the following locations as the posting locations for notices if the Districts are unable to post a notice online in exigent or emergency circumstances:

District No. 1: _____
District No. 2: _____
District No. 3: _____
District No. 4: _____
District No. 5: _____
District No. 6: _____

3. The designation set forth in Paragraph 2 is hereby deemed to be the Boards' annual designation of the location where notices of meetings shall be posted twenty-four (24) hours in advance of said meetings and shall be effective until such time as the Boards determine to designate a new posting location.

4. Emergency meetings may be called by the Districts without notice, if notice is not practicable, by the President or any two (2) Board members in the event of an emergency that

requires the immediate action of the Boards in order to protect the public health, safety, and welfare of the property owners and residents of the Districts. If possible, notice of such emergency meeting may be given to the members of the Boards by telephone or whatever other means are reasonable to meet the circumstances of the emergency, and shall be provided to the public via any practicable means available, *if any*, including, but not limited to, posting notice of such emergency meeting on the Districts' website, if any. At such emergency meeting, any action within the power of the Board that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided however, that any action taken at an emergency meeting shall be ratified at the first to occur: (a) the next regular meeting of the Districts' Boards, or (b) the next special meeting of the Districts' Boards.


5. This Resolution shall repeal, supersede, and replace the Prior Meeting Resolution and any and all previous resolutions or provisions of previous resolutions adopted by the Boards concerning meeting location, time, and posting of notices.

6. This Resolution shall take effect on the date and time of adoption and shall remain effective until otherwise supplemented or amended by the Boards.

(Signatures Appear on Following Page.)

ADOPTED AND APPROVED THIS 9th DAY OF NOVEMBER, 2022.

PODTBURG METROPOLITAN DISTRICT NOS. 1, 2, 3,
4, 5 AND 6


Greg Podtburg (Dec 8, 2022 17:47 MST)

By: Greg Podtburg, President

(Signature Page to Podtburg Meeting Resolution)