

## **BUCKHORN VALLEY METROPOLITAN DISTRICT NO 2**

### **Special Board Meeting Minutes**

Meeting Date: Monday March 21, 2022

Meeting Time: 6:05pm to 8:45pm

Meeting Location: The meeting was held online at the following location:

<https://www.gotomeet.me/Wolfersberger>

#### **I. Roll call (6:05pm)**

A special meeting of the Board of Directors of the Buckhorn Valley Metropolitan District No. 2 (District) was called and held as shown above and in accordance with the statutes of the State of Colorado. The following Directors were in attendance:

<b>Directors</b>	<b>Office</b>	<b>Attendance</b>
Nickolas Viau	President	Present
David Fiore		Present
Brandon McGlamery		Absent (Excused)
Kristine Rossier	Treasurer	Present
Eliana Walker	Secretary	Present

Also, in attendance was Charles Wolfersberger (District Manager), with Wolfersberger, LLC; Paul Rufien (District General Counsel) with Rufien Law, PC and the following homeowners: (1) Jeff Roberts, (2) Jeremy Follett, (3) Mark Hoblitzell and (4) Alaina Ernest.

#### **II. Call to order**

The meeting was called to order by Director Viau. Director Viau noted that a quorum of the Board was present, the Directors confirmed their qualification to serve and, therefore, called the special meeting of the Board of Directors of the District to order.

#### **III. Present disclosures of potential conflicts of interest**

The Board reviewed the agenda for the meeting, following which all directors disclosed no conflicts of interest with the business to be discussed and conducted at the meeting with the following exception: Director Rossier noted her husband serves on an advisory committee to the board of the Eagle River Watershed Council (which has submitted a \$1,000 grant request to the District for consideration at tonight's meeting).

#### **IV. Administrative Matters**

- 1) Meeting Agenda: The Board reviewed the meeting agenda presented by the District Manager. Director Viau motioned to approve the agenda with an amendment to include consideration of any resolutions or actions that may need to be considered by the Board in public session

after conclusion of the Board's executive session. Director Fiore seconded the motion and the Board voted 4-0 to approve the agenda as amended.

- 2) Review and consider minutes from the March 08, 2022 board meeting: The Board reviewed the draft of the minutes presented by the District Manager. Director Viau moved to approve the minutes as presented. Director Walker seconded the motion and the Board voted 4-0 to approve the motion.

#### **V. Public comments**

Mr. Roberts asked what business was conducted by the District 1 board at its March 17, 2022 board meeting. Director Viau noted that meeting was recorded and the recording is posted on the [www.bvmetrodistrict.org](http://www.bvmetrodistrict.org) website.

#### **VI. Director matters**

Director Viau noted the Board's written response to the written notices issued by District 1 and by BV Firewheel was physically dropped off to the front doors of all residents' homes and posted on the neighborhood Facebook page on Saturday March 12<sup>th</sup>.

#### **VII. Operations matters**

- 1) Review and consider the Eagle River Watershed Council's (ERWC) \$1,000 grant request: The Board reviewed and discussed ERWC's request for a \$1,000 grant to support upcoming community highway and river cleanup volunteer activities. The Board reviewed the District's 2022 expenditure budget for the District's operating fund. Director Walker noted the District budgeted \$12,000 for running an election – which has been cancelled. Director Fiore motioned to approve funding the \$1,000 grant requested by ERWC and to direct the District's manager to advise the Counsel that this is a District 2 managed contribution and to keep the Board informed about ERWC matters so the Board can align its respective interest as warranted. Director Walker seconded the motion and the Board voted 3-0 to approve the motion. Director Rossier abstained from voting on this matter for reasons previously disclosed under potential conflicts of interest.

**Action Item 1:** The District Manager will inform ERWC of the Board's decision and process payment of the \$1,000 grant.

- 2) Review and consider pump station operations and maintenance agreement: The Board agreed to defer discussion of this item to the next board meeting.

#### **VIII. Financial matters**

1. Status update – Opening a checking account with Alpine Bank: The Board reported that the signature cards have been completed with Alpine Bank and the account has been opened.

**Action Item 2:** The District Manager will set up wire transfer authority to send funds from the District's CSAFE account to the District's checking account.



## **IX. Executive Session**

Director Viau motioned to open executive session at 6:59pm for the purpose of conferring with the District's legal counsel pursuant to Section 24-6-402(4)(e), C.R.S. for purposes of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; instructing negotiators regarding disputes related to the 2003 First Amended & Restated District Facilities Construction & Service Agreement; and evaluating the operations and funding of the public irrigation system within the District's boundaries. Director Fiore seconded the motion and the Board voted 4-0 to approve the motion.

No actions were taken by the Board during executive session.

Director Fiore motioned to close the executive session at 8:39pm. Director Viau seconded the motion and the Board voted 4-0 to approve the motion.

## **X. Other Business**

- 1) Review and consider resolutions: The Board reviewed and considered the following proposed resolutions:

Resolution #1: Provide Paul Rufien the authority to negotiate an interim service agreement with District 1 to ensure continuity of irrigation water services to the residents of District 2 in consultation with Director Fiore and Director Walker.

Director Viau motioned to approve Resolution #1 as presented. Director Walker seconded the motion and the Board voted 4-0 to approve the motion.

Resolution #2: Direct Paul Rufien to take steps to advance mediation between District 1 and District 2 for the purpose of negotiating: (1) the terms of a new intergovernmental agreement and (2) the refinance and payoff of District 2's current bonds.

Director Walker motioned to approve Resolution #2 as presented. Director Rossier seconded the motion and the Board voted 4-0 to approve the motion.

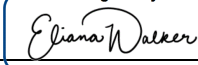
Resolution #3: Direct the District Manager to work with the district manager of District 1 to collect and submit to District 1 and 2 boards water rate study proposals from SGM and at least two other competitive proposals from other professionally qualified firms.

Director Rossier motioned to approve Resolution #3 as presented. Director Walker seconded the motion and the Board voted 4-0 to approve the motion.

## **XI. Adjournment (8:43pm)**

There being no further business to come before the Board, and upon motion duly made by Director Fiore, seconded by Director Viau, and unanimously carried, the meeting was adjourned. The next regular board meeting will be held on Tuesday July 19, 2022 at 6:00pm at the following

online location: <https://www.gotomeet.me/Wolfersberger> Members of the public may also participate via phone using the dial-in number (571) 317-3112 and access code #937-865-597.

DocuSigned by:  
  
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Secretary

6/2/2022

Date