

BUCKHORN VALLEY METROPOLITAN DISTRICT NO 2

Special Board Meeting Minutes

Meeting Date: Tuesday July 19, 2022

Meeting Time: 6:11pm to 9:19pm

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

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

I. Roll call (6:11pm)

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:

Directors	Office	Attendance
Nickolas Viau	President	Present
David Fiore		Present
Kristine Rossier	Treasurer	Present
Eliana Walker	Secretary	Present
Vacancy		

Also, in attendance was Charles Wolfersberger (District Manager), with Wolfersberger, LLC; Paul Rufien (District General Counsel) with Rufien Law, PC, one unidentified caller from Mountain Valley Homes and one homeowner: Jeff Roberts.

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.

IV. Administrative Matters

- 1) Meeting Agenda: The Board reviewed the meeting agenda presented by the District Manager. Director Viau motioned to approve the agenda as presented. Director Walker seconded the motion and the Board voted 4-0 to approve the motion.
- 2) Review and consider minutes from the June 22, 2022 board meeting: The Board reviewed the draft of the minutes presented by the District Manager. Director Fiore moved to approve the

minutes as presented. Director Viau seconded the motion and the Board voted 4-0 to approve the motion.

V. Public comments

Mr. Roberts asked if homeowners from all neighborhoods within the District had representation on the Board. The Board noted that each neighborhood is not allotted directors on the Board and the Board reviewed the neighborhoods in which each director lived. Mr. Roberts also inquired about what entity was responsible for weed maintenance in the sidewalks.

Action Item 1: Director Viau will contact the Town and the HOAs to determine which entity is responsible for maintenance of weeds in the sidewalks within the District.

VI. Director matters

Director Fiore briefly discussed the Regional Transportation Authority (RTA) Formation Committee and its purpose. The Committee is comprised of eight individuals who are representatives of various towns and metro districts.

Bill Ray discussed the purposes and goals of the RTA Committee. The RTA formation process is working toward an election in November 2022. The participants are developing an intergovernmental agreement (IGA) that will guide the operations, governance and services of the RTA. A ballot measure would be submitted to the voters within each town or metro district to approve the IGA and possible funding of the RTA.

The purpose of the RTA is to support regional transit services, i.e. services that connect one or more local jurisdictions. It is not intended to replace or provide an alternate funding mechanism for local, in-town transit systems. The towns of Avon and Vail, as well as Beaver Creek, will continue to operate their local transit services as they see fit. The RTA will work with these transit systems to better coordinate schedules, maintenance and other operations.

Mr. Ray provided two brochures to the Board with information regarding the proposed RTA.

VII. Operations matters

- 1) Review and discuss the District's storage lot leases and management agreement: Mr. Rufien reported that he is still working on reviewing the draft agreements – storage lot management agreement, model storage lot lease agreement and storage lot rules and regulations – and he will forward his draft comments to the Board at a later date.

Action Item 2: Mr Rufien will submit comments on the draft storage lot agreement to the Board for review.

VIII. Financial matters

- 1) Payment of Claims: The Board reviewed the schedule of check payments (checks 100004 to 100006) totaling \$12,237.93. Director Viau motioned to approve the payment of claims and Director Walker seconded the motion. The Board voted 4-0 to approve the motion.
- 2) 2021 Annual Financial Statements – Audit Update: The District Manager reported the District’s auditors are currently working towards completing the audit by the end of July. The auditors have not notified the District Manager regarding any identified errors or proposed adjustments to the financial statement draft submitted to the auditors.

The District Manager reviewed with the Board the draft of Note 7 (“Contractual Agreements”) and Note 8 (“Related Parties”) and expressed concerns regarding the unfavorable contractual terms contained in the 2003 District Facilities Construction and Service Agreement.

- 3) Review June 30, 2022 Financial Statements: The District Manager presented and reviewed the District’s financial statements with the Board. Through June 30, 2022, the District has collected 66% of property tax assessments and 45% of projected specific ownership tax revenue. As of June 30, 2022, cash in the checking and CSAFE accounts totaled \$134,977.

Year-to-date expenses (excluding county treasurer fees) through June 30, 2022 totaled \$31,595 compared to a budget of \$57,100. Actual costs are below budgeted costs primarily due to (1) cancellation of the 2022 board election (budgeted cost of \$12,000) and (2) miscellaneous administrative costs are \$5,400 lower than anticipated per the budget.

IX. Executive Session

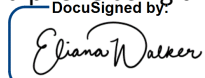
Director Viau motioned to open executive session at 6:41pm for the purpose of conferring with the District’s legal counsel pursuant to Section 24-6-402(4)(e), C.R.S. for purposes of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; instructing 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 Viau motioned to close the executive session at 9:16pm. Director Fiore seconded the motion and the Board voted 4-0 to approve the motion.

X. Adjournment (9:19pm)

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 Special board meeting will be held on October 03, 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:


11/28/2022

24B7825AEF8F419
Secretary Eliana walker

Date