

BUCKHORN VALLEY METROPOLITAN DISTRICT NO 2

Special Board Meeting Minutes

Meeting Date: Monday October 03, 2022

Meeting Time: 6:05pm to 8:58pm

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

<https://www.gotomeet.me/DistrictBoardMeetingRoom2>

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:

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 and the following two homeowners: (1) Gail Baker (43 Wolf Creek Dr) and (2) Angela Heuman.

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 Fiore requested to amend the agenda to include a discussion regarding the developer submitting a proposed phase 7 development plan to the Town this week. Director Viau motioned to approve the agenda as amended. Director Fiore seconded the motion and the Board voted 4-0 to approve the motion.

- 2) Review and consider minutes from the July 19, 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 Walker seconded the motion and the Board voted 4-0 to approve the motion.
- 3) Review and discuss board vacancy: The Board discussed and agreed to reach out to the community to see if any residents are interested in filling the current vacancy on the Board. The Board agreed to cancel the October 25th regular board meeting to allow more time to notify residents and to review and consider interested candidates. The Board agreed that the 2023 budget meeting should be held after the Board reviews at the November 21st board meeting eligible candidates to fill the vacancy on the Board. Director Viau motioned to cancel the October 25th board meeting, call a board meeting on November 21st for the purpose of reviewing candidates to fill the board vacancy and call a board meeting for November 28th to review and discuss the District's 2023 proposed budget. Director Fiore seconded the motion and the Board voted 4-0 to approve the motion.

Action Item 1: The District Manager will post the November 21st and November 28th board meetings on the District's website and cancel the October 25th board meeting.

Action Item 2: Director Viau will contact the HOAs to see if the HOA management companies would be willing to send out email blasts to the community asking interested residents to contact the District regarding their interest in serving on the Board.

V. Public comments – None

VI. Director matters – None

VII. Operations matters

- 1) Review and discuss the District's storage lot leases and management agreement: Mr. Rufien reported to the Board regarding his review of the District's storage lot management agreement, model storage lot lease agreement and storage lot rules and regulations. He recommended eliminating the rules and regulations document and embedding any rules and regulations in the lease agreement requiring each lessor to agree to such rules and regulations as a condition precedent to each lease agreement.

The Board also discussed and generally agreed that changes are needed to the storage lot billing and collection process and the management compensation process. Specifically, lease fee revenue should be remitted to and collected by the District (as opposed to the current process where the District contractor collects fee revenue and controls the related cash account) and the contractor managing the storage lot should be paid by the District (as opposed to the contractor paying itself from the fees collected from the lot lessors).

The Board agreed and directed Director Viau to work with Mr. Rufien on finalizing the management service contract and the lease contract and to submit these two documents in final form to the Board for consideration at the November 21st board meeting.

Action Item 3: Mr Rufien and Director Viau will work on finalizing drafts of the storage lot management contract and storage lot lease contract template before the November 21st board meeting.

VIII. Financial matters

1) Payment of Claims: The Board reviewed the schedule of check payments (checks series #100007 to #100009 and manual check series #1) totaling \$12,021.66. Director Walker motioned to approve the payment of claims and Director Rossier seconded the motion. The Board voted 4-0 to approve the motion.

IX. Executive Session


Director Viau motioned to open executive session at 7:37pm 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 Rossier seconded the motion and the Board voted 4-0 to approve the motion.

No actions were taken by the Board during executive session. Mr. Rufien directed the District Manager to not record this executive session.

Director Fiore motioned to close the executive session at 8:57pm. Director Viau seconded the motion and the Board voted 4-0 to approve the motion.

X. Adjournment (8:58pm)

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 Monday November 21, 2022 at 6:00pm at the following online location: <https://www.gotomeet.me/DistrictBoardMeetingRoom2> Members of the public may also participate via phone using the dial-in number (646) 749-3112 and access code #534-031-373.

DocuSigned by:

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Secretary Eriana walker

11/28/2022
Date