

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

### **Regular Board Meeting Minutes**

Meeting Date: Tuesday February 06, 2024

Meeting Time: 6:03pm to 8:48pm

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

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

#### **I. Roll Call (6:03pm)**

A regular 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		Absent (Excused)
Kristine Rossier	Treasurer	Present
Eliana Walker	Secretary	Present
Angela Heuman		Present

Also, in attendance was Charles Wolfersberger (District Manager), with Wolfersberger, LLC; Paul Rufien (General Counsel) with Paul Rufien, PC; no homeowners were in attendance.

#### **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 regular 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 Rossier seconded the motion and the Board voted 4-0 to approve the motion.
- 2) Review and consider minutes from the October 23, 2023 townhall meeting and October 23, 2023, December 05, 2023 and December 12, 2023 board meetings: The Board reviewed and discussed the drafts of the minutes for all four meetings presented by the District Manager.

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

**V. Public Comments – None**

**VI. Director Matters – None**

**VII. Financial and Contractual Matters**

- 1) Payment of Claims: The Board reviewed and discussed the schedule of check payments (checks 100028 to 100035) totaling \$22,103.01. Director Rossier motioned to approve the payment of claims and Director Viau seconded the motion. The Board voted 4-0 to approve the motion.
- 2) Review and consider intergovernmental agreement with Eagle River Fire Protection District (ERFD): Director Viau reported that a few minor modifications were made to the IGA with ERFD that were approved by District’s legal counsel. He reported that he has signed the IGA and forwarded to ERFD for signature.
- 3) Review and discuss installing signs on District land tracts regarding prohibition of motorized vehicles on District open spaces: The Board reviewed and discussed the notice sent to Mountain Valley Homes, LLC (MVH) and MVH’s January 12<sup>th</sup> email response to the District’s letter. The directors noted that they may be ok with the irrigation lines installed by MVH on the District’s land tract if MVH agreed to install mature sagebrush on the District’s land tract that was previously removed by MVH.

**Action Item #1:** Director Viau will draft a response on behalf of the District to MVH’s January 12<sup>th</sup> email and forward to Mr. Rufien for review.

- 4) Review and discuss installing signs on District land tracts regarding prohibition of motorized vehicles on District open spaces: Director Viau noted less people were operating motorized vehicles on the District’s land tract due to home construction activity in the adjacent lot that has affected the District’s land tract. The Board agreed to revisit this issue later in the year.
- 5) Review December 31, 2023 financial statements: The District Manager reviewed with the Board the December 31, 2023 unaudited financial statements. Cash held by the District totaled \$110,969, receivables due from BVMD1 totaled \$262,598 and property taxes receivable totaled \$1,291,400. The District’s liabilities were comprised primarily of \$21.8 million in bond debt and accrued interest. Expenses in the operating fund are as follows:

Expense Category	Actual	Budget	\$ Difference	% of Budget Spent
Management/accounting fees	\$ 39,999	\$ 40,000	1	100%
Collection Fees – County	2,978	3,000	22	99%
Administrative expenses	1,261	3,000	1,739	42%
Insurance	1,865	3,500	1,635	53%
Audit fees	7,150	7,200	50	99%

General legal consultation fees	7,376	10,000	2,624	74%
Litigation fees	88,715	77,400	(11,315)	115%
Board election expenses	61	10,000	9,939	1%
Miscellaneous expenses	-	4,000	4,000	0%
Indirect cost allocation	(43,300)	(53,800)	(10,500)	80%
Newsletter publication costs	1,068	-	(1,068)	100%
<b>Total Admin Expenses</b>	<b>\$ 107,173</b>	<b>\$ 104,300</b>	<b>(\$ 2,873)</b>	<b>104%</b>

### VIII. Executive Session

Director Viau motioned to open executive session at 7:06pm for the purpose of conferring with the District's legal counsel pursuant to Section 24-6-402(4)(b), C.R.S. regarding existing litigation with Buckhorn Valley Metro District No 1 and other individually named defendants. Director Walker 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 Viau motioned to close the executive session at 8:47pm. Director Rossier seconded the motion and the Board voted 4-0 to approve the motion.

The Board agreed to call a special meeting for Monday February 12, 2024 at 6pm.

### IX. Adjournment (8:48pm)

There being no further business to come before the Board, and upon motion duly made by Director Viau, seconded by Director Rossier, and unanimously carried, the meeting was adjourned. The next board meeting will be held on Monday February 12, 2024 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:  
  
 24B7825AEF8F419...  
 Secretary

2/20/2024

Date