

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

### **Special Board Meeting Minutes**

Meeting Date: Wednesday September 04, 2024

Meeting Time: 6:03pm to 10:30pm

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

<https://meet.goto.com/Wolfersberger>

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

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
Eliana Walker	Secretary/Treasurer	Present
Angela Heuman		Present
Vacancy		

Also, in attendance was Charles Wolfersberger (District Manager), with Wolfersberger, LLC; Paul Rufien (General Counsel) with Rufien Law, PC; the following homeowners were in attendance: (1) Aliana Martin and (2) Cheryl Bottomley.

#### **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 amended. Director Fiore seconded the motion and the Board voted 4-0 to approve the motion.
- 2) Review and consider minutes from the July 15, 2024 board meeting: The Board reviewed and discussed the draft of the minutes presented by the District Manager. Director Viau motioned

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

- 3) Review and consider minutes from the August 19, 2024 board meeting: The Board agreed to defer review and consideration these minutes to the next board meeting.
- 4) Review and discuss the Board's letter to the Buckhorn residents: The Board reviewed and discussed the draft of letter the Board is planning on distributing to the residents regarding the current status of litigation and mediation between the District and District 1. Director Walker agreed to make certain changes to the draft letter and will forward the updated draft letter to each director.

**V. Public Comments – None**

**VI. Director Matters – None**

**VII. Litigation status update**

Mr. Rufien provided a brief update regarding the litigation between (a) the District and (b) District 1 and several individuals who previously served on the District 1 and 2 boards. He reported the District filed with the Colorado Court of Appeals an appeal of the District Court's decision dismissing the District's claims against all individuals and declaring the 2003 intergovernmental agreement as a valid agreement. He also noted district court-ordered mediation between the District and District 1 is scheduled to occur on September 12<sup>th</sup>.

**VIII. Executive Session**

Director Viau motioned to open executive session at 6:27pm for the purpose of conferring with the District's legal counsel pursuant to Section 24-6-402(4)(b), C.R.S. regarding (a) existing litigation with Buckhorn Valley Metro District No 1 (BVMD1) and other individually named defendants and (b) court-ordered mediation with District 1 scheduled for September 12<sup>th</sup>. 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. Executive session was not recorded. Director Viau motioned to exit executive session at 7:00pm and continue executive session after the Board meets with the mediator in the public session of the Board meeting. Director Fiore seconded the motion and the Board voted 4-0 to approve the motion.

Post executive session action items: None

**IX. Meeting with Mediator**

Mr. James Boyd joined the meeting and introduced himself to the Board as the court-appointed mediator that will be managing the September 12<sup>th</sup> mediation between the District and District 1. The Board introduced themselves to the mediator. The Board, District Manager and Mr. Boyd discussed expectations and concerns and reviewed with Mr. Boyd some of the facts and issues surrounding the current litigation between the two districts.


**X. Executive Session (Continued)**

Director Viau motioned to reconvene executive session at 7:58pm. 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. Executive session was not recorded. Director Fiore motioned to end executive session at 10:25pm. Director Walker seconded the motion and the Board voted 4-0 to approve the motion.

**XI. Adjournment (10:30pm)**

There being no further business to come before the Board, and upon motion duly made by Director Fiore, seconded by Director Walker, and unanimously carried, the meeting was adjourned. The next board meeting will be held on Tuesday October 22, 2024 at 6:00pm at the following online location: <https://meet.goto.com/Wolfersberger>

DocuSigned by:  
  
24B7825AEF8F419  
Secretary Eliana walker

10/23/2024

Date