

Buckhorn Valley Metropolitan District #1
Meeting Minutes for Special Meeting of the Board of Directors

Date: Thursday, April 11, 2024

Time: 5:30 PM

Location: Online Via Zoom

Present: Nicholas Richards, President
Maxine Hepfer, Secretary/Treasurer
John Hill, Asst. Secretary
Anna Marie Ray, Asst. Secretary

Others: Christine Gazda, Garfield & Hecht
David McConaughy, Garfield & Hecht
Peter Kline, Circuit Rider of Colorado
Sarah Shepherd, Circuit Rider of Colorado
Sujata Trehan, Circuit Rider of Colorado

Public: Alison Viau
Daniel
Emily Block
Derek Sutton
Josiah Maner
KRH
Kevin
Mark Renna
Peter Geyer
Tanya Walker
Xander Cook
Peter
Jason Butters
Erin Gallimore
Angela Heuman
Dan – Eagle River Water and Sanitation
It's a Mario! (no name provided)

I Call to order and Declaration of Quorum:

Director Hepfer called the meeting to order at 5:42PM. A quorum was declared as three Board members were present. Director Richards joined the meeting a few minutes later.

II Disclosure of Potential Conflicts:

No new conflicts were declared.

III Approval of or Amendment to the Agenda:

Motion was made by Director Ray to approve agenda, Seconded by Director Hepfer, passed 3-0.

IV Public Comment regarding Annual Report (3-minute Limit Per Person):

No Public Comments were made at this time.

V Public Hearing to Consider the Adoption of 2024 Proposed Administration Fee.

A. Consider Resolution to adopt 2024 Administration Fee

Sarah Shepherd and Peter Kline presented the Fee Calculation sheet with the Board and gave an explanation of the items on the sheet. Discussion followed. Director Hill noted that the legal fees are very high, and that the cost of electricity for the pump house will be added to future costs. Director Hepfer noted that the lawsuit was filed against District 1, additionally District 2 has been withholding funds that were due to District 1. District 1 has also had to incur significant legal costs due to this lawsuit. The mediation efforts have not yet yielded a result.

Upon motion by Director Hill and seconded by Director Richards, the Board voted 4-0 to open the hearing to public comment. Public comment was opened at 6:01pm. Comments were recorded and are available on the District's website.

Mark Renna - how to we recoup our legal fees? Why is the employee fee so high? Why is the management fee so why? Why is the O&M so high?

Emily Block – who says this is one-time fee? Who determines how often this is charged? BV Firewheel owes 100k in water fees? Were these fees written off? Why did they get written off and now homeowners are being charged? Highest property taxes, water rates have gone up 4 times. Seems like a money grab.

Peter – cost seem to be recurring so how is this a onetime fee? Does the number of lots include developed and undeveloped lots? Is the cost different for those? For the ongoing law suit, how much is involved, will the district win or lose a lot of money?

Angela – has questions about the spreadsheet, system start up/shut down seems to appear more times than actual, too many contingency amounts.

Emily – who is part of District 1 other than management?

Derek – do we have a say on who is on the Board for District 1?

Erin Gallimore – one house is District 1; the homeowners are all part of District 2. Developers are inflating costs. Why are we paying Kenny year-round when he is only working 2 months of the year.

Mark Renna – clarified that the employee is paid for only 7 months of the year.

Dan – when and where can you apply for the position?

Peter – it sounds like a motion is about to be made, it would be nice to have the motion published to residents can view it.

Emily – how did the board come to be? Do they live here? Were they elected?

Kevin – expressed his displeasure regarding the district.

Upon motion by Director Richards and seconded by Director Ray, the Board voted 4-0 to close the public hearing. Public comment was closed at 6:24pm.

Legal counsel, the Board, and management responded to several questions posed during the public comment session. Comments were recorded and are available on the District's website. Discussion followed.

Upon a motion by Director Hill and seconded by Director Richards, the Board voted 4-0 to approve the 2024 Administrative fee resolution, with the amendment that \$250 be billed initially, and the second half of the fee to be assessed after 60 days.

B. Operator Report: turn on date for 2024 irrigation system.

The irrigation will be turned on as is typical in mid-May. Director Richards will head down to the pump house to inspect the system with the District's Operator in the coming weeks to review the shared equipment.

VI Financial Items:

A. Review and ratify of claims payable from prior periods including February and March 2024.

Peter Kline and Sarah Shepherd presented the claims payable for the period of February and March 2024.

Upon motion by Director Hill and seconded by Director Hepfer the Board voted 4-0 to approve the February and March 2024 claims, as presented.

B. Billing cadence and Processes with new provider AmCoBi.

Peter Kline gave the Board an update on the new quarterly billing cycle.

C. Pump house discussion

Sarah Shepherd presented the estimate for electrical installation to run water pump.

Discussion followed. Upon motion by Director Hill and seconded by Director Richards, the Board voted 4-0 to approve the estimate as presented.

VII Administrative Items:

A. Consider the approval of minutes from the February 29, 2024 meeting

Upon motion by Director Richards and seconded by Director Ray, the Board voted 4-0 to approve the Minutes from the February 29, 2024, as presented.

VIII Legal Items:

A. Executive Session:

Upon motion by Director Richards to open Executive Session for a conference with the District's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b), specifically regarding pending litigation with Buckhorn Valley Metro District No. 2. The motion was seconded by Director Hill. The Board voted 4-0 to enter into Executive Session.

Executive Session began at 7:27 pm.

Executive Session concluded at 7:47pm

IX Additional Board Member Items:

No additional items were presented.

X ADJOURNMENT: The meeting adjourned at 7:47p.m. by acclamation.

Shahid Khan

Signed by Secretary for the Meeting