

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF

BIJOU CREEK METROPOLITAN DISTRICT

Held: Monday, April 20, 2020, at 10:00 A.M., Via Telephone: 303-858-1802, Pin: 1102

Due to Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders, issued by the Colorado Department of Health and Environment (CDPHE), and the threat posed by the COVID-19 coronavirus, the meeting was held via teleconference.

**ATTENDANCE**

The meeting was held in accordance with the laws of the State of Colorado. The following directors were in attendance:

Derek Williams  
Glenn Kunkel  
Teresa Williams  
Darren Kunkel  
Jennifer Kunkel

Also present were: Heather Hartung, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; Diane Wheeler, Simmons & Wheeler, P.C., District Accountant.

**ADMINISTRATIVE MATTERS**

Call to Order and Confirmation of Quorum It was noted that a quorum of the Board was present, and, therefore, the meeting was called to order.

Declaration of Quorum and Confirmation of Director Qualifications Ms. Hartung noted that a quorum for the Board was present and that the directors had confirmed their qualification to serve.

Reaffirmation of Disclosures of Potential or Existing Conflicts of Interest Ms. Hartung advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Hartung reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Hartung inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the

meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Approval of Agenda

Ms. Hartung presented the Board with the proposed agenda for the meeting. Upon motion of Mr. G. Kunkel, seconded by Mr. Williams, the Board unanimously approved the agenda as amended.

**PUBLIC COMMENT**

None.

**CONSENT AGENDA**

Ms. Hartung reviewed the items on the consent agenda with the Board. Ms. Hartung advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. Director Williams requested item (e) be removed from consent and item (f) be changed to Unaudited Financial Statements as of December 31, 2019 and be placed on the regular agenda. Upon a motion of Mr. G. Kunkel, seconded by Mr. Williams, the following items on the consent agenda were unanimously approved, ratified and adopted:

- a. Minutes from December 3, 2019 Regular Meeting
- b. Resolution No. 2020-04-01: Resolution Declaring Emergency Procedures and Authorizing Teleconferencing for Regular and Special Meetings
- c. Resolution No. 2020-04-02: Resolution Establishing an Electronic Signature Policy
- d. Requisition No. 2, General Obligation Bonds, Series 2019A

**FINANCIAL MATTERS**

Approval of Auditor Proposal

Ms. Wheeler presented two audit proposals to the Board for review. Following discussion, upon motion by Mr. G. Kunkel and seconded by Mr. Williams, the Board unanimously approved the Fiscal Focus audit.

Unaudited Financial Statements December 31, 2019

Ms. Wheeler presented the Financial Statements as of December 31, 2019 to the Board for consideration. Following review, the Board noticed a typo on page 8 under restricted fund balance. The amount should be \$5,014 instead of \$15,014. Upon motion duly made by Mr. G. Kunkel and seconded by Mr. Williams the Board approved the statements subject to revision by Ms. Wheeler.

**LEGAL MATTERS**

Public Hearing on Inclusion Tract C Parcel in the District and Consider Adoption of Resolution No. 2020-04-03 Order for Inclusion of Real

Director Mr. D. Kunkel opened the public hearing on the Petition for Inclusion of Property (Tract C). Ms. Hartung noted that notice of the public hearing was published in accordance with Colorado law and no written objections or comments have been received. There being no public comment, the hearing was closed.

Property (Tract C Parcel)

Ms. Hartung reviewed the Petition and Resolution and Order for Inclusion of Property (Tract C) with the Board. Following discussion, upon a motion duly made by Mr. D. Kunkel and seconded by Ms. Williams, the Board determined to grant the petition and adopt the resolution.

**OTHER BUSINESS**

The Board briefly discussed whether to convey the “barn” on Tract C to the association or to keep it. The Board directed Ms. Hartung to follow up regarding this issue.

Next Meeting Date

The next regular meeting is scheduled for December 1, 2020, at 10:00 A.M.

**ADJOURNMENT**

There being no further business to be conducted, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

*Derek Williams*

Derek Williams (Oct 20, 2020 14:31 MDT)

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Secretary for the Meeting