

MINUTES OF A REGULAR MEETING OF THE BOARD OF
DIRECTORS

OF

BIJOU CREEK METROPOLITAN DISTRICT

Held: Tuesday, October 18, 2022, at 10:00 A.M., via
Teleconference

ATTENDANCE

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

Darren Kunkel
Jennifer Kunkel
Ashley Buss

Also present were: Heather L. Hartung, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel.

**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 at 10:00 a.m.

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

The Board reviewed the proposed agenda for the meeting. Upon a motion duly made, and seconded, the Board unanimously approved the agenda as written.

PUBLIC COMMENT

Director Buss had a question about mill levies. A few people have told them they are within the boundaries of the District, but the mill levies are not being imposed.

- a. Follow Up – forwarded Assessor’s Office email response to the Directors. There was an issue back in 2020 where the Assessor’s Office missed the Phase 1B inclusion. Revised tax statements were sent and issue was corrected.

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. No items were requested to be removed from the consent agenda. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified, and adopted:

- a. Minutes from July 19, 2022, Regular Meeting
- b. Resolution Adopting a Personal Data Privacy Policy
- c. Payment of Claims as of October 22, 2022
- d. Notice to Electors Pursuant to § 32-1-809, C.R.S.
- e. Resolution Designating the Location of Regular Meetings of the Board of Directors

FINANCIAL MATTERS

2022 Audit

Ms. Wheeler has not received the proposal for the 2022 audit. Following discussion, upon a motion duly made and seconded, the Board approved using the same auditor as past years if price does not exceed \$5,500.

Public Hearing on 2022 Budget Amendment

Director D. Kunkel opened the public hearing on the 2022 Budget Amendment for increasing the Debt Service Fund increasing it from \$117,000 to \$120,000. Director D. Kunkel noted that the notice of public hearing was provided in accordance with Colorado Law. No written objections were received prior to the meeting. There being no public comment, the hearing was closed.

Public Hearing on 2023 Budget and Adoption of Resolution No. XXX Adopting Budget, Imposing Mill Levy and Appropriating Funds

Ms. Hartung reviewed the 2023 Budget Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2023 Budget, appropriating funds therefor and certifying mills for the General Fund and mills for the Debt Service Fund, as shown in the 2023 Budget, subject to receipt of final assessed valuation. No written objections were received prior to the meeting. There being no public comment, the hearing was closed.

LEGAL MATTERS

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| 2023 Annual Administrative Resolution | Ms. Hartung presented the 2023 Annual Administrative Resolution. Following discussion, upon a motion duly made and seconded, the Board approved the 2023 Annual Administrative Resolution. |
| May 2023 Election | A discussion regarding the May 2023 election was held. |
| Resolution Calling Election | Ms. Hartung presented the Resolution Calling Election. Following discussion, upon a motion duly made and seconded, the Board approved the Resolution Calling Election. |
| Vacant Board Positions | A discussion regarding the vacant Board positions was held. |
| 2023 Meetings to be Held by Zoom | Following discussion, upon a motion duly made and seconded, the Board approved the 2023 Board meetings to be held by Zoom. |

INSURANCE MATTERS

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| SDA Membership | Following discussion, upon a motion duly made and seconded, the Board approved the continuing with the SDA membership. |
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OTHER BUSINESS

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| Next Meeting Date | The next meeting is scheduled for July 18, 2023, at 10:00 a.m. via Zoom. |
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ADJOURNMENT

There being no further business to be conducted, the meeting was adjourned at 10:35 a.m.

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


Ashley Buss (Jul 24, 2023 15:53 MDT)

Secretary for the Meeting