

MINUTES OF A REGULAR MEETING OF THE BOARD OF
DIRECTORS

OF

BIJOU CREEK METROPOLITAN DISTRICT

Held: Tuesday, July 18, 2023, 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:

Ashley Buss

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

**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 10:02 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 amended. The 2022 audit letter was removed from the agenda.

PUBLIC COMMENT

No public comment.

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 October 18, 2022, Regular Meeting
- b. Renewal of General Liability Schedule and Limits and Binding of Coverage

FINANCIAL MATTERS

Consider Acceptance of Payment of Claims as of May 31, 2023

Ms. Wheeler presented payment of claims as of May 31, 2023. Following discussion, upon a motion duly made and seconded, the Board accepted the payment of claims.

Consider Acceptance of Unaudited Financial Statements as of May 31, 2023

The matter was tabled.

Consider approval of 2022 Audit

Ms. Wheeler presented the 2022 Audit. Following discussion, upon a motion duly made and seconded, the Board accepted the 2022 Audit subject to final legal, accounting review and a clean opinion.

Following discussion, upon a motion duly made and seconded, the Board approved Ms. Wheeler to proceed with filing an extension for the filing of the 2022 Audit.

Following discussion, upon a motion duly made and seconded, the Board approved Mr. Buss to execute the audit engagement letter, once received.

Discuss Refunding Analysis for 2019 Bonds

The Refunding 2019 Bonds was presented by Mr. Ohtake-Gordon of Piper Sandler. At the conclusion of the presentation, the Board requested updated information on interest rates.

Discuss Approval Process
for Bill.com

Ms. Wheeler discussed Bill.com and Mr. Buss' appointment as a signor at the last meeting. Ms. Wheeler is to obtain a new signature card and remove the prior Directors from the authorized signors list.

Discuss Engagement of
Auditor for 2023

Ms. Wheeler will look for an auditor for the 2023 audit.

LEGAL MATTERS

Discuss 2023 Legislative
Update

Ms. Hartung presented the 2023 Legislative Update, including a discussion on the required town hall/annual meeting and providing notification to residents of the Metropolitan District Homeowners' Rights Task Force

A discussion was held, and the town hall/annual meeting will be on October 17, 2023, at 9:00am via Zoom.

Discuss Vacant Board
Positions

A discussion regarding the four vacant Board positions was held. Mr. Buss indicated he knew of a few people that may be interested in being appointed to the Board.

Consider Acceptance of
Annual Report on the
Service Plan

Ms. Hartung presented the 2022 Annual Report on the Service Plan. Following discussion, upon a motion duly made and seconded, the Board accepted the 2022 Annual Report subject to final legal review.

OTHER BUSINESS

Next Meeting Date

The next meeting is scheduled for October 17, 2023, at 10:00 a.m. via Zoom. This may change if there are bond documents to approve and if the meeting date changes, the Town Hall meeting will also change.

Discuss Community Center

A discussion regarding the Community Center was held. Ms. Hartung will reach out to the developer about the status of conveyance to the Town or to the Association.

ADJOURNMENT

There being no further business to be conducted, the meeting was adjourned at 11:03 a.m.

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

Ashley S Buss
Ashley S Buss (Oct 27, 2023 06:21 MDT)

Secretary for the Meeting

The foregoing minutes were approved by the Board of Directors on the 17th day of October, 2023.