
RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT October 26, 2022

The Regular Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 A.M. on October 26, 2022 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

Attendance

In Attendance were Directors:

- Dave Eickholt
- Mac Slingerlend
- Ray Shei
- Mike Towler
- Kevin Hillgren (by phone)

Also in Attendance were:

- Bill Simmons, General Manager, BCMD
- Russell Newton, Seter & Vander Wall
- Ken Marchetti, Esq, Marchetti & Weaver
- Jim Clancy, Beaver Creek Resort Company
- Mark Miscio, Beaver Creek Metro District
- Lee Hoover, Beaver Creek Village Operations
- Hugh Fairfield-Smith, Eagle Valley Wildland
- Jerry Hensel, Beaver Creek Base Operations
- Paul Gorbold, Beaver Creek Transportation
- Linn Brooks, Upper Eagle Regional Water Authority
- Siri Roman, Upper Eagle Regional Water Authority

Call to Order

The Regular Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Dave Eickholt, Chairman of the Board, noting that a quorum was present. It was confirmed that prior to the meeting each of the Directors had been notified of the meeting.

Conflicts

The Board noted that it had received certain disclosures of potential conflict of interest statements more than seventy-two hours prior to the meeting for each of the following Directors, indicating the following conflicts: Mr. Kevin Hillgren is a Director of the Beaver Creek Club, President of the Beaver Creek Meadows Homeowners Association and a Director of the Upper Eagle River Water Authority; Mr. Ray Shei is a Board Member of the Beaver Creek Property Owners' Association; Mr. Mike Towler is a Director Alternate of the Upper Eagle River Water Authority; the Board noted for the record that these disclosures are restated at this time with the intent of fully complying with laws pertaining to potential conflicts.

Minutes

The Board reviewed minutes of the September 28, 2022 Regular Meeting. Upon a motion duly made and seconded, it was unanimously

RESOLVED to approve the minutes from the September 28, 2022 meeting.

Future Meeting

The next Board meeting will be held at the District offices at 40847 Highway 6 on Wednesday, December 7, 2022 at 8:30 A.M.

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Public Input

ERWSD

Ms. Brooks introduced Ms. Roman, the new General Manager of the ERWSD starting in January. Ms. Brooks reviewed the status of current projects including Bolts Lake.

Fire Mitigation

Mr. Fairfield-Smith shared that the contractual work for 2022 was completed or 474 acres of the Beaver Creek Resiliency Project. The project came in at \$806,613, approximately \$43,000 under budget. There are 600 slash piles that will need to be burned as soon as there is enough snow but prior to the resort opening day. Bids for the 2023 season will be open November 1 through December 15. Mr. Fairfield-Smith applied for a total of \$1.6M in grants for Beaver Creek 2023. \$3.6M was requested for larger Beaver Creek, including Bachelor Gulch, Grant awards will be communicated December 15.

Public Safety

Mr. Gorbold noted there were no bear violations this month. The education regarding garbage awareness among residents is proving beneficial as violations have continued to decrease.

Village Connect

Mr. Gorbold discussed ridership increases year over year. Candidate volume is on the rise earlier this year. The conversion rate is at 20% with a current count of 80 drivers and administration. The department is on track with staffing goals. The positions with housing have been filled. There are additional hotel style housing opportunities in Eagle.

Transportation Agreements

The Board discussed the Village Connect, Parking Lot and Village to Village Agreements. A motion was made and seconded to approve all agreements. It was unanimously

RESOLVED to approve the Village Connect Agreement.

and

RESOLVED to approve the Parking Lot Agreement

and

RESOLVED to approve the Third Amendment Intervillage Transportation Agreement.

RTA

The Committees are on hold until after the election on November 8.

Action Items

General Manager Update

Peregrine Villas were due to close on the third unit yesterday. The interest payments are up to date. American Tower has requested use of some empty conduits owned by the District. This will be a possible spring project. Mr. Simmons will suggest American Tower submit a lease proposal.

Operation Agreement Amendment

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The Operations Agreement Amendment was included in the packet. Mr. Newton drafted the Amendment for 2023. Mr. Simmons recommends approval. A motion was made and seconded to approve the Amendment. It was unanimously

RESOLVED to approve the First Amendment to the Resort Operations Management Agreement.

Legal

The Public Hearing was opened for the FAML I Declination. Mr. Newton discussed the state run paid leave program. Deductions would begin in 2023 with benefits to begin in 2024. If the District chooses to opt out by the end of the year, the decision will be in place for 8 years. The public hearing was closed. A motion was made to decline participation in the FAML I Program. The motion was seconded. It was unanimously

RESOLVED to approve the Declination to participate in the FAML I Program.

Peregrine Villas

The Board extended the EdgeCreek LLC Promissory Note. A motion was both made and seconded to approve the Ratification to the EdgeCreek LLC Promissory Note. It was unanimously

RESOLVED to ratify the EdgeCreek LLC Promissory Note Extension.

Audit Engagement

The McMahan and Associates Audit Engagement letter was included the packet. There is a 5% increase in fees, with the estimate not to exceed \$11,750. Mr. Marchetti requests Board approval for engagement. A motion was both made and seconded

RESOLVED to engage McMahan and Associates for the 2022 BCMD Audit.

Financial Statement

There are no real significant changes to the Financial Statement this month. An RFP for lease financing of the new Gillig buses has been sent out. Mr. Marchetti requested a Reimbursement Resolution for the bus purchase be considered to allow time for receipt of the responses. A motion was made and seconded to approve the Reimbursement Resolution. It was unanimously

RESOLVED to approve the Reimbursement Resolution for the purchase.

Account Payable

A motion was made and seconded to approve the October Accounts Payable list. It was unanimously

RESOLVED to approve the Accounts Payable for October 26, 2022.

Operations

The Board requested Mr. Hensel verify the water fountains

Mr. Simmons notified the Board of the a leak in the main snowmelt line at the Covered Bridge.

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Adjournment

There being no further business to come before the Board, by motion duly made and seconded, it was unanimously

RESOLVED to adjourn the Regular Meeting of the Beaver Creek Metropolitan District Board of Directors held Wednesday, October 26, 2022.

Respectfully submitted,

Angela Kamby

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