
RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT December 7, 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 December 7, 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

Also in Attendance were:

- Bill Simmons, General Manager, BCMD
- Russell Newton, Seter & Vander Wall
- Ken Marchetti, Esq, Marchetti & Weaver
- 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 Gorbald, Beaver Creek Transportation
- Erin Jarvis, Beaver Creek Resort Company
- Tim Maher, Beaver Creek Homeowner

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 October 26, 2022 Regular Meeting. Upon a motion duly made and seconded, it was unanimously

RESOLVED to approve the minutes from the October 26, 2022 meeting.

Future Meeting

The next Board meeting will be held at the District offices at 40847 Highway 6 on Wednesday, January 25, 2023 at 8:30 A.M.

Public Input

RECORD OF PROCEEDINGS

Beaver Creek Metropolitan District December 7, 2022 Meeting Minutes

Fire Mitigation Mr. Fairfield-Smith updated the Board on the Beaver Creek Resiliency Project. A total of 255 critical slash piles were burned, leaving approximately 300. The remaining will be burned off with proper snow coverage or can wait until spring. The RFP for 2023 closes on December 15. At this time, only one contractor has submitted a bid for the all phases and units. There might not be an update on the grant proposal until March. Mr. Fairfield-Smith would like to explore the possibility of Beaver Creek and Beaver Creek Metro become Fire Wise accredited. The community well exceeds the specifications. Eagle Valley Wildland will submit the application.

Public Safety The report was in the packet. With the resort opening early has Public Safety busier than expected both on the roads and in the village. Staffing is in a good position.

Village Connect Mr. Gorbold reviewed the October report in the packet. The department completed 97% of the rides in 20 minutes or less for the year. Mr. Gorbold noted November as a success, providing just over 1,900 service hours. This exceeded the budgeted service hours by 400. Mr. Gorbold is extremely confident that he will be successful this season. Staffing is at 93% with just over 100 employees. The contract labor is running 100% of parking lot rides.

RTA The EVTA passed in seven of the eight communities and all four critical locations. The Transit Authority will assemble a Board, requiring the District to assign a Director and Assistant Director. A motion was made and seconded to nominate Director Eickholt to the Director position and Director Shei to the Assistant Director position. It was unanimously

RESOLVED to nominate Director Eickholt as Director and Director Shei as Assistant Director to the Eagle Valley Transit Authority Board.

Water Authority Director Hillgren reported business as usual with the Water Authority. Director Hillgren will attend the Edwards Metropolitan District meeting on Thursday to discuss the BC Metro District stance on Unification.

Action Items

General Manager Update

Mark and his team are busy with Birds of Prey the last 10 days. Ms. Wolfe, Vail Valley Foundation, was very appreciative of the work by the Metro District. Staffing was down by 30% due to employees relocating out of the area. Two of the three positions have been offered and accepted. One position remains available with a possibility to be filled in the near future. Mr. Niemi is planning on closing in the next few weeks. Mr. Simmons will update the Board upon the final close. The 18th fairway pond project will begin in January when the ground is frozen. The Town of Avon Maintenance Agreement for 2023 is in the packet. There are no real changes except for a slight increase in rates. A motion was made and seconded to approve the 2023 Town of Avon Maintenance Agreement. It was unanimously

RESOLVED to approve the 2023 Town of Avon Maintenance Agreement.

Legal The 2023 Election Resolution was included in the packet. There are two Director positions that will be available in May 2023. Self Nomination forms are due to Marchetti & Weavers office by February 24, 2023. The Resolution designates Kathy

RECORD OF PROCEEDINGS

Beaver Creek Metropolitan District December 7, 2022 Meeting Minutes

Lewensten as the designated election official. A motion was made and seconded to approve the 2023 Election Resolution. It was unanimously

RESOLVED to approve the 2023 Election Resolution.

Administrative Resolution

The Administrative Resolution was reviewed the the Board. Upon updates, a motion was made made to approve the 2023 Administrative Resolution. The motion was seconded. It was unanimously

RESOLVED to approve the 2023 Administrative Resolution as updated.

Financial Statement

The October 31 financial statement was discussed with the Board. The Peregrine Villas unit collection of funds is the biggest change month over month. The operating contingency was used this year for fire mitigation. Overall stating a positive ending fund balance. The Board reviewed the memo in the packet from Mr. Marchetti regarding investing cash balances. After discussion, direction was given for Mr. Marchetti to invest as presented.

Account Payable A motion was made and seconded to ratify the November 16 Accounts Payable list. It was unanimously

RESOLVED to ratify the Accounts Payable for November 16, 2022.

A motion was made to approve the December 7 Accounts Payable list. The motion was seconded. It was unanimously

RESOLVED to approve the December 7 Accounts Payables.

Transportation Lease

The RFP on the transportation leases for two buses were sent out to Wells Fargo, USBank and JPM Chase. Wells Fargo and USBank were the only proposals returned. The Board reviewed the lease. A motion was made and seconded to approve the lease proposal with Wells Fargo. It was unanimously

RESOLVED to approve the Transportation Lease proposal with Wells Fargo for two Gillig buses.

Legal

A complaint was filed with the Eagle County District Court originally in 2019 involving a District bus and a pedestrian. The District was served documents this week regarding the matter. It was on the way to being settled with the District's Liability Pool, even closed out in the process. Mr. Newton will file an answer and follow up with the Board.

Executive Session Upon motion duly made and seconded, it was unanimously

RESOLVED to enter into Executive Session citing §24-6-402(4)(b) C.R.S. for the purpose of Conference with the District's Counsel and §24-6-402(4)(f)

RECORD OF PROCEEDINGS

Beaver Creek Metropolitan District December 7, 2022 Meeting Minutes

Personnel Matters. The Board entered into Executive Session at 9:54 A.M. and adjourned at 10:56 A.M.

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, December 7, 2022.

Respectfully submitted,

Angela Kamby

Angela Kamby