

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

OF

CONIFER METROPOLITAN DISTRICT

Held: Tuesday, November 15, 2022, at 1:00 P.M., *via* teleconference.

ATTENDANCE

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

Mike Staheli (Receiver)

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

ADMINISTRATIVE MATTERS

Call to Order

The meeting was called to order at 1:00pm.

Declaration of Quorum and Confirmation of Director Qualifications

Ms. Hartung noted that a quorum for the Board was present and that the Order Appointing the Receiver to act on behalf of and as the Board remains in full force and effect.

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 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 noted that a quorum was present and inquired into whether 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 Board determined that 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 duly made by Mr. Staheli, the Board unanimously approved the agenda as written.

PUBLIC COMMENT

None.

CONSENT AGENDA

The Board was presented with the consent agenda items. Upon motion duly made by Mr. Staheli, the Board unanimously took the following actions:

- a. Minutes from July 27, 2022, Regular Meeting
- b. 2023 Annual Administrative Resolution (approved, subject to changes);
- c. Notice to Electors Pursuant to § 32-1-809, C.R.S.
- d. Payment of Claims;
- e. Resolution Adopting Amendment to the Amended and Restated Water, Wastewater and Pretreatment Regulations for Backflow Prevention and Cross-Connections;
- f. Renewal of Consultant and Contractor Agreements for 2023 Services:
 - i. White Bear Ankele Tanaka & Waldron, Attorneys at Law, for General Counsel Services;
 - ii. White & Janowski for Water Counsel Services;
 - iii. KTL Solutions, Inc. a/k/a Colorado Water Well, Inc. for Operations and Maintenance Services;
 - iv. Fourth Addendum to Independent Contractor Agreement with Colorado Water Well, Inc.;
 - v. M&M Consultants, LLC;
 - vi. Second Addendum to Independent Contractor Agreement with M&M Consultants, LLC;
- g. Engagement Letter with Haynie & Company for 2022 Audit Services
- h. Continuing Disclosure Reports; and
- i. Response Letter to Colorado Department of Public Health and Environment.

FINANCIAL MATTERS

Consider Approval of Payables/Financials

None.

Discuss Consent and Waiver of Owner with Respect to the Series 2005 Bonds and Series 2006 Bonds

The Board discussed the Consent and Waiver of Owner with respect to the District's Series 2005 and Series 2006 Bonds. Ms. Hartung was instructed to send the Consent and Waiver of Owner to BondShares for signature, along with the District's 2023 budget.

Conduct Public Hearing on 2022 Budget Amendment

Mr. Staheli opened the public hearing on the 2022 Budget Amendment. Ms. Hartung noted that the notice of public

and Consider Adoption of Resolution Amending 2022 Budget

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.

Ms. Hartung reviewed the Resolution Amending the 2022 Budget with the Board. Following discussion, upon a motion duly made by Mr. Staheli, the Board unanimously adopted the resolution amending the General Fund to \$249,850, and the Debt Service Fund to \$365,395.

Conduct Public Hearing on 2023 Budget and Consider Adoption of Resolution Adopting 2023 Budget, Imposing Mill Levy and Appropriating Funds

Mr. Staheli opened the public hearing on the proposed 2023 Budget. Ms. Hartung 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.

Ms. Hartung reviewed the 2023 Budget Resolution with the Board. Following discussion, upon a motion duly made by Mr. Staheli, the Board unanimously adopted the Resolution Adopting the 2023 Budget, appropriating funds therefor and certifying 50 mills for General Obligation Bonds and Interest.

Review Fees and Rates for Water and Sanitary Sewer Services and Facilities and Consider Adoption of Second Amendment to Resolution Concerning the Imposition of Various Fees, Rates, Tolls, Penalties and Charges for Water and Sanitary Sewer Services and Facilities

Following discussion, upon a motion duly made by Mr. Staheli, the Board unanimously adopted the Second Amendment to Resolution Concerning the Imposition of Various Fees, Rates, Tolls, Penalties and Charges for Water and Sanitary Sewer Services and Facilities.

WATER AND WASTEWATER OPERATIONS MATTERS

Discuss Status of Response to Colorado Department of Public Health & Environment (CDPHE) Regarding Violation

Mr. Staheli noted that, to-date, the CDPHE had not responded to the violation notice or revisions to regulations that were submitted.

Discuss Status of Modification of the Augmentation Plan and Request for Variance of

Mr. Staheli discussed with the Board the variance to the CDPHE's total dissolved solids that the District is currently trying to obtain. Mr. Staheli noted that the application had been filed with the water court, and it is expected to take four to six

Total Dissolved Solvents

months to be processed. If approved, the District will develop a replacement well, and monitoring well number 6 would be converted to a village well. Ms. Hartung then discussed the requirements of bidding, bonds and a project manual.

RECEIVER MATTERS

None.

LEGAL MATTERS

Insurance Matters

Discuss and Review Proposal for Renewal of General Liability Schedule and Limits and Property Schedule and Consider Approval and Authorization to Bind Coverage

The insurance documents were not available at the time of the meeting. Mr. Staheli will review the insurance documentation once received and any actions relating to same will be ratified at the next meeting.

Consider Approval of Resolution Calling May 2, 2023 Election

Following discussion, upon a motion duly made by Mr. Staheli, the Board unanimously adopted the Resolution Calling May 2, 2023, Election.

OTHER BUSINESS

2023 Regular Meeting Schedule

2023 regular meetings will be held on July 11, 2023, and November 16, 2023 at 1pm via Zoom.

ADJOURNMENT

There being no further business to be conducted, the meeting was adjourned at 1:36 pm.

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



Secretary for the Meeting

The foregoing minutes were approved on the 11th day of July 2023.