

MINUTES OF A SPECIAL MEETING OF THE BOARDS OF DIRECTORS

OF

BUCKLEY METROPOLITAN DISTRICT NOS. 1-4

Held: Thursday, September 17, 2020 at 12:00 p.m.

Due to the Executive Order issued by Governor Polis on April 26, 2020, requiring all residents of the State of Colorado to stay-at-home to minimize the spread and impact of COVID-19, and the Updated Public Health Order 20-28 implementing the Executive Order, issued by the Colorado Department of Health and Environment (CDPHE) on April 26, 2020, the meeting was held via teleconference.

Attendance

The Boards of Directors of the Districts have determined to hold joint meetings of the Districts and to prepare joint minutes of action taken by the Districts in such meetings. Unless otherwise noted herein, all official action reflected in these minutes is the action of each of the Districts. Where necessary, action taken by an individual District will be so reflected in these minutes.

The special meeting of the Boards of Directors of Buckley Metropolitan District Nos. 1-4 was called and held in accordance with the applicable laws of the State of Colorado. The following Directors, have confirmed their qualifications to serve, were in attendance:

Don McFall
Geoffrey Babbitt
Steven Nichols

Also present were William P. Ankele, Jr., Esq. and Zachary P. White, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law

Call to Order/Declaration of Quorum

It was noted that a quorum of the Boards were present and the meeting was called to order.

Conflict of Interest Disclosures

Mr. White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White 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 Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Boards. Mr. White inquired into whether members of the Boards 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 Boards to act.

Approval of Agenda Mr. White presented the proposed agenda to the Boards for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the agenda as presented.

Election of Officers The Boards engaged in a discussion regarding the election of officers. Following discussion, upon a motion duly made and seconded, the Boards unanimously elected Director Geoffrey Babbitt as President, Director Don McFall as Treasurer/Secretary, and Director Steven Nichols as Assistant Secretary.

Consider Approval of Joint Resolution Declaring Emergency Procedures and Authorizing Teleconferencing for Regular and Special Meetings Mr. White presented the Boards with the Joint Resolution Declaring Emergency Procedures and Authorizing Teleconferencing for Regular and Special Meetings. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the Joint Resolution.

Public Comment None.

Administrative Matters

Discuss and Consider Adoption of 2020 Joint Annual Administrative Resolution Mr. White presented the Boards with the 2020 Joint Annual Administrative Resolution for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the Resolution.

Consider Adoption of Joint Records Request Policy Mr. White presented the Boards with the Joint Public Records Request Policy for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously adopted the policy.

Consider Adoption of Joint Resolution Adopting the Colorado Special District Records Retention Schedule for consideration. Following discussion, upon a motion duly made and

Records Retention Schedule	seconded, the Boards unanimously adopted the resolution.
Consider Approval of Joint Resolution Adopting Personal Data Privacy	Mr. White presented the Boards with the Joint Resolution Adopting a Personal Data Privacy Policy for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously adopted the Joint Resolution.
Consider Approval of Resolution Regarding Electronic Posting of Meeting Notices	Mr. White presented the Boards with the Joint Resolution Regarding Electronic Posting of Meeting Notices for consideration. Following discussion, the Boards determined to continue to post physical meetings notices. No action was taken on the proposed resolution.
Consider Approval of Joint Resolution Concerning Authorization for Approval of Contracts and Payment of Claims	Mr. White presented the Boards with the Joint Resolution Concerning Authorization for Approval of Contracts and Payment of Claims for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously adopted the Joint Resolution.
Consider Adoption of Joint Resolution Establishing an Electronic Signature Policy	Mr. White presented the Boards with the Joint Resolution Establishing an Electronic Signature Policy for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously adopted the Joint Resolution.

Insurance & Liability Matters

Discuss Director Liability Issues and Memorandum	Mr. White discussed with the Boards the potential sources of liability for the Districts and the individual directors, and the sources of liability management including common law, statute, insurance, and indemnification by the Districts. No action was taken.
Discuss and Consider Adoption of Joint Resolution Providing for the Defense and Indemnification of Directors and Employees of the Districts	Mr. White presented the Boards with the Joint Resolution Providing for the Defense and Indemnification of Directors and Employees of the Districts for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously adopted the resolution.
Discuss Insurance Requirements and Consider Adoption of Resolution Approving an IGA with the Colorado Special Districts Property and Liability Pool and Authorize Membership in the Special District Association	Mr. White presented the Boards with the IGA with the Colorado Special District Property and Liability Pool for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the IGA.

Consider Approval of Agency Services Agreement with T. Charles Wilson Insurance Services

Mr. White presented the Boards the Agency Service Agreement with T. Charles Wilson to act as the Districts insurance agent. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the agency services agreement.

Discuss BMO Workers' Compensation Coverage for 2020 and Consider Authorizing Filing of Exclusion of Uncompensated Public Officials form for 2020 Policy Period

Mr. White discussed with the Boards obtaining workers' compensation coverage or the option to exclude workers' compensation insurance. Following discussion, the Boards determined to include workers' compensation insurance.

Consider Approval of Property and Liability Insurance Limits and Deductibles

Mr. White presented the Boards the proposed property and liability insurance quotes. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the property and liability insurance.

Engagement of Consultants

Consider Approval of Engagement Letters with White Bear Ankele Tanaka & Waldron for Legal Services

Mr. White presented the Boards with engagement letters with White Bear Ankele Tanaka & Waldron for Legal Services for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the engagement letters.

Consider Proposals for Accounting Services

Mr. White presented accounting proposals from CliftonLarsonAllen and Marchetti & Weaver. Following discussion, the Boards determined to deferred action on this matter.

Legal Matters

Consider Approval of Intergovernmental Agreement with the City of Aurora Regarding the Service Plan

Mr. White presented the Boards with Intergovernmental Agreement with the City of Aurora regarding the service plan. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the Intergovernmental Agreement with the City of Aurora.

Discuss District Boundaries

Mr. White discussed with the Boards the District boundaries. The property developer updated the Boards regarding development plans. The Boards acknowledged that boundary adjustments may be necessary in the near future to accommodate development plans. No further action was taken.

Discuss Coordinating

Mr. White discussed with the Boards coordinating service among the

Service Among the Districts

Districts. The Districts determined to defer action on this matter until development plans move further along.

Consider Approval of Form of Funding and Reimbursement Agreement (Operations) with GB Capital, LLC

Mr. White discussed with the presented the Boards with the Funding and Reimbursement Agreement with GB Capital, LLC for consideration. Following discussion, it was determined that the agreement should be with Wildcat Investors, LLC, and not GB Capital, LLC. The Boards directed legal counsel to bring the agreement back at a subsequent meeting with Wildcat Investors, LLC as a party to the agreement.

Discuss Construction of Public Improvements and Process for Reimbursement of District Eligible Costs

Mr. White discussed with the Boards Construction of Public Improvements and the Process for Reimbursement of District Eligible Costs. No action was taken.

Financial Matters

Conduct Public Hearings on 2020 Budgets

Director Babbitt opened the public hearing on the proposed 2020 Budget. Mr. White noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Consider Adoption of Resolutions Adopting the 2020 Budgets

Mr. White reviewed the 2020 Budget Resolution with the Board of District No. 1. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2020 Budget, appropriating funds therefor and certifying 0.000 mills for the general fund, 0.000 mills for the debt service fund, and 0.000 mills for the capital projects fund.

Mr. White reviewed the 2020 Budget Resolution with the Board of District No. 2. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2020 Budget, appropriating funds therefor and certifying 0.000 mills for the general fund, 0.000 mills for the debt service fund, and 0.000 mills for the capital projects fund.

Mr. White reviewed the 2020 Budget Resolution with the Board of District No. 3. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2020 Budget, appropriating funds therefor and certifying 0.000 mills for the general fund, 0.000 mills for the debt service fund, and 0.000 mills for the capital projects fund.

Mr. White reviewed the 2020 Budget Resolution with the Board of District No. 4. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2020 Budget, appropriating funds therefor and certifying 0.000 mills for the general fund, 0.000 mills for the debt service fund, and 0.000 mills for the capital projects fund.

Consider Approval of Execution of (1) Form SS-4 Application for Federal Employer Identification Number; (2) Application for Colorado Sales Tax Exemption Number; and (3) Application for Assignment of PDPA Numbers

Mr. White presented the Boards with the Form SS-4 Application for Federal Employer Identification Number; Application for Colorado Sales Tax Exemption Number; and Application for Assignment of PDPA Numbers for approval and execution. Following discussion, upon a motion duly made and seconded, the Boards approved execution of the Form SS-4 Application for Federal Employer Identification Number; Application for Colorado Sales Tax Exemption Number; and Application for Assignment of PDPA Numbers.

Discuss and Consider Establishment of Bank Accounts and Authorize Signers on the Accounts

The Board deferred discussion.

Other Financial Matters

None.

Other Business

None.

Adjourn

There being no further business to come before the Boards, and following discussion and upon a motion duly made, seconded and unanimously carried, the Boards determined to adjourn the meeting.

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



[Steven A Nichols \(Apr 6, 2021 17:10 MDT\)](#)

Secretary for the Meeting

The foregoing minutes were approved on the 4th day of December, 2020.