

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE FAIRWAYS METROPOLITAN DISTRICT AND THE BOARD OF DIRECTORS OF THE WASTEWATER UTILITY ENTERPRISE HELD OCTOBER 10, 2022

A Regular Meeting of the Board of Directors of the Fairways Metropolitan District (the “District”) and the Board of Directors of the Wastewater Utility Enterprise (referred to hereafter collectively as the “Board”) was duly called and held on Monday, the 10<sup>th</sup> day of October, 2022, at 5:30 p.m. The District Board meeting was held by teleconference call. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

Gerald “Jerry” Schram  
Wilmer “Catt” Wilson

##### Also In Attendance Were:

Steve Beck; Special District Management Services, Inc.

Nick Marcotte; Element Engineering, LLC

Mitch Galnick and Marta Galnick; Resident and liaison between the District and the Lake Valley Golf Course

Doug Bacon and Judy Shinn; Residents

#### COMMUNITY COMMENTS

Community Comments: Mr. Bacon discussed the District, community and his intent in a position on the Board.

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: Mr. Beck noted that a quorum was present and discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. There were no additional disclosures made.

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### **ADMINISTRATIVE MATTERS**

**Agenda:** Mr. Beck reviewed with the Board a proposed Agenda for the District's Regular Meeting.

Following discussion, upon motion duly made by Director Schram, seconded by Director Wilson and, upon vote, unanimously carried, the Agenda was approved, as presented.

**Minutes:** The Board reviewed the Minutes of the July 11, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Schram, seconded by Director Wilson and, upon vote, unanimously carried, the Board approved the Minutes of the July 11, 2022 Regular Meeting, as amended.

**Resignation and Appointment of Secretary to the Board:** The Board discussed the resignation of David Solin and considered the appointment of Steve Beck as Secretary to the Board.

Following discussion, upon motion duly made by Director Schram, seconded by Director Wilson and, upon vote, unanimously carried, the Board accepted the resignation of David Solin as Secretary to the Board and appointed Steve Beck as Secretary to the Board.

**Resolution No. 2021-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices:** Mr. Beck discussed with the Board Resolution No. 2021-10-01; Resolution Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

The Board determined to meet at 5:30 p.m. on January 9, April 10, July 10 and October 9, 2023 via teleconference.

Following discussion, upon motion duly made by Director Schram, seconded by Director Wilson and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-10-01; Establishing Regular Meeting Dates, Time and Location, and Designating Location for Posting of 24-Hour Notices.

**§32-1-809, C.R.S. Reporting Requirements, Mode of Eligible Elector Notification for 2023:** The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2023.

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Following discussion, upon motion duly made by Director Schram, seconded by Director Wilson and, upon vote, unanimously carried, the Board determined to post the required transparency notice information on the Special District Association's website and the District website.

### **FINANCIAL MATTERS**

**Claims:** Mr. Beck reviewed with the Board the payment of claims through the periods ending as follows:

Fund	Period ending July 31, 2022	Period ending August 31, 2022	Period ending Sept. 30, 2022
General	\$ 2,547.36	\$ 9,924.61	\$ 4,743.27
Capital	\$ -0-	\$ -0-	\$ -0-
Enterprise	\$ 6,767.19	\$ 6,574.90	\$ 9,010.62
<b>Total Claims</b>	<b>\$ 9,314.55</b>	<b>\$ 16,499.51</b>	<b>\$ 13,753.89</b>

Following review and discussion, upon motion duly made by Director Schram, seconded by Director Wilson and, upon vote, unanimously carried, the Board ratified approval of the payment of the claims, as presented.

**Resolution No. 2022-10-02 to Certify Delinquent Accounts to County Treasurer:** The Board reviewed Resolution No. 2022-10-02 to Certify Delinquent Accounts to County Treasurer.

Following review and discussion, upon motion duly made by Director Schram, seconded by Director Pavlovic and, upon vote, unanimously carried, the Board authorized Mr. Beck to work with the Residents delinquent in their accounts, to make payment plans and approved the Certification of Delinquent Accounts.

**2022 Audit:** The Board reviewed the proposal from Dazzio & Associates, PC to perform the 2022 Audit.

Following discussion, upon motion duly made by Director Schram, seconded by Director Wilson and, upon vote, unanimously carried, the Board approved the engagement of Dazzio & Associates, PC to perform the 2022 Audit, for an amount not to exceed \$5,100.

**2022 Budget Amendment Hearing:** The President opened the public hearing to consider the Resolution to Amend the 2022 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2022 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within

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the District. No written objections were received prior to this public hearing. No public comments were received, and the public hearing was closed.

Following review and discussion, Director Schram moved to adopt the Resolution to Amend 2022 Budget, Director Wilson seconded the motion and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-10-03 to Amend the 2022 Budget. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**2023 Budget Hearing:** The Board opened the Public Hearing to consider the proposed 2023 Budget and to discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2023 Budget and the date, time and location of the Public Hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this Public Hearing. No public comments were received, and the Public Hearing was closed.

Mr. Solin reviewed the estimated 2022 expenditures and the proposed 2023 expenditures.

Following discussion, the Board considered the adoption of Resolution No. 2022-10-04; Resolution to Adopt the 2022 Budget and Appropriate Sums of Money, and Resolution No. 2022-10-05; Resolution to Set Mill Levies (for the General Fund at 3.545 mills; for the Debt Service Fund 0.000 mills, for a total mill levy of 3.545 mills). Upon motion duly made by Director Schram, seconded by Director Wilson and, upon vote, unanimously carried, the Resolutions were adopted, as discussed, and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2022. Mr. Beck was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Boulder County and the Division of Local Government not later than December 15, 2022. Mr. Beck was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2023. Copies of the adopted Resolutions are attached hereto and incorporated herein by this reference.

**DLG-70 Mill Levy Certification Form:** The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

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Following discussion, upon motion duly made by Director Schram, seconded by Director Wilson and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

**Preparation of the 2024 Budget:** The Board discussed preparation of the 2024 Budget.

Following discussion, upon motion duly made by Director Schram, seconded by Director Wilson, and upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2024 Budget.

The Board determined to hold the public hearing to consider adoption of the 2024 Budget on October 9, 2023.

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### **LEGAL MATTERS**

**Election Resolution:** The Board discussed Resolution No. 2022-10-06; Resolution Calling a Regular Election for Directors on May 2, 2023, appointing the Designated Election Official (“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election.

Following discussion, upon motion duly made by Director Schram, seconded by Director Wilson and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-10-06; Resolution Calling a Regular Election for Directors on May 2, 2023, appointing the DEO and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

**Memorandum of Understanding (“MOU”) between the District and Lake Valley Golf Club (“LVGC”):** The Board entered into discussion regarding the status of the proposed Memorandum of Understanding with Lake Valley Golf Club. It was noted Mr. Pavlovic and Mr. Galnick worked on the MOU and will send the draft to Mr. Beck for distribution. Ms. Galnick discussed the community and Mr. Galnick discussed the Golf Course. No action was taken.

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### **ENGINEERING/ OPERATIONS MATTERS**

#### **Operator’s Report:**

**Aerators:** Ms. Beck reviewed with the Board comments and notes from Ms. Begeman.

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Air Compressor: Ms. Beck reviewed with the Board comments and notes from Ms. Begeman.

### 2022 Priorities:

#### Status of Guildner Pipeline Maintenance for Work on the District's Manholes:

Mr. Beck discussed with the Board the status of the Guildner Pipeline maintenance for the work on the District's manholes. Mr. Galnick noted that Guildner drove onto the GC and damaged the irrigation system, including some valves and a pipe. Mr. Beck spoke with Gabrielle Begeman with ORC Water Professionals, Inc., and neither knew that Guildner was coming on that day. Guildner was advised that they may not enter onto the GC without Ms. Begeman and the GC knowing about it in advance.

**Engineer's Report**: Mr. Marcotte reviewed with the Board the Engineer's Report and discussed the need for a bar screen at the plant. No action was taken.

**Engineering Committee Report**: Mr. Bacon expressed his concern about the treatment plant. Ms. Galnick asked Mr. Marcotte about plant operations and concerns of the Residents. No action was taken.

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## **OTHER MATTERS**

**Synthetic Wipe Study Design Proposals for Mechanical Treatment**: The Board deferred.

**Extra Pond Covers**: It was noted Mr. Marcotte is still looking for a user to take the extra pond covers.

**Quarterly Operations Reports from ORC Water Professionals, Inc. ("ORC")**: The Board entered into discussion regarding Quarterly Operations Reports from ORC. No action was taken.

**Pond**: The Board entered into discussion regarding a recent incident with an elderly resident getting into a pond and having to be rescued by a golfer. The Board directed and authorized Mr. Beck to assess various safety measures around the District's facilities and to obtain quotes as appropriate.

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### ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Schram, seconded by Director Wilson and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By: \_\_\_\_\_  
Secretary for the Meeting

THESE MINUTES APPROVED AS THE OFFICIAL OCTOBER 10, 2022  
MEETING MINUTES OF THE FAIRWAYS METROPOLITAN DISTRICT BY  
THE BOARD OF DIRECTORS SIGNING BELOW:

\_\_\_\_\_  
Gerald Schram

\_\_\_\_\_  
Wilmer Wilson