
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors Copper Mountain Consolidated Metropolitan District November 20, 2020

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on November 20, 2020 at 8:30 a.m. via video conference in accordance with the applicable statutes of the State of Colorado.

Attendance The following Directors were present and acting:

- Tom Malmgren
- Ben Broughton
- David Steele
- Stan Sprinkle
- Jim Reis

Staff in attendance was:

- Bryan Webinger, District Manager
- Eric Hookanson, Director of Cable Services (joined at 9:10)
- Missy Stabile, CMCMD Clerk-Treasurer

Also in attendance was:

- Dustin Lyman, President/General Manager Copper Mountain (left at 8:36)
- Graeme Bilenduke, Copper Mountain Director of Development (left at 8:36)
- Peter Siegel, Copper Mountain Resort Association Executive Director
- Travis Davis, Summit Fire & EMS Chief (left at approximately 9:20)
- Mary Hartley, SFE Finance Manager (left at approximately 9:20)
- Tim Flynn, Collins, Cockrel and Cole (left at 9:05)
- Eric Weaver, Marchetti & Weaver

Call To Order

A Regular Meeting of the Board of Directors of Copper Mountain Consolidated Metropolitan District was called to order by Director Malmgren on November 20, 2020 at 8:30 a.m. noting a quorum was present.

Old Business

Minutes

The Board reviewed the minutes of the October 23, 2020 Regular Board Meeting. Upon motion duly made by Director Steele and seconded by Director Sprinkle it was unanimously

AGREED to approve the minutes of the October 23, 2020 Regular Board Meeting with corrections on lines 54 and 156.

Change to Agenda

Director Malmgren announced that one of the scheduled Executive Session must be moved to the front of the agenda so that the District Attorney can participate.

Executive Session

Director Steele moved that “the Board of Directors for the Copper Mountain Consolidated Metropolitan District go into executive session for discussions

RECORD OF PROCEEDINGS

Copper Mountain Consolidated Metropolitan District November 20, 2020 Meeting Minutes

regarding legal advice as authorized by C.R.S. § 24-6-402(4)(b) of the Colorado Open Meetings Law. The discussions for the purpose of receiving legal advice regarding the November 2020 election. Those present at the outset of the executive session shall be members of the Board of Directors as present at this meeting; Tim Flynn, Collins, Cockrel and Cole; Eric Weaver, Marchetti & Weaver; Bryan Webinger, District Manager; and Missy Stabile, CMCMD Clerk-Treasurer.” Seconded by Director Broughton. Upon the Motion duly made and seconded, Director Malmgren declared, “The Motion passes on a vote of 5 in favor and 0 opposed. The time is now 8:37 a.m., and the Board will go into executive session.”

Return to

Open Session Director Malmgren stated, “The time is now 9:05 a.m., and the executive session has been concluded. The participants in the executive session were Thomas Malmgren, Ben Broughton, David Steele, Stan Sprinkle, Jim Reis, Tim Flynn, Eric Weaver, Bryan Webinger and Missy Stabile.

“For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I ask that you state your concerns for the record at this time. Seeing none, we will proceed with the agenda for the open meeting.”

Chief Davis reported the the inclusion of the Copper Mountain Consolidated Metropolitan District (CMCMD) Fire Department and service area into the Lake Dillon Fire Protection District (LDFP) d.b.a Summit Fire & EMS Authority (SFE) was approved by voters. LDFP is working on a lease agreement with CMCMD that is due on December 18. LDFP is working with legal counsel regarding the inclusion elections and mill levy transfers. The LDFP and SFE Boards will meet next on December 5.

Upon motion duly made by Director Sprinkle and seconded by Director Reis it was unanimously

AGREED that the Copper Mountain Consolidated Metropolitan District takes no position regarding Lake Dillon Fire Protection District’s efforts to secure a court order regarding the November 2020 election results.

Chief Davis will work with legal counsel on next steps and thanked CMCMD for their support and cooperation. He also thanked Director Broughton and Director Steele for their work on the SFE Board. Two seats on the new SFE Board will open in 2022 and three seats in 2023.

Financial

The October 31, 2020 financial report was prepared by Marchetti & Weaver and provided to the Board for review prior to the meeting.

RECORD OF PROCEEDINGS

Copper Mountain Consolidated Metropolitan District November 20, 2020 Meeting Minutes

Eric Weaver, Marchetti & Weaver, reported that interest income is down due to lower interest rates. Personnel expenses are favorable due to changes in staff this year, Water and Sanitation operations will finish favorably, and there will be overages in Cable Services because more work than planned was completed.

The mill levy will be reduced by 9.0555 mills in 2021. LDFP is working though procedural issues as to whether they can collect these mills. The CMCMD mill will also be reduced by 3.25 mills as a voluntary and temporary reduction. The Board can discuss keeping the 3.25 mills in case LDFP cannot levy the 9.0555 mills reduced by CMCMD. Mr. Weaver suggests that the budget be approved assuming LDFP will be able to collect the mill levy. If it turns out they are not able to collect the mill levy, CMCMD can continue to levy 3.25 mills and monitor the situation for one year.

Almost all Volunteer Firefighter annuities have been purchased for less than originally quoted. We should be able to conclude the transfer of all Volunteer Firefighter pensions and terminate the Length of Service Awards Program by the end of the year. A burial benefit letter will be drafted by legal counsel and sent with checks in December.

Upon motion duly made by Director Steele and seconded by Director Sprinkle it was unanimously

AGREED to receive the October 2020 Financial Report and cash disbursement reports as presented.

Public Hearing

Proposed 2021

Budget

Director Malmgren formally opened the public hearing regarding the proposed 2020 amended budget and proposed 2021 budget at 9:48 a.m.

Peter Siegel, Copper Mountain Resort Association Executive Director asked for clarification of the mill levy reductions. The 9.0555 mill levy collected by CMCMD for fire protection and EMS services will now be collected by LDFP, who will become the SFE Protection District as approved by CMCMD voters. CMCMD can temporarily and voluntarily reduce mill collection based on financial needs year to year. Mr. Weaver confirmed that CMCMD is not required to lower its mills. CMCMD will continue to collect a consistent amount of taxes after the mill reduction based on increased property valuations.

Mr. Siegel referred to the Asset Management Plan he has been working on which identifies a lot of community needs. Copper cannot collect taxes nor should it be responsible for all community needs. He suggested that CMCMD keep the 3.25 mills to be used for community need and projects. Bryan Webinger, District Manager commented that this is a temporary reduction and mills can be increased once community needs are identified. Mr. Siegel said that many needs have been

RECORD OF PROCEEDINGS

Copper Mountain Consolidated Metropolitan District November 20, 2020 Meeting Minutes

identified and that it will be difficult to increase the mill levy once it has been decreased. Mr. Weaver commented that the mills can be added back next year without voter approval

Director Broughton commented that he thinks Mr. Siegel's ideas are good and that these ideas should be explored next year.

There being no additional comments, Director Malmgren closed the public hearing at 10:01 a.m.

Upon motion duly made by Director Broughton and seconded by Director Steele it was unanimously

AGREED to adopt Resolution 2020-09, a resolution to amend the Copper Mountain Consolidated Metropolitan District 2020 budget.

Upon motion duly made by Director Steele and seconded by Director Broughton it was unanimously

AGREED to adopt Resolution 2020-10, a resolution summarizing expenditures and revenues for each fund and adopting a budget for the Copper Mountain Consolidated Metropolitan District, Colorado, for the calendar year beginning on the first day of January 2021 and ending on the last day of December 2021 with a caveat that if LDFP/SFE is unable to levy mills, CMCMD will remove the reduction of 3.25 mills from the 2021 budget.

Upon motion duly made by Director Sprinkle and seconded by Director Reis it was unanimously

AGREED to adopt Resolution 2020-11, a resolution levying property taxes for the year 2020, to help defray the costs of government for the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado, for the 2021 budget year subject to budget approval.

Upon motion duly made by Director Broughton and seconded by Director Reis it was unanimously

AGREED to adopt Resolution 2020-12, a resolution appropriating sums of money to the various funds and spending agencies in the amount and for the purpose as set forth in the resolution, for the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado, for the 2021 budget year subject to budget approval.

Community Updates

Peter Siegel, Copper Mountain Resort Association Executive Director reported that the county will move into Level Red COVID Precautions at the end of the day. The Resort Association is working on overnight overflow parking for lodging guests. Ice skating is now available at West Lake. 75 skaters will be

RECORD OF PROCEEDINGS

Copper Mountain Consolidated Metropolitan District November 20, 2020 Meeting Minutes

allowed on the ice at a time. City Pop has 65 pairs of skates available to rent. COVID adjustments will be made as necessary. Element 29 has a targeted opening date of December 17. The details of resort amenities and services is being discussed with Element 29 management.

Public

Comment and

Concerns

No public comments or concerns. Mr. Sprinkle left the meeting at 9:04 a.m.

New Business

ResortInternet

Agreement

Mr. Webinger is working with ResortInternet and District counsel on a one year renewable agreement. The agreement will be completed by the second week in December.

Upon motion duly made by Director Reis and seconded by Director Broughton it was unanimously

AGREED to allow the District Manager to endorse the ResortInternet agreement after it has been vetted by District counsel.

Water and Sanitation

Rate and Fee

Increases

Upon motion duly made by Director Broughton and seconded by Director Reis it was unanimously

AGREED to adopt Resolution 2020-13, an amended and restated resolution to adopt a new equitable water and sanitation rate structure for services within the Copper Mountain Consolidated Metropolitan District (CMCMD) Water and Sanitation Department's service area.

Upon motion duly made by Director Broughton and seconded by Director Reis it was unanimously

AGREED to adopt Resolution 2020-14, a resolution to adopt the 2021 Water and Sanitation Department fee and penalty schedules.

Staff Updates

Mr. Webinger pointed out that cable television rates are controlled by ResortInternet. The Fiber Upgrade Fee is a CMCMD fee collected by ResortInternet on CMCMD behalf. The District is looking at how cable bills might be paid through taxes.

There are new parking restrictions in the District parking lot and Ryan's Towing signs will be installed. District employees will be issued parking passes. Board members may request a parking pass. Besides vehicles on site for District business, only Board members, employees and their immediate families may park in the District parking lot. Friends and extended family must make parking reservations through the Copper Mountain Resort system.

RECORD OF PROCEEDINGS

Copper Mountain Consolidated Metropolitan District November 20, 2020 Meeting Minutes

2021 Meeting Schedule

A draft 2021 meeting schedule was provided to the Board. The draft needs to reflect that all meetings will be conducted via digital platform until further notice. Mr. Webinger will discuss moving the proposed November meeting to December 3 with Mr. Weaver prior to the January Board meeting.

The next Regular Board Meeting is scheduled for January 29, 2021 at 8:30 a.m. via Zoom.

Executive Session

Director Broughton moved that “the Board of Directors for the Copper Mountain Consolidated Metropolitan District go into executive session for discussions regarding personnel matters as authorized by C.R.S. § 24-6-402(4)(f) of the Colorado Open Meetings Law. The discussions are related to the District Manager’s 2020 Employee Performance Evaluation. Those present at the outset of the executive session shall be members of the Board of Directors as present at this meeting and Bryan Webinger, District Manager.” Seconded by Director Reis. Upon the Motion duly made and seconded, Director Malmgren declared, “The Motion passes on a vote of 5 in favor and 0 opposed. The time is now 11:01 a.m., and the Board will go into executive session.”

Return to Open Session

Director Malmgren stated, “The time is now 11:38 a.m., and the executive session has been concluded. The participants in the executive session were Thomas Malmgren, Ben Broughton, David Steele, Stan Sprinkle, Jim Reis and Bryan Webinger.

“For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I ask that you state your concerns for the record at this time. Seeing none, we will proceed with the agenda for the open meeting.”

Other Business

The Board directed Mr. Webinger to make discussed changes to the 2021 Compensation Plan.

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

AGREED to adjourn the Regular Meeting of the Copper Mountain Consolidated Metropolitan District Board of Directors.

RECORD OF PROCEEDINGS

Copper Mountain Consolidated Metropolitan District November 20, 2020 Meeting Minutes

Director Malmgren adjourned the Regular Meeting of the Copper Mountain Consolidated Metropolitan District Board of Directors the 20th day of November 2020, at 11:40 a.m.

Respectfully Submitted,

BY: *Thomas J. Malmgren*

Thomas J. Malmgren
President of the District

ATTEST: *David Steele*

David Steele
Secretary of the District