



MEETING MINUTES

DATE: JUNE 9, 2023

LOCATION: 0408 CARTERVILLE ROAD
AND VIDEO CONFERENCE
STATE OF COLORADO (COUNTY OF EAGLE)

REGULAR BOARD MEETING

ATTENDANCE

Board Members Present: Cheryl Foley, President; Richard Saxby by Zoom, Treasurer; Ellen Alexander; Terry Boyle; Harry Jasper, Secretary

CMD Staff Present: Trevor Broersma, General Manager; Paula Kurtz, HR, and Finance Administrator

Panelists via Zoom: Alan Pogue, CMD Legal Counsel; Margaret Henderson of Clifton, Larson; Anna Wool, CMD Legal Counsel

Members of public present in person: Debbie Brady

Members of the public present via Zoom: Gregory Murphy, Melissa Murphy, Jerry Nichols, Bill Farley, Margo Boyle, Mike Autera, Steve Houk, Nukhet Saxby, Betsy Myers, Dan Roberts, Jane Wisenbaker, Brooke Ferris, David Bentley, John Sorebo, Bruce Baron, Lainie Edinburg

CMD Staff present via Zoom: Sam Lazar, Community Operations Manager; Bill Anderson, Communications Specialist

CALL TO ORDER/DECLARATION OF QUORUM

Director Foley called the meeting to order at 9:04 am, noting a quorum was present.

ADEQUATE NOTICE/CONFLICT DISCLOSURE

Board members acknowledged receiving notice of the meeting no less than 24 hours in advance. No disclosures or conflicts with items on the agenda were cited.

APPROVAL OF AGENDA

Director Jasper moved to approve the agenda for June 9, 2023, and Director Boyle seconded the motion. Motion passed unanimously.

President Foley asked for an approval of the Consent Agenda, consisting of approval of the minutes for the April 4, 2023, board meeting. Director Boyle made a motion to approve the agenda seconded by Director Jasper. Motion passed unanimously.

2023 Election of Officers and Committee Appointments

The Board welcomed newly elected directors, Ellen Alexander, and Terry Boyle, to the CMD Board of Directors. President Foley made a motion to approve the election of Ellen Alexander as Assistant Secretary/Assistant Treasurer of the Board, and Terry Boyle as Vice-President of the Board. Mr. Jasper seconded the motion. Motion passed unanimously. The Board then appointed Director Alexander to the Finance Committee and Director Boyle to the Human Resources Committee by unanimous consent.

DISCUSSION ITEMS

Financial Update

Director Saxby provided a financial update of the April 2023 year-to-date operating budget and capital expenditure budget. Both are ahead of budget at this time. He noted that many of the spring and summer projects had not yet started, and that there was an additional \$100K of annual revenue derived from the recently implemented CPOA service agreement. This amount had not been budgeted for. In addition, many of the efforts of Equestrian Center Manager, Annie Morris, have improved the Equestrian Center outlook.

On the Capital Expenditure side, there are additional water tap fees that are improving the revenue line.

Mr. Saxby stated that, in summary, revenues are up, and expenditures are down. It is still early in the year, but we are off to a good start.

Discussion of the Cordillera Habitat and Wildlife Fund (the “CHEW” Fund) and Related Resolutions

Mr. Boersma then introduced a discussion regarding the “Consolidated Wildlife Plan,” the Wildlife Trust Fund (known as the “CHEW fund”), and Healthy Forest initiatives over the years. The CHEW fund was initiated by the Cordillera developer over 19 years ago with the goal of providing funds to maintain and improve wildlife habitat and to improve wildfire mitigation within Cordillera.

CMD legal counsel Anna Wool provided the history of the initiative and funding. She explained that there was intended to be a trust document to govern the management of the CHEW fund that no one has been able to locate after making a concerted effort to do so. It is now presumed that the document was never completed. This fund had been established in the early development of Cordillera to provide a source of money to protect Cordillera’s wildlife. Entities endorsing the “Consolidated Wildlife Plan” that, among other things, established the CHEW fund, were CMD, CPOA, the Club at Cordillera, Colorado Parks & Wildlife, and Eagle County. Under the Plan, CMD has only been permitted to access the earnings from this fund (not the principal), and, for over 19 years, the fund (with a current balance including principal and interest of approximately \$250,991) has never been used. The two proposed resolutions would: (i) terminate the CHEW fund as it currently exists; (ii) use \$200,000 from the fund now to obtain a matching grant through Eagle Valley Wildland for specific fire mitigation projects; (iii) establish a new CMD fund (the “Cordillera Wildlife Fund”) with an initial deposit of \$50,000; and (iv) establish a new CMD “Wildlife Committee” to work with Colorado Parks and Wildlife to recommend new projects and funding in future years. Proposed initial members of the Wildlife Committee under the resolution establishing the Committee are Richard Saxby and Ellen Mitchell. The Committee will develop long-term objectives and work with local partners to maximize funding opportunities and make recommendations to the CMD board of directors for future funding.

Mr. Boersma further discussed the funding mechanism and opportunities through the Eagle Valley Wildland team for funding matches.

President Foley asked if there were any questions or comments from the Board as to the proposals and the two resolutions to be acted upon in today’s meeting.

Mr. Saxby thanked Mr. Boersma and Ms. Wool for their efforts to maximize the utilization of funds and resources, while working to garner matching funds where possible.

Mr. Boyle asked if there was any further opportunity to locate the missing trust document and if she had checked for any recordings of the document. Ms. Wool replied that the effort had been exhaustive, but unsuccessful and that she was working off language in prior minutes and documents.

After discussion, President Foley asked for a motion to approve the proposed resolution establishing the new Wildlife Committee and its initial members. Mr. Jasper made a motion to approve the committee. The motion was seconded by Mr. Boyle. Motion passed unanimously.

President Foley then asked for a motion to approve the replacement of the CHEW Fund with the proposed new “Cordillera Wildlife Fund,” as described and discussed. Mr. Jasper made a motion to approve the new fund. The motion was seconded by Mr. Boyle. Motion passed unanimously.

Management Team Update

Mr. Boersma reported on several topics, the first being special training for the Public Safety team involving response to mental health events. A specialist was brought in to train the team on how to react to these events when they are confronted with an individual having a mental health crisis.

The operations team had recently received special training from professional sawyers on proper and safe chainsaw safety, usage/operation, and storage.

Mr. Broersma then made the board aware of a request by the neighboring Donovan Ranch asking Eagle County for a request for special events on their property. While these events would be located off Cordillera property, they would abut some areas that could involve noise and other impacts into the community. He wanted to be sure the board and community was aware of this special request. The County will hold a hearing on this request, tentatively set for June 21.

Mr. Broersma reported that there are continued staffing and hiring challenges in the Vail Valley. There are currently two positions open in the operations department, and we may lose one employee in Public Safety. The Equestrian Center is fully staffed currently.

Mr. Boersma reported on the Traffic Calming initiative to slow down traffic within the community. Data is now available that shows that there is an average of 315 vehicles passing through the gates every day. Over 30% are driving over the posted speed limit. He and the Public Safety team will employ new tactics and strategies this summer. A traffic report card will be created and posted to make the public aware of the issue.

He reported that Annie Morris and Chris Bale are doing a great job at the Equestrian Center in creating programs that drive revenue, while managing or creating events to drive interest in the operation. He reviewed several of the projects that are in progress to include arena, hay storage and fencing improvements. Ms. Kurtz reported that the June 20 horse camp has 34 of 36 spots filled. It would be full except for a last-minute cancellation. The Kids Camp will operate Tuesday through Friday. Most of the week will involve improving riding skills with games, arts and crafts. Fridays will include painting the horses to be followed by bathing and grooming the horses. A special public event will be held at the end of each week to highlight the new skills learned. Parents and grandparents are encouraged to attend.

President Foley stated that she felt that the equestrian program is starting to live up to its full potential.

Mr. Boersma reviewed the special projects that have been completed at Bearcat Stables recently. Twenty badly needed additional parking spaces were created at Bearcat by the operations team and additional fenced areas were built for the horses.

The ponds will soon be stocked this month although the date is not yet determined. A seeding and weeding program is in place at Bearden Pond.

Wildfire mitigation efforts are happening with the help of Eagle Valley Wildland and Old Growth Tree Service. Old Growth Tree Service has performed well.

Employee Spotlight

Mr. Boersma highlighted the efforts of Jose Velasco of the operations team, and Bob Roman of the Public Safety team. Bob handles gate duties at The Divide. He gave an extended background for Jose and Bob. They are valued, and long tenured employees. The board appreciates the efforts of both individuals.

Water Fund Follow Up

President Foley responded to a question asked at the last board meeting related to what happened to the money in the CMD's Water Fund that had been moved into the General Fund. She presented an unofficial chart that highlighted cash flows and fund balances for the years 2021-2023.

Public Safety Presentation and Discussion

Mr. Boersma updated the board on an event that occurred on June 6 involving a large truck accident that involved local emergency response entities. The driver was thankfully rescued from a potentially fatal situation by three Troon Golf employees. The driver was cited but the cause has not yet been determined. Overall, the response was excellent. Public safety was on the scene immediately and was involved for over six hours. We will be following up with all responders to determine if there were any areas of opportunity to improve response to these types of incidents.

He felt that it was important that he report to the Board on the unacceptable behavior of several homeowners who were unavoidably delayed due to shut down of the road during this emergency. It was an extremely challenging situation for the emergency responders.

President Foley acknowledged that the cause of this accident has not yet been established at this time, but asked about maximum penalties that could be imposed on outside contractors driving irresponsibly within Cordillera. Mr. Boersma stated that he would follow up with CMD legal counsel to identify what options were available. Mr. Saxby thanked Mr. Boersma and his team for a job well done.

Mr. Boersma further reported on Public Safety and identified some of the core functions of Public Safety:

- Community Control Access
- Monitor theft.
- Information services, driving directions.
- Managing contractor movement to the over 40 homes that have been built in recent years. Many contractors now come from Denver with no familiarity with Cordillera. Direct, coordinate large cranes and delivery trucks.
- Dispatch and receive calls.

- Monitor speeding.
- Overnight coverage-overnight access, wildlife interactions, monitor facilities and grounds, gas and water leaks, alert snowplow drivers to issues and conditions.

President Foley reviewed the challenges associated with funding Public Safety moving forward. She also noted that private homeowner insurance credits may be available due to some of the public safety coverage we provide.

Ms. Alexander stated that while she felt it may be a good practice to charge for specific services, the collected fees will not cover what is needed. The community needs to get involved.

Public Comments

Margo Boyle suggested charging for car washes, as that may get people's attention.

Steve Houk stated that he appreciated President Foley's efforts to explain the Water Fund. He asked if the capital expenditures fund could be managed differently to free up money. Mr. Boersma and Mr. Saxby outlined the on-going process to evaluate and fund capital expenditures, including inflation-related challenges. It is a strenuous process, and the management team is evaluating the updated 20-year plan with Mr. Saxby continuously. Mr. Saxby noted that inflation has been a huge challenge in recent years. He noted that CMD has limited borrowing and revenue enhancement options, so projects cannot be arbitrarily delayed without raising serious concerns about the ability to fund them in the future.

At 10:52 President Foley asked the board to go into the first of two executive sessions to discuss legal matters with counsel. Mr. Boyle made a motion to convene Executive Sessions of the Board. Seconded by Ms. Alexander. Motion passed-all in favor.

EXECUTIVE SESSION #1 Executive session pursuant to Section 24-6-402(4)(b), C.R.S., to confer with legal counsel to receive legal advice related to the provision of public safety services. The Executive session commenced at 12:42. Mr. Boyle made a motion to adjourn at 12:48 pm. Motion seconded by Mr. Jasper.

EXECUTIVE SESSION #2 Executive session pursuant to Section 24-6-402(4)(f)(I), C.R.S., to discuss personnel matters related to the general manager's mid-year review. Session commenced at 12:48 and ended at 1:29 pm. Mr. Jasper made a motion to adjourn seconded by Mr. Boyle.

ADJOURNMENT

There being no further business before the Board, President Foley closed the regular meeting at 1:29 pm.