

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

OF

BIG SKY METROPOLITAN DISTRICT NO. 1

Held: Wednesday, September 21, 2021, at 10:00 a.m. at the offices of White Bear Ankele Tanaka & Waldron, PC, 2154 E. Commons Ave., Suite 2000, Centennial, Colorado 80122 and via teleconference

Attendance

The regular meeting of the Board of Directors of the Big Sky Metropolitan District No. 1 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:

Thomas Morton, President
Todd Johnson, Treasurer/Secretary

Also present were Zachary P. White, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law; and Alex Fink, CliftonLarsonAllen.

Call to Order/Declaration of Quorum

It was noted that a quorum of the Board was present, and Director Morton called the meeting was 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 Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. White inquired into whether members of the Board 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 Board to act.

Public Comment

None.

Consent Agenda

Mr. White reviewed the items on the consent agenda with the Board.

Mr. White advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified, and adopted:

- November 16, 2021, Special Meeting Minutes
- Resolution of the Board of Directors Designating the District's 24-Hour Posting Location
- Independent Contractor Agreement with Heatherly Creative, LLC, for Website Creation Services

Legal Matters

Consider Approval of Letter to City of Lakewood re Removal of Certain Parcels of Real Property from the City of Lakewood's Wastewater Service Area

Mr. White presented to the Board a Letter to the City of Lakewood regarding Removal of Certain Parcels of Real Property from the City of Lakewood's Wastewater Service Area. The District, a local governmental entity which may serve certain parcels of property, is being asked to take the lead in removing certain parcels of property from the City of Lakewood wastewater service area. Following discussion, upon a motion duly made and seconded, the Board unanimously approved executing and delivering the letter to the City of Lakewood once consent from all underlying property owners have been obtained. Legal counsel was directed for follow up with property owners regarding consent.

Update re Litigation with Green Mountain Water and Sanitation District

None.

Executive Session pursuant to § 24-6-402(4)(b) & (e), C.R.S., to (i) receive legal advice on specific legal questions related to ongoing litigation with Green Mountain Water and Sanitation District, and determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and

None.

instructing negotiators with respect to ongoing litigation with Green Mountain Water and Sanitation District, and (ii) to receive legal advice on specific legal questions related to a request to the City of Lakewood to remove parcels from its wastewater service area.

Financial Matters

Consider Approval of Payables/Financials

Mr. Fink presented the payables and financials. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the payables and financials.

Other Business

Next Meeting – November 16, 2022, at 3:30 p.m.

Adjourn

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

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

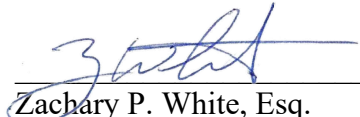


Secretary for the Meeting

The foregoing minutes were approved on the 16th day of November 2022.

**ATTORNEY STATEMENT
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Big Sky Metropolitan District No. 1, I attended the executive session meeting Big Sky Metropolitan District No. 1 convened at 10:21 A.M. on September 21, 2022, for the sole purpose of discussing conferring with special counsel to receive legal advice on specific legal questions related to ongoing litigation with Green Mountain Water and Sanitation District, and determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators with respect ongoing litigation with Green Mountain Water and Sanitation District, and to receive legal advice on specific legal questions related to a request to the City of Lakewood to remove parcels from its wastewater service area, as authorized by Section 24-6-402(4)(b), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.



Zachary P. White, Esq.