

# **BNC METROPOLITAN DISTRICT NO. 1**

## **Special Board Meeting Minutes**

Meeting Date: Saturday August 30, 2025

Meeting Time: 5:02pm to 7:06pm

Meeting Location: Online

### **I. Roll Call (5:02 pm)**

A special meeting for the BNC Metropolitan District #1 (District) was called and held as shown above and in accordance with the statutes of the State of Colorado. The following Directors were in attendance:

<b>Directors</b>	<b>Office</b>	<b>Attendance</b>
Jeff Trzeciak	President	Present
Thomas Kivett	Vice President	Present
Arthur Tucker	Director	Present
Rob Hodnet		Present
Rich Lange		Absent

Also, in attendance was District Managers Charles Wolfersberger and Jennifer Brink (Wolfersberger, LLC); General Counsel, Paul Rufien (Paul Rufien, PC). No homeowners attended the meeting.

### **II. Call to Order**

The meeting was called to order by Director Trzeciak. District Manager noted that a quorum of the Board was present, the Directors confirmed their qualification to serve and, therefore, called the special board meeting of the District to order.

### **III. Present disclosures of potential conflicts of interest**

The Board reviewed the agenda for the meeting, following which all directors disclosed no conflicts of interest with the topics to be discussed at the meeting.

### **IV. Director Matters – None**

### **V. Public Comments – None**

### **VI. Executive Session**

At 5:04 pm, Director Trzeciak motioned to convene the meeting to executive session per C.R.S. 24-6-402(4)(b) to confer with legal counsel regarding (1) the August 01, 2024 complaint filed in district court by HW2, LLC against the District and Adams County to exclude 22.2 acres of land owned by HW2 from the District, (2) the May 01, 2023 complaint jointly filed by BNCMD1 and

BNCMD2 against BNCMD3 (controlled by Catellus Inc.) and five individuals (employees of Catellus Inc. and spouses of employees) regarding, among other issues, the 2017 tri-party cost sharing intergovernmental agreement and related cash transfers from BNCMD1 and BNCMD2 to BNCMD3. Director Kivett seconded the motion and the Board voted 3-0 to approve the motion.

Also in attendance was Mr. Wolfersberger and Mr. Rufien.

Director Hodnet arrived at the meeting at 5:16pm

Executive session was not recorded at the direction of District’s legal counsel. No actions were taken by the Board during executive session.

Director Hodnet left the meeting at 7:00pm.

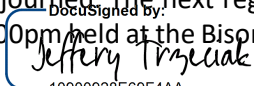
At 7:06pm, Director Trzeciak motioned to close the executive session for the District. Director Kivett seconded the motion and the Board voted 3-0 to approve the motion.

Post Executive Session Business: The Board directed Mr. Rufien to communicate with counsel for HW2 regarding settlement. The Board further appointed Director Hodnet and Director Trzeciak to assist in the negotiation of a settlement offer with HW2 and report the proposed settlement offer back to the entire board for consideration. If the Board reaches a settlement offer with HW2 before the start of trial on Wednesday September 3rd, Mr. Rufien will work HW2 counsel on obtaining from the court a grant to continue the trial at a future date.

The Board directed Mr. Wolfersberger to contact UMB regarding whether the District’s 2017 bondholders will oppose the District excluding HW2 land out of the District in exchange for a cash settlement from HW2 yet to be determined.

**VII. Adjournment (7:06pm)**

There being no further business to come before the Board, and upon motion duly made by Director Kivett, seconded by Director Trzeciak and unanimously carried, the meeting was adjourned. The next regular board meeting is scheduled for Wednesday September 17, 2025 at 6:00pm held at the Bison Ridge Recreation Center (13905 E 112th Ave, Commerce City, CO 80022)

 <small>Docusigned by:</small> <small>10000926E69F4A...</small> President	9/18/2025 Date
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