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## RECORD OF PROCEEDINGS

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Mountain Recreation Metropolitan District – December 21, 2022 Meeting Minutes

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### **Minutes of the Regular Meeting Of the Board of Directors Mountain Recreation Metropolitan District December 21, 2022**

The regular meeting of the Board of Directors of the Mountain Recreation Metropolitan District, Eagle County, Colorado, was held on December 21, 2022, at 6:00pm, in the Edwards Field House, 450 Miller Ranch Road, Edwards, Colorado, and via Zoom platform, in accordance with the applicable statutes of the State of Colorado.

**Attendance** The following Directors were present and acting:

- Jason Cowles
- Mikayla Curtis
- Chris Pryor
- Tom Pohl

Tracy Erickson was absent and excused. Also in attendance were:

- Janet Bartnik, Executive Director
- Scott Robinson, Superintendent of Business Operations (attending remotely)
- Cat Olson, Human Resources Manager
- Lizzy Owens, Community Engagement Manager (attending remotely)
- Brad Johnson, Facility Supervisor - Edwards
- Anna Englehart, Superintendent of Recreation Programs (attending remotely)
- Sanjok Timilsina, Finance Manager
- Megan Carter, Outdoor Recreation Supervisor
- Kaili Schroeder, Outdoor Recreation Coordinator
- Amy Burford, Administrative Assistant
- Ken Marchetti, Marchetti and Weaver
- Kevin Sharkey, ECO Trails (attending remotely)
- Robin Thompson, ECO Trails

#### **1. Call to Order**

The regular meeting of the Board of Directors of Mountain Recreation Metropolitan District was called to order by Director Pryor on December 21, 2022, at 6:05pm, noting a quorum was present to conduct business.

Ms. Carter introduced Ms. Schroeder to the board as the new Outdoor Recreation Coordinator and explained that Ms. Schroeder will be helping with all Outdoor Recreation programming while mainly providing support for the Monument trips and overnight summer camps.

#### **2. Changes to the Agenda**

There were none.

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### 3. Minutes

Director Pryor asked the Board to consider the November 16, 2022 meeting minutes.

Director Cowles moved to approve the November 16, 2022 regular minutes as presented. Director Curtis seconded the motion. It was unanimously.

RESOLVED to approve the November 16, 2022 regular meeting minutes as presented.

### 4. Public Input

Director Pryor asked for anyone from the public wishing to share comments with the board to do so at this time.

There was none.

### 5. Presentations – Cyber Security Plan

The District's current cyber insurance expires on April 13, 2023. The District's status of an insurance provider or coverage cost in 2023 is still uncertain. There is an increase in cyber-attacks, which has led to an increase in cyber security insurance premiums. Mr. Robinson explained the annual premium from 2022 and details of the current cyber insurance coverage. He reviewed the phishing emails that were received by staff in 2022 and one email breach that required forensic investigation that resulted in the District paying out the \$5,000 deductible. He shared that there are preventive measures currently in place, such as the new ProofPoint email spam filter, and future changes planned to increase security. He stated the plans for 2023 which include launching Okta identity management for all full-time staff and continued research to ensure current prevention practices remain industry standard.

Director Cowles asked for more details about ProofPoint software. Mr. Robinson explained that ProofPoint scans every email to identify and block malware. Director Curtis asked Mr. Robinson how much of his time is spent on the new ProofPoint email filter. Mr. Robinson explained that he is helping filter emails for a short period of time and that Decypher will soon manage the filter system. Director Pryor thanked Mr. Robinson for his presentation.

### 6. Business

#### a. Accounting Services Letter of Engagement

Marchetti & Weaver has submitted a letter of engagement for accounting services for board consideration. The last engagement was approved in December 2019. Mr. Timilsina stated that Mr. Marchetti has been a valuable asset to the District. He explained a few minor changes in Mr. Marchetti's services moving forward.

Director Pryor asked about Marchetti and Weaver's future involvement in elections. Mr. Marchetti explained that Mr. Robinson and Mr. Timilsina will be taking over designated election official duties, but Marchetti & Weaver can provide election support when needed.

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Director Pohl moved to approve the engagement of Marchetti & Weaver LLC to provide accounting services to the District and to accept the terms of such services as provided in the engagement letter. Director Pryor seconded the motion. It was unanimously.

RESOLVED to approve the engagement of Marchetti & Weaver LLC to provide accounting services to the District and to accept the terms of such services as provided in the engagement letter.

### **b. Legal Services Letter of Engagement**

Spencer Fane has submitted a letter of engagement for legal services for board consideration. The last engagement was approved in December 2019. Ms. Bartnik stated that the District has enjoyed a positive experience working with Spencer Fane.

Director Cowles moved to approve the engagement of Spencer Fane to serve as legal counsel for the District and to accept the terms of such services as provided in the engagement letter. Director Pryor seconded the motion. It was unanimously.

RESOLVED to approve the engagement of Spencer Fane to serve as legal counsel for the District and to accept the terms of such services as provided in the engagement letter.

### **c. FY 2022 Audit Services Engagement**

Maggard & Hood has submitted a letter of engagement for audit services to be performed in 2023 for the fiscal year 2022. Director Cowles asked if the District considered the audit services of other firms. Ms. Bartnik confirmed that the District issued a request for proposals for audit services in for the FY22 audit. She stated that Maggard & Hood was the only firm to submit a letter of engagement. Mr. Marchetti pointed out the value in working with an experienced firm. Mr. Timilsina explained the challenges the District could face if a new firm took over the audit services.

Director Curtis moved to approve the engagement with Maggard & Hood for FY 2022 audit services in the amount of \$10,600. Director Pohl seconded the motion. It was unanimously.

RESOLVED to approve the engagement with Maggard & Hood for FY 2022 audit services in the amount of \$10,600.

### **d. Apparel Contract Awards**

Staff advertised and bid for screen-printed and embroidered apparel supply services. This bid includes items both for staff uniforms as well as for participants jerseys and uniforms. Mountain Recreation staff last completed a request for proposal for apparel services in 2018. The District was seeking one or more apparel provider(s) to enter an annual contract with guaranteed pricing from January 1, 2023-December 31,2023 with the option for two additional one-

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year renewals. Seven apparel providers submitted applications and five of those applicants are based in Eagle County. Contracts have been reviewed by legal counsel and staff have selected the following providers:

- Staff apparel: JB Tess located in Eagle, CO
- Summer Camp Tees: JB Tees located in Eagle, CO
- Gymnastics: Elite Sportswear GK located out-of-state
- Aquatics: Original Waterman located out-of-state
- Youth & Adult Sports Leagues: Dally Up Creations located in Gypsum, CO

Director Cowles moved to approve the contracts with Dally Up Creations, Elite Sportswear GK, JB Tees & Original Waterman. Director Pryor seconded the motion. It was unanimously.

RESOLVED to approve the contracts with Dally Up Creations, Elite Sportswear GK, JB Tees & Original Waterman.

### **e. User Group Agreements – FY 2023**

User group agreements for 2023 have been drafted for board review for specially qualified youth serving organizations utilizing Mountain Recreation owned and/or operated facilities for their programs. Staff requests approval for user group agreements with the following groups:

- 10<sup>th</sup> Mountain Lacrosse
- Eagle River Baseball and Softball Club
- Stash Lacrosse
- The Cycle Effect
- Three Rivers Little League
- Vail Valley Lacrosse Club
- Vail Valley Soccer Club
- YouthPower365

Mr. Johnson explained that Eagle River Baseball and Softball Club is a new addition to the user groups agreements. He pointed out that there were a few changes with the collaboration portion of the agreements. Director Pryor brought up concerns about the concession vendor selection for the fall lacrosse tournament hosted in Eagle. Mr. Johnson confirmed that he will contact Mr. Ruff to address any possible issues and potential improvements with concession vendors. Director Pohl voiced his excitement for the collaboration services that were included in the user group agreements.

Director Pryor moved to approve user group agreements with The Cycle Effect, Three Rivers Little League, Vail Valley Soccer Club, YouthPower 365/COPA, 10<sup>th</sup> Mountain Lacrosse, Stash Lacrosse, and Eagle River Baseball Softball Club programs for 2023. Director Pohl seconded the motion. It was unanimously.

RESOLVED to approve user group agreements with The Cycle Effect, Three Rivers Little League, Vail Valley Soccer Club, YouthPower

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365/COPA, 10<sup>th</sup> Mountain Lacrosse, Stash Lacrosse, and Eagle River Baseball Softball Club programs for 2023.

**f. Strategic Plan Update**

In 2022, the board met for a strategic planning retreat. Staff facilitated group exercises to affirm mission, vision, values, and strategic direction for the next iteration of the strategic planning document, considering what were the most important strategic priorities for the staff to place their focus for the next 12-18 months. Staff delivered a draft of the document to the board via email in October and requests consideration of adoption of the immediate priorities for 2023-2024.

Ms. Bartnik stated that she recently updated the document and revised the vision statement which was sent to management team for approval. Director Pohl brought up concerns about timing of the renewal of the intergovernmental agreements regarding the Eagle pool project. Ms. Bartnik explained that the plan is to address the Town of Eagle partnership first, hopefully in the spring of 2023, because of the pool project.

Discussion ensued about community engagement plans for facility improvements and concerns about timing in relation to the recent ballot measure. Ms. Bartnik explained there is a plan to revisit the Edwards facility when the Vail Health lease renewal is presented again. She stated that some concepts from All Access Rec will be used again on a smaller scale that fits within the District's budget. She stated that engagement with the Edwards community will begin in January and Eagle engagement will begin in the Spring of 2023 to gather public opinion on the pool project. She pointed out that conversations with the community will happen in person to emphasize clear communication.

Director Pryor moved to approve the strategic plan update and adopt the immediate priorities for 2023 -2024. Director Pohl seconded the motion. It was unanimously

RESOLVED to approve the strategic plan update and adopt the immediate priorities for 2023 -2024.

**g. ECO Trails Fiscal Sponsor – Update**

District staff were approached by Eagle County staff in the fall of 2022 to see if there was any interest in the Mountain Recreation Foundation serving as the fiscal sponsor for Eagle County's Eco Trails fundraising campaign to complete the final miles of the recreation path in Eagle County. Staff decided to explore this opportunity as a way for the District to support the fundraising efforts in lieu of a cash donation. Staff request that the board accept the fiscal sponsor agreement between the Mountain Recreation Foundation and Eco Trails, approving a 2% administrative fee for services provided.

Mr. Timilsina explained the responsibilities of a fiscal sponsor and stated that legal counsel has reviewed the agreement. He explained the 2% administrative fee was determined after a cost analysis was performed. Director Pryor asked

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for more clarification on the administrative fee. Mr. Timilsina stated that the fee determined from the cost analysis is based on estimates because staff does not know how much money in total will be collected. Mr. Sharkey stated that if Mountain Recreation staff is exceeding the estimated workload, then Eagle County would be open to adjusting the administrative fee. Director Pohl voiced his support for the completion of the trail and stated that he has concerns about Mountain Recreation staff providing services for a Mountain Recreation Foundation project. Ms. Bartnik confirmed that staff had reviewed those same concerns with legal counsel and legal counsel felt the agreement was appropriate as constructed. Director Curtis asked if staff will be tracking the hours spent on the fiscal sponsor project. Director Pryor stated he believes tracking hours would be best practice. Mr. Timilsina confirmed that staff will track their hours spent on the Eagle County trails fiscal project sponsorship. Mr. Robinson stated that a condition of services can be added into the agreement in case time spent by staff is more than anticipated. Mr. Sharkey agreed with Mr. Robinson.

Director Pryor moved to approve the fiscal sponsor agreement between the Mountain Recreation Foundation and Eco Trails, approving a 2% administrative fee for services provided. Director Curtis seconded the motion. Director Pohl abstained. By a vote of 2-0-1 it was

RESOLVED to approve the fiscal sponsor agreement between the Mountain Recreation Foundation and Eco Trails, approving a 2% administrative fee for services provided.

### **h. Full Time Position Authorization**

In 2021, it was identified through a look-back period review that a part-time employee had averaged 30+ hours a week qualifying her for the health insurance benefit program offered by the District. The position remains classified as part-time and is afforded health care benefits. The employee is not afforded the remainder of benefits afforded to full-time staff, such as retirement benefits. Ms. Olson stated that staff is requesting authorization for this housekeeping position to become officially full-time which will qualify the employee for all full-time staff benefits beginning January 1, 2023.

Director Pryor asked if the position floats across the District locations. Ms. Olson confirmed that the employee works at multiple locations. Mr. Cowles asked if it would be more expensive for the District to contract out housekeeping services in the event that this position becomes vacant. Ms. Bartnik confirmed that it would be a larger expense to contract the services out to an external provider.

Director Pohl moved to approve authorization of the part-time housekeeping position as full-time beginning in January 2023. Director Cowles seconded the motion. It was unanimously

RESOLVED to approve authorization of the part-time housekeeping position as full time beginning in January 2023.

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### **i. Other Business**

Director Pryor requested that the date of the December board meeting be adjusted for next year. Ms. Bartnik confirmed that can be done in the October board meeting. Ms. Bartnik reminded the board members of the February 21<sup>st</sup> meeting for the Eagle outdoor pool replacement discussion with the Town of Eagle Council.

## **7. Financial Matters**

### **a. Financial Statements**

### **b. Accounts Payable**

Mr. Timilsina reviewed cost recovery numbers and stated that the Eagle Area's unfavorable cost recovery is improving due to the start of ice rental season.

Director Cowles moved to approve the financial statements and accounts payable report as presented. Director Curtis seconded the motion. It was unanimously

RESOLVED to approve the financial statements and accounts payable report as presented.

### **c. Mountain Recreation Investment Strategy**

The District has a total of eleven Certificates of Deposit (CDs) as of November 2022. Two CDs are maturing in December 2022, and three more are maturing in January – July 2023. The remaining six CDs have maturity dates in 2024 – 2026. Interest rates are currently very high with 5-year CD yielding as high as 5%. Mr. Timilsina explained that purchasing CDs is a very safe way to invest and the plan is to reinvest the CDs once they mature.

Director Pohl asked what the District's cash balance would be after purchasing the CDs. Mr. Timilsina stated that the balance would be \$2.1 million. Ms. Bartnik explained that the CSIP account is available for cash if needed.

Director Cowles moved to approve the purchase of six Certificates of Deposit worth approximately \$250,000 each and totaling \$1.5 million. Director Curtis seconded the motion. It was unanimously

RESOLVED to approve the purchase of six Certificates of Deposit worth approximately \$250,000 each and totaling \$1.5 million.

## **8. Staff Reports**

### **a. Administration**

### **b. Facilities Division**

### **c. Recreation Programs Division**

## **9. Reports & Board Communication**

Mr. Johnson gave an update on the timeline of the outdoor ice rink in Edwards. Ms. Curtis asked if Mr. Heller's departure will affect the Gypsum pool hours. Ms.

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Englehart stated that Ms. Kerbow and the aquatics staff do not plan on changing the pool hours.

### **10. Executive Session**

Pursuant to CRS 24-6-402(4)(e) relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators and CRS 24-6-402(4)(f) concerning personnel matters – Executive Director Performance Review.

### **11. Adjournment**

Director Curtis moved to adjourn the board meeting. Director Cowles seconded. It was unanimously.

RESOLVED to adjourn the meeting at 9:20 pm.