



**Special Board Meeting via Conference Call – Telluride, CO 81435
Thursday, May 21, 2020 at 11:30 AM MST**

Call to Order and Determination of Quorum

Board Members Present:

Fran Berg, President

Lynn Cranford, Vice President

Greg Malver, Treasurer

Rona Seams

Dan Henschel

Ray Bowers, Secretary via Proxy by Rona Seams

Lukas Scheibler via Proxy by Rona Seams

Others Present:

Nicole Pieterse, HOA Attorney, Russell & Pieterse

Ken Fellman, Internet Attorney

John Knowles, HOA Facilities Manager

Gabrielle Daley, Internet Attorney

Garrett Brafford, Catapult Consulting

Scott Benge, Catapult Consulting

Jacob Wright, Catapult Consulting

The meeting was called to order by Fran Berg at 11:32 AM MST and a quorum was established with 7 board members present and represented by proxy.

Consideration and the Approval of the Following Minutes: April 29, 2020

There were no additions or corrections to the April 29, 2020 Meeting Minutes. Lynn Cranford **motioned** to approve and Dan Henschel **seconded**. Passed unanimously 7-0.

Highspeed Internet Project

Rona Seams updated the Board on the status of the Highspeed Internet Project and mentioned that Forethought offered two options for consideration:

Option 1: This represents the original option Ski Ranches had been discussing with Forethought since the beginning of discussions last summer. However, Forethought recently conveyed that it believes the grant funds go towards its ownership portion of the project infrastructure. This was not clear on the grant website or the grant application. Ski Ranches' internet counsel confirmed that it is their understanding that the grant funds are to motivate internet service providers to put in infrastructure in areas of Colorado that do not have access to highspeed internet.

Under this option Ski Ranches and its members contribute an estimated \$245K to the installation of the infrastructure. In exchange for Ski Ranches' contribution, Ski Ranches will own a portion of the infrastructure from Society Turn to Fox Farm and all of the drops from the Ski Ranches' roads to each Ski Ranches' home. Ski Ranches' would not own any of the infrastructure along the 6.5 miles of Ski Ranches' roads. In addition, Ski Ranches would be allowed to bring in a competitor after the five-year



Special Board Meeting via Conference Call – Telluride, CO 81435
Thursday, May 21, 2020 at 11:30 AM MST

exclusive period ends. The potential competitor will not take over ownership of the system but rather would be allowed to serve some customers while Forethought serves others. It is Ski Ranches understanding that Forethought will work to provide that competitor with the same access it gets from Society Turn and into and throughout Ski Ranches. This option would include rates caps and service level agreements as long as Forethought or its successor provides services to Ski Ranches' homes.

Option 2: The new option Forethought conveyed during the contract negotiations call on May 18, 2020. Under this option Ski Ranches HOA and its members contribute \$0 (nothing) to the installation of the infrastructure other than internal costs such as legal and management fees related to the project. In exchange for Forethought's contribution, Forethought owns the entire infrastructure in perpetuity and Ski Ranches does not have a right to bring in a competitor. However, Ski Ranches would get the same rate caps and service level agreements as discussed in Option 1.

Garrett Brafford identified 3 areas more information is needed to move forward:

1. What does the draft service level agreement look like? What are the terms for service levels? How long do the terms extend? What are the impacts once the agreement is no longer in place?
2. The 8 strands to be owned by Ski Ranches in option 1 from Society Turn to Fox Farm: Are they fully owned by TSRA? How does it meet capacity presently and potential future capacity needs? What are the locations and do those locations allow for a potential competitor to serve the entire community, if needed? If future capacity is projected higher or even if current demand is too high for 8 strands to handle, how many additional strands are needed to meet current and estimated, future demand?
3. As far as competitors, what do the major terms look like? Are the terms limited to the contractual period or do they go beyond the period of the contract?

Action Items: The Board decided to continue the investigation of the Highspeed Internet Project. Lynn Cranford made a **motion** to continue the discussion when we receive additional information on May 27, 2020. Ray Bowers **seconded** this motion. Passed unanimously.

Old Business

Scott Benge explained the various violations that Bruce Sanders has committed and asked the Board if he could move forward as the person in charge for notifying and contacting Bruce Sanders with a written notice of violation. The Board was all in favor of this decision.

Adjournment

The meeting was adjourned by Fran Berg at 1:05 PM MST.

Rona Seams **motioned** this adjournment. Greg Malver **seconded**. Passed unanimously.

ACTION ITEMS



**Special Board Meeting via Conference Call – Telluride, CO 81435
Thursday, May 21, 2020 at 11:30 AM MST**

1. The Board will continue the investigation of the Highspeed Internet Project. Ken was directed to explore the questions raised with Forethought prior to the meeting on the 27th.
2. The Board was all in favor to allow Scott Bengé to move forward as the point of contact for Bruce Sanders violations.

APPROVED THE ____ DAY OF _____, 2020

ATTEST: _____