

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
BMR METROPOLITAN DISTRICT
HELD
MAY 5, 2009

A regular meeting of the Board of Directors of the BMR Metropolitan District was held on Tuesday, May 5, 2009 at 6:00 p.m. at Lowell Ranch, 2330 South I-25, Castle Rock, Colorado. The meeting was open to the public.

Attendance

In attendance were Directors:

Jeanne Dassel
Bob Brabec (also a Member of the HOA Board)
Alan Cobb
Kirk Fischer
Russell Grant

Absent and excused was Director Fischer.

Also in attendance:

Dave Peak; R.S.Wells L.L.C.
Tim Flynn, Esq.; Collins Cockrel and Cole
Jeff Sucher; Treatment Technology, Inc.
Lynn Norwood; 3590 Winterhawk Circle, Castle Rock, CO
Doug Deleff; 4608 High Spring Road, Castle Rock, Colorado
Al Quist; 908 Glade Gulch Road, Castle Rock, Colorado

Call to Order

Director Dassel, who presided as Chair, called the meeting to order, declared a quorum was present and excused the absence of Director Fischer.

Conflicts of
Interest / Approval
Of Agenda

Mr. Flynn reported that all of the Directors had previously filed Disclosure of Potential Conflict of Interest Statements with the Board and with the Secretary of State in accordance with statutory requirements. Such conflicts arise because each Director is also a Director on the BMR Metropolitan District, which provides water service to the residence within the District. The BMR Metropolitan District has also entered into and may from time to time enter into agreements with the District.

All Disclosure of Potential Conflict of Interest Statements, whether filed for this meeting or previously filed are deemed continuing in nature and are incorporated into the record of this meeting. All Directors stated that the participation of at least three of them in

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the meeting was necessary to obtain a quorum of the Board or otherwise enable the Board to act.

After each Director had summarily stated for the record the fact and nature of his or her respective private interest and had further stated that the determination to participate in voting or take any other action on any contract or other matter in which he or she may have a private interest would be made in compliance with Section 24-18-201(1)(b)(V), C.R.S., on an ad hoc basis, the Board turned its attention to the remaining agenda items.

Administrative
Matters

- A. Review and Approval of April 7, 2009 Regular Board Meeting Minutes.

Following review, the Board tabled approval of the April 7, 2009 regular board meeting minutes.

- B. Financial Matters.

1. Review and Ratify Approval of Claim for April 2009.

Following review, upon a motion duly made by Director Dassel, seconded by Director Brabec and, upon vote, unanimously carried, the Board ratified approved of the claim for April 2009 totaling \$61,050.00, represented by check number 1751.

2. Review and Consider Approval of Claims for April 2009.

Following review, upon a motion duly made by Director Brabec, seconded by Director Cobb and, upon vote, unanimously carried, the Board approved the claims for 2009 totaling \$23,519.22, represented by check numbers 1752 through 1762.

3. Review and Consider Approval of Unaudited Financial Statements as of February 28, 2009.

Following review and discussion, upon a motion duly made by Director Brabec, seconded by Director Dassel and, upon vote, unanimously carried, the Board approved the unaudited financial statements as of February 28, 2009 as presented.

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Discussion Items

A. Phosphorous Allocation.

Director Dassel reported that she has had corresponded with Amy Conklin, Manager, Chatfield Watershed Authority regarding the State standards for phosphorous allocation. The District needs to investigate the matter further to ascertain available options and reasonable costs.

B. Fire Mitigation and Protection.

Director Dassel reported on her conversation with Commissioner Steve Board regarding fire protection services, rumors regarding a proposal to decrease service to certain rural areas and the adoption of a county wide fire mitigation policy. Commissioner Board indicated that the county has taken a proactive stance regarding the rumored reduced fire services plan. that has come to the attention of the Board. He indicated there would be no reduction in fire protection services or service area modifications without County input. We will continue to monitor this situation in coordination with the County to ensure the status of proposals from the Fire Service Districts.

Attorney Items

A. Adoption of Shut Off and Late Fee Policy.

Mr. Flynn briefly discussed with the Board the shut off and late fee policy and indicated that he would have the final form at the June meeting.

B. "Red Flag" Policy.

Mr. Flynn distributed a "Red Flag" policy and indicated to the Board that a policy would need to be in place by May 1, 2009. Following review and discussion, upon a motion duly made by Director Brabec, seconded by Director Grant and, upon vote, unanimously carried, the Board approved resolution 2009-5-1 as presented.

C. Open Records Resolution.

Mr. Flynn reported that an Open Records Policy is in place and that he would provide an associated resolution at the June meeting for the Board to consider for approval.

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D. Engagement Letter for Attorney.

Mr. Flynn will provide an engagement letter for legal services to the Board to consider at a later date.

Manager

A. Consumption and Charges Report and Delinquent Accounts Report.

The Consumption and Charges Report and Delinquent Accounts Report were reviewed by the Board. No action was taken.

Engineer

Nothing further to report at this time as the engineer was not present.

Water System

Mr. Sucher reviewed his report with the Board.

- Telemetry at Water Treatment Plant Repaired:
The telemetry indicating the level from the storage tanks at the Water Treatment Plans has been repaired.
- Generator Service Completed:
The routine maintenance on the generator was performed. New air filters and batteries were installed.
- The well speed was turned up in preparation for increased water demand during the spring and summer.
The "A" Bank of Reionators brine tanks were cleaned out in preparation for the increased production.
- Four (4) Extra Pallets of Potassium Chloride are now being stored at the Water Treatment Plant.
- Projects for May:
Rebuild Reionator Head "A2".

The Board requested Mr. Sucher to ensure adequate supply of spare parts and back up equipment for necessary repairs and anticipated maintenance and to provide feedback on the reionators at the June meeting.

Directors' Items

None.

Other Business

None.

Community
Comments

There were no public comments offered.

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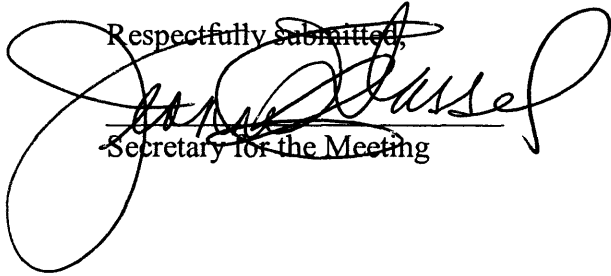
Adjournment

There being no further business to come before the Board, upon a motion made by Director Brabec, seconded by Director Dassel and, upon vote, unanimously carried, the Board adjourned the meeting at 7:00 p.m.

The foregoing minutes were approved by the Board of Directors on the 2 day of June, 2009.

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

Respectfully submitted,


Secretary for the Meeting