

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN DISTRICT HELD SEPTEMBER 1, 2009

A special meeting of the Board of Directors of the Consolidated Bell Mountain Ranch Metropolitan District was held on Tuesday, September 1, 2009 at 6:30 p.m., at MedVed AutoPlex, Chevy Building, 1506 S. Wilcox Street, Castle Rock, Colorado, 80104. The meeting was open to the public.

Attendance

In attendance were Directors:

Jeanne Dassel
Alan Cobb
Bob Brabec
Russell Grant
Kirk Fischer

Also in attendance were:

Chuck Reid; R.S. Wells L.L.C.
Bob Brooks; R.S. Wells L.L.C.
Tim Flynn, Esq.; Collins Cockrel and Cole
Bob Zimmermann; 1240 Glade Gulch, Castle Rock, CO
Al Hawkins; 1238 Riva Rose, Castle Rock, CO
Lynne Norwood; 3590 Winterhawk Circle, Castle Rock, CO
Jim Burke; 4592 High Spring Road, Castle Rock, CO

Call to Order

Director Dassel called the meeting to order at 6:35 p.m., declared a quorum present. Director Brabec also noted that the meeting had been posted and is being held in a location that meets statutory requirements.

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 from each Director's respective directorship position with the BMR Metropolitan District, which provides water service to all of the residences within the District and has entered into and may from time to time enter into agreements with the District. In addition, Director Brabec disclosed that he is a member of the Bell Mountain Ranch Home Owners Association Board of Directors.

All Disclosure of Potential Conflict of Interest Statements, whether filed for this meeting or previously are deemed continuing in nature and are

RECORD OF PROCEEDINGS

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

Upon a motion duly made by Director Fischer, seconded by Director Cobb and, upon a vote unanimously carried, the Board approved the agenda as presented.

Manager's Report / Administrative Matters

- A. Review and Consider Approval of Minutes for August 4, 2009 Special Meeting

Following review, upon a motion duly made by Director Grant, seconded by Director Brabec and, upon vote, unanimously carried, the Board approved the minutes as presented.

- B. Review and Consider Approval of Claims for August 2009

Following review, upon a motion duly made by Director Cobb, seconded by Director Grant and, upon vote, unanimously carried, the Board approved claims for August 2009 totaling \$20,364.98, represented by check numbers 2191 through 2200, with check numbers 2191 and 2192 being voided.

- C. Consider Setting Public Hearing Date for 2010 Budget for November 3, 2009

Upon a motion duly made by Director Brabec, seconded by Director Fischer and, upon vote, unanimously carried, the Board set the public hearing date for November 3, 2009 and authorized the publication of the public hearing.

- D. Consider Appointing Budget Officer

Following discussion, upon a motion duly made by Director Brabec, seconded by Director Fischer and, upon vote, unanimously carried, the Board appointed Director Cobb as budget officer for the 2010 budget.

RECORD OF PROCEEDINGS

Director Items

A. Chip N Seal Road Project

Director Grant briefed the Board regarding the Chip n Seal project, which is scheduled to begin the week of September 14th. It is anticipated to be a one day job. Signed copies of the contract will be forwarded to Mr. Flynn and Mr. Reid when they are received. Director Brabec will send an email to residents preceding the work. Director Brabec also noted that the crack seal project has been completed.

B. Water Settlement Agreement

Director Dassel reported that there are currently 213 executed homeowner ratifications. The next step in the settlement process is to confer with the title company and the other parties to the Settlement Agreement for the purpose of confirming that all requirements for recording the ratifications and other settlement documents have been satisfied. At such time as recording occurs it is anticipated that the recording fee will be approximately \$9,000. The Bell Mountain Ranch Homeowners' Association has agreed to pay the recording fees.

C. Riva Rose Drainage Issues

Director Brabec reported that Ferguson and Sons did some work at Glade Gulch and Mariposa and they recommend doing ditch work along this area at a cost not to exceed \$1,200. The Board authorized Director Brabec to move forward with this work. Director Brabec noted that this type of work also needs to happen in many other areas of the District.

Attorney Items

Mr. Flynn reported that the Elbert County Horse Council's document review is still in process.

Community Comments

Mr. Al Hawkins expressed his appreciation to the Board for all of the work that they have done on the settlement agreement and committed to take the Board to dinner at Maggiano's if they reach 305 signatures for the agreement.

Adjournment


With no other business to discuss, upon a motion duly made by Director Dassel, seconded by Director Cobb and, upon vote, unanimously carried, the Board adjourned the meeting at 6:55 p.m.

The foregoing minutes were approved by the Board of Directors on the 6th day of October, 2009.

RECORD OF PROCEEDINGS

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

Respectfully submitted,



Secretary for the Meeting