

MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
BMR METROPOLITAN DISTRICT  
HELD DECEMBER 6, 2011

A regular meeting of the Board of Directors of the BMR Metropolitan District was held on Tuesday, December 6, 2011 at 6:00 p.m. at Lowell Ranch located at 2330 South I-25, 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

Residents and others in attendance:

Mike Mysliwicz; 4275 Bell Mountain Drive  
Allwein/Constantine; 1788 Wildfire Circle

Also in attendance:

Tim Flynn, Esq.; Collins Cockrel and Cole  
Bob Blodgett; Clifton Gunderson, LLP  
Jeff Sucher; Treatment Technology, Inc.

Call to Order

Director Dassel called the meeting to order at 6:00 p.m. and verified a quorum was present.

Conflicts of Interest

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 Consolidated Bell Mountain Ranch Metropolitan District. The Consolidated Bell Mountain Ranch Metropolitan District has entered into and may from time to time enter into additional agreements with the BMR Metropolitan District.

All Disclosures 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 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 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.

Director Dassel disclosed that APM recently cleared her driveway. She will be paying them separately. This was done after all of their normal snow removal maintenance work had been done at the Ranch. It was done because her snow blower is currently under repair.

Approval of  
Agenda

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

Administrative  
Matters

- A. Review and Consider Approval of Minutes from the November 1, 2011 Regular Meeting Minutes

Upon a motion duly made by Director Fischer, seconded by Director Cobb, the Board approved the November 1, 2011 regular meeting minutes as submitted.

- B. Review and Approve October 31, 2011 Financial Statements

After discussion, and upon a motion duly made by Director Fischer, seconded by Director Cobb, the Board approved the October 31, 2011 Financial Statements.

- C. Review and Accept Cash Position as of November 30, 2011

Upon a motion duly made by Director Cobb, seconded by Director Fischer, and upon a vote, unanimously carried, the Board accepted the November 30, 2011 Cash Position Report.

- D. Review and Consider Ratification of Requisition No. 11 in the Amount of \$3,236.00 for the Alternate Well

Upon a motion duly made by Director Fischer, seconded by Director Brabec, and upon a vote, unanimously carried, the Board approved the ratification of Requisition No. 11 in the amount of \$3,236.00 for the alternate well.

- E. Review and Consider Approval of Claims for October 2011  
Totaling \$28,466.01 and Direct Pays to IREA Totaling \$4,780.92

After discussion, and upon a motion duly made by Director Cobb, seconded by Director Fischer, and upon a vote, unanimously carried, the Board approved the claims for October 2011 totaling \$28,466.01 and direct pays to IREA totaling \$4,780.92.

- F. Approve Consumption and Charges Report

Upon a motion duly made by Director Cobb, seconded by Director Fischer, and upon a vote, unanimously carried, the Board approved the Consumption and Charges Report.

- G. Discuss 2012 Insurance Policy

After discussion, and upon a motion duly made by Director Fischer, seconded by Director Brabec, and upon a vote, unanimously carried, the Board approved the 2012 insurance policy proposal from T. Charles Wilson.

Director Fischer will contact T. Charles Wilson to discuss the timing of the addition of the well to the policy. The Board authorized payment of the insurance bill at the January 2012 meeting.

- H. Approve 2012 Fee Schedule

Upon a motion duly made by Director Fischer, seconded by Director Brabec, and upon a vote, unanimously carried, the Board approved the 2012 fee schedule. Mr. Flynn indicated he will prepare a resolution for the Board ratification at the January 2012 meeting.

- I. Other

Mr. Blodgett reported that Requisition No. 12 was submitted today by Tetra Tech, Inc. for the first payment to Jennison Construction Company, Inc. in the amount of \$76,858.00 for the alternate well construction.

The Board expressed concern that the payment was not submitted in compliance with the District's policy to submit all claims on the Wednesday before the Board meeting. They asked Mr. Blodgett to remind Mr. Sack and Mr. McCarthy of the District's deadlines.

Upon a motion duly made by Director Fischer, seconded by Director Brabec, and upon a vote, unanimously carried, the Board approved Requisition No. 12 subject to additional time for the Board to review the documentation. The Board directed Mr. Blodgett to hold the requisition and check for ten (10) days. Mr. Blodgett will inform Mr. McCarthy and Mr. Sack.

Engineer

A. Alternate Well Update

The Board reviewed the schedule provided by Mr. Sack.

Director Brabec reported he will provide a thank you to Jennison Construction Company, Inc. for re-opening the road adjacent to the well so quickly.

Water  
Operator

A. Monthly System Report

Mr. Sucher distributed copies of his System Report with the Board.

After discussion, the Board accepted the report.

B. Status of Transponder Replacements

Mr. Sucher reported five home owners have not responded to the District's letters or calls within the timeframe outlined in the policy. He will ask one of the Treatment Tech staff members to go door to door on these five addresses. The Board also directed Mr. Flynn to send a letter on his stationery to the owners of the five homes indicating they must comply with the District's request to provide access for changing out the transponders and meters.

C. Approve Revised Water Shut Off and Turn On Procedure

The Board approved the additional language in the water shut off and turn on materials.

D. Status of Water Meter Monitor Usage Plan Test with Residents

Mr. Sucher reported no residents have requested the monitor yet.

Director  
Discussion Items

- A. Review and Consider Approval of Engagement Letter with Simmons & Wheeler for 2012 Accounting Services

Upon a motion duly made by Director Brabec, seconded by Director Cobb, and upon a vote, unanimously carried, the Board approved the engagement letter with Simmons & Wheeler for 2012 accounting services.

Attorney Items

- A. Approve 2012 First Amendment to the Service Agreement with Treatment Technology, Inc.

Upon a motion duly made by Director Brabec, seconded by Director Cobb, and upon a vote, unanimously carried, the Board approved the 2012 First Amendment to the Service Agreement with Treatment Technology, Inc.

- B. Discuss 2012 Director's Election

Mr. Flynn reported he will provide a resolution calling the May Director's election for approval at the January 2012 meeting.

- C. Approve Amendment to CDPS Individual Discharge Permit

Mr. Flynn reported Mr. Sucher will be filing this permit amendment on behalf of the District. The Board concurred.

- D. Phosphorus Allocation

Mr. Flynn will have an update on this issue at the January Board meeting.

Other Business

None.

Community Items

None.

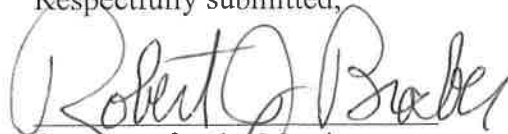
Adjournment

Upon a motion duly made by Director Brabec, seconded by Director Fischer, and upon a vote unanimously carried, the Board adjourned the meeting at 6:30 p.m.

The foregoing minutes were approved by the Board of Directors on the 3 day of Jan, 2012

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

Respectfully submitted,

  
Secretary for the Meeting