

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
BMR METROPOLITAN DISTRICT (THE "DISTRICT")
HELD
NOVEMBER 2, 2021

A regular meeting of the Board of Directors of the BMR Metropolitan District (referred to hereafter as the "Board") was convened on Tuesday, November 2, 2021, at 6:00 p.m. at Lowell Ranch, 2330 S. I-25, Castle Rock, CO.

ATTENDANCE

Directors In Attendance Were:

Russell Grant; President
Calvin Bills; Vice President
Frank Strand; Secretary/Treasurer
Steve Vrabel; Assistant Secretary/Treasurer

The absence of Director Ammon was excused.

Also, In Attendance Were:

Nic Carlson, CliftonLarsonAllen LLP
Tim Flynn; Collins, Cockrel & Cole PC
J. Kinlaw; 4322 Bell Mountain Drive
Ann Molner; 4219 Serenade Road
Larry Lomison; 501 Chandelle Road
Bill Forrest; 1276 Glad Gulch Road
Doug Sampson; 4601 High Spring Road

I. CALL TO ORDER

The meeting was called to order at 6:10 p.m. by Director Grant.

II. DECLARATION OF QUORUM/ DIRECTOR QUALIFICATIONS/ POTENTIAL CONFLICTS OF INTEREST

Disclosures of Potential Conflicts of Interest: All Directors previously filed Disclosure of Potential Conflict of Interest Statements with the Board and the Secretary of State in accordance with statutory requirements. Such conflicts arise because each Director is also a Director on Consolidated Bell Mountain Ranch Metropolitan District. The BMR Metropolitan District has entered into and may from time to time enter into additional agreements with Consolidated Bell Mountain Ranch Metropolitan District. All Disclosures of Potential conflict of Interest Statements whether filed for this meeting or previously filed

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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.

Quorum and location of meeting: The Board confirmed a quorum and the location of the meeting. Upon a motion duly made by Director Strand, seconded by Director Bills and, upon vote, unanimously carried, the Board excused the absence of Director Ammon.

III. APPROVAL OF AGENDA

Following review, upon a motion duly made by Director Strand, seconded by Director Bills and, upon vote, unanimously carried, the Board approved the Agenda as presented.

IV. COMMUNITY COMMENTS

Public Comment: Ms. Molner stated that the water quality has severely decreased. Mr. Lomison noted similar concerns.

V. WATER OPERATOR

A. Monthly System Report: There were no representatives from ORC present at the meeting, and no report available.

VI. ENGINEER ITEMS

None.

V. MANAGER'S REPORT/ ADMINISTRATIVE MATTERS

A. Review and Consider Approval of the October 5, 2021 Regular Meeting Minutes: Following review by Director Grant, upon a motion duly made by Director Strand, seconded by Director Bills and, upon vote, unanimously carried, the Board approved the October 5, 2021 Regular Meeting Minutes as presented.

B. Consider Approval of CliftonLarsonAllen LLP Master Service Agreement and Related Statement(s) of Work: Director Grant pointed out that the CLA agreement is divided into three sections. The first section addresses all of the services that CLA provides, not all of which are used by the Metro District. The second section is the statement of work for Special Districts Management Services, the third section is the statement of work for Special Districts Billing Services. Since not all Directors had reviewed the CLA agreement, action regarding acceptance of the agreement was deferred to the December Board meeting.

C. Review and Consider Approval of CRR for August 2021 Totaling \$13,071.19: Director Grant reviewed the CRR with the Board. Following review, upon a motion duly made by Director Strand, seconded by Director Bills and, upon vote, unanimously carried, the Board approved the July 2021 CRR Totaling \$13,071.19 as presented.

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C. Review and Accept Cash Position Report as of November 2021: Director Grant reviewed the Cash Position Report with the Board. Following review, upon a motion duly made by Director Strand, seconded by Director Bills and, upon vote, unanimously carried, the Board accepted the November 2021 Cash Position Report as presented.

D. Monthly Water Reports Summary:

- **Consumption & Charges Report:**
- **High Consumption Water Usage Report:**
- **Leak and Landscaping Credit Approval Reports:**
- **Zero and No Read Meter Reports:**
- **Watch List:**
- **Tap Fee Tracking:**

Mr. Carlson reviewed the reports with the Board. Following discussion, upon a motion duly made by Director Strand, seconded by Director Bills and, upon vote, unanimously carried, the Board accepted the reports.

E. Update on Residential Fire Protection System Backflow Preventer Inspections: Mr. Carlson provided an update to the Board regarding backflow preventer inspections, stating that 115 test reports have been received to-date. The Board directed CLA to send non-compliance letters to addresses provided.

**VIII. DIRECTOR
ITEMS- ACTION**

A. Conduct Public Hearing to Consider Approval of Amendment of 2021 Budget, if necessary, and Adoption of 2022 Budget, Appropriate Expenditures and Certify Mill Levies; Consider Approval of Resolution to Amend 2021 Budget, if necessary, and Approval of Resolution to Adopt 2022 Budget, Appropriate Expenditures and Certify Mill Levies: The Board deferred action on amending the 2021 BMRMD budget and accordingly continued the Public Hearing which had been duly called and noticed to the Board's December meeting.

Director Grant opened the Public Hearing on the 2022 BMRMD Budget at 6:32 p.m. Notice of this meeting and Public Hearing was previously published in a newspaper of general circulation within the District as required by the Colorado Local Government Budget Law. There being no members of the public who desire to comment on the proposed 2022 Budget, he closed the Public Hearing at 6:33 p.m. There were no public comments.

Director Grant reviewed the 2022 Draft Budget with the Board. Following review and discussion, and upon a motion duly made by Director Strand, seconded by Director Bills and, upon vote, unanimously carried, the Board:

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Approved and Adopted Resolution 2021-11-1, A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE BMR METROPOLITAN DISTRICT, DOUGLAS COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2022, AND ENDING ON THE LAST DAY OF DECEMBER, 2022.

1. Approved and Adopted Resolution 2021-11-2, A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNT AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE BMR METROPOLITAN DISTRICT, DOUGLAS COUNTY, COLORADO, FOR THE BUDGET YEAR 2022.
2. Approved and Adopted Resolution 2021-11-3, A RESOLUTION NOT TO LEVY GENERAL PROPERTY TAXES FOR THE YEAR 2022 AND AUTHORIZING THE CERTIFICATION OF A ZERO MILL LEVY TO THE COUNTY COMMISSIONERS OF DOUGLAS COUNTY, COLORADO.

B. Update on Status of the Intergovernmental Agreement (IGA) with Town of Castle Rock for Water Service and Improvements for BMR – Directors Vrabel and Grant: Director Grant updated the Board and stated the IGA was approved by the Board at the 29 October Special Board meeting and has been sent to the Town of Castle Rock for approval. The IGA will be presented to the Town of Castle Rock for approval in substantive form.

C. Update on Installation of a Holding Tank for Wastewater from the BMR Water Treatment Plant – Director Grant: Director Grant reported that the new holding tank has been installed and is fully functional, and the first pick up is scheduled for November 4, 2021.

IX. ATTORNEY MATTERS

A. Executive Session, if needed, and called in accordance with 24-6-402 (4) (b) (c) (d) (f) or (g) CRS regarding matters that may be subject to negotiation, receiving legal advice or potential personnel matters relating to water service from Castle Rock and internal Board governance matters: Executive Session was not necessary, and accordingly the Board did not go into Executive Session during this meeting.

B. Consider Approval of Resolution Certifying Delinquent Account for Collection by the County Treasurer: Mr. Flynn reviewed Resolution 2021-11-4 which certifies a delinquent account for collection by the Douglas County Treasurer and stated that notice of the Board's action to consider to the Resolution was sent to the affected property owner by certified mail. He further stated that the account that will be certified as been delinquent for more than six months and by an amount that is greater than \$150.00. Director Grant then opened the Public Hearing on the proposed Resolution. The affected property owner was not present and no other member of the public had any comments.

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Director Grant then closed the Public Hearing.

Upon a motion duly made by Director Strand, seconded by Director Bills and, upon vote, unanimously carried, the Board approved and adopted Resolution 2021-11-4, A RESOLUTION CERTIFYING DELINQUENT ACCOUNTS FOR COLLECTION BY THE COUNTY TREASURER.

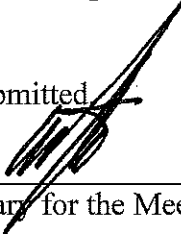
X. OTHER
BUSINESS

None.

XI. ADJOURNMENT

Director Grant adjourned the meeting at 6:43 p.m.

Respectfully submitted



Secretary for the Meeting