

**CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN
DISTRICT 8390 E. CRESCENT PKWY., STE. 300
GREENWOOD VILLAGE, CO
80111 Phone: 303-779-5710 Fax:
303-779-0348
www.BMRmetro.org**

NOTICE OF SPECIAL MEETING AND AGENDA

DATE: Wednesday, July 6, 2022
TIME: 6:30 p.m.
PLACE: Lowell Ranch
2330 S. I-25, East Frontage Road
Castle Rock, CO 80104

OR Microsoft Teams
https://teams.microsoft.com/l/meetup-join/19%3ameeting_YTI0ZDEyOWltYmYzYS00M2NkLTliOWItOTUzODQ2ZjhhMjlx%40thead.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%22d42bab28-fbd8-4e65-a395-965cf9ef152f%22%7d

Or call in (audio only)
[+1 720-547-5281](tel:+17205475281),,546684633# United States, Denver
Phone Conference ID: 546 684 633#

<u>Board of Directors</u>	<u>Office</u>	<u>Term Expires</u>
Russell Grant	President	May 2025
Calvin Bills	Vice President	May 2023
Frank Strand	Secretary/Treasurer	May 2023
Stephen Vrabel	Assistant Secretary/Treasurer	May 2025
Edward Ammon	Assistant Secretary/Treasurer	May 2023

- I. CALL TO ORDER**
- II. DECLARATION OF QUORUM / DIRECTOR QUALIFICATIONS /DISCLOSURE OF CONFLICTS/ INSTRUCTIONS FOR VIDEO CONFERENCE**
 - A. Present disclosures of potential conflicts of interest
 - B. Confirm quorum and location of meeting

III. APPROVAL OF AGENDA

IV. COMMUNITY COMMENTS

- A. Members of the public may express their views to the Board on matters that affect the District that are otherwise not on the agenda. Comments will be limited to three (3) minutes per person.

V. APM MONTHLY REPORT – John McKillip, Jr.

VI. MANAGER’S REPORT / ADMINISTRATIVE MATTERS

- a. Review and Consider Approval of the Minutes of the June 7, 2022 Regular Meeting (enclosure)
- b. Review and Consider acceptance of the Bill.com claims report for June 2022 Totaling \$91,364.54 including BMR Water Usage Totaling \$315.00 (enclosed)
- c. Consider Approval of 2021 Audit Extension (enclosed)
- d. Review and Accept Cash Position Schedule as of June 2022 (to be distributed)

VII. DIRECTOR DISCUSSION – ACTION

- a. Update on Comcast Cable Install – Director Strand
- b. Pave Existing Loop Road for School Bus Stop
- c. Metro District Materials Management/Laydown Yard Location Update – Directors Bills, Strand & Vrabel
- d. Status of Chip Seal Paving Project – Director Grant
- e. Status of Turf Replacement at Front Gate – Director Bills
- f. Update on Stevens Ranch Turnover – Director Ammon
- g. Equestrian Trails Update – Director Bills
- h. Other

VIII. ATTORNEY ITEMS

- a. Review and Consider Approval of Resolution 2022-07-01, Calling for a November 8, 2022 Special Election, Authorizing an Election on the Question of a Property Tax Increase and Appointing a Designated Election Official (enclosed)
- b. Update of Erosion Mitigation Letters – Director Bills and Mr. Flynn
- c. Other

IX. OTHER BUSINESS

- a. Confirm Quorum for August 2, 2022 Board Meeting

X. ADJOURNMENT

The next regular meeting is scheduled for August 2, 2022

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN
DISTRICT (THE “DISTRICT”)
HELD
JUNE 7, 2022

A regular meeting of the Board of Directors of the Consolidated Bell Mountain Ranch Metropolitan District (referred to hereafter as the “Board”) was convened on Tuesday, June 7, 2022, at 6:30 p.m. at Lowell Ranch, 2330 S. I-25, East Frontage Road, Castle Rock, CO 80104.

ATTENDANCE

Directors In Attendance Were:

Russell Grant, President
Calvin Bills; Vice President
Frank Strand; Secretary/Treasurer (virtual)
Steve Vrabel; Assistant Secretary/Treasurer
Edward Ammon; Assistant Secretary/Treasurer

Also, In Attendance Were:

Josh Miller and Nic Carlson; CliftonLarsonAllen LLP
Tim Flynn; Collins Cole Flynn Winn & Ulmer, PLLC
John McKillip, Jr. ; APM
Dave & Becky Martin; 3211 Autumn Sun Circle
Steve Williams; 1062 Glade Gulch Road

I. CALL TO ORDER

Director Grant called the meeting to order at 6:52 p.m.

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

Potential Conflicts of Interest: All Directors previously filed Potential Conflict of Interest Disclosure Statements with the Board and the Secretary of State. Such disclosures were filed because: (i) each Director is a Director of the BMR Metropolitan District (“BMRMD”); and (ii) the functions of each District overlap at times, and there are now and may be in the future intergovernmental agreements between the two Districts. All Potential Conflict of Interest Disclosures whether filed for this meeting or previously filed are deemed continuing in nature and are incorporated into the record of this meeting.

Confirm Quorum and Location of Meeting: All Directors stated that the participation of at least three (3) Board members in the meeting was necessary to obtain a quorum of the Board or otherwise enable the Board to act. The Board confirmed a quorum and the location of the meeting.

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III. APPROVAL OF AGENDA

Director Grant requested to add Item VII-K to consider approval of Wipfli 2021 Audit Engagement Letter. Upon a motion duly made by Director Ammon, seconded by Director Bills and, upon vote, unanimously carried, the Board approved the Agenda as amended.

IV. COMMUNITY COMMENTS

Public Comment: Mr. & Mrs. Martin and Mr. Williams inquired about the District's plans regarding the school bus stop on Autumn Sun Circle and prospective plan to pave the road shoulders on Autumn Sun Circle. Some discussion ensued; however, further discussion was deferred to Agenda Item VII.B.

V. APM PROJECT STATUS REPORT

Mr. McKillip presented a report regarding the projects/ items that APM is working on. Items addressed included:

- a. Work on walking paths
- b. Replacing speed limit signs
- c. Repairing erosion on equestrian trails
- d. Scheduling of roadside mowing. Slash on the road shoulders associated with the HOA Firewise project is delaying progress.
- e. Future work.

VI. MANAGER'S REPORT/ ADMINISTRATIVE MATTERS

A. Review and Consider Approval of the Minutes of May 3, 2022 Regular Meeting and May 6, 2022 Study Session: Following review, upon a motion duly made by Director Ammon, seconded by Director Bills and, upon vote, unanimously carried, the Board approved the May 3, 2022 Regular Meeting Minutes and May 6, 2022 Study Session Minutes as presented.

B. Review and Consider Acceptance of May 2022 Bill.com claims report totaling \$51,054.18 including BMR Water Usage Totaling \$110.00: Director Grant reviewed the Bill.com claims with the Board. Following review, upon a motion duly made by Director Ammon, seconded by Director Bills and, upon vote, unanimously carried, the Board accepted the May2022 Bill.com claims report totaling \$51,054.18 including the BMR water usage totaling \$110.00 as presented.

C. Review and Accept April 30, 2022 Unaudited Financial Statements: Director Grant reviewed the April 30, 2022 Unaudited Financial Statements with the Board. Following review, upon a motion duly made by Director Vrabel, seconded by Director Bills and, upon vote, unanimously carried, the Board accepted the April 30, 2022 Unaudited Financial Statements as presented. Director Grant pointed out that the 2022 BMRMD budget was only prepared to extend through the first quarter of 2022 with the expectation that Castle Rock would be operating the BMR water system by 1 May 2022. Since the target date for Castle Rock to assume operation of

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the BMR water system is now 1 September 2022, the BMRMD budget will need to be amended.

D. Review and Accept Cash Position Schedule as of June 2022: Director Grant reviewed the June 2022 Cash Position Schedule with the Board. Following review, upon a motion duly made by Director Vrabel seconded by Director Bills and, upon vote, unanimously carried, the Board accepted the June 2022, Cash Position Schedule as presented.

VII. DIRECTOR ITEMS

A. BMR Fire Mitigation Project – Director Ammon: Director Ammon provided an update to the Board noting the progress continues with recent focus on the process for obtaining government grants to help fund fire mitigation projects.

B. School Bus Parking – Director Vrabel: Director Vrabel reviewed two solicited proposals to pave the existing loop road adjacent to the Community Park in support of moving the current bus stop from Autumn Sun Circle to the loop road. Since both proposals exceed \$60,000, paving the loop will need to be publicly bid to be compliant with State law. The possibility of leaving the bus stop on Autumn Sun Circle and paving the road shoulders there was also discussed. The Board decided that in any case, the road shoulders on Autumn Sun Circle will not be paved. Following an extended discussion, upon a motion duly made by Director Grant, and approved by Directors Grant, Vrabel, Ammon and Bills with a dissenting vote by Director Strand, the Board approved an amount of \$75,000 for a project to support moving the bus stop, contingent upon receipt of written consent by the Douglas County School District that they will move the bus stop to the loop road upon completion of paving the loop road. The project scope includes paving the existing loop road, installation of area lighting, trimming two trees, and moving the existing irrigation piping, if necessary.

C. Front Entrance Grass and Irrigation Plan – Director Bills: Director Strand provided an update to the Board noting that the irrigation system is operational and an additional zone valve has been installed. He explained that the turf at the front entrance is in poor condition because IREA (now CORE) cut irrigation piping and irrigation control lines when they installed underground electrical lines at the front gate. Following a discussion, upon a motion duly made by Director Bills, and approvals by Directors Bills, Vrabel, Grant and Ammon with dissenting vote by Director Strand, the Board approved replacing the sod at the front gate for an amount not to exceed \$15,000.

D. Comcast Cable Install – Director Strand: Director Strand informed the Board that Comcast has identified three conflicts with the underground

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gas lines. He has confirmed that work will not be approved without permitting, bonding and project documentation.

E. Metro District Materials Management/Laydown Yard Location Update – Directors Bills, Strand & Vrabel: Director Bills provided an update to the Board. If the existing loop road is paved, the previously proposed layout for the materials storage area will need to be modified. Directors Bills and Strand will meet to determine the location.

F. Stop Signs/Moving BMR Street Signs – Director Bills: Director Bills provided an update and proposed options to the Board. After a discussion with dissenting opinions regarding the merits of moving the existing street signs, the Board directed APM to move the street signs to the top of the Stop Sign metal poles with the exception of those identified by Director Grant within the next 60 days.

G. Equestrian Trail Changes and 2022 Maintenance – Director Bills: Director Bills requested an approval of names for previously unnamed equestrian trails. Following discussion, upon a motion duly made by Director Bills, seconded by Director Ammon and, upon vote, unanimously carried, the Board approved the equestrian trail names proposed by Director Bills.

H. Update on Erosion Mitigation Letters – Director Bills and Mr. Flynn: Director Bills told the Board that letters will be sent to three residents informing them that repairs need to be made on the drainage ditches adjacent to their houses and informing them that proposed agreements for repairs will be forthcoming.

I. O&M Property Tax Revenue Limit Discussion: Mr. Flynn explained that increasing the District's property tax revenue cap above \$500,000 annually, requires a vote of the eligible electors of CBMR. The next TABOR election can be held on November 8, 2022. Mr. Flynn will draft sample ballot language together with a sample resolution for calling a TABOR r election for the purpose of increasing the District's property tax revenue cap and present it to the Board for approval at the July Board meeting.

J. Chip Seal Paving Project 2022 – Director Grant: Director Grant reviewed the bids with the Board stating that the low bid received was \$119,587.50 from the A-1 Chipseal Company. Following review and discussion, upon a motion duly made by Director Ammon, seconded by Director Vrabel and, upon vote, unanimously carried, the Board approved contract award to the A-1 Chipseal Company for an amount totaling \$119,587.50.

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K. Approval of Wipfli 2020 Audit Engagement Letter: Director Grant reviewed the engagement letter with the Board. Following review, upon a motion duly made by Director Grant, seconded by Director Ammon and, upon vote, unanimously carried, the Board approved the Wipfli 2021 Engagement Letter as presented for a total of \$4,300.

L. Stevens Ranch Turnover: Director Ammon stated he is working with legal counsel and the developer to discuss the property transfer to the District. He will provide more updates at the July Board meeting.

VIII. ATTORNEY MATTERS

B. Other: None.

IX. OTHER BUSINESS

A. Discuss Alternative July 6, 2022 Board Meeting Date: Following discussion, upon a motion duly made by Director Ammon, seconded by Director Bills and, upon vote, unanimously carried, the Board approved changing the July meeting date to July 6, 2022.

X. ADJOURNMENT

There being no further business to come before the Board at this time, Director Ammon adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Secretary for the Meeting

Consolidated BMR - payments released 6/29/22

Unpaid Bills

[DOWNLOAD](#) [BACK](#)

VENDOR	INVOICE #	DATE	DUE DATE	AGING	APPROVAL STATUS	PAYMENT STATUS	OPEN BALANCE
Advanced Property Maintenance, Inc	38969	04/28/22	06/24/22	5	Approved	Unpaid	96.25
Advanced Property Maintenance, Inc	39074	05/24/22	06/24/22	5	Approved	Unpaid	812.25
Advanced Property Maintenance, Inc	39077	05/24/22	06/24/22	5	Approved	Unpaid	515.00
Advanced Property Maintenance, Inc	39097	06/06/22	06/24/22	5	Approved	Unpaid	725.00
Advanced Property Maintenance, Inc	39151	06/08/22	06/24/22	5	Approved	Unpaid	6322.86
Advanced Property Maintenance, Inc	39157	06/17/22	06/24/22	5	Approved	Unpaid	19984.94
Advanced Property Maintenance, Inc	39175	06/20/22	06/24/22	5	Approved	Unpaid	975.00
BMR MD	35407 05 26 22	05/26/22	06/24/22	5	Approved	Unpaid	205.00
BMR MD	35408 05 26 22	05/26/22	06/24/22	5	Approved	Unpaid	110.00
Calvin Bills	06 07 22	06/07/22	06/24/22	5	Approved	Unpaid	483.62
CliftonLarsonAllen, LLP	3314332	06/14/22	06/24/22	5	Approved	Unpaid	6113.93
Collins Cole Flynn Winn & Ulmer, PLLC	1898	06/07/22	06/24/22	5	Approved	Unpaid	7357.84
Core Electric Cooperative	21897701 05 16 22	05/16/22	06/24/22	5	Approved	Unpaid	33.23
Core Electric Cooperative	24034901 05 16 22	05/16/22	06/24/22	5	Approved	Unpaid	21.98
Ferguson & Son Paving, Inc	134009	06/03/22	06/24/22	5	Approved	Unpaid	12960.00
Ferguson & Son Paving, Inc	133746	06/17/22	06/24/22	5	Approved	Unpaid	26888.00
Johnson & Repucci LLP	60770 06 08 22	06/08/22	06/24/22	5	Approved	Unpaid	6246.46

VENDOR	INVOICE #	DATE	DUE DATE	AGING	APPROVAL STATUS	PAYMENT STATUS	OPEN BALANCE
Simmons & Wheeler, P.C.	33166	05/31/22	06/24/22	5	Approved	Unpaid	1513.18
Grand Total							91,364.54



OFFICE OF THE STATE AUDITOR - LOCAL GOVERNMENT AUDIT DIVISION

KERRI L. HUNTER, CPA • STATE AUDITOR

Request for Extension of Time to File Audit for Year End December 31, 2021 ONLY

If someone other than an elected board member submitted an extension request, this form should be signed by a member of the elected governing body and submitted with the audit by September 30, 2022.

Requests may be submitted via internet portal: <https://apps.leg.co.gov/osa/lg>.

Government Name:	Consolidated Bell Mountain Ranch Metropolitan District
Name of Contact:	Diane Wheeler
Address:	304 Inverness Way South, Suite 490
City/Zip Code	Englewood, CO 80112
Phone Number:	303-689-0833 ext. 16
Fax Number:	N/A
E-mail	Diane@simmonswheeler.com
Fiscal Year Ending (mm/dd/yyyy):	12/31/2021
Amount of Time Requested (in days): (Not to exceed 60 calendar days)	60 days Audit Due: September 30, 2022
Comments (optional):	

I understand that if the audit is not submitted within the approved extension of time, the government named in the extension request will be considered in default without further notice, and the State Auditor shall take further action as prescribed by Section 29-1-606(5)(b), C.R.S.

Must be signed by a member of the governing board.

Signature _____

Printed Name: _____

Title: _____

Date: _____

RESOLUTION NO. 2022-7-1**CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN DISTRICT
DOUGLAS COUNTY, COLORADO**

**A RESOLUTION CALLING FOR A NOVEMBER 8, 2022, SPECIAL ELECTION,
AUTHORIZING AN ELECTION ON THE QUESTION OF A PROPERTY TAX
INCREASE AND APPOINTING A DESIGNATED ELECTION OFFICIAL**

WHEREAS, the Consolidated Bell Mountain Ranch Metropolitan District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, the Board of Directors of the District has determined and hereby determines and declares that the interest of the District and the public interest and necessity require that the District increase its operation and maintenance mill levy in accordance with the provisions and restrictions set forth in Article X, Section 20 of the Colorado Constitution (“TABOR”); and

WHEREAS, it is necessary to submit to the eligible electors of the District the question of increasing the District’s property tax mill levy at an election to be conducted on November 8, 2022, in accordance with the provisions of the Special District Act (“Act”), the Uniform Election Code of 1992 (“Code”), and TABOR (the Act, Code and TABOR being hereinafter referred to collectively as the “Election Laws”); and

WHEREAS, the election is required to be conducted as a coordinated election, and the Douglas County Clerk and Recorder (“County Clerk”) is the Coordinated Election Official for the election and shall be responsible for mailing the notice required pursuant to Article X, Section 20 of the Colorado Constitution (“TABOR Notice”); and

WHEREAS, the District is required to enter into an Intergovernmental Agreement with the County Clerk regarding the conduct of the election and mailing of the TABOR Notice on or before August 30, 2022; and

WHEREAS, the District intends to cooperate with the County Clerk to provide all necessary ballot title, notices, and various agreements to the County Clerk for the conduct of the election and mailing of the TABOR Notice.

NOW, THEREFORE, be it resolved by the Board of Directors of the Consolidated Bell Mountain Ranch Metropolitan District in the County of Douglas, State of Colorado that:

Section 1. A special election of the eligible electors of the District shall be held on Tuesday, November 8, 2022, (“Election”) at which Election there shall be submitted to the eligible electors of the District the question in substantially the form as shown on **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 2. The Board hereby designates Crystal Schott as the Designated Election Official for the conduct of the Election on behalf of the District, who is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of Election Laws or other applicable laws. The Election shall be conducted in accordance with the Election Laws, and other applicable laws. Among other matters, the Designated Election Official shall arrange for the required notices of election, including the TABOR Notice, and direct that all other appropriate actions be accomplished.

Section 3. The Board hereby approves and authorizes the Designated Election Official or Board officers to execute and enter into the Intergovernmental Agreement with the County Clerk on behalf of the District, regarding the conduct of the Election and the mailing of the TABOR Notice. The Election and mailing of the District’s TABOR Notice shall be in accordance with the provisions of such Intergovernmental Agreement.

Section 4. The Election shall be conducted in coordination with the County Clerk in accordance with all relevant provisions of the Code. The County Clerk is the Coordinated Election Official for the Election and shall be responsible for mailing the TABOR Notice.

Section 5. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five (5) days after the title of the ballot issue or ballot question is set.

Section 6. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

Section 7. Any and all actions previously taken by the Designated Election Official or the officers of the Board of Directors or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws, are hereby ratified and confirmed.

Section 8. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

Section 9. The provisions of this Resolution shall take effect immediately.

ADOPTED this ____ day of _____, 2022.

**CONSOLIDATED BELL MOUNTAIN
RANCH METROPOLITAN DISTRICT**

By: _____
Russell J. Grant, President

Attest:

Frank Strand, Secretary/Treasurer

EXHIBIT A TO ELECTION RESOLUTION

SHALL CONSOLIDATED BELL MOUNTAIN RANCH METROPOLITAN DISTRICT TAXES BE INCREASED UP TO \$200,000 ANNUALLY(BRINGING TOTAL ANNUAL TAXES UP TO \$700,000) WITH THE INCREASE BE USED TO COVER A PORTION OF THE COST OF THE DISTRICT'S OPERATIONS, MAINTENANCE, AND OTHER EXPENSES, INCLUDING ESTABLISHING A RESERVE FOR CAPITAL IMPROVEMENTS, THROUGH THE IMPOSITION OF A PROPERTY TAX TO BE LEVIED AT A RATE SUFFICIENT TO PRODUCE THE AMOUNT SPECIFIED ABOVE; AND SHALL THE DISTRICT BE PERMITTED TO COLLECT, RETAIN, AND SPEND SUCH TAXES AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITATION CONTAINED IN SECTION 29-1-301 OF THE COLORADO REVISED STATUES?

YES **NO**