
RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT May 10, 2010

The Special Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 9:00 a.m., May 10, 2010 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

Attendance

In Attendance were Directors:

- Mike Balk (by phone)
- Louis Kreig (by phone)
- James Power (by phone)
- Ernie Elsner

Absent and Excused:

- Robert Gary

Also in Attendance were:

- Clyde Hanks, General Manager
- Kathy Lewensten, Recording Secretary

Call to Order

The Regular Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Director Elsner, Acting Chairman of the Board, noting that a quorum was present. Director Elsner confirmed that prior to the meeting each of the Directors had been notified of the meeting and that written notice was duly posted at the Eagle County Clerk and Recorder's Office and at three public places within the District.

Conflicts

The Board noted that it had received certain disclosures of potential conflict of interest statements more than seventy-two hours prior to the meeting for each of the following Directors, indicating the following conflicts: Mr. Ernest Elsner is a member of the Board of Directors for Beaver Creek Property Owners Association; Mr. Michael Balk is a member of the Board of Directors for Beaver Creek Property Owners Association and a director of the Vilar Center for the Arts; Mr. Robert Gary is a member of the Board of Directors for Beaver Creek Property Owners Association and the Vilar Center for the Arts Committee; Dr. Louis Kreig is a member of the Board of Directors for Beaver Creek Property Owners Association; and Mr. James Power is a Director of the Beaver Creek Property Owners Association. The Board noted for the record that these disclosures are restated at this

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time with the intent of fully complying with laws pertaining to potential conflicts.

Agenda

No changes were made to the agenda.

Public Input

No public comment was offered.

Legal

UERWA Matters: The Board was being asked as a member of UERWA to consider approval of settlement agreements which relate to the Town of Minturn and the dispute over expansion of its water rights. The Board discussed the settlement agreements which had been provided to them by email prior to the meeting. The draft agreements have been approved by ERWSD, UERWA and the Eagle Park Reservoir Company. At the Minturn Town council meeting last Wednesday, the Town of Minturn also approved the agreements. The Board discussed several concerns including whether there were appropriate provisions for drought conditions. It was reported the settlement agreements were believed to be a positive solution to the matter and it was recommended they be approved. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the proposed settlement agreements as presented with the Town of Minturn and the Battle Mountain Entities for the following four (4) water cases:

Case No. 05CW262

Case No. 05CW263

Case No. 06CW264

Case No. 07CW225

And,

FURTHER RESOLVED to authorize the District's General Manager, Clyde Hanks, to sign the four (4) proposed settlement agreements for the following four (4) water cases with the Town of Minturn and the Battle Mountain Entities on behalf of the Beaver Creek Metropolitan District:

Case No. 05CW262

Case No. 05CW263

Case No. 06CW264

Case No. 07CW225

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Adjournment

There being no further business to come before the Board, by motion duly made and seconded, it was unanimously

RESOLVED to adjourn the Special Meeting of the Beaver Creek Metropolitan District Board of Directors held on May 10, 2010.

Respectfully submitted,

Kathy Lewensten
Secretary for the meeting