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# RECORD OF PROCEEDINGS

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## MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS BEAVER CREEK METROPOLITAN DISTRICT June 8, 2007

The Special Meeting of the Board of Directors of the Beaver Creek Metropolitan District (the "District") was held at 8:30 a.m., June 8, 2007 in the Conference Room of the District Administrative and Operations Facility, Eagle-Vail, Eagle County, Colorado.

### Attendance

In Attendance were Directors:

- Stephen Friedman
- Mike Balk
- John Forstmann
- Ernie Elsner

Absent and excused was Director:

- Robert Gary

Also in Attendance were:

- Clyde Hanks, General Manager
- Ken Marchetti, CPA, Robertson and Marchetti, P.C.
- Kathy Lewensten, Recording Secretary
- Heather Nolan, Administrative Assistant

### Call to Order

The Special Meeting of the Board of Directors of Beaver Creek Metropolitan District was called to order by Director Friedman, Chairman of the Board, noting that a quorum was present. Director Friedman 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. Stephen Friedman is a board member of the Beaver Creek Arts Foundation which operates the performing arts facilities within Beaver Creek; Mr. John Forstmann is a board member of the Beaver Creek Club; Mr. Ernest Elsner is a board member of the Beaver Creek Property Owners Association; and Mr. Michael Balk is a director of the Beaver Creek Property Owners Association and a director of the Vilar Center for the Arts. The Board noted for the record that these

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disclosures are restated at this 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 input was offered.

### ERFPD

Director Friedman began by providing a brief overview of District matters related to Eagle River Fire Protection District (ERFPD). He stated after the last regular meeting the District had received a letter from ERFPD in which they request termination of the current agreement.

### Executive Session

Upon motion duly made and seconded, it was unanimously

**RESOLVED** to enter into executive session citing §24-6-402(4)(e) C.R.S. for the purpose of discussing legal matters and negotiations related to Eagle River Fire Protection District. The Board entered into Executive session at 8:35 a.m. and returned at 9:40 a.m.

After returning from Executive Session, upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the retention of Mr. Johnson, Esq. of Johnson & Repucci LLP represent the District as special counsel.

### Other Business

**Skier Bridge Accident:** Mr. Hanks reported to the Board the skier bridge had been hit again by a piece of equipment being brought down from a job site. An engineer has inspected the damage which appears to be more cosmetic than structural in nature. However one of the structural cables was exposed and will be watched over the next month to see if any damage was sustained. If no damage is detected a cosmetic patch will be completed.

**Fire Station Siding and Windows:** Mr. Hanks reported two bids had been received for the siding and window project for the fire station. One of the bids was under the budget amount. He requested approval to move forward with the project. Upon motion duly made and seconded, it was unanimously

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**RESOLVED** to approve acceptance of the lowest responsible bid for the Fire Station Siding and Window Project contingent on final review by Mr. Hanks.

**Village Road Project:** Mr. Hanks reported the Village Road project is on schedule. The roadway should be reopened by the end of next week. The paint samples for the retaining wall will be reviewed next week by BCRC. Mr. Hanks stated approximately \$96,000 was estimated to be the cost of milling and overlaying the portion of Village Road discussed at the last meeting.

**Wildland Fire Regulations:** Mr. Hanks reported the Wildland Fire Regulations were at Eagle County for review. The Planning hearing has been set for the end of the month so it is anticipated the Commissioners will review it in July.

### 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 June 8, 2007.

Respectfully submitted,

Kathy Lewensten  
Secretary for the meeting