
RECORD OF PROCEEDINGS

**Minutes of the Special Meeting
Of the Board of Directors
Catamount Metropolitan District
November 9, 2009**

A Regular Meeting of the Board of Directors of the Catamount Metropolitan District, Routt County, Colorado, was held November 9, 2009 at 3:00 p.m., at the Catamount Ranch Golf Clubhouse, 33400 Catamount Drive, Steamboat Springs, Routt County, Colorado, in accordance with the applicable statutes of the State of Colorado.

Attendance

The following Directors were present and acting:

- John Holloway
- Eric Wilson (via phone)
- Darlinda Baldinger
- Gary Ertl

Also in attendance were:

- Staff Personnel:
 - Eric Weaver, Robertson & Marchetti, P.C.
 - Joel Anderson, District Manager
 - Kevin Collier, District Staff

Call to Order

The Regular Meeting of the Board of Directors of Catamount Metropolitan District was called to order by Chairman Holloway on November 9, 2009 at 3:00 p.m. noting a quorum was present.

Agenda Changes

The Board reviewed the agenda and made no changes.

Minutes

The Board reviewed the Special Meeting minutes of October 12, 2009 and upon motion duly made and seconded it was unanimously

RESOLVED to approve the Special Meeting minutes of October 12, 2009 as stated.

2010 Calendar

The Board reviewed the proposed 2010 regular meeting schedule and made no changes. The next meeting is scheduled for February 8, 2010.

Operations Report

Lake Water Treatment Plant – Mr. Anderson reported that final testing is being performed and the plant will be put online once the system is running satisfactorily. During testing the treated water is being pumped into the holding pond. The Board commented on how good the building and the site look. A donation in the amount of \$500, which was approved at the October meeting, is going to be made to Steamboat Horizons Specialized Services in memory of Brady Meier. Brad was the contractor on the plant who was killed in an accident on another project. Mr.

RECORD OF PROCEEDINGS

CATAMOUNT METROPOLITAN DISTRICT November 9, 2009 Meeting Minutes

Anderson made the Board aware of the fact that there is no fence near the plant and that he has encountered fishermen trespassing on the site. He recommended placing signage near the plant to warn against trespassing and placement of a fence as well. Director Baldinger suggested the use of signs similar to those on bridges around the Steamboat area. The Board expressed interest in fencing the property to protect the plant and stream access. Mr. Anderson added it would be beneficial to make the corner more of an entrance into other Catamount areas to more clearly define that drivers are entering private property.

Metro Ranch Shop & Office – Mr. Anderson distributed revised floor plans that reduced the building by 466 square feet by cutting out the offices that would have been occupied by the club. The reduction in size would save approximately \$50,000 in construction costs based on \$100 per foot for unfinished space. The plan is functional but still leaves room for staff expansion if ever needed by the District. Mr. Anderson has spoken with the County Planning Director, and since the building is being downsized there should not be any problems and it can be dealt with at the same time as the amendment to the development agreement. On motion duly made and seconded it was unanimously

RESOLVED to approve moving ahead with the revised plan and to authorize Mr. Anderson to submit revised plans and the development plan amendment to the County.

The next step will be to obtain construction drawings and then go out to bid in late winter or early spring. Items that could be bid separately are the installation of the water line to the water treatment plant and the septic system.

Dam Plans – Director Wilson has reviewed the proposal from WH Pacific and recommended that the work involved with obtaining the loan be removed and limit the scope of services to analysis and repairs. Mr. Anderson will follow-up with WH Pacific and added that the hydrology study is required to be able to come to a conclusion on what the best overall approach with regards to the dam structure should be. Rock stabilization of the wall on the West side of the dam should also be removed from the proposal. In addition, Director Wilson recommended hiring SGM separately to avoid the 10% markup charged by WH Pacific. He also questioned the insurance coverage amount of \$50,000 or the amount of the contract, which ever is greater and inquired as to what

RECORD OF PROCEEDINGS

CATAMOUNT METROPOLITAN DISTRICT November 9, 2009 Meeting Minutes

general or professional insurance coverage can be written in to the contract. The Board expressed their feeling that as little work as possible be performed on the hydrology as it is of no benefit to the District. The District's goal is to begin construction on the dam at this time next year.

Rehder Agreement – Preliminary revisions to the agreement have been made by Director Holloway, mainly in the section related to the fee. The Board expressed their opinion that the agreement should include at least a nominal fee of approximately \$4,000, which is the out-of-district fee charged on the Morgenstern property. Once all revisions are made, representatives from the District will meet with Susan from the Land Trust to review the agreement and will try to have the agreement finalized for approval at the February meeting.

Logging on Gambro Property – Mr. Anderson distributed a picture of the results of the logging activity that has been completed so far. The removal of dead trees has greatly improved the appearance of the site. Director Baldinger questioned whether erosion could become a problem on the hill. Mr. Anderson feels that the stumps that have been left will protect the hill from movement.

Cabin Water Treatment Plant – The Electrical bill is all on one meter which the club has been paying for the past several years. Rather than having to hire an electrician come and split the wiring Mr. Anderson proposed that the District pay the bill during the four summer months of peak usage and the Club pay the bill during the remaining months. The only other thing that is on the meter is the Heritage Cabin which has minimal use in the summer. He estimated the cost to the District annually would be about \$1,000. The Board felt the payment arrangement would be the most cost effective. The Club has requested reimbursement for the 2009 costs. On motion duly made and seconded it was unanimously

RESOLVED to approve reimbursement of the 2009 electric costs to the Club in the amount of \$500.

Bike accident – Mr. Anderson informed the Board that he has been contacted by the attorney representing the bicyclist struck by the car earlier in the year. He referred the attorney to the District's legal counsel.

CROA – Discussion will be held next week regarding ownership of the roads of the District and the hunting and fishing rules and regulations.

RECORD OF PROCEEDINGS

CATAMOUNT METROPOLITAN DISTRICT November 9, 2009 Meeting Minutes

Hunting and Fishing Regulations – A draft copy of the regulations was included in the board packet. The Board has requested a minor revision which would change “no big game hunting” to “no hunting except for varmints or nuisances”. In addition, a change to specify that adjoining property owners to Metro parcels should be allowed to pass through the Metro parcels to access Forest Service land as long as they provide notice to District staff. The Board requested that the rules of the Club related to fishing at the ponds on the golf course and ice fishing on the lake be clarified. Director Wilson will incorporate the changes discussed and send out the revised draft for Board comment. Following review by the Board, the draft will then be passed on to CROA with the recommendation that the approved document be circulated to all owners. Director Wilson left the meeting.

Metro Rules and Regulations – The draft copy of the revised rules and regulations was reviewed by the Board. Minor revisions will be made to incorporate the current rate structures and other minor changes in operating procedures. Mr. Weaver will send language related to late payments and late fees to Mr. Anderson. On motion duly made and seconded it was unanimously

RESOLVED to approve the revised rules and regulations subject to minor revisions with an effective date of November 9, 2009.

Water Update

The Board reviewed the report provided by Holland & Hart and questioned whether an objection should be filed to the City’s application to use the Yampa Pipeline. Mr. Anderson reviewed the application with the Board, and since all has been done by the book to date, no opposition is needed. Director Holloway has asked Mr. Hamilton to keep the District informed on any changes, but to not file an objection.

Election Resolution Directors Holloway and Wilson’s terms are up in May of 2010 for 4-year terms and the current Board vacancy is for a 2-year term. On motion duly made and seconded it was unanimously

RESOLVED to approve the Election Resolution for the May 2010 directors election as presented.

Financial Statement Mr. Weaver reviewed the financial report for the period ending September 30, 2009. On motion duly made and seconded it was unanimously

RECORD OF PROCEEDINGS

CATAMOUNT METROPOLITAN DISTRICT November 9, 2009 Meeting Minutes

RESOLVED to approve the September 30, 2009 financials as presented.

2009 Audit

The Board discussed the audit proposal for the 2009 District audit. On motion duly made and seconded it was unanimously

RESOLVED to renew the engagement letter with Chadwick, Steinkirchner, Davis & Co, PC to perform the 2009 audit of the District.

2010 Budget

Mr. Weaver announced that notice of a hearing concerning the 2010 budget had been published in the Steamboat Pilot as required by State statute. Director Holloway opened the public hearing to take comments on the proposed 2010 budget. There was no comment made and the hearing was declared closed.

Mr. Weaver reviewed the budget with the Board noting that the net mill levy will be increased another 5 mills up to 25 mills and the assessment will be reduced from \$3,000 in 2009 to \$1,000 in 2010. Only minor changes were made to the budget since the October work session. On motion duly made and seconded it was unanimously

RESOLVED to adopt the 2010 budget as presented, and

FURTHER RESOLVED to certify a gross 30.00 mill property tax levy for collection in 2010 with a 5.00 mill temporary credit for a net property tax levy of 25.00 mills, subject to minor adjustments which may result from the final certification of assessed values; and

FURTHER RESOLVED to appropriate the funds for expenditure in 2010 as reflected in the 2010 budget, subject to minor adjustments which may result from the final certification of assessed values; and

FURTHER RESOLVED to set the 2010 annual fee for residential properties in the District in the amount of \$1,000 and to set the fee for non-residential property at the theoretical mill levy equivalent rate, calculated in a manner consistent with prior non-residential fees; and

RECORD OF PROCEEDINGS

CATAMOUNT METROPOLITAN DISTRICT November 9, 2009 Meeting Minutes

FURTHER RESOLVED to adopt the fee resolution stating the manner of calculating the District's fees.

Copies of formal resolutions adopting the budget, certifying the mill levy, appropriating funds and establishing the manner of calculating the fees are attached hereto.

Accounts Payable The accounts payable listing for July – September 2009 was reviewed by the Board. On motion duly made and seconded it was unanimously

RESOLVED to ratify the payables listing for July – September, 2009 as presented.

Accounts Receivable The Board reviewed the accounts receivable listing through September 30, 2009. It was noted that Ranch 1 has not brought their account current and a lien will be filed. On motion duly made and seconded it was unanimously

RESOLVED to approve the accounts receivable listing for September 30, 2009 with the note that Ranch 1 will have a lien filed against it for the outstanding amount and cost of the lien.

**Foreclosure
Updates**

Ranch Lot 13 and Ranch Lot 6 are in foreclosure. Ranch Lot 13 is rescheduled for December 6 foreclosure sale and Ranch Lot 6 is scheduled for January 6.

Adjournment

With business concluded, and on motion duly made and seconded it was unanimously

RESOLVED to adjourn the Regular Meeting of Catamount Metropolitan District Board of Directors this 9th day of November, 2009.

Respectfully submitted,



Eric Weaver
Secretary for the meeting

RESOLUTIONS OF CATAMOUNT METROPOLITAN DISTRICT

TO ADOPT 2010 BUDGET

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE CATAMOUNT METROPOLITAN DISTRICT, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2010 AND ENDING ON THE LAST DAY OF DECEMBER 2010.

WHEREAS, the Board of Directors of the Catamount Metropolitan District has prepared and submitted a proposed 2010 budget at the proper time; and

WHEREAS, such Board has submitted a proposed budget to this governing body at the proper time, for its consideration, and;

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, and a public hearing was held on November 9, 2009, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves/fund balances so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of directors of the Catamount Metropolitan District, Routt County, Colorado:

- Section 1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of the Catamount Metropolitan District for the year stated above.**
- Section 2. That the budget hereby approved and adopted shall be certified by any officer or the District Administrator of the District and made a part of the public records of the District.**

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

RESOLUTIONS OF CATAMOUNT METROPOLITAN DISTRICT (CONTINUED)

TO SET MILL LEVIES

A RESOLUTION LEVYING PROPERTY TAXES FOR THE YEAR 2010, TO HELP DEFRAID THE COSTS OF GOVERNMENT FOR THE CATAMOUNT METROPOLITAN DISTRICT, ROUTT COUNTY, COLORADO, FOR THE 2010 BUDGET YEAR.

WHEREAS, the Board of Directors of the Catamount Metropolitan District, has adopted the annual budget in accordance with the Local Government Budget Law, on November 9, 2009 and;

WHEREAS, the amount of money necessary to balance the budget for general operating expenses and capital expenditure purposes from property tax revenue is \$724,226.16 and;

WHEREAS, the Catamount Metropolitan District finds that it shall temporarily lower the general operating mill levy to render a refund for \$(120,704.36), and;

WHEREAS, the amount of money necessary to balance the budget for capital expenditure purposes from property tax revenue approved by voters or at public hearing is \$0.00, and;

WHEREAS, the amount of money necessary to balance the budget for voter approved bonds and interest is \$0.00, and;

WHEREAS, the 2009 valuation for assessment for the Catamount Metropolitan District, as certified by the County Assessor is \$ 24,140,872.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CATAMOUNT METROPOLITAN DISTRICT, ROUTT COUNTY, COLORADO:

- Section 1. That for the purposes of meeting all general operating expenses of the Catamount Metropolitan District during the 2010 budget year, there is hereby levied a tax of 30.000 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2009.
- Section 2. That for the purposes of rendering a refund to its constituents during budget year 2010 there is hereby levied a temporary tax credit/mill levy reduction of 5.000 mills.
- Section 3. That for the purpose of meeting all capital expenditures of the Catamount Metropolitan District during the 2010 budget year, there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2009.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

RESOLUTIONS OF CATAMOUNT METROPOLITAN DISTRICT (CONTINUED)

TO SET MILL LEVIES (CONTINUED)

Section 4. That for the purpose of meeting all payments for bonds and interest of the Catamount Metropolitan District during the 2010 budget year, there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2009.

Section 5. That any officer or the District Administrator is hereby authorized and directed to either immediately certify to the County Commissioners of Routt County, Colorado, the mill levies for the Catamount Metropolitan District as hereinabove determined and set, or be authorized and directed to certify to the County Commissioners of Routt County, Colorado, the mill levies for the Catamount Metropolitan District as hereinabove determined and set based upon the final (December) certification of valuation from the county assessor.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

RESOLUTIONS OF CATAMOUNT METROPOLITAN DISTRICT (CONTINUED)

TO APPROPRIATE SUMS OF MONEY
(PURSUANT TO SECTION 29-1-108, C.R.S.)

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE CATAMOUNT METROPOLITAN DISTRICT, ROUTT COUNTY, COLORADO, FOR THE 2010 BUDGET YEAR.

WHEREAS, the Board of Directors has adopted the annual budget in accordance with the Local Government Budget Law, on November 9, 2009, and;

WHEREAS, the Board of Directors has made provision therein for revenues in an amount equal or greater to the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues and reserves or fund balances provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CATAMOUNT METROPOLITAN DISTRICT, ROUTT COUNTY, COLORADO:

Section 1. That the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purposes stated:

GENERAL FUND:	
Current Operating Expenditures	\$493,348
Water and Sewer Operating Expenditures	\$ 96,897
Debt Service Expenditures	\$171,055
Capital Expenditures	<u>\$985,000</u>
TOTAL GENERAL FUND:	\$1,746,300

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

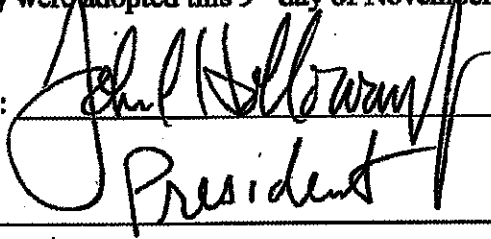
RESOLUTIONS OF CATAMOUNT METROPOLITAN DISTRICT (CONTINUED)

**TO ADOPT 2010 BUDGET, SET MILL LEVIES AND
APPROPRIATE SUMS OF MONEY
(CONTINUED)**

The above resolutions to adopt the 2010 budget, set the mill levies and to appropriate sums of money were adopted this 9th day of November, 2009.

Attest:

Title:



President

CERTIFICATION OF TAX LEVIES for NON-SCHOOL GovernmentsTO: County Commissioners¹ of Routt County, Colorado.On behalf of the Catamount Metropolitan District, the Board of Directors of the Catamount Metropolitan District

Hereby officially certifies the following mills to be levied against the taxing entity's GROSS

assessed valuation of: (Gross assessed valuation, Line 2 of the Certification of Valuation Form DLG 57)

\$ 24,140,872

Note: If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area the tax levies must be calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET

assessed valuation of: (NET assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)

\$ 24,140,872

Submitted:

December 10, 2009

for budget/fiscal year

2010

(not later than Dec 15)

(dd/mm/yyyy)

(yyyy)

PURPOSE	LEVY ²	REVENUE ²
1. General Operating Expenses	<u>30.000</u> mills	\$ <u>724,226.16</u>
2. (MINUS) Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction	<u>(5.000)</u> mills	\$ <u>(120,704.36)</u>
SUBTOTAL FOR GENERAL OPERATING:	<u>25.000</u> mills	\$ <u>603,521.80</u>
3. General Obligation Bonds and Interest [Special Districts must certify separately for each debt pursuant to 29-1-301(1.7),C.R.S.; see page 2 of this form.]	<u>0.000</u> mills	\$ <u>-</u>
4. Contractual Obligations Approved at Election [Per 29-1-301(1.7) C.R.S.]	<u>0.000</u> mills	\$ <u>-</u>
5. Capital Expenditures [These revenues are not subject to the statutory property tax revenue limit if they are approved by counties and municipalities through public hearing pursuant to 29-1-301(1.2)C.R.S. and for special districts through approval from the Division of Local Government pursuant to 29-1-302(1.5)C.R.S. or for any taxing entity if approved at election.]	<u>0.000</u> mills	\$ <u>-</u>
6. Refunds/Abatements	<u>0.000</u> mills	\$ <u>-</u>
7. Other (specify): _____ [These levies and revenues are for purposes not subject to 29-1-301 C.R.S. that were not reported above]	<u>0.000</u> mills	\$ <u>-</u>
TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]	<u>25.000</u> mills	\$ <u>603,521.80</u>

Contact person: Eric Weaver, CPADaytime phone: (970) 926-8080 x8Signed: Title: District Administrator

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S. with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, Colorado 80203. Questions? Call DLG (303) 866-2156.

¹ If the taxing entity's boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's final certification of valuation).

CERTIFICATION OF TAX LEVIES, continued
CATAMOUNT METROPOLITAN DISTRICT

THIS SECTION APPLIES TO TITLE 32, ARTICLE 1 SPECIAL DISTRICTS THAT LEVY TAXES FOR PAYMENT OF GENERAL OBLIGATION DEBT (32-1-1603 C.R.S.). Taxing entities that are Special Districts or Subdistricts of Special Districts must certify separate mill levies and revenue to the Board of County Commissioners, one each for the funding requirements of each debt (32-1-1603, C.R.S.) Use additional pages as necessary. The Special District's or Subdistrict's total levies for general obligation bonds and total levies for contractual obligations should be recorded on Page 1, Lines 3 and 4 respectively.

CERTIFY A SEPARATE MILL LEVY FOR EACH BOND OR CONTRACT:

BONDS:

1. Purpose of Issue:

Purchase of Open Space
Series: General Obligation Bond-Series 2004
Date of Issue: September 15, 2004
Coupon rate: 4.77%
Maturity Date: July 15, 2011
Levy: 0.000
Revenue: \$0.00

2. Purpose of Issue:

Expansion of and Enhancements to Water Treatment Plants
Series: General Obligation Water Bond -Series 2006
Date of Issue: February 15, 2006
Coupon rate: 5.25%
Maturity Date: June 30, 2016
Levy: 0.000
Revenue: \$0.00
Revenue:

3. Purpose of Issue:

Water Facilities and Street and Road Improvements
Series: General Obligation Bond - Series 2009
Date of Issue: April 1, 2009
Coupon rate: 5.00%
Maturity Date: December 31, 2028
Levy: 0.000
Revenue: \$0.00

CONTRACTS:

4. Purpose of Contract:

Title:
Date:
Principal Amount:
Maturity Date:
Levy:
Revenue:

Use multiple copies of this page as necessary to separately report all bond and contractual obligations per 32-1-1603, C.R.S.

**LEASE-PURCHASE SUPPLEMENTAL SCHEDULE
(29-1-103(3)(d), C.R.S)
Budget Year 2010**

November 10, 2006

Items being leased:	Tractor with attachments
Total amount to be expended for budget year 2010:	\$11,967.80
Term of Lease-Purchase agreement:	5-Year Lease
Year 2011	\$11,967.80

Total maximum payment liability of Eagle Ranch Metropolitan District over the entire term of agreement. Include all optional renewal terms: \$59,839.00

**SUMMARY OF ALL LEASE-PURCHASE AGREEMENTS NOT INVOLVING
REAL PROPERTY:**

<u>Amount</u>	<u>Year</u>
Total amount to be expended for all Non-Real Property Lease Purchase Agreements in Budget Year:2010	\$11,967.80
Total maximum payment liability for all Non-Real Property Lease Purchase Agreements over the entire terms of all such agreements, including all optional renewal terms:	\$59,839.00

**RESOLUTION OF THE BOARD OF DIRECTORS OF CATAMOUNT
METROPOLITAN DISTRICT CONCERNING FEES**

WHEREAS, the Catamount Metropolitan District, County of Routt, is a quasi-municipal corporation and political subdivision of the State of Colorado (the "District"); and

WHEREAS, the District was organized to provide, and is providing public services, facilities and programs within its boundaries pursuant to the Service Plan for the District ("Plan"); and

WHEREAS, the District, pursuant to Section 32-1-1001(1)(j), C.R.S., as amended, and the Plan may fix and from time to time increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District; and

WHEREAS, the District owns and operates certain municipal systems which serve and benefit the property owners within the District (the "Services"); and

WHEREAS, the District is empowered under Colorado law to assess and collect a schedule of fees from property owners within the District; and

WHEREAS, the District adopted a resolution on July 23, 2003 setting annual fees for services rendered, and has assessed and collected such annual fees each year since 2004; and

WHEREAS, Lake Catamount No.1 Metropolitan District has conveyed all of its assets to the District and has been dissolved pursuant to Section 32-1-701 *et seq.*, C.R.S.; and

WHEREAS, the Board of Directors now wishes to clarify the continued applicability of the fees in question after the adoption of the 2010 budget, and to set the fees described herein, to be collected by the District from owners of property, and to be paid to the District for the purpose of funding the Services, or providing for payments for public improvements that benefit the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the District that:

1. Effective on and after January 1, 2010, the property owners within the District (and the property provided Services outside the District) shall be subject to the fees set forth below (a "Fee" or the "Fees," as contextually appropriate). The Fees shall be assessed and paid as follows:

Non-Residential Development will be assessed \$16,558.37 (subject to final adjustment based on final assessed values from the Routt County Assessor).

Residential Development will be assessed \$1,000 per Lot.

Out of District Development (Morgenstern) will be assessed \$4,164.00 plus or minus the 2009 Denver/Boulder CPI

2. The Fees have been calculated by the District to defray the costs of the Services provided by the District, and are reasonably related to the overall cost of providing the Services to the property located within the boundaries of the District.

3. The Fee shall be assessed, and notice of the Fee along with a demand for payment, shall

be provided to all property owners as soon as is practicable after the beginning of each fiscal year of the District. The Fee shall be payable to the District.

4. The Fee shall be due in full on or before the 30th day following the mailing of the notice of the Fee by the District (the "Due Date"). If the Fee is not paid by the Due Date, the District shall impose the following penalties and charges on a monthly basis following non-receipt of the Fee: (1) penalty interest in the amount of 1.0% calculated on the then outstanding balance of the past-due Fee ("Penalty Interest"); and (2) if deemed necessary, a delinquency charge in the amount of 5% of the then outstanding balance of the past-due Fee ("Delinquency Charge"). The Delinquency Charge shall at no time exceed 25% of the outstanding balance of the past-due Fee¹. In accordance with Section 29-1-1102(2), C.R.S., no Delinquency Charge shall apply if the Fee is paid within five days of the Due Date. The District shall impose Penalty Interest on the outstanding balance of the past-due Fee, but shall not impose any interest charges on the amount of the Delinquency Charge. Until paid, the Fee, together with any Penalty Interest and Delinquency Charge properly imposed pursuant to this Resolution, shall constitute a first and perpetual lien on or against the property served and any such lien may be foreclosed in the manner provided by law. If the District determines that a foreclosure is necessary to obtain payment of the rates, tolls, fees and charges imposed by this Resolution, including the Fees and any Penalty Interest and Delinquency Charge imposed, a foreclosure fee equal to the costs of collection, including attorneys fees and costs, shall be assessed against the property to offset the costs of prosecuting such foreclosure and such foreclosure fee shall constitute a perpetual lien on the property as well.

The Fees, and the obligation for their payment, follow the property in question, and the owner and the occupant of any property are hereby deemed equally liable for the Fees and for all other charges of the District. The District assumes no responsibility hereby for any agreement made between owners and occupants regardless of how made or the District having been notified of such agreement.

The District also shall have the right to assess any property owner or occupant who is tardy in payment of his or her account all legal, court and other costs necessary to or incidental to the collection of said account.

5. The Fees are in addition to any and all other service or other charges, real and personal property taxes, rates, fees, tolls, and penalties as may be imposed by the District to fund activities other than the Services, or to supplement the provision of the Services.

6. Revenues raised from the Fees shall be separately accounted for and deposited into the District's operating account. Such revenues shall be used to pay for the Services, or used to defray the costs associated therewith, and no revenues raised from Fees shall be deposited into the District's general fund.

7. The Fees shall be annually reviewed, and assessed anew for each year subsequent to 2010. As a part of the District's annual budgeting process, the District shall analyze the funding of the District's operations through this fee mechanism together with levying property taxes to fund the District's operations.


¹ In accordance with Section 29-1-1102(3), C.R.S., the maximum Delinquency Charge on Non-Residential Development is \$4,139.59; the maximum Delinquency Charge on Residential Development is \$250.00; and the maximum Delinquency Charge on Out of District Development is \$1,041.00.

RESOLVED this 9th day of November, 2009.

CATAMOUNT METROPOLITAN DISTRICT

By: 
President

ATTEST:


Secretary

