

BATTLEMENT MESA SERVICE ASSOCIATION  
SPECIAL MEETING OF THE BOARD OF DIRECTORS  
SEPTEMBER 28, 2010

Present:	Keith Lammey	President
	John Shepherd	Secretary
	Jonathan Lay	Director
	Keith Sheppelman	Director
	Jeff Hill	Director
	Eric Schmela	Director
	Jay Haygood	Director
	Bob Arrington	Director
	Laurel Koning	Director
	Jeanice Freeman	Director

APPROVED

Excuse Absence: Sara McCurdy Vice President

Also Present: Steve Rippy Association Manager  
Amie Martin Administrative Assistant

Community Members Present: Sandy Getter Dave Devanney

**CALL TO ORDER**

Director Lammey called the meeting to order at 9:08 am.

**DISCUSS AND APPROVE RESOLUTION FOR AMENDEMENTS 60, 61 AND INITIATIVE 101**

Director Haygood stated that Mesa County did a survey of the three proposals. Amendment 60 was opposed. Amendment 61 and Initiative 101 were supported.

Director Hill stated that he had time to read the information about the proposals and he is against all three.

Director Lammey stated that it is our duty to let people know that all three proposals are bad for our community. They will not affect BMSA but will hurt both BMMD and GVFPD.

Director Hill asked how does BMSA inform the community of our views on the proposals?

Director Lammey stated that we could use the Echo Newspaper, our website and email.

Director Shepherd stated that it might be possible to put it on Town of Parachute's electronic signs.

Director Arrington stated that in the Grand Junction Sentinel newspaper, the Mesa County Commissioners did not take a stand on the proposals.

Director Koning stated that it is BMSA's responsibility to educate the community on the impact these proposals will have on our community.

A motion was made by Director Haygood and seconded by Director Hill to accept the Resolution Declaring Opposition to Amendment 60, 61 and Initiative 101, the motion carried unanimously.

### **OWNERS OPEN FORUM**

Sandy Getter handed out a letter. She stated that “at the last Board meeting, Eric Schmela stated that it is to Antero’s economic advantage to submit the latest SUA proposal to the COGCC because there would be one less well pad and less gas lines. If that is the case, then Antero didn’t make the acceptance of the plan contingent on our “donating” \$125,000 to a park. It must be Battlement Mesa Company’s decision since they will lose some money by having one less well pad surface-use agreement.”

Sandy Getter stated that Battlement Mea Company is the only entity that will benefit immediately from the park being developed because it would be more attractive for them to sell the land around it for homes.

### **LETTER TO CONFIRM BMSA BOARD ACTION COMMITTING \$125,000 ANTERO CONTRIBUTION TOWARDS COMMUNITY PARK & SUPPORT FOR CHANGES TO ANTERO SURFACE USE PLAN FOR BM PUD**

Mr. Rippy submitted copies of the e-mails sent to the BMSA attorney requesting clarification on quorum requirements and whether the committing of the \$125,000 from Antero to a community park required a 67% majority delegate vote.

Director Arrington handed out documents on the park issue of April 13, 2010.

Mr. Rippy explained that per the 5<sup>th</sup> amendment declaration there are currently 16 residential delegate areas. The 5<sup>th</sup> amended declaration did not change the 5 commercial delegate areas. Therefore, there are currently 21 delegate areas with the ability to put a delegate on the board. In addition, there are the 2 declarant positions, which would bring the potential Board of Director total to 23. Mr. Rippy explained that if a delegate area does not elect a representative the delegate area would not be represented and are not considered a part of the quorum. Therefore, if you had 13 delegate areas with elected representatives the quorum would be 7.

Mr. Rippy explained based upon his interpretation of the attorney’s comments a quorum was established and a 67% vote of the delegates was not needed for committing the \$125,000 to the community park.

Director Arrington disagreed with these interpretations, stating that if the BMSA had not made the effort to seek out representation from every delegate area the quorum issues is subject to challenge. Director Arrington further stated that the attorney’s comments about the 67% vote of the delegates supported his position that a vote of the delegates was necessary to commit the Antero funds.

Director Haygood commented that he believed that day-to-day operations or issues require only a majority vote of the board. However, the commitment of \$125,000 is not a common or everyday type of decision and he believes the 67% vote of the delegates is needed.

After additional discussion the Board agreed to have Director Lammey, Director Arrington and Mr. Rippy meet to come up with a list of questions for the BMSA attorney to gain further clarification and request the attorney attend the October meeting. The motion carried unanimously.

Director Schmela stated that he would like to put a stop to some rumors regarding the Antero donation.

Director Arrington’s handout states, “Battlement Mesa Company is obligated by lease with the School District 16 to build a park, as its’ only use of the site.” Director Schmela stated that Battlement Mesa Company has no obligation to build a park.

Director Arrington’s handout states, “Loss of drill pad site as not needed by Antero. This is a loss of surface payment of at least \$75,000.” Director Schmela stated that Battlement Mesa Company is not receiving any money for surface damages. Instead, Antero is landscaping the highly visible pads.

Director Schmela stated that the Board needs to be aware that if BMSA undoes our agreement on April 13, 2010 then the Park & Recreation District may undo their agreement.

**ADJOURN**

A motion was made and carried to adjourn the meeting at 10:20 am.