

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
BACA GRANDE WATER AND SANITATION DISTRICT

January 17, 2020

9:00 AM

District Office - 57 Baca Grant Way South
Crestone, Colorado 81131

ATTENDANCE

Directors in Attendance:

John Loll

Robert Salmi

Gregg Conlee

Michael Scully

Also in Attendance:

Marcus Lock; Law of the Rockies (via speakerphone)

Cathy Fromm (via speakerphone for a portion of the meeting)

JoAnn Slivka; District Manager

See list for additional attendees

CALL TO ORDER

President Loll opened the meeting at 9:00 AM.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Attorney Lock has discussed with the Board the requirements pursuant to Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Baca Grande Water and Sanitation District Board of Directors and to the Secretary of State. It was noted that a quorum was present and members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. No new disclosures were made.

AGENDA

APPROVED: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR CONLEE, SECONDED BY DIRECTOR SALMI AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE AGENDA.

CONSENT AGENDA

The board considered the following consent agenda items:

- Approve Minutes from the November 7, 2019 Special Meeting
- Approve Minutes from the November 15, 2019 Regular Meeting
- Approve Minutes from the December 13, 2019 Regular Meeting
- Review and accept the unaudited Financial Statements for the period of December 31, 2019 and current schedule of cash position.
- Resolution 2020-01-01 Annual Administrative Resolution
- Ratify Independent Contractor Agreement with Southern Colorado Water Operations, LLC.

APPROVED: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SCULLY, SECONDED BY DIRECTOR CONLEE AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CONSENT AGENDA.

PUBLIC COMMENT (ITEMS NOT ON THE AGENDA ONLY. COMMENTS LIMITED TO THREE MINUTES PER PERSON AND TAKEN IN ORDER LISTED ON SIGN IN SHEET)

William Wilkens 2784 N. Carefree Way Commented on his feelings about the district's infrastructure, allegations that the spiritual centers do not pay for water and sanitation services or pay taxes, as well as lack of notification when there is a water break. Mr. Wilkens continued that he is going to report the spiritual centers to the State. Ms. Slivka explained that all of the spiritual and retreat centers do pay for district services as all district customers do. Mr. Wilkens also wants to know when will the district get going to "become proactive and not reactive" because the infrastructure is breaking all the time. He related a story that there was a line break that occurred two years ago and he was not informed about the emergency; the break occurred while he was out of town, so he did not receive notification of the service interruption at the time and it did not affect him because he was not home at the time.

Daniel Gray 3898 Rarity Way Mr. Gray commented on his dissatisfaction with the district's lack of communication regarding board meetings.

BOARD AND STAFF REPORTS

The board reviewed and discussed the staff reports that are attached and incorporated herein by this reference.

FINANCIAL MATTERS

Check Register: The board considered approval of the check register through the period ending January 17, 2020 as follows:

General	\$	8091.42
Debt Service	\$	0
Capital Projects	\$	1531.57
<u>Enterprise</u>	\$	<u>40,349.55</u>
		\$ 49,972.54

APPROVED: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR CONLEE, SECONDED BY DIRECTOR SALMI, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CHECK REGISTER FOR THE PERIOD ENDING JANUARY 17, 2020.

CAPITAL IMPROVEMENT PROJECTSManhole Replacement Project

The board considered a \$1000 reimbursement request received from the Baca Grande Stables to cover housing and rental expenses lost due to the emergency backup that occurred in December.

APPROVED: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SALMI, SECONDED BY DIRECTOR SCULLY, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE REIMBURSEMENT REQUEST TO THE BACA GRANDE STABLES IN THE AMOUNT OF \$1000 WITH A RESERVATION OF RIGHTS AGAINST RMS UTILITIES AND ANY APPLICABLE INSURANCE CARRIER THAT MIGHT BE RESPONSIBLE FOR REIMBURSEMENT OF THE EXPENDITURE.

Eli and Joanna Dokson gave an update on the status of events to the board. There are a number of things they are still concerned about some of which include ongoing mitigation work, electrical expenses, personal property damage, and fencing repairs. The Dokson's recognized and appreciate the assistance they have received from the POA Manager, Kevin Flewell as well as the District's Manager, JoAnn Slivka.

Water Storage Tank Improvements:

The board reviewed the Advertisement to Bid and drawings received from JVA for the storage hatches and approved the project to move forward.

BOARD OF DIRECTOR MATTERS:

The Board discussed having a work session at the end of January to discuss the Master Plan, Funding and Director Goals and directed Ms. Slivka to coordinate and communicate the time and place for the meeting.

LEGAL MATTERSConsider Adoption of Resolution No. 2020-01-02 Amending Rules and Regulations: Section 2.3 District Board Meetings

APPROVED: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SCULLY, SECONDED BY DIRECTOR CONLEE, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD ADOPTED RESOLUTION 2020-02-02

Consider Adoption of Rules of Decorum

APPROVED: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR CONLEE, SECONDED BY DIRECTOR SALMI, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE RULES OF DECORUM.

Discuss Status of Town of Crestone Intergovernmental Agreement (IGA)

The board considered setting a date to meet with representatives of the town to discuss the needs of the town and the district as it relates to the IGA. President Loll would like the district to initially engage with staff then suggest a meeting with both the town trustees and the district board of directors.

EXECUTIVE SESSION MATTERS - §24-6-402(4) (a), (b), (e)(I) and (f)(I), C.R.S.

DIRECTOR SCULLY MOVED AND DIRECTOR CONLEE SECONDED THAT THE BOARD OF DIRECTORS ENTER INTO EXECUTIVE SESSION FOR THE PURPOSES OF RECEIVING LEGAL ADVICE REGARDING PROPERTY MATTERS, CONFERENCES WITH THE DISTRICT'S ATTORNEY, NEGOTIATIONS AND INSTRUCTING NEGOTIATORS AND PERSONNEL MATTERS.

REAL ESTATE MATTERS (UPDATE ON COUNTY ROAD T PARCEL)

WATER MATTERS (UPDATE ON USFWS NEGOTIATIONS)

THE MANHOLE PROJECT

INSURANCE CLAIM MATTERS (STATUS OF CLAIMS)

PERSONNEL MATTERS (HIRING PROCESS)

TOWN OF CRESTONE IGA

TOWER IMPROVEMENT REQUEST

THE MOTION CARRIED UNANIMOUSLY AND THE BOARD ENTERED INTO EXECUTIVE SESSION AT 10:30 AM.

DIRECTOR SCULLY MOVED AND DIRECTOR CONLEE SECONDED THAT THE BOARD OF DIRECTORS RECONVENE TO REGULAR SESSION AT 12:33 AM.

ADJOURNMENT:

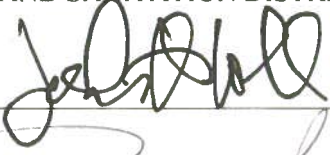
THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE BY DIRECTOR CONLEE SECONDED BY DIRECTOR SCULLY AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 12:34 AM.

THE NEXT REGULAR MEETING IS SCHEDULED FOR
February 21, 2020

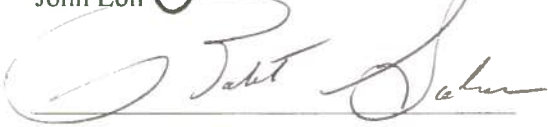
Respectfully submitted,


Secretary for the meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL January 17, 2020 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:



John Loll



Robert Salmi



Gregg Conlee



Michael Scully

ATTORNEY STATEMENT

Regarding Privileged Attorney-Client Communication

Pursuant to §24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Baca Grande Water and Sanitation District, I attended the executive sessions on January 17, 2020, and it is my opinion that the portion of the executive session that was not recorded constituted attorney-client privileged communications.



Marcus J. Lock

General Counsel

Baca Grande Water and Sanitation District



Baca Grande Water and Sanitation District
P.O. Box 520 | 57 Baca Grant Way S
Crestone, CO 81131-0520

**January 17, 2020
Board Meeting**

Board of Directors Sign-in

Bob Salmi:	
John Loll:	
Michael Scully:	
Gregg Conlee:	



Baca Grande Water and Sanitation District
 P.O. Box 520 | 57 Baca Grant Way S
 Crestone, CO 81131-0520

January 17, 2020
 Board Meeting

Please print your name, address and contact information along with any issues you are interested in addressing at today's Board Meeting.

Name	Address	Telephone/Email	Would you like to speak?	Issues to be addressed
Daniel Gray	3846 Roubly	970-497-6610	Yes	
William M. White	2784 W. Carefree way	319-389-3100	yes	Blazing Mountain Interstructure
Jarrie Thomas	203 Conix del Oro West	256-5910	maybe	
Bill Beck	313 Sunset	970-819-3209	maybe	mltcs
Jim VanDyke	389 DEL SOL	719 480-9076		
Paul Warwick	530 Sun Street	719-655-2544	NO	None
ELI+JOKUNA DOKSON	1452 Wagon Wheel	256-6200	Yes	Stables