

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

October 18, 2019

9:00 A.M.

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; Fromm and Company (via speakerphone)
JoAnn Slivka; District Manager
Joshua Cichocki; Utility Superintendent

Members of the Public

Steven Johnson; Community Member
Wonder Bob; Community Member
Jim Vanderpool; Baca POA Fire Captain (for a portion of the meeting)

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

President Loll opened the meeting at 9:00 with a review of the Agenda.

APPROVED: Following discussion, upon motion duly made by Director Scully, seconded by Director Conlee and upon vote, unanimously carried, the board approved the Agenda.

CONSENT AGENDA

The board considered the following consent agenda items:

- Approve Minutes from the September 27, 2019 regular meeting.
- Review and accept the unaudited financial statements for the period ending September 30, 2019 and current schedule of cash position.

Ms. Fromm reviewed the September financial statements with the board.

APPROVED: Following discussion, upon motion duly made by Director Conlee, seconded by Director Scully 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).

There were no public comments.

BOARD AND STAFF REPORTS

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

OPERATIONS:

Composite Sampling Project Status:

Mr. Cichocki reported that all of the data has been given to the engineers. They are compiling the data. President Loll requested that Mr. Cichocki forward on the report as soon as he receives it before the next board meeting and include a short narrative on the analysis in common language. Mr. Cichocki agreed he would forward the information with a short narrative upon receipt.

SCADA Update:

Mr. Cichocki reported on the update to the SCADA system that was just completed this week. Director Scully asked about the SCADA failure that occurred late this summer and what the problem was. Director Salmi also had questions about the system and updates. It was agreed that Mr. Cichocki will meet with Directors Loll and Salmi to further discuss the system at a separate meeting then report back to the board.

Manhole Project Request for Proposal:

Mr. Cichocki reported that RMS has ordered the manholes for the project and the bid came in at \$62,300. They are currently working on dates and scheduling with a project completion date in March 2020.

Motel Well:

President Loll requested that we investigate the costs and priority to bring the Motel Well on line. The board is concerned about the fire flow issue. Mr. Cichocki reported that he is working with Baca Fire and where the District fits in with this project. We will look at past Capital Improvement sheets and review the costs previously estimated for the Motel Well.

Brookview and Moonlight Tank Hatches:

Director Salmi inquires as to the status of the tank hatches. Mr. Cichocki reported that yes, they are moving forward with a design request for an amount not to exceed \$5000.

2019 Outstanding Capital Improvement Projects:

Mr. Cichocki submitted a short, amended capital list for the year to the District Accountant and District Manager on items he still plans to purchase. These items include one truck, one generator, and parts for the response trailer.

Administrative Building: Director Salmi inquired as to the status of the Administrative Building. Ms. Slivka responded that very preliminary work was started on the funding and building design early in the year. It was then advised the project be put on hold and rather, focus on plans to paint the front office and make it more inviting were to be considered. It is agreed that funds are tight and infrastructure improvements are a high priority, but it is also important that staff work in a safe and healthy environment.

FINANCIAL MATTERS

Check Register: The board considered approval of the check register through the period ending October 18, 2019 as follows:

General Fund:	\$	21,377.00
Capital Projects Fund:	\$	0
Enterprise Fund:	\$	<u>34,120.85</u>
Total:	\$	55,497.85

APPROVED: Following discussion, upon motion duly made by Director Loll, seconded by Director Conlee, and, upon vote, unanimously carried, the board approved the check register for the period ending September 20, 2019.

DOLA Grant: Ms. Slivka reported that she received good news regarding the Energy Impact Assistance Grant Award. Ms. Christy Doon, DOLA Regional Manager called to let us know that we would be receiving a letter soon notifying the district that DOLA will offer a grant award to us in the amount of \$60,000. Details to follow.

BOARD of DIRECTOR MATTERS

Xerox Copier: Director Scully expressed his disappointment with the quality of the printouts for the packets. Ms. Slivka agreed that it has been an ongoing issue and we are currently waiting on replacement parts. We will also review the terms of the lease contract.

LEGAL MATTERS

Mobile Home Estate County Lots:

The Board discussed the fee waiver request from Wendi Maez, Saguache County Land Use Administrator. Saguache County is interested in consolidating three lots and putting a home on the parcel for the Sheriff. Discussion included outstanding fees owed by Saguache County as well as increasing communication and establishing a better working relationship between the county and the district.

The estimated costs include:

Hookup application = \$1400

Labor = \$400-\$700

Other possible costs:

Consolidation = \$750 for 3 lots (\$250/lot)

Tap Fee = \$7500

APPROVED: Following discussion, upon motion duly made by Director Salmi, seconded by President Loll, and, upon vote, unanimously carried, the board approved waiver of associated fees excluding the \$1400 cost for actual parts for the hookup, in support of establishing a law enforcement facility within the district area.

Certification of Delinquent Accounts:

Mr. Steven Johnson and Mr. Wonder Bob, each separately approached the board regarding the certification letter they received from the district. Following discussion and explanation of what the fees included, both parties agreed to pay their portion of the fees due in order to have their names removed from the certification list.

The fees are for past due Availability of service (AOS) fees - "Availability of service or facilities charges shall be assessed only where water, sewer, or both water and sewer lines are installed and ready for connection within one hundred feet of any property line of the residential lot or residential lot

equivalent to be assessed, but to one or both of which line or lines the particular lot or lot equivalent to be assessed is not connected.”

Wonder Bob wanted it to be recorded in the minutes that in the past he felt he was discriminated against by former district staff and he would like it to be clear that the district holds no bad feelings toward him and that he has a right to be heard, to run for office and a right to vote as appropriate. President Loll let it be known that we all want the affairs of the district to be open and it was agreed that we would all “hit the mutual reset button”.

Steven Johnson questioned the legality of the availability of service fees. Mr. Lock cited and explained Colorado Revised Statutes Title 32 Special Districts § 32-1-1006 regarding rights of special districts as it relates to water and sanitation services.

APPROVED: Following discussion, upon motion duly made by Director Scully, seconded by Director Salmi, and, upon vote, unanimously carried, the board adopted Resolution 2019-10-01 Certifying Delinquent Water, Sewer and Availability of Service Fees to Saguache County Treasurer for Collection.

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 water matters and lease rates. The motion carried unanimously and the Board entered into Executive Session at 10:40 AM.

Director Conlee moved and Director Salmi seconded that the Board of Directors reconvene to Regular Session at 10:51 AM.

OTHER BUSINESS:

- Ciello Tower: The board reviewed a proposal letter received from Mr. Loren Howard from Ciello communications. Following discussion, it was agreed to form a sub-committee to discuss and review communication technologies. Directors Conlee and Salmi will work with district staff on these matters.
- Parade of Lights: The board reviewed a letter from Desiree Marceau, coordinator for the 2019 Parade of Lights, inviting the district to participate in the second annual parade to be held on early Friday evening, November 29. After careful consideration, the directors did not feel this was a good use of district resources; November 29th is a paid holiday for District Staff. It is important to encourage staff, to the extent possible, to enjoy their holidays with family and friends in activities unrelated to work events.
- Out of Office: Ms. Slivka will be out of the office next week on the following days; Tuesday, October 22, Thursday and Friday October 24 and 25.

ADJOURNMENT:


There being no further business to discuss, upon motion duly made by Director Scully seconded by Director Conlee and upon vote, unanimously carried, the meeting was adjourned at 11:25 A.M.

Respectfully submitted,

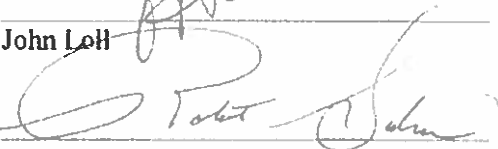


JoAnn Slivka
Secretary for the meeting


THESE MINUTES ARE APPROVED AS THE OFFICIAL October 18, 2019 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:




John Loh



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 October 18, 2019, 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