

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

January 20, 2021

9:00 AM

District Office – 57 Baca Grant Way South

Crestone, Colorado 81131

Meeting held via Zoom due to COVID-19

ATTENDANCE

Directors in Attendance:

John Loll

Robert Salmi

Gregg Conlee

William Peck

Mike Smith

Also in Attendance:

Marcus Lock; Law of the Rockies

Cathy Fromm; Fromm and Company (for a portion of the meeting)

JoAnn Slivka; District Manager

Gary Potter; District Director of Utilities

Members of the Public:

There were no members of the public present

CALL TO ORDER

President Loll opened the meeting at 9:03 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

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR PECK 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 December 14, Regular Meeting

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

PUBLIC COMMENT (ITEMS NOT ON THE AGENDA ONLY. NO ACTION MAY BE TAKEN).

The District is subject to the Colorado Open Meetings Law, which states that no Board discussion or action will take place until a later date, if necessary. Please limit your comments to three minutes or less.

There were no public comments.

BOARD AND STAFF REPORTS

The board reviewed and discussed the reports incorporated herein by this reference.

Operations: The Board directed Mr. Potter to investigate professional leak detection services.

Aspen Wastewater Treatment Plant: Mr. Potter reported on the visit from Mr. Mark Raether from Rubicon Environmental Services regarding the fine bubble process. It was a good opportunity for staff to ask questions and better understand the process. Mr. Potter will report more about this matter at the February meeting.

FINANCIAL MATTERS

Check Register: The board considered approval of the check register through the period ending January 20, 2021 as follows:

General	\$	4132.00
Capital Projects	\$	729.63

Enterprise	\$ 25,072.43
	\$ 29,934.06

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SMITH, SECONDED BY DIRECTOR CONLEE AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CHECK REGISTER FOR THE PERIOD ENDING JANUARY 20, 2021.

Financial Summary: Ms. Fromm reviewed the unaudited financial statements with the Board of Directors.

WATER RATE INCREASE FAQ

The Board discussed the rate increase memo to be posted on the web site. They instructed staff to include a brief message in the Utility Bills directing customers to this information.

LEGAL MATTERS

Mr. Lock provided an update on the USFW negotiations.

1. Lease Rate: USFW and the Baca Grande Water and Sanitation District executed an agreement with LRE Water (third party engineer) for completion of the appraisal process for an amount not to exceed \$5000.
2. Water Rights Appraisal: is in process, currently in the hands of USFW.
3. Baca Augmentation Plan: Mr. Lock received a copy from USFW of the executed contract with Subdistrict 4 that will cover our out of priority depletions in compliance with the new groundwater withdrawal rules.

EXECUTIVE SESSION MATTERS - § C.R.S. 24-6-402(4)(b) (attorney conferences) and (e)(I) (negotiations)

MOTION: DIRECTOR CONLEE MOVED AND DIRECTOR SMITH SECONDED THAT THE BOARD OF DIRECTORS ENTER INTO EXECUTIVE SESSION AT 10:10 AM FOR THE PURPOSES OF RECEIVING LEGAL ADVICE FROM THE DISTRICT'S ATTORNEY AND CONCERNING NEGOTIATIONS REGARDING: A DISCUSSION RELATED TO 1026 E. BADGER ROAD AND THE DISTRICT'S CHARGES FOR EQR'S IN RELATION THERETO.

MOTION: DIRECTOR SALMI MOVED AND DIRECTOR CONLEE SECONDED THAT THE BOARD OF DIRECTORS RECONVENE TO REGULAR SESSION AT 10:34 AM.

Following discussion, it was agreed that staff will review and update the Rules and Regulations as appropriate to provide a clear understanding of the EQR policy and how it is implemented to consistently handle these situations.

DISCUSSION AND/OR ACTION ITEMS COVID-19 Public Health Crisis

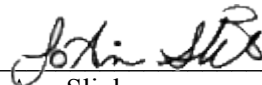
The board reviewed the update received from Saguache County regarding the COVID-19 vaccinations. Saguache County Public Health have immunized a total of 301 people with their first dose of the Moderna COVID-19 vaccine. These individuals have also been scheduled to receive a second dose.

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE DIRECTOR SMITH, SECONDED BY DIRECTOR PECK AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 10:39 AM.

THE NEXT REGULAR MEETING IS SCHEDULED FOR
February 17, 2021

Respectfully submitted,



JoAnn Slivka
Secretary for the meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL JANUARY 20, 2021 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

John Loll

Robert Salmi

Gregg Conlee

William Peck

Mike Smith

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 20, 2021, 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