

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

October 16, 2024 - 9:00 A.M.

District Office – 57 Baca Grant Way South

Crestone, Colorado 81131

Meeting held via Zoom

ATTENDANCE

Directors in Attendance:

Vivia Lawson

Rick Hart

David Karas

Mike Smith

Also in Attendance:

Marcus Lock, District Legal Counsel

Diego Martinez, District Manager

Natalie DeBon, Administrative Manager

Chad Tate, Director of Utilities

Nicholaus Marcotte, Element Engineering

Cathy Fromm, District Accountant (for a portion of the meeting)

Community Members and Guests:

Dan Gray

CALL TO ORDER

President Lawson called the meeting to order at 9:01AM

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

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 potential conflicts were disclosed.

AGENDA

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

CONSENT AGENDA

The Board considered the following consent agenda items:

- REVIEW AND ACCEPT UNAUDITED FINANCIAL STATEMENTS FOR THE PERIOD ENDING SEPTEMBER 30TH, 2024 AND CURRENT SCHEDULE OF CASH POSITION.
- APPROVE MINUTES FROM THE SEPTEMBER, 2024 REGULAR MEETING.

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

PUBLIC COMMENT (ITEMS NOT ON THE AGENDA ONLY. NO ACTION MAY BE TAKEN). *In accordance with the Colorado Open Meetings Law, no Board action will take place until a later date, if necessary. Please limit your comments to three minutes or less.*

No Public comments.

FINANCIAL MATTERS

Check Register: The Board discussed and considered approval of the check register through the period ending October 16, 2024 as follows:

General	\$	20,871.67
Capital	\$	9,046.00
<u>Enterprise</u>	\$	<u>21,932.36</u>
	\$	51,850.03

President Lawson inquired about the administrative remodel. Ms. DeBon explained that the remodel became necessary after offering full-time employment to an administrative employee. Now, each admin employee has their own desk, monitor, and phone, eliminating shared workspaces and reducing the risk of spreading bacteria. This change also improves service availability for the community and customers.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR KARAS AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CHECK REGISTER FOR THE PERIOD ENDING OCTOBER 16, 2024.

BOARD MATTERS

President Lawson reminded the Board that Director Loll previously announced his resignation, effective in September 2024, and recently submitted his resignation in writing. The Board discussed the open seat, the notice of vacancy, and the possibility of appointing a new Director before the upcoming May 2025 Board elections.

ENGINEER & STAFF REPORTS

The Board reviewed and discussed the reports incorporated in the Board packet; the staff reports are attached to the minutes as supporting documents.

Hybrid Board of Directors Meetings: The Board continued its discussion on hybrid meetings and agreed to explore the topic further, with the possibility of implementing hybrid meetings starting in January 2025.

Designated Holidays: The Board and Staff discussed replacing the "Thanksgiving Friday" holiday with "Veterans Day" due to the staff's 4/10 work schedule, which makes "Thanksgiving Friday" unnecessary. After considering the pros and cons and reviewing the current schedule, no action was taken by the Board.

Operations Report: Director Hart reviewed the chart from the Aspen Wastewater Treatment Plant, noting that the plant's organic capacity is increasing and currently getting close to 70%.

Mr. Tate and Mr. Martinez explained that this increase is likely due to reduced testing. Previously, tests were done both in-house and sent to an external lab, but since the data became

consistent, they stopped sending additional samples to the lab. They also mentioned that seasonal changes could be affecting the numbers.

Mr. Martinez recommended budgeting extra funds to resume additional testing both in-house and with the lab to ensure more accurate data. Mr. Tate added that while we can expect some continual variance, as long as the plant doesn't consistently operate at 70% capacity, the plant has sufficient capacity for now.

LEGAL MATTERS

Certification of Delinquent Accounts: Mr. Lock reviewed the resolution and the process with Board, there were no public comments related to the certified accounts or customers present for the discussion.

MOTION: DIRECTOR HART MOVED, AND DIRECTOR SMITH SECONDED, THE BOARD UNANIMOUSLY APPROVED AND ADOPTED RESOLUTION NO. 2024-10-08, CERTIFYING DELINQUENT WATER, SEWER AND AVAILABILITY OF SERVICES FEES TO THE SAGUACHE COUNTY TREASURER FOR COLLECTION.

EXECUTIVE SESSION

MOTION: UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR KARAS AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD ADJOURNED TO EXECUTIVE SESSION AT 10:15 A.M., PURSUANT TO C.R.S. § 24-6-402(4) (A), (B), AND (E), WHICH RESPECTIVELY CONCERN, THE PURCHASE OR LEASE OF REAL PROPERTY, SPECIFIC LEGAL ADVICE FROM COUNSEL, AND DETERMINING POSITIONS RELATIVE TO MATTERS SUBJECT TO NEGOTIATION REGARDING THE LEASE RATE FOR THE NEXT 20-YEAR TERM OF THE WATER SERVICE AGREEMENT AND THE TERMS AND CONDITIONS FOR CONTINUED PROVISION OF SEWER SERVICE TO THE TOWN OF CRESTONE.

MOTION: UPON MOTION DULY MADE BY DIRECTOR HART , SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD ADJOURNED FROM EXECUTIVE SESSION AT 10:40 A.M.

INTERGOVERNMENTAL AGREEMENT FOR THE TOWN OF CRESTONE

The Board, along with legal counsel, engaged in a brief discussion regarding the IGA, questions from the public were addressed, and their considerations were taken into account.

PRESIDENT LAWSON EXECUTED THE CURRENT IGA, AND SECRETARY KARAS ATTESTED. THE AGREEMENT WAS UNANIMOUSLY APPROVED BY THE BOARD.

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE DIRECTOR HART SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 10:57 A.M.

THE NEXT REGULAR MEETING IS SCHEDULED FOR

November 20, 2024

Drafted by Natalie DeBon

Respectfully submitted,

Diego Martinez

THESE MINUTES ARE APPROVED AS THE OFFICIAL October 16th, 2024 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

Vivia Lawson

Rick Hart

Mike Smith

David Karas

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 session on October 16th, 2024 and it is my opinion that any portion of the executive session that was not recorded constituted attorney-client privileged communications.

Marcus Lock

General Counsel

Baca Grande Water and Sanitation District