

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

January 18, 2023- 9:00 AM

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

Meeting held via Zoom

ATTENDANCE

Directors in Attendance:

Vivia Lawson
John Loll
Mike Smith
Rick Hart

Also in Attendance:

Marcus Lock, District Legal Counsel
JoAnn Slivka, District Manager
Gary Potter, District Director of Utilities
Natalie DeBon, District Administrative Services Manager
Cathy Fromm, District Accountant (for a portion of the meeting)
Nick Marcotte, District Engineer (for a portion of the meeting)

Community Members and Guests:

David Karas
Charles Whipple
dan gray
William

CALL TO ORDER

President Lawson opened the meeting at 9:02 AM.

Board Roll Call: Directors Lawson, Loll, Smith, and Hart were present.

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 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 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:

- Approve Minutes from the December 14, 2022 Regular Meeting
- Accept the unaudited financial statements for the period ending December 31, 2022 and current schedule of cash position

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LOLL,
SECONDED BY DIRECTOR HART 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.

FINANCIAL MATTERS

Check Register: The board considered approval of the check register through the period ending January 18, 2023 as follows:

General	\$ 2,803.38
Capital	\$ 4,010.00
<u>Enterprise</u>	\$ 61,021.47
	\$ 67,834.85

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART,
SECONDED BY DIRECTOR SMITH AND, UPON VOTE, UNANIMOUSLY CARRIED,
THE BOARD APPROVED THE CHECK REGISTER FOR THE PERIOD ENDING JANUARY 18, 2023.

BOARD AND STAFF REPORTS

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

Board Matters

President Lawson spoke about the human component of the district and appreciation that we work together and that we are greater than the sum of our parts.

Engineer's Report:

Mr. Marcotte reviewed the monthly report with the Directors. The Preliminary Engineering Report ("PER") draft has been transmitted to staff for review and we will be meeting later in the month to discuss before sending the draft to the Board of Directors. We will then schedule a work session dedicated to discussion of the report.

The prequalification for Colorado Department of Public Health and Environment ("CDPHE") funding was submitted to CDPHE in December. A meeting is scheduled for January 31 with representatives from CDPHE, DOLA, Element Engineering and BGWSD staff to discuss the application for funding.

Mr. Marcotte reported that the surveyor has been scheduled for the Hillcrest Line Extension.

Administration:

In addition to her written report Ms. DeBon reported on the notice sent to customers alerting them of the new increase in rates and fees.

President Lawson asked about the de-consolidation request received from the county. Ms. DeBon explained that the request was for a 35-acre parcel that will be split into two parcels. The hearing for this matter will be on February 28 County agenda.

Baca Grande Water and Sanitation District Website:

Ms. Slivka gave a preview of the redesigned website and solicited feedback from the Board. We plan to launch the new design near the end of February.

Operations:

VFD Installation: In addition to his written report, Mr. Potter gave an update on the VFD for Well 17; it is still not operational. He reported that the part came in but he is having difficulties with the installation as the water proof enclosure is too small. An order has been placed for a new part to make the VFD fit. He expects it will be 3-4 weeks to get the new part.

Lead Copper Monitoring Reduction: The Baca Grande Water and Sanitation District received a letter from the Colorado Department of Public Health & Environment (CDPHE) notifying us of a change in the monitoring requirements for our drinking water system. The District has been approved for a reduction in the lead and copper monitoring schedule. The District is now required to collect 10 lead and copper samples per year between June 1, 2023 to September 30, 2023. A copy of the letter is attached to these minutes.

LEGAL MATTERS**Resolution 2023-01-01 Eighth Amended and Restated Resolution Concerning the Imposition of Various Fees, Rates, Tolls, Penalties and Charges for Water and Sewer Service and Facilities**

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED RESOLUTION NO. 2023-01-01 EIGHTH AMENDED AND RESTATED RESOLUTION OF THE BOARD OF DIRECTORS OF THE BACA GRANDE WATER AND SANITATION DISTRICT CONCERNING THE IMPOSITION OF VARIOUS FEES, RATES, PENALTIES AND CHARGES FOR WATER AND SANITARY SEWER SERVICES AND FACILITIES.

A COPY OF THE ADOPTED RESOLUTION IS ATTACHED TO THESE MINUTES AND INCORPORATED HEREIN BY THIS REFERENCE.

Resolution No. 2023-01-02 Designating the District's 24-Hour Posting Location:

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE DIRECTOR SMITH, SECONDED BY DIRECTOR HART AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED RESOLUTION NO. 2023-01-02 REGARDING THE 24-HOUR NOTICE.

A COPY OF THE ADOPTED RESOLUTION IS ATTACHED TO THESE MINUTES AND INCORPORATED HEREIN BY THIS REFERENCE.

Request from the San Luis Valley National Wildlife Refuge

The Board reviewed and discussed a request received from the San Luis Valley National Wildlife Refuge Complex (Complex). While reviewing options to reduce their operational costs, the Complex identified an old well owned by the U.S. Fish and Wildlife Service that they would like to rehab and use as a water source for the Baca National Wildlife Refuge headquarters building. The request was for communication from the District stating that it is acceptable for the Complex to disconnect from the District's existing water line allowing U.S. Fish and Wildlife Service to use its own source. The private well may impact the District's wells and could affect the aquifer. U.S. Fish and Wildlife Service is already connected to our system.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LOLL, SECONDED BY DIRECTOR SMITH AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD VOTED AGAINST ALLOWING THE SAN LUIS VALLEY NATIONAL WILDLIFE REFUGE TO DISCONNECT FROM THE DISTRICT SERVICES AND USE A PRIVATE WELL.

EXECUTIVE SESSION

MOTION: PURSUANT TO C.R.S. § 24-6-402(4) (A), (B), AND (E), UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR LOLL AND, UPON AN AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE QUORUM PRESENT, THE BOARD ADJOURNED TO EXECUTIVE SESSION AT 10:33 A.M. FOR THE PURPOSE OF DISCUSSING MATTERS SUBJECT TO NEGOTIATIONS REGARDING THE WATER SERVICE AGREEMENT AND A PERSONNEL MATTER AND SPECIFICALLY A PARTICULAR WORKER'S COMPENSATION CLAIM.

MOTION: DIRECTOR HART MOVED; DIRECTOR LOLL SECONDED TO RECONVENE TO REGULAR SESSION AT 11:20 AM

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE DIRECTOR LOLL, SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 11:24 AM.

THE NEXT REGULAR MEETING IS SCHEDULED FOR
February 15, 2023

Respectfully submitted,

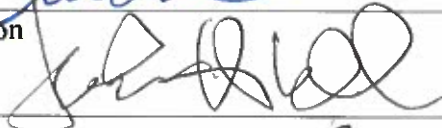


JoAnn Slivka

THESE MINUTES ARE APPROVED AS THE OFFICIAL January 18, 2023 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:



Vivia Lawson



John Loll



Mike Smith



Rick Hart

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 18, 2023, 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

