

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

November 18, 2020

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  
Mike Smith  
William Peck

Also in Attendance:

Marcus Lock, District Legal Counsel  
Cathy Fromm, District Accountant (for a portion of the meeting)  
JoAnn Slivka, District Manager  
Gary Potter, District Director of Utilities

Members of the Public:

Michael Scully

**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**

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SALMI 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 October 21, 2020 Regular Meeting

No discussion, questions or comments were presented.

MOTION: UPON MOTION DULY MADE BY DIRECTOR PECK SECONDED BY DIRECTOR SMITH 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 was no public comment.

**BOARD AND STAFF REPORTS**

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

Operations Update

Mr. Potter reported on the great job Operations staff is doing; they are taking care of projects that have been on the board for years. He reviewed the newest progress on our maps; this will be useable tool for staff working in the field.

There was a significant leak in the Fallen Tree/Cottonwood Zone. Staff discovered two ¾” pre-taps that had been leaking for almost a month. These leaks are hard to find as they do not appear on the surface. Approximately 1.2 million gallons of water was lost. Staff isolated areas in the area and used leak detection equipment to discover the source of the leak.

Another known leak on a customer service line in the S. Crestone/Moonlight Zone resulted in a higher percentage of usage in that pressure zone.

Mr. Potter will provide a brief draft for Mr. Lock to accompany the pressure zone map for use in his discussions with USFW.

**WATER QUALITY IMPROVEMENT FUND GRANT**

The directors discussed the engagement letter from JVA, Inc. for application of funding for the Wastewater Treatment Facility Capacity Evaluation Study. Following discussion, the board felt that more information and data is needed before we move forward with an evaluation study.

**FINANCIAL MATTERS**

Check Register: The board considered approval of the check register through the period ending November 18, 2020 as follows:

General	\$ 4,471.55
Capital Projects	\$ 11,052.50
<u>Enterprise</u>	<u>\$ 43,858.90</u>
Total	\$ 59,382.95

MOTION: 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 NOVEMBER 18, 2020.

Financial Summary

Ms. Fromm reviewed the November financial summary and noted that the Bond and CWRDPA loan payments are due this month.

Fiscal Focus Partners, LLC

Consider engagement of Fiscal Focus Partners, LLC to perform the 2020 Audit.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR PECK SECONDED BY DIRECTOR SMITH, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD ACCEPTED THE LETTER OF ENGAGEMENT FROM FISCAL FOCUS PARTNERS, LLC TO PERFORM THE 2020 AUDIT FOR AN AMOUNT NOT TO EXCEED \$ 9,650.00.

**Public Hearing on the Proposed 2021 Budget and Associated Resolutions: 9:50A.M.**

President Loll opened the public hearing to consider the proposed 2021 Budget and discuss related issues. It was noted that Publication of Notice stating that the Board would consider adoption of the 2021 Budget and the date, time and place of the public hearing was made in the Crestone Eagle having general circulation within the District. No written objections were received prior to this public hearing.

*During the budget meeting, Mr. Scully provided comment via email:*

*“I’ve looked at the budget. I’ve been on a Baca Water budget committee.  
The budget looks good to me.  
Thanks,  
Public Citizen”*

No additional public comments were received and the public hearing was closed at 10:06 A.M.

MOTION: FOLLOWING DISCUSSION AND PRESENTATION OF THE 2021 PROPOSED BUDGET, UPON MOTION DULY MADE BY DIRECTOR SMITH SECONDED BY DIRECTOR PECK, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE PROPOSED 2021 BUDGET WAS ADOPTED.

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

The board discussed health and safety issues around the current pandemic situation.

DIRECTOR BOB SALMI, MOVED THAT:

1. A PERSON, WHETHER A MEMBER OF THE PUBLIC, A DISTRICT EMPLOYEE, OR MEMBER OF THE BOARD OF DIRECTORS OF THE BACA GRANDE WATER AND SANITATION DISTRICT (THE "DISTRICT"), WHO ENTERS A DISTRICT BUILDING OR OTHER FACILITY IN VIOLATION OF THE COLORADO GOVERNOR'S EXECUTIVE ORDER D 2020-219, SO LONG AS IT REMAINS IN EFFECT, SHALL BE CONSIDERED TO HAVE UNLAWFULLY ENTERED OR REMAINED WITHIN THE DISTRICT BUILDING OR OTHER FACILITY WITHIN THE MEANING OF C.R.S. SECTION 18-4-504. ACCORDINGLY, IF A PERSON IS NOT COMPLIANT WITH EXECUTIVE ORDER D 2020-219, HE OR SHE SHALL BE ASKED TO LEAVE IMMEDIATELY. IF SUCH PERSON REFUSES TO COMPLY WITH THIS REQUEST, THEN DISTRICT PERSONNEL SHALL CONTACT LAW ENFORCEMENT AND ASK THAT THE PERSON BE REMOVED FROM THE DISTRICT BUILDING OR OTHER FACILITY AND PROSECUTED FOR THIRD DEGREE CRIMINAL TRESPASS; AND
2. ANY PERSON WHO ENTERS OR REMAINS WITHIN A DISTRICT BUILDING OR FACILITY IN VIOLATION OF EXECUTIVE ORDER D 2020-219 SHALL HEREINAFTER BE DEEMED TO BE INTERFERING WITH THE OPERATIONS OF THE DISTRICT AND ENDANGERING THE HEALTH OF THE DISTRICT'S PERSONNEL; AND
3. CONSEQUENTLY, IN THE EVENT A MEMBER OF THE BOARD OF DIRECTORS HEREINAFTER ENTERS OR REMAINS WITHIN A DISTRICT BUILDING OR FACILITY IN VIOLATION OF EXECUTIVE ORDER D 2020-219, I MOVE THAT THE DISTRICT'S ATTORNEY FILE A PETITION WITH THE 12TH JUDICIAL DISTRICT COURT IN AND FOR SAGUACHE COUNTY, COLORADO TO HAVE THE BOARD MEMBER REMOVED FROM THE BOARD OF DIRECTORS OF THE DISTRICT FOR CAUSE PURSUANT TO C.R.S. SECTION 32-1-905(1)(F).

Mr. Peck is not for this; he feels he is like most people and disagrees. He is embarrassed that we are talking about this and wonders who does this affect? There are HIPPA laws, he feels this is a highly controversial issue and does not feel good about this.

Directors agree that we need to protect each other and it should not be political.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SALMI SECONDED BY DIRECTOR CONLEE AND, UPON VOTE, THE MOTION CARRIED BY MAJORITY WITH ONE NAY FROM DIRECTOR PECK.

President Loll appreciates the courteous discussion on a controversial item for some directors.

**LEGAL:****Consider adoption of Resolution No. 2020-11-01 Certifying Delinquent Water, Sewer and Availability of Services Fees to Saguache County Treasurers for Collection**

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LOLL SECONDED BY DIRECTOR CONLEE AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD ADOPTED RESOLUTION 2020-11-01, CERTIFYING DELINQUENT WATER, SEWER AND AVAILABILITY OF SERVICES FEES TO SAGUACHE COUNTY TREASURERS FOR COLLECTION.

**USFW Negotiations**

Mr. Lock reported on his regular meetings with USFW. There is positive progress but there are no specific developments to report at this time.

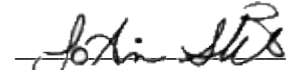
He continues to remind USFW of the March 15, 2021 deadline; it is their obligation to ensure that the district and USFW are in compliance with the new rules governing the withdrawal of groundwater.

**ADJOURNMENT:**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE BY DIRECTOR CONLEE SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 10:44 AM.

THE NEXT REGULAR MEETING IS SCHEDULED FOR  
December 16, 2020

Respectfully submitted,

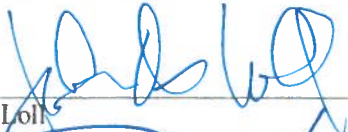


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JoAnn Slivka

Secretary for the meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL November 18, 2020 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

  
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John Loh

  
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Robert Salmj

  
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Gregg Conlee

  
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William Peck

  
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Mike Smith