
NOTICE OF REGULAR MEETING and AGENDA BACA GRANDE WATER AND SANITATION DISTRICT BOARD of DIRECTORS

WHEN: Wednesday, July 20, 2022

TIME: 9:00 AM

WHERE: **TELECONFERENCE VIA Zoom** [Ctrl+click to join Zoom meeting](#) (see below)

<u>Board of Directors</u>	<u>Office</u>	<u>Term/Expiration</u>
Viva Lawson	President	2025/May 2025
John Loll	Vice-President	2025/May 2025
Mike Smith	Treasurer/Secretary	2023/May 2023
Bill Peck	Director	2023/May 2023
Rick Hart	Director	2025/May 2025

I. Call to Order

- Present disclosures and potential conflicts of interest
 - Board Roll Call
 - Introduction of Guests
-

II. Approve Agenda

III. Director Peck's Conduct (enclosures)

IV. CONSENT AGENDA

Action: to approve

These items are considered routine and will be approved and/or ratified by one motion.

There will be no separate discussion of these items unless a Board member so requests; in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda.

- A.** Approve Minutes from the June 15, 2022 Regular Meeting (enclosure)
-

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

Per Colorado Open Meetings Law, no Board discussion or action will take place until a later date, if necessary. Speakers must identify themselves with their full name and address. Each speaker's comments are limited to three minutes or less.

VI. BOARD AND STAFF REPORTS

- A.** Board of Director Matters
- (1) BGWSD Blog (enclosure)
 - (2) Governance- Conflicts of Interest
- B.** District Manager Report (enclosure)
- C.** Administrative Manager's Report (enclosure)
- D.** Director of Utilities Report (enclosure)

- VII. OFFICE ADMINISTRATION
 - A. Public Notice of Community Meeting –Industrial Tower West (enclosure)
 - B. Annual SDA Conference

- VIII. OPERATIONS
 - A. Compliance Inspection of Domestic Wastewater Treatment (enclosure)

- IX. FINANCIAL MATTERS
 - A. Review and approve the check register for the period ending June 20, 2022 (enclosure)

Action: to approve

General	\$	7,723.50
Debt	\$	-0-
<u>Enterprise</u>	\$	<u>67,605.95</u>
	\$	75,329.45

- B. Financial Summary (enclosure)
-

- X. LEGAL MATTERS
 - A. Town of Crestone- Status of IGA (adjourn to Executive Session if necessary)
-

- B. Status of USFWS Discussions (adjourn to Executive Session if necessary)
-

- XI. EXECUTIVE SESSION

Adjourn to Executive Session 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 as well as negotiations related thereto, and pursuant to C.R.S. 24-6-402(4)(b) and (f), which concern respectively conferences with the District’s attorney for the purpose of receiving legal advice on specific legal questions and personnel matters to discuss a motor vehicle accident involving the Director of Utilities.
-

- XII. OTHER BUSINESS
-

- XIII. ADJOURN
-

NEXT REGULAR MEETING IS SCHEDULED FOR August 17, 2022 at 9:00 AM

Join Zoom Meeting
Meeting ID: 872 6912 4750 -- Passcode: 638055 -- One tap mobile - Dial by your location +1 346 248 7799 US (Houston)

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

July 20, 2022- 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
Bill 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
Natalie DeBon, District Administrative Services Manager
Nicholas Marcotte, District Engineer (for a portion of the meeting)

Community Members and Guests:

Tom McCracken
Parke Hess
Vicki H.
Michael Scully
dan gray
Elizabeth Namgyel
Steve Smith
JMH (Mike)
Rachel H.
Communist Party of China

CALL TO ORDER

President Lawson opened the meeting at 9:04 AM.

Board Roll Call: Directors Lawson, Loll, Smith, Hart and Peck 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 SMITH,
SECONDED BY DIRECTOR LOLL AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE AGENDA.

Director Peck's Conduct: The Board entered into discussion regarding Director Peck's conduct.

MOTION: FOLLOWING DISCUSSION, DIRECTOR LOLL MOVED TO REQUEST MR. PECK RESIGN FROM THE BACA GRANDE WATER AND SANITATION DISTRICT BOARD OF DIRECTORS BASED ON MATERIALS PRESENTED IN THE JUNE BOARD PACKET. DIRECTOR SMITH SECONDED. UPON VOTE, FROM A MAJORITY OF THE BOARD, WITH DIRECTOR PECK OPPOSED, THE BOARD MOVED TO REQUEST MR. PECK RESIGNATION AS A BOARD DIRECTOR.

9:30 AM- Mr. Peck agreed to resign. The Directors took a five-minute recess to allow time for Mr. Peck to submit his written resignation.

9:35 AM – The Directors reconvened and accepted Mr. Peck's written resignation.

CONSENT AGENDA

The board considered the following consent agenda items:

- Approve Minutes from the June 15, 2022 Regular Meeting

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART,
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 were no public comments.

BOARD AND STAFF REPORTS

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

Board Matters**BGWSD Blog**

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART,
SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED,
THE BOARD APPROVED INITIATION OF A DISTRICT BLOG AND APPROVED DIRECTOR LAWSON'S CONTRIBUTION TO BE
SUBMITTED TO THE CRESTONE EAGLE FOR ITS AUGUST 2022 PUBLICATION.

Board Governance

Director Lawson led a discussion on the subject of conflicts of interest. Mr. Lock stated that this is a complicated part of the law and board members should always err on the side of caution. There are multiple Colorado statutes concerning conflicts of interest applicable to board members of a special district :
If you feel that there is any possibility that you have a conflict of interest regarding any action or business of the district board, you should:

1. Within at least 72 hours prior to the meeting where the subject will be considered, give advance written notice to the district board and to the Colorado Secretary of State. The Secretary of State's website includes a form for filing notice of your potential conflict of interest, which should be completed and filed electronically. Your district manager or the district's attorney can assist you in filing this form. §18-8-308(1), C.R.S. Failure to follow these steps of disclosure is a class 2 misdemeanor. §18-8-308(3) C.R.S.
2. When the subject comes up for discussion, you should announce the existence of a conflict of interest, remove yourself from the discussion (physically or virtually as applicable), and abstain from voting on the issue. You should not do anything to influence the consideration or voting by other Board members.

Failure to disclose the conflict as described above is a criminal violation and can be prosecuted. Furthermore, any contract, vote, or other official act in which a Director had a potential conflict, not cured by disclosure, may result in the act or the contract being void.

OFFICE ADMINISTRATION

Industrial Tower West: Public notice of Community Meeting has been posted and published in three Valley newspapers. Other forms of communication regarding the meeting consist of billing inserts, posting on the District web site, the Crestone Eagle website and email communication to District customers.

We asked for comments by August 1 and have already received a number of comments and have responded to these as we were able.

SDA Conference: The annual SDA conference will be held in Keystone, Colorado September 13-15. Director Hart is interested in learning more about the conference.

OPERATIONS

Compliance Inspection of Domestic Wastewater Treatment: Nick Marcotte reported on the report from CDPHE.

FINANCIAL MATTERS

Check Register: The board considered approval of the check register through the period ending July 20, 2022 as follows:

General	\$ 7,723.50
Debt Services	\$ -0-
<u>Enterprise</u>	<u>\$ 67,605.95</u>
	\$ 75,329.45

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SMITH, SECONDED BY DIRECTOR HART, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CHECK REGISTER FOR THE PERIOD ENDING JULY 20, 2022.

Financial Statements:

Ms. Fromm reviewed the financial statements with the Board of Directors.

EXECUTIVE SESSION

MOTION: PURSUANT TO C.R.S. § 24-6-402(4) (A), (B), (E) AND (F), UPON MOTION DULY MADE BY DIRECTOR LOLL, SECONDED BY DIRECTOR HART AND, UPON AN AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE QUORUM PRESENT, THE BOARD ADJOURNED TO EXECUTIVE SESSION AT 10:58 AM FOR THE PURPOSE OF DISCUSSING THE PURCHASE OR LEASE OF REAL PROPERTY, RECEIVING SPECIFIC LEGAL ADVICE FROM COUNSEL, AND DETERMINING POSITIONS RELATIVE TO MATTERS THAT ARE SUBJECT TO NEGOTIATION CONCERNING THE LEASE RATE FOR THE NEXT 20-YEAR TERM OF THE WATER SERVICE AGREEMENT, THE PROVISION OF SEWER SERVICE TO THE TOWN OF CRESTONE, AND PERSONNEL MATTERS RELATED TO A MOTOR VEHICLE ACCIDENT INVOLVING A DISTRICT VEHICLE AND TRAILOR. PURSUANT TO C.R.S. § 24-6-402(2) (D.5), (II), (B), NO RECORDING WILL BE KEPT OF THE PORTION OF THIS EXECUTIVE SESSION THAT, IN THE OPINION OF THE BOARD'S ATTORNEY, CONSTITUTES PRIVILEGED ATTORNEY-CLIENT COMMUNICATION PURSUANT TO SECTION C.R.S. § 24-6-402(4) (B).

MOTION: DIRECTOR SMITH MOVED; DIRECTOR HART SECONDED TO RECONVENE TO REGULAR SESSION AT 12:15 PM.

Other Business:

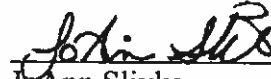
None.

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 12:05 PM.

THE NEXT REGULAR MEETING IS SCHEDULED FOR
August 17, 2022

Respectfully submitted,



JoAnn Slivka

Secretary for the meeting

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 July 20, 2022, and it is my opinion that the portion of the executive session that was not recorded constituted attorney-client privileged communications.

A handwritten signature in black ink, appearing to read "Marcus J. Lock", is written over a horizontal line. The signature is cursive and extends to the right of the line.

Marcus J. Lock

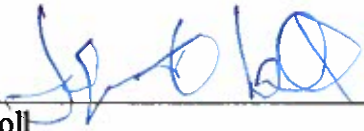
General Counsel

Baca Grande Water and Sanitation District

THESE MINUTES ARE APPROVED AS THE OFFICIAL July 20, 2022 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:



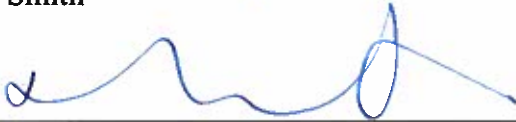
Vivia Lawson




John Loll



Mike Smith



Rick Hart

To: Bill Peck, Mike Smith, Rick Hart, John Loll
From: Vivia Lawson, Board President 
RE: Director Peck Violations of Fiduciary Duties as a BGWSD Board Member
Date: July 9, 2022

Directors,

Mr. Peck has asked for clarification on how he has violated his fiduciary duties.

Please reference my memo of June 4 to Bill Peck, which I am including here. In my opinion, Mr. Peck's actions have been detrimental to the interests of the District. The relevant statute is C.R.S. § 24-18-103. If the actions of a director open the District to liability or lawsuit, there is a clear breach of fiduciary duties. Mr. Peck's email related to Yeshe Khorlo is such an action.

Directors have a general, common-law fiduciary obligation to the District. This obligation is to the District itself and not to any individual or group of residents of the District such as Mr. Van Broekhoven or Yeshe Khorlo. As a fiduciary, Mr. Peck has the duty to exercise the utmost good faith, business sense, and astuteness on behalf of the District. Adherence to this standard is called into question by Mr. Peck's cumulative conduct and failure to follow rules and regulations established by the District's Board, interfering with the efficient operation of the District, publicly disparaging District staff without any basis, and most importantly, claiming, also without basis, that the District has engaged in "illicit" "incompetent" "scams", "extort[ion]", and "racketeering" and that "BGWS is clearly at fault" with respect to Yeshe Khorlo. The email, also attached, in which Mr. Peck made the foregoing allegations about the District is particularly reckless as it would likely be admissible in, and likely the basis for any litigation concerning the Yeshe Khorlo situation.

As a result of Mr. Peck's continued lack of understanding of the seriousness of his violations (evidenced by emails in May and June, also attached), I invite the board to consider a motion of censure and/or a vote to request his resignation. This is a decision for board colleagues, and not myself. If Mr. Peck is not present at the July meeting, I will, as at the June meeting, invite comments or motions from the board, and then proceed with other business.

It should be noted that, given the potential negative consequences to the District of Mr. Peck's actions related to Yeshe Khorlo, the board as a whole could potentially be vulnerable if it does not take action to mitigate Mr. Peck's behavior. By not addressing these actions we could be perceived as condoning them.

Mr. Peck's behavior is disruptive to District staff and as well as to the board. This disruptive and erratic behavior needs to stop.

Mr. Peck has indicated a desire to make a clean break from the District. He may do so with an email to me indicating his wish to resign from the board, in which case I would take no further action. If Mr. Peck's resignation is received by Wednesday, July 13, the matter need not appear on the meeting agenda, and materials here need not enter the public record.

To: Bill Peck, Director

From: Vivia Lawson, Director



RE: Violations of Fiduciary Duties as a BGWSD Board Member

Date: June 4, 2022

In response to your email requesting details of your actions detrimental to the district, I have prepared the following. During the ten months since I have been a board member, I have observed you engage in a pattern of increasingly disruptive behavior that is destructive to the District, negatively impacting the ability of board and staff to perform their respective functions. In areas where you are not disruptive, you have been ineffective, sitting on committees and not performing any function, bringing up issues long after they have been formally resolved by the board, and coming to meetings unprepared or uninformed.

Because this behavior has been tolerated for so long, here are specific unacceptable behaviors that have heretofore not been addressed with you that are not acceptable:

1. Acting in opposition to Board Decisions related to meeting format and insisting on entry when the meeting had already been posted and started on Zoom, thereby disrupting the meeting in session, causing the Board to make an on the spot vote on a matter that had already been addressed a month before (to conduct the meeting as Zoom only), and threatening front desk staff when you were not allowed entry.
2. Making individual demands of staff in the form of accusatory, demeaning, and insistent repetitive emails with no authorization from the Board or Board President.
3. Engaging District Counsel without consultation or authorization from either the Board President or the District Manager.
4. Communicating with the public about District matters with no authority and with clear ignorance of the issues.
5. Disparaging the District and District staff to the public, again with no authority and no knowledge of the facts of the situation.
6. Failing to perform in a timely manner standard board functions of signing minutes and documents.
7. Misrepresenting the District to the public in written correspondence to a member of the District without consulting the Board President or the District Manager.
8. Demonstrating gross ignorance of staff responsibilities and normal professional courtesies by making unrealistic requests for meetings, reports, and information.
9. Demonstrating a lack of competence by questioning staff actions months after they were reported to the board (changes to the mail server).
10. Repeated violations of board member rules of decorum in the form of disrespectful communications with staff, calls for meetings that are ignorant of logistics and District notice requirements, and assertions related to individual personal freedom that distract from the conduct of business of the District.
11. Behaving on committees in such a way that other board members do not find you helpful, and wish not to participate on committees with you.

Lawson to Peck
June 4, 2022, page two

These behaviors are costly to the District in the staff and legal time spent responding to your personal requests, and in correcting problems created by your impulsive and ill-informed actions. These behaviors further demonstrate a willful disregard or ignorance of your duties as a board member. As such, I will consider you an adversary to the operations of the Water and Sanitation District, and manage your involvement to areas where you cannot further waste District time and resources.

I totally respect your personal right not to be a team player and to take an adversarial position in relation to District operations. I even appreciate this function if I had any sense that you were acting in good faith as a watchdog. The outcomes, however, suggest that your behavior is merely impetuous, mis-informed, and forgetful.

I am happy, Bill, to work with you in areas where you demonstrate a capacity to serve our constituencies, however I will not tolerate behaviors that continue to undermine District staff, operations, and which allow you to misrepresent and undermine the District.

From: Bill Peck <bill.peck.baca.water.board@gmail.com>

Sent: Sunday, May 15, 2022 8:05 PM

To: Michael Van Broekhoven <michael.vanbroekhoven@yahoo.com>; Marcus J. Lock <mlock@lawoftherockies.com>

Subject: Still gathering info for Wed meeting...

Michael,

Thank you for your extensive documentation and scrutiny of the twisted and broken agreements between Yeshe Khorlo and BGWS. I am impressed by your knowledge, honesty, and historical perspective on this situation.

Tap fees are charged for taps, not selling property. Did BGWS attempt to charge a tap fee to your residing property or the one you wanted to sell? Do you have any of this in writing or texts from BGWS? Phone records (texts) are acceptable legal documentation. **A text message can be a legal document under the ESIGN Act, which gives contracts signed electronically the same weight as paper and ink contracts.**

The timing of the tap fee charge is suspect, imposed exactly when you want to sell a lot. I am assuming that the empty lot for sale has no tap, so the fee could only be for your tap from 2015, correct? Why did BGWS impose the fee now, seven years after the install? I am embarrassed that I do not know the answer.

Other than the 2 docs I provided to you, I have had little cooperation from the BGWS District Manager (JoAnn Slivka) in getting documentation on your concerns. This info is supposed to be public under the Colorado Open Records Act. However, tap fee and complete financial record requests for the data have dead ended at the desk of our District Manager (JoAnn). Also, I have asked her and Marcus Lock (BGWS lawyer) for the Yeshe Khorlo Covenants with no action from either one as of now. Do you have this document? Do you have any requests for more info from us?

I appreciate your ability to recognize that I created the Yeshe Khorlo subdivision map from a screenshot (annotated with lot# and owner initials) from current county data. Your scrutiny has inspired me to make a more accurate map using the updated replat that you provided, and things make a bit more sense. (Google Earth Map enclosed) However, the basic problems remain that all (or most) of the residences at Yehse Khorlo are on one meter, and none have been charged tap fees except for yours. (According to the info that I have been provided as of May 15, 2022). On Monday May 16, I will ask Operations manager Gary Potter for current maps on the meters and plumbing situation in the Yeshe Khorlo subdivision.

Currently my research indicates that BGWS and/or Pam Uhlenkamp have no grounds to impose a \$10,000 tap fee on you now in May of 2022. Be aware that I am only one of 5 board members, it takes 3 to make a motion pass. We will hear your testimony on Wednesday, May 18, and do our best to come to a resolution. This meeting will be on the public record.

Thank you for bringing light to the historical and current bogus actions of BGWS. The following is my present understanding of illicit/incompetent operations concerning BGWS at the Yeshe Khorlo subdivision:

Scam # 1 Charging no tap fees for 4 residential and 1 commercial water hookup at Yeshe Khorlo in its initial development. I cannot confirm this. I have made several attempts to get this info from District Manager JoAnn Slivka, but have gotten only silence in return.

Scam #2 Hooking up 4-5 fresh water feeds to one meter. Again, I have made requests for historic periodic billing info on each location from District Manager Slivka, but have gotten no reply.

Scam #3 Charging AOS fees on infrastructure that was disowned by BGWS in 2010. See letter from Harrell. BGWS is clearly at fault.

Scam #4 Extorting an individual who wants to sell his empty lot by suddenly imposing massive tap fees that are 7 years old. No tap fees have been charged to a single residence within Yeshe Khorlo except for yours according to the data that has been provided to me. Why now?

In summary, these scams point to ongoing racketeering within BGWS. I am sorry that it has impacted your life and the sale of your property. I pray now and forever that the \$10,000 fee will be the last scam imposed on Yeshe Khorlo residents from BGWS. Thank you for having the bravery and integrity to bring this to light. We all benefit from your courage.

Sincerely,

Bill Peck
BGWS Board Secretary



Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Work session

2 messages

Bill Peck <bill.peck.baca.water.board@gmail.com>
To: vivia.lawson.baca.water.board@gmail.com

Thu, May 26, 2022 at 8:03 AM

How about we meet the week before our June 15 meeting to set the agenda?

Bill

Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>
To: Bill Peck <bill.peck.baca.water.board@gmail.com>
Bcc: JoAnn Slivka <joann@bacawater.com>

Thu, May 26, 2022 at 5:20 PM

Hi Bill,

I am asking to meet sooner because of the process for agenda items. If you and I make a plan for the board meeting and want to initiate agenda items, I need time to confer with other board members if needed, and then get the information to Joann at least 10 days before the meeting. She has to prepare for the meeting based on items that we want to cover, and this takes time for her. In effect, if we want to influence the agenda of an upcoming meeting, we need to meet soon after the prior board meeting to plan for next steps. If we wait until the week before the meeting to get together the work will be to prepare for a meeting for which the agenda is already set.

I do think it will be helpful for you and me to meet sooner. If we need to meet again the week before the meeting, that is perhaps also a good idea to be sure our board meetings are productive, and we have plenty of time to review our different viewpoints.

I still have availability tomorrow if you would like to get together--1:00 pm?

I want us to be a productive board and I am willing to invest time to do that. If tomorrow doesn't work for you I am open to another time.

Best,
Vivia

On Thu, May 26, 2022 at 8:03 AM Bill Peck <bill.peck.baca.water.board@gmail.com> wrote:
How about we meet the week before our June 15 meeting to set the agenda?

Bill



Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Follow up

Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Sun, May 29, 2022 at 8:54 AM

To: Bill Peck <bill.peck.baca.water.board@gmail.com>

Bcc: JoAnn Slivka <joann@bacawater.com>

Re-sending the email below and adding...

re-sent for lack of response

Bill,

I have specific items to discuss with you before our next Board meeting. You seem not to be aware of how often your actions are detrimental to the functioning of the Board and District.

I was attempting to meet with you privately as a gesture of respect and openness. I welcome differing points of view, and believe we will have a better board if you use your voice more effectively.

We have specific responsibilities as a board, and our board meetings need to honor our duties as elected officials and find a single voice of leadership. I will continue to initiate and enforce protocols to focus discussion at these meetings.

If you wish to arrange something please email me or call me and I will still try to make time next week. After next Friday (June 3) I will put the items on the agenda for public discussion at the June 15 meeting.

Sincerely,

Vivia

On Thu, May 26, 2022 at 5:20 PM Vivia Lawson <vivia.lawson.baca.water.board@gmail.com> wrote:

Hi Bill,

I am asking to meet sooner because of the process for agenda items. If you and I make a plan for the board meeting and want to initiate agenda items, I need time to confer with other board members if needed, and then get the information to Joann at least 10 days before the meeting. She has to prepare for the meeting based on items that we want to cover, and this takes time for her. In effect, if we want to influence the agenda of an upcoming meeting, we need to meet soon after the prior board meeting to plan for next steps. If we wait until the week before the meeting to get together the work will be to prepare for a meeting for which the agenda is already set.

I do think it will be helpful for you and me to meet sooner. If we need to meet again the week before the meeting, that is perhaps also a good idea to be sure our board meetings are productive, and we have plenty of time to review our different viewpoints.

I still have availability tomorrow if you would like to get together--1:00 pm?

I want us to be a productive board and I am willing to invest time to do that. If tomorrow doesn't work for you I am open to another time.

Best,
Vivia



Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Follow up

Bill Peck <bill.peck.baca.water.board@gmail.com>
To: Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Mon, May 30, 2022 at 12:27 PM

Vivia,

Please respect my personal boundaries and the district charter under Colorado title 32. There are no requirements of board members to meet one on one. This is allowed if both parties consent. I am not interested in meeting with you one on one, but will gladly join the board in public meetings as part of the duties for which I am under an oath.

We do not need a single voice of leadership, in fact that would be unconstitutional as well as a violation of Title 32 on special districts. The first amendment guarantees that each director has a voice, no permission is needed. Also, a majority of a quorum of directors are required to pass a measure.

As far as me being detrimental to the board and district can you be more specific? Where did this judgement originate? I could say the same thing about you but do not see how it would be productive. Evidently you are attempting to deliver a private spanking. I do not consent.

It looks like we have agreed to disagree, that is what makes democracy.

Cheers,

Bill Peck

[Quoted text hidden]



Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Follow up

Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Mon, May 30, 2022 at 12:51 PM

To: Bill Peck <bill.peck.baca.water.board@gmail.com>

Thanks for responding. The door is always open if you would like to talk. You had indicated that you do not feel productive between meetings. I was attempting to offer ways to keep work moving forward between meetings.

I meant no offense with my email. I do prefer that we have a well-functioning working relationship.

Cheers,

Vivia

[Quoted text hidden]



Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Follow up

Bill Peck <bill.peck.baca.water.board@gmail.com>
To: Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Mon, Jun 6, 2022 at 9:16 AM

I am not going to reply to this personal attack.

I am fine with connecting via group emails and board meetings. Please do not contact me directly from now on, via email, phone or otherwise.

Bill Peck

On Sat, Jun 4, 2022 at 8:18 AM Vivia Lawson <vivia.lawson.baca.water.board@gmail.com> wrote:

Hi Bill,

I am writing to clarify a few items from our correspondence below.

I have no problem if you do not wish to meet outside of public meetings. It does present problems to me and the board if you and I cannot communicate effectively, mainly because if you and I cannot communicate, then you cannot be as effective on the board. Good communication is especially important on issues in which you hold the minority board position. If you and I have an effective working relationship, your voice has a better chance of being heard. I want to continue to be open to communication should you become open to it.

I can understand your interpretation of my intent in asking for a private meeting as being to administer a "private spanking." This was not the case, however. My hope was to have a conversation around your purpose as a board member and to talk about certain of your behaviors that I believe have an impact that you may or may not intend. I wanted to clarify where I see violations of your oath of office and come to an agreement to stop those behaviors.

On the subject of "single voice" I am referring to lack of adherence to majority decisions of the board. I believe in robust discussion as a board of the issues that come to us, but once a decision is made, that decision is the voice of the board which needs to be respected by all. You do not need to agree with all board decisions, but I will not tolerate acts of defiance against board motions, and disruptive behavior at meetings. Acts of defiance, such as your impetuous decision to come to the District offices during the meeting break rather than take responsibility for your Zoom problems, are costly to the District, and disrespectful of the authority of majority board decisions.

I was intending that by meeting with you privately you and I could get a better understanding around some of these issues of governance. I was not intending to dress you down, but admittedly, I wanted to speak to specific behaviors of yours which I will not permit moving forward.

I prepared a memo attached that is meant as a record of certain of your actions during my tenure on the board. It is not intended to be harsh, but rather to clearly outline issues that I as board President need to manage either through personal outreach to you, or by public board action. The most egregious is your communications related to our District Manager that have no basis in fact, and are disrespectful to the point of being abusive. I wonder about your purpose in speaking about anyone in this way, and I especially wonder why you would do this to the manager of an organization that you are bound by oath to support in the interests of the public good. The only reason that I can think of is that you must believe it is in the best interests of the District that JoAnn resign, because if this



Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

BGWSD Board Meeting Packet - June 15 2022

Bill Peck <bill.peck.baca.water.board@gmail.com>

Wed, Jun 15, 2022 at 8:58 AM

To: JoAnn <joann@bacawater.com>

Cc: Board of Directors <board@bacawater.com>, "Marcus J. Lock" <mlock@lawoftherockies.com>, Cathy Fromm <cathy@frommco.us>, Gary Potter <gary.potter@bacawater.com>, Natalie DeBon <frontdesk@bacawater.com>, casitapark@gmail.com, Michael Van Broekhoven <michael.vanbroekhoven@yahoo.com>

Vivia,

Your letters to me in this ePacket are unprofessional, reckless, and paint a false narrative. I will not tolerate personal attacks.

I would like for you to retract your letters and step down as chairman of the board. Only after these actions are taken will I resume my service to the board.

Prayers for all,

Bill Peck

On Mon, Jun 13, 2022 at 6:04 PM JoAnn Slivka <joann@bacawater.com> wrote:

Good evening,

attached is the packet for this week's board meeting to be held Wednesday, June 15 at 9:00 AM.

Directors, please reply back to me and confirm your attendance at the meeting.

Thank you!

Please call 719.256.4310 or email if you have any questions, comments or concerns.

Cordially,

JoAnn

JoAnn Slivka
District Manager
Baca Grande Water and Sanitation District
57 Baca Grant Way S ~ PO Box 520
Crestone, CO 81131
e: joann@bacawater.com
p: 719.256.4310
f: 719.256.4309
www.bacawater.com

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You received this message because you are subscribed to the Google Groups "Board" group.



Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

BGWSD Board Meeting Packet - June 15 2022

Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Thu, Jun 16, 2022 at 10:18 AM

To: Bill Peck <bill.peck.baca.water.board@gmail.com>

Bcc: "Marcus J. Lock" <mlock@lawoftherockies.com>, JoAnn Slivka <joann@bacawater.com>

Dear Bill,

The letters are now part of the public record and I stand by them. I do not intend to step down voluntarily.

It is regrettable that we have not been able to bridge our differences. You bring an important perspective to the district.

I have learned from running my business and from serving on other boards that if we fail to honor organizational structures, our systems fall into chaos and cease to function. This is why I believe so strongly in reinforcing our frameworks and agreements as the path to greater freedom. In this regard you and I may differ. Hand-in-hand with this belief, I, to the extent possible, follow a path of kindness, and I insist that the organizations that I lead practice civility and follow orderly processes. I have found that these principles serve to create stronger organizations over time through trust and an emphasis on systems and not individuals.

Did you intend for your email to constitute the submission of a written resignation to the board? Please clarify. If you did not intend to make this a resignation, I have no objection to bringing your request to the full Board next month for a vote. I will step down if asked to do so by the Board.

I was hopeful that you and I could find a productive working relationship because I continue to believe that you bring a useful perspective to the Board. If the cost of that perspective is ongoing drama and distractions from our essential work, however, I admit that parting ways may be the best solution.

Until receipt of your clear resignation, you will continue to receive board communications, and I will plan to include this matter on the agenda of our next meeting.

Sincerely,

Vivia

[Quoted text hidden]



Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

BGWSD Board Meeting Packet - June 15 2022

Bill Peck <bill.peck.baca.water.board@gmail.com>

Thu, Jun 16, 2022 at 5:30 PM

To: Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Vivia,

I am on the path to resignation, but that does not mean I wont be involved with the BGWS. Water is our most important resource, and BGWS is our most important governmental body for the Baca.

How did the meeting go yesterday? Any progress at Yeshe Khorlo? I would like to hear a recording or see the minutes before I submit a resignation. I want to exit in a good way, no loose ends. What steps must be taken for me to resign?

Bill Peck

[Quoted text hidden]



Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

BGWSD Board Meeting Packet - June 15 2022

Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

Thu, Jun 16, 2022 at 7:50 PM

To: Bill Peck <bill.peck.baca.water.board@gmail.com>

Bcc: JoAnn Slivka <joann@bacawater.com>, "Marcus J. Lock" <mlock@lawoftherockies.com>

Hi Bill,

The meeting yesterday was long, but productive. JoAnn and Gary visited Yeshe Khorlo and reported on the condition of that infrastructure. It is in better shape than they had expected. We made a decision to stop charging AOS fees for lots within this area that are not within 100 feet of District owned lines.

I can ask JoAnn when minutes will be available and see if we can share them with you soon. I don't know when she usually completes them. I know she spends a fair amount of time turning her notes into the minutes format. For the agenda item "Director Peck Conduct" I was the only one to speak. I indicated that I had created the agenda item in order to inform the board and to put the communications on the public record and that in my opinion no action is needed at this time. I said other things that I don't remember, but the general tenor was one of board unity and support of our diverse points of view, and appreciation of minority perspectives. I said my intention is to keep us focused on the business of water.

You can resign by submission of a written resignation to the board. This can be an email or letter to me or the full board. That to me would be much cleaner than for you to just stop attending meetings. Alternatively after three unexcused absences you would lose your position. If you wish to resign in person (e.g. during a meeting on Zoom), then you would still need to submit a letter/email.

I would be happy to meet with you individually sometime before the next board meeting if that will support a smooth transition.

Vivia

[Quoted text hidden]



Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

BGWSD Board Meeting Packet - June 15 2022

Bill Peck <bill.peck.baca.water.board@gmail.com>

Tue, Jun 21, 2022 at 8:09 AM

To: Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>, "Marcus J. Lock" <mlock@lawoftherockies.com>

Vivia,

I still have not heard back from you on how exactly I might have violated my fiduciary duty as implied in your doc. I would like an answer on this for the sake of clarity and closure prior to my resignation.

Thanks,

Bill

[Quoted text hidden]



Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>

RE: Fiduciary Duties**Bill Peck** <bill.peck.baca.water.board@gmail.com>

Wed, Jun 22, 2022 at 11:29 AM

To: "Marcus J. Lock" <mlock@lawoftherockies.com>, Vivia Lawson <vivia.lawson.baca.water.board@gmail.com>, JoAnn <joann@bacawater.com>, john.loll.baca.water.board@gmail.com, mike.smith.baca.water.board@gmail.com, rick.hart.baca.water.board@gmail.com, Gary Potter <gary.potter@bacawater.com>

Vivia and board,

I have no plans to resign. I have decided to reply to Vivia's letters at our next meeting on July 20.

Meanwhile I will need to consult with Marcus concerning these matters brought up by Vivia.

Bill Peck

On Tue, Jun 14, 2022 at 2:28 PM Marcus J. Lock <mlock@lawoftherockies.com> wrote:

Dear Bill,

At the last board meeting, a majority of the board voted to route questions for legal counsel through the Board President. In accordance with this direction, I am going to decline providing a substantive response to your questions below absent further direction from the board. However, if a majority of the board instructs me to provide a formal opinion addressing whether you have violated your fiduciary duties to the District and how, I would be pleased to do so at the direction of the Board. The board can certainly discuss this issue during tomorrow's board meeting.

Regards,

Marcus

Marcus J. Lock

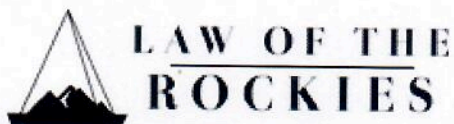
Managing Member | Law of the Rockies

525 North Main Street

Gunnison, Colorado 81230

Tel: 970-641-1903, ext. 1

mlock@lawoftherockies.comwww.lawoftherockies.com



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From: Bill Peck <bill.peck.baca.water.board@gmail.com>
Sent: Tuesday, June 14, 2022 12:54 PM
To: Marcus J. Lock <mlock@lawoftherockies.com>
Subject: Fiduciary Duties

Marcus,

the letter in the epacket from director Lawson draws a narrative that is supported by the "facts" that she presented.

In your estimation, have I violated my Fiduciary duties? How?

Bill Peck

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

June 15, 2022- 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

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

JoAnn Slivka, District Manager

Gary Potter, District Director of Utilities

Natalie DeBon, District Administrative Services Manager

Community Members and Guests:

Elaine Johnson

Steve McDowell

Douglas Veenhof

daniel gray

Tom McCracken

Parke Hess

Michaël Van Broekhoven

Kyle DeNardo

CALL TO ORDER

President Lawson opened the meeting at 9:13 AM.

Board Roll Call: Directors Lawson, Loll, Smith, and Hart were present. Director Peck was not present, and his absence was not excused by the board.

President Lawson noted that Director Peck was absent without prior notice. She then spoke about the agenda item regarding his behavior and the need to have these communications as part of the public record. She stressed the importance of him being engaged, and we should help him have his voice be heard, but the erratic and destructive behavior needs to stop. Director Lawson didn't feel the Board needed to take action at this time and invited Directors to speak or make a motion to this matter. There were no comments from the Directors.

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 LOLL, 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 May 20, 2022 Regular Meeting

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, 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 were no public comments.

Elk Park Subdivision Filing 1, Lot 1- Crestone Resource Center

Steve McDowell and Elaine Johnson presented their request to the Board of Directors for approval of an onsite wastewater treatment system on Elk Park, lot 1 and to waive a 1” tap fee. They provided a history of the Elk Park development, explaining that the Baca Grande POA and the community wanted a commercial center. Mr. McDowell paid for and installed water and sewer lines to help develop this area now known as Elk Park. Back then deals were made through old school negotiations. Mr. McDowell asserted that the water district was supposed to finish connecting the lines to Lot 1. McDowell stated that was twenty-five years ago and there has been no further improvement since that time. He would like to put in an onsite wastewater treatment system in order to develop the lot into a non-profit building for the community. He did not have any documents evidencing the negotiations that occurred twenty-five years ago.

Ms. Johnson stated this is not a town project. In conjunction with the Town of Crestone, they will apply for a one million dollar grant. The project will need to be completed by June, 2023. Proof of a water and sanitation system is necessary for the grant application. Ms. Johnson suggested the center could be used as a refuge in case of fire. The couple does not plan to benefit financially from this building project.

Discussion followed with Director Loll moving to approve this request now as time was of the essence. The Board decided to continue the conversation in executive session to discuss the legal ramifications of the request.

Center for Contemplative Research (“CCR”)

Doug Veenhof, property manager for CCR, approached the Board regarding his request for approval to improve and expand the current onsite wastewater treatment systems on their property. The non-profit organization, which provides long term meditation retreats purchased the property from the Spiritual Life Institute two years ago. There has been an arrangement with the District for many years to allow for onsite wastewater treatment systems on this property. Mr. Veenhof provided documents showing this discussion from the February, 1989 District board meeting.

The current buildings receive water from the District and have onsite wastewater treatment systems.

In 1990, the District Board signed an agreement to allow for an additional fifteen units to be built on the property.

Evidence of these agreements help support the request. But the current request still has to be approved by the Board as does any future development or expansion on the property.

Director Loll recommended we consider any additional or indirect costs to the District that may be incurred from this project and we should discuss further in executive session.

Director Lawson agreed we do want to move quickly on these requests. Details will be discussed in executive session.

BOARD AND STAFF REPORTS

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

Board Matters

The Directors discussed re-organization of the Budget and Personnel committees now that we have a new Board.

Budget Committee

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LAWSON, SECONDED BY DIRECTOR LOLL AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPOINTED DIRECTORS SMITH AND HART AS THE BOARD REPRESENTATIVES ON THE BUDGET COMMITTEE.

Personnel Committee

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPOINTED DIRECTORS LAWSON AND LOLL AS THE BOARD REPRESENTATIVES ON THE PERSONNEL COMMITTEE.

Director of Utilities Report

Load Capacity: Gary Potter reported that we are getting close to the 80% load capacity as we continue to add more services in the Baca and the Town of Crestone.

Director Loll expressed concern about the consistently higher loads we are seeing and the urgency of getting funding and a plan in place to address the issues at the Plant.

FINANCIAL MATTERS

Check Register: The board considered approval of the check register through the period ending June 15, 2022 as follows:

General	\$ 22,494.85
<u>Enterprise</u>	<u>\$ 46,970.82</u>
	\$ 69,465.67

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SMITH, SECONDED BY DIRECTOR LOLL, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CHECK REGISTER FOR THE PERIOD ENDING JUNE 15, 2022.

Financial Statements:

Ms. Fromm reviewed the financial statements with the Board of Directors. She noted that we are in a good financial position at this point in the year. Our first bond and loan payments were scheduled for payment by the June 1, 2022 due date.

11:24 AM- Six Minute Break

Communication Tower Update

Ms. Slivka led the discussion regarding a community meeting for consideration of a communication tower on District property. Kyle DeNardo, Industrial Tower West, provided common topics and questions he often receives during these community meetings.

Director Loll inquired about any operational concerns there may be to have a tower located in the proposed area. Gary Potter stated he had no operational concerns.

The meeting will be held via Zoom, August 24, 2022, 6:00 – 9:00 PM.
Community concerns and comments should be submitted before August 1, 2022.

Announcements will be distributed encouraging community members to send any comments and questions to the District by the August 1 deadline.

Yeshe Khorlo Update

Ms. Slivka reported on the visit to Yeshe Khorlo. She and Gary Potter met David Lindsey on site where they visited the small community to observe the infrastructure and dwellings along the cul-de-sac. It is suggested that we continue to investigate the appropriate billings for the area and the feasibility of any requests to disconnect from the current arrangement.

LEGAL MATTERS

USFWS Discussions- As directed by the Board of Directors at the May meeting, Mr. Lock sent a letter to Ms. Burnidge expressing the District's willingness to negotiate with the group and openness for an on-site meeting with them. Ms. Burnidge did reply back that she was encouraged by the response from the District and she would get back to us once she met with her team.

Town of Crestone- As directed by the Board of Directors at the May meeting, Mr. Lock sent a response to Mr. Farish notifying him that the District will pursue a meeting with the Town. Mr. Lock has not yet heard back from Mr. Farish.

Director Lawson reported on the June 2nd meeting that was held between the Town of Crestone and District representatives. This was her first meeting with the teams; it was a difficult meeting and she left disheartened.

She further reported on the quick visit she made along with Ms. Slivka to the Crestone Board of Trustee's, June 13th meeting. Our intention was to just introduce ourselves as the faces of the District and let them know we want to work together in good faith efforts. Mayor Danforth and most of the Trustees were very receptive and thanked us for coming.

The Board continued a discussion on how to move forward if the Town will not sign an agreement and continue to pay whatever they want to pay. Their customer account is moving into a delinquent status for late fees.

The agreement to allow a short term arrangement was to allow the Town to tackle some of their current issues before we discussed the harder long-term topics.

Gary Potter will contact CDPHE for consultation to understand what options might be available to the District.

EXECUTIVE SESSION

MOTION: PURSUANT TO C.R.S. § 24-6-402(4) (A), (B), AND (E), UPON MOTION DULY MADE BY DIRECTOR LAWSON, SECONDED BY DIRECTOR HART AND, UPON AN AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE QUORUM PRESENT, THE BOARD ADJOURNED TO EXECUTIVE SESSION AT 12:12 PM FOR THE PURPOSE OF DISCUSSING THE TWO WAIVER REQUESTS FOR ELK PARK AND THE CENTER FOR CONTEMPLATIVE RESEARCH, NEGOTIATIONS WITH THE TOWN OF CRESTONE AND YESHE KHORLO, RECEIVING SPECIFIC LEGAL ADVICE FROM COUNSEL, AND DETERMINING POSITIONS RELATIVE TO MATTERS SUBJECT TO NEGOTIATION. PURSUANT TO C.R.S. § 24-6-402(2) (D.5), (ii), (B), NO RECORDING WILL BE KEPT OF THE PORTION OF THIS EXECUTIVE SESSION THAT, IN THE OPINION OF THE BOARD'S ATTORNEY, CONSTITUTES PRIVILEGED ATTORNEY-CLIENT COMMUNICATION PURSUANT TO SECTION C.R.S. § 24-6- 402(4) (B).

MOTION: DIRECTOR LOLL MOVED; DIRECTOR SMITH SECONDED TO RECONVENE TO REGULAR SESSION AT 12:46 PM.

Waiver Requests

Following discussion, the District Manager was directed with the assistance of legal counsel to provide written communication responding to the two customer waiver requests per the following motions.

1. Elk Park Subdivision Filing 1, Lot 1- Crestone Resource Center

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LOLL, SECONDED BY DIRECTOR SMITH, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE WAIVER REQUEST SUBMITTED BY STEVE MCDOWELL AND ELAINE JOHNSON ALLOWING INSTALLATION OF AN ONSITE WASTEWATER TREATMENT SYSTEM FOR THE PROPERTY, ELK PARK SUBDIVISION FILING 1, LOT 1 FOR THE CRESTONE RESOURCE CENTER AND INSTRUCTED THE DISTRICT MANAGER TO PROVIDE A WRITTEN WAIVER TO THE PROPERTY OWNERS WITH THE TERMS AND CONDITIONS OF THE WAIVER.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LAWSON, SECONDED BY DIRECTOR SMITH, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD DID NOT APPROVE THE WAIVER REQUEST SUBMITTED BY STEVE MCDOWELL AND ELAINE JOHNSON AND DENIED WAIVER OF A 1" TAP FEE FOR THE PROPERTY, ELK PARK SUBDIVISION FILING 1, LOT 1, FOR THE CRESTONE RESOURCE CENTER.

2. Center for Contemplative Research ("CCR")

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LOLL, SECONDED BY DIRECTOR SMITH, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE WAIVER REQUEST SUBMITTED BY DOUG VEENHOF FOR THE CENTER FOR CONTEMPLATIVE RESEARCH ALLOWING IMPROVEMENT AND EXPANSION OF THE ONSITE WASTEWATER TREATMENT SYSTEMS FOR THE PROPERTIES TRACT A BACA GRANDE CHALETS UNIT ONE 35.001 ACRES AND 31.20 ACRES NADA NORTH, AND INSTRUCTED THE DISTRICT MANAGER TO PROVIDE A WRITTEN WAIVER TO THE PROPERTY OWNERS WITH THE TERMS AND CONDITIONS OF THE WAIVER.

Yeshe Khorlo

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SMITH, SECONDED BY DIRECTOR HART, AND, UPON VOTE, FROM A MAJORITY OF THE BOARD WITH DIRECTOR LOLL ABSTAINING, THE BOARD DIRECTED STAFF TO NOT CHARGE AVAILABILITY OF SERVICE FEES RELATED TO VACANT LAND BORDERING THE YESHE KHORLO PRIVATE SERVICE LINE.

Other Business:

Director Loll thanked President Lawson for doing a great job chairing today's meeting and all the Board members for a good meeting.

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE DIRECTOR LAWSON, SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 12:56 PM.

THE NEXT REGULAR MEETING IS SCHEDULED FOR
July 20, 2022

Respectfully submitted,

JoAnn Slivka
Secretary for the meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL June 15, 2022 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

Vivia Lawson

John Loll

Mike Smith

William Peck

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 June 15, 2022, 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

Water & San—Clear Streams—a Blog of the Baca Grande Water & Sanitation District

Blog (also appropriate for Eagle submission)

#Politics— (August)

June was the first full public meeting with the new board of the Water & Sanitation District. I had hoped to conduct orderly meetings of reasonable length, but alas, for the second straight month we met for a full 4 hours! Truly, our board members and staff are providing service!

We had a full agenda including two customer special requests, updates on several ongoing projects, and a matter related to the conduct of one of our board members.

I have not intended to be an activist board president, but I do hold convictions around board process and governance of our public entities. This stance seems to be bringing some long-festering differences around governance to a head.

Governing boards by nature are slow to act. We have our processes that create a pipeline for our work: Agenda requests need to be submitted to the district at least 10 working days prior to a board meeting to be included in that meeting, and that timeline is too short in many instances for the board to be able to make an informed decision. We only meet as a board once a month, and open meeting restrictions limit our communications as a board outside of public meetings. Both the public and Board members can chafe against these limitations. Board members tend to want to be liked and appreciated for their service, and often a board will try to be lenient or to expedient and ignore the purpose behind our structures.

Covid challenged many of these long-present practices. Covid added responsibilities of setting policies related to public health and personal freedom to the already heavy load of our Water District. And staff and board members experienced personal attacks and outbursts at and around our board meetings in relation to conflicts around these issues. Board majority decisions around these matters were challenged by minority members, and the Board was called to strengthen our governance policies in response. The District has had to defend its decisions related to meetings, masking, and public access to the office. I see that the District, to the credit of our District Manager JoAnn Slivka has handled these challenges with patience and grace. And the water still flows....

With this backdrop, I stepped into the board president role with a clear sense that governance is my strength, and that it is also an area of need within our organization. We need to heal the wounds of Covid, remove the personal, the woundedness, and the short-sighted from our decision processes. We need to restore and strengthen trust between individuals, and as an organization facing the public. Board members need to take the lead on this, and our example will inform District operations and our public interface.

Community members who have not served on a public board fail to understand how paradoxically fragile and resilient our community is. Every organization, whether it is our District, the town, the property owner's association, or the county, is dealing with enormously diverse needs in the face of financial challenge. We face issues of high staff and volunteer turnover, often through no fault of the organization. We are all updating our organizational cultures in a rapidly changing community. We can no longer operate just by personal relationship and loose structures. We need a more sophisticated skill set among staff and volunteers. At the same time we don't want to lose the small town personal attention and individuality that separates our community from others.

Please join us for our meetings and learn about your water and sanitation district. We need responsible community members to care and become involved. And the work is more interesting than you would think!



DISTRICT MANAGER REPORT

To: Baca Grande Water and Sanitation District Board of Directors

From: JoAnn Slivka, District Manager

Date: July 13, 2022

Agenda Action Items

VI. Board and Staff Reports

A.1. I have been working with President Lawson on Special District policy and governance. She will present the idea for a BGWSD Blog.

A.2. Governance – July’s Focus: Understanding Conflicts of Interest

VII.A. Communications Tower

July 1, 2022: Public Meeting Notice: The public meeting notice has been published noticing the public meeting that will be held August 24, 2022 via Zoom. The notice will be published in the July and August editions of the Eagle, is in the Saguache Crescent and the District web site. Request for comments are to be received by August 1, 2022 at which time all comments will be submitted to Industrial Tower West. They will consolidate and research all questions in preparation for the August 24, 2022 community meeting.

XBP Email Blast: We plan to send out email notices regarding the meeting announcement during the months of July and August leading up to the August 24 meeting.

Public Comments: We have received a few emails from the public, these have been forwarded to Mr.DeNardo for his review. Most comments received are opposed to the tower with concerns about the location and height, who is “behind” the project, how will the decision be made and who will make it?

VII.B. Annual SDA Conference

Solicit interest of BGWSD Board member attendance at the annual SDA Conference to be held in Keystone, CO. September 13 through September 15.

VIII.A. Compliance Inspection Report

I received the letter from CDPHE with the findings from the compliance inspection conducted on June 1, 2022. There were no major findings. Gary Potter will report on the comments and observations. The board will discuss the most significant issue referenced in regards to submitting a plan and schedule to the division to reduce the loading or expansion of our system.

X. Town of Crestone IGA

July 7, 2022: We sent an updated draft IGA to the Town of Crestone for their consideration and requested a meeting to discuss. As of this writing a response has not been received.

OTHER DISTRICT ACTIVITIES

Budget-Financial:

2021 Financial Audit: We are behind schedule with the audit and Ms. Fromm has filed an extension for the audit on behalf of the District. She will present the draft to the Board at the August 17, 2022 meeting.

Master Plan: Gary and I met again with Mr. Marcotte to discuss the status of the master plan. Progress is slow. Mr. Marcotte plans to have a draft for the Board’s review at the August meeting.

Annual Drinking Water and Wastewater State Revolving Fund Eligibility Surveys

June 30, 2022: I completed the annual State Revolving Fund eligibility surveys for both water and wastewater. The eligibility surveys are used to identify capital improvement needs of publicly owned water and wastewater systems for potential future funding through the CWRPDA. The wastewater eligibility survey for Baca Grande Water and Sanitation District has been reviewed and accepted for purposes of this annual process.

PERA

At the June meeting I reported that rates for PERA will increase effective July 1, 2022. I worked with PERA to recalculate the contribution rates. These increases were implemented with the July payroll; the District's employer contribution rate increased from 10% to 14.73%, member contribution rates increased from 8.5% to 9.00%. Board members will notice this change reflected in their August deposit.

2022 I.T. Items

Xerox WorkCentre Lease Agreement:

June 14, 2022: We have finally received the new Xerox equipment. We worked with PDS Xerox and WSB to set up the new machine and workflow. Training was provided for the administrative staff, back up supplies are on order and everything is working very well.

District Internet Issues:

June 16, 2022: You may recall the poor connection we were experiencing during the June 15 Board meeting. There were issues with the wireless tower where the District is connected. Our internet provider performed maintenance on the tower, made adjustments to realign the antenna and verified everything was working correctly. We have not experienced any interruptions since the adjustments were made. We appreciate the hard work and coordination with WSB Computers and SLV Rec/Ciello.

Personnel Updates

Cause for Applause- Operator Certification: Congratulations to Nate Albrecht for receiving his Class S Water Treatment Operator certification and designation as a Colorado Certified Water Professional (CWP).

Colorado Healthy Families and Workplaces Act ("HIFWA")

As reported earlier this year HFWA imposed new requirements on Colorado employers with regard to sick leave polices. With assistance from legal counsel, a letter was provided to staff along with an updated document from the Colorado Department of Labor and Employment that outlined the details of the HFWA and public health emergency leave. It was noted that I posted the updated 2022 compliance posters in the hallway of the District office along with our other required compliance notices earlier in the year.

COVID

We continue to navigate life during a pandemic. Staff and families of staff have tested positive at various times throughout the months of June and July; we adjust as needed. It is important to understand that this is an active health issue and we should all continue to take precautions to stay healthy and safe.

Latest trends- Saguache County - July 7, 2022:

- The community level of Covid-19 in Saguache County is **medium** based on cases and hospitalizations, according to the most recent update from the C.D.C. on July 7.
- The number of hospitalized Covid patients has risen in the Saguache County area. Deaths have remained at about the same level.
- The test positivity rate in Saguache County is very high, suggesting that cases are being significantly undercounted.
- An average of 4 cases per day were reported in Saguache County, about the same as the average two weeks ago. Since the beginning of the pandemic, at least 1 in 6 residents have been infected, a total of 1,330 reported cases.

Insurance Claims

1. May 2022 Worker Compensation Claim: I am working with the injured staff member to close out the second workers' comp claim for 2022. The injured worker has received physical therapy and has been cleared to resume normal activities per their doctor.
2. July 7, 2022: An accident involving a District truck and trailer occurred. We are grateful that no one was injured in the accident; significant damage to the vehicles occurred. I have opened two claims with the District insurance provider; ongoing communications with relevant parties including the insurance providers, towing company, and body shop have continued throughout the week. Further discussion on this subject will be discussed in executive session at the July 20 meeting.

OPERATIONS:

Colorado Water Loss Initiative- CWLI Phase II

August 22, 2022. The District will be receiving direct technical assistance from Kevin Burger of the CWLI to test the Well 18 meter as part of our CWLI project.

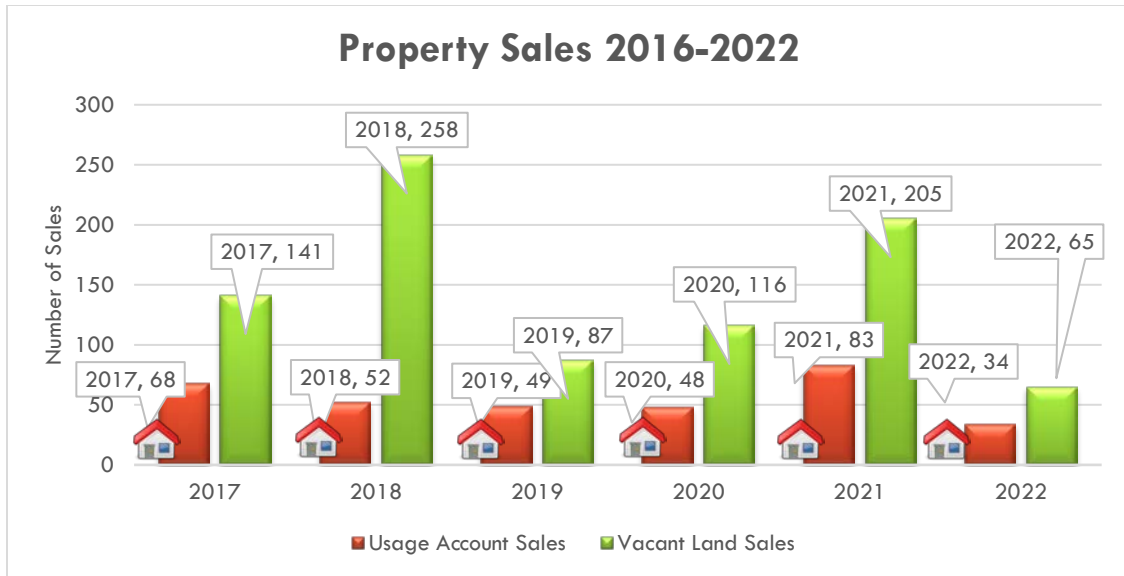
Assets and Equipment

7/18/2022: **Auto Samplers:** Finally, all parts have been received and staff received training on the equipment last week. I am looking forward to seeing the results from this important tool.

ADMINISTRATIVE REPORT – June 2022

UTILITY BILLING ACTIVITY		
Customer Utility Billing		
Billing Category	Number of Accts	Amount Billed
Late Fees	36	\$ 540.00
Usage Customers Billed - Water	815	59,853.99
Usage Customers Billed - Sewer	794	37,764.59
EQR Fees	28	786.92
Transfer Fees	27	\$6,750.00
On/Off Fees	10	\$450.00
Town of Crestone Sewer		
Month	Total Monthly Flow (gallons)	Amount Billed
January	461,135	\$2,425.57
February	427,186	\$2,247.00
March	444,100	\$4,698.59
April	526,408	\$5,679.94
May	636,580	\$7,008.75 + \$15.00 LC
June	613,995	6,895.16 + \$15.00 LC
July		
August		
September		
October		
November		
December		
Totals	2,495,409	\$28,970.01

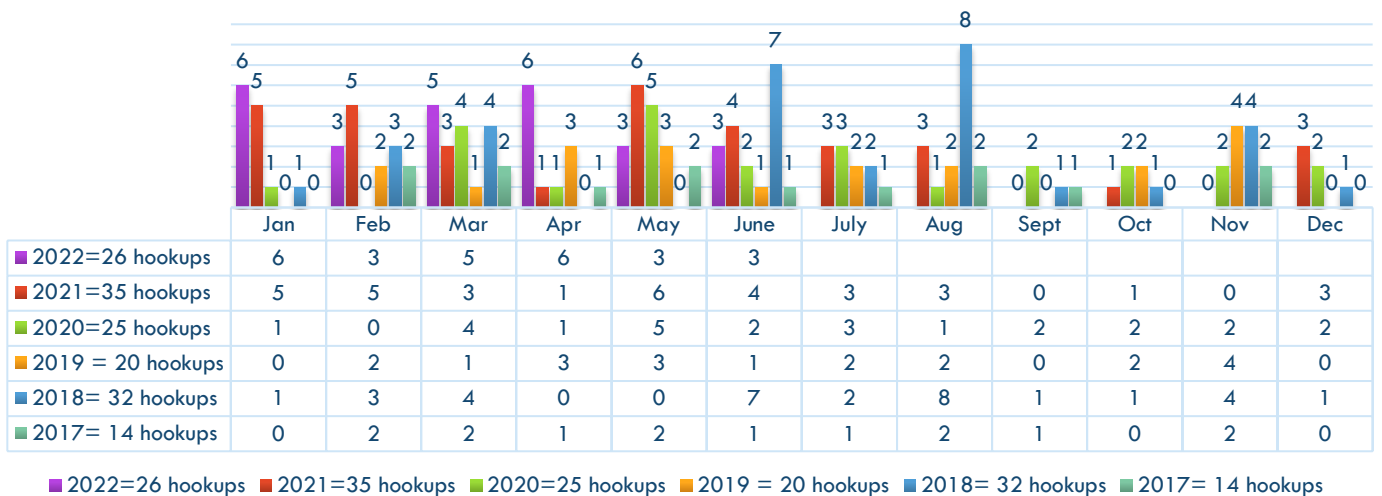
June 2022 - PROPERTY SALES: 8 HOMES, 12 LOTS



2022 WATER-SEWER HOOKUP APPLICATIONS

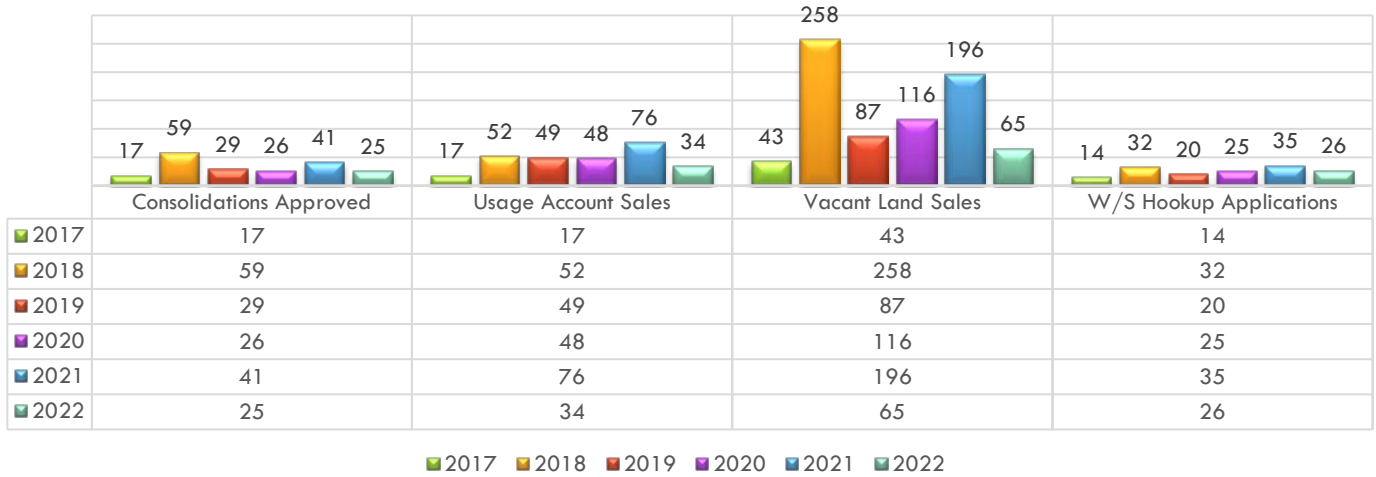
3 - APPLICATION(S) RECEIVED IN June

Water-Sewer Hookups 2016-2022

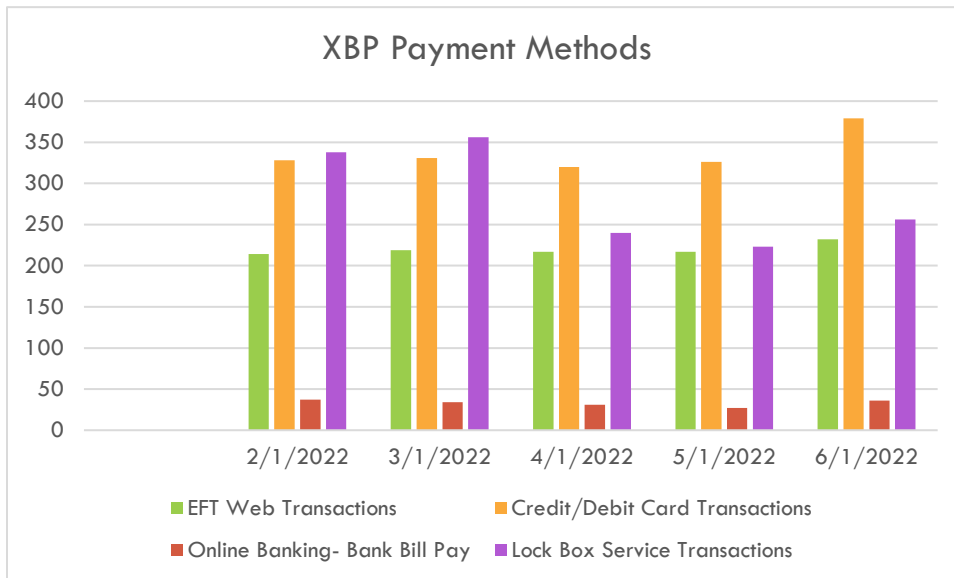


2022 PROPERTY TRENDS AND XBP PAYMENT METHODS

District Property Trends 2016-2022



XBP Payment Methods



Baca Grande Water and Sanitation District Monthly Operations Report

July 17th, 2022



Picture of the water main break and repair on July 4th, 2022.

Facilities Updates

In Service

Repaired
last month

Out of
Service

Water Facilities											
Well 18		Moonlight Transfer Station		Ridgeview Transfer Station		Fallen Tree Transfer Station		Pinecone Booster Station		Shumei Booster Station	
Pump 1	Pump 2	Pump 1	Pump 2	Pump 1	Pump 2	Pump 1	Pump 2	Pump 1	Pump 2	Pump 1	Pump 2

Wastewater Facilities									
Aspen WWTP		Stables Lift Station		Wagon Wheel Lift Station		MHE Lift Station		Dharma Ocean Lift Station	
Pump 1	Pump 2	Pump 1	Pump 2	Pump 1	Pump 2	Pump 1	Pump 2	Pump 1	Pump 2

Service Vehicles				
Truck 1	Truck 2	Truck 3	Truck 4	Truck 5

Equipment				
Vactor Truck	Dump Truck	Backhoe	Skid steer	Excavator

➤ **Well 18**

- Booster pump 310's motor is running hot and leaking a lot of grease. The motor is being pulled to be evaluated.
- Back up motor that was just rebuilt is being installed on pump 310

➤ **Well 17 VFD (Variable Frequency Drive) failure**

- Well 17's VFD has failed. We are evaluating replacement parts vs. the cost of a new drive.

- **MHE Lift Station**
 - Element Engineering says the pump fits the original design criteria of the lift station
 - We have a new pump that was purchased in January that can be installed
 - We will need to look at a new pumping system in the future.
- **Wagon Wheel Lift Station**
 - I finally got a qualified electrician to come look at Wagon Wheel Lift Station pump 2 for the wiring issues.
 - The pump is shorted and needs to be pulled out and evaluated.
- **Dharma Ocean Lift Station**
 - After further evaluation, the pump appear to be working normally for now.
 - We will monitor the pump and pull for evaluation if necessary.
- **Backhoe**
 - The two front rims and tire were replaced.

Operations Updates

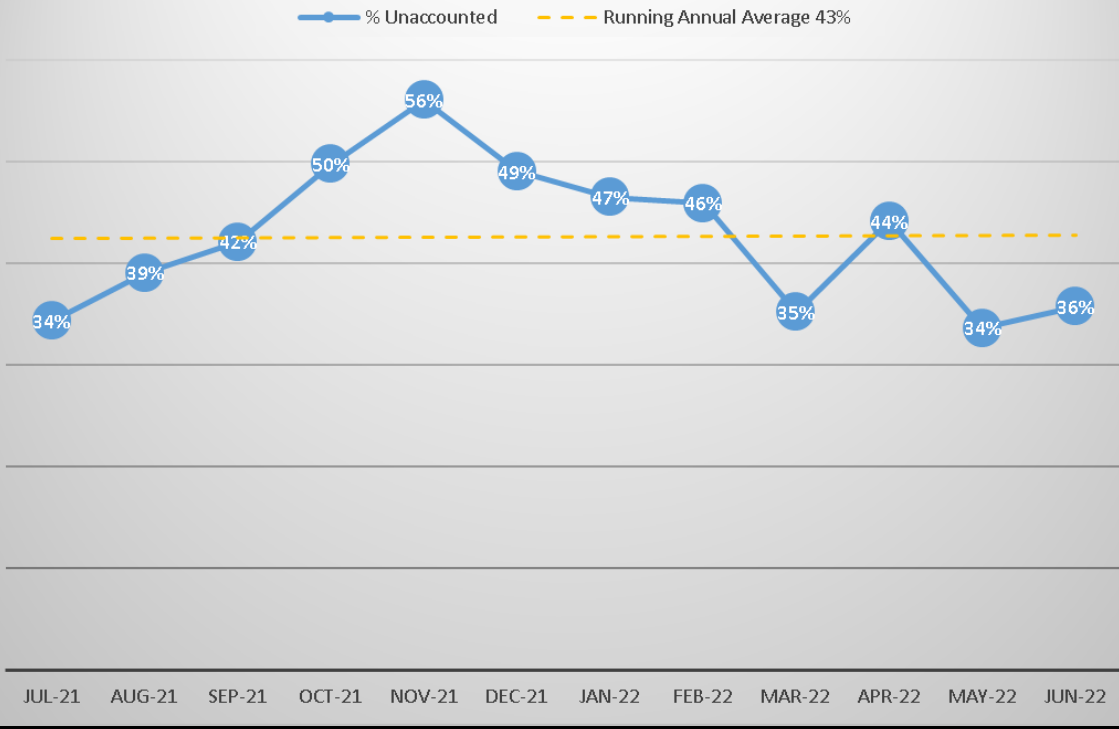
- **Colorado Water Loss Initiative (CWLI) Update**
 - Well 18 Meter Test is scheduled for August 22nd.
 - Still working on the 2021 Water Audit
- **AWWTP**
 - We received our follow up letter from our CDPHE compliance inspection
 - They found that I was not reporting one of the sections of the DMR correctly. This basically equates to not using the proper dropdown box on the online reporting form. I have corrected this issue and it does not constitute a violation of our permit.
 - The findings of the letter indicate that we need to submit a plan for expanding the plant or demonstrate that the plant is unlikely to exceed 80% in the future.
 - They also recommended we get a backup form of disinfection to the UV system due to lack of redundancy.
- **Meter Pit Issues**
 - 16 new service connections in 2022
 - 23 active application
 - 20 Pits order last December Arrived 4/27/22
 - Currently out of stock on radio read device for meters (56 on order)
 - 6 water meters left in stock. (36 on order)
 - 10 Pits that have been on order since April 2021 Arrived 7/4/22

- 20 more meter pit ordered 4/11/22
- Some parts are still difficult to get and are on backorder

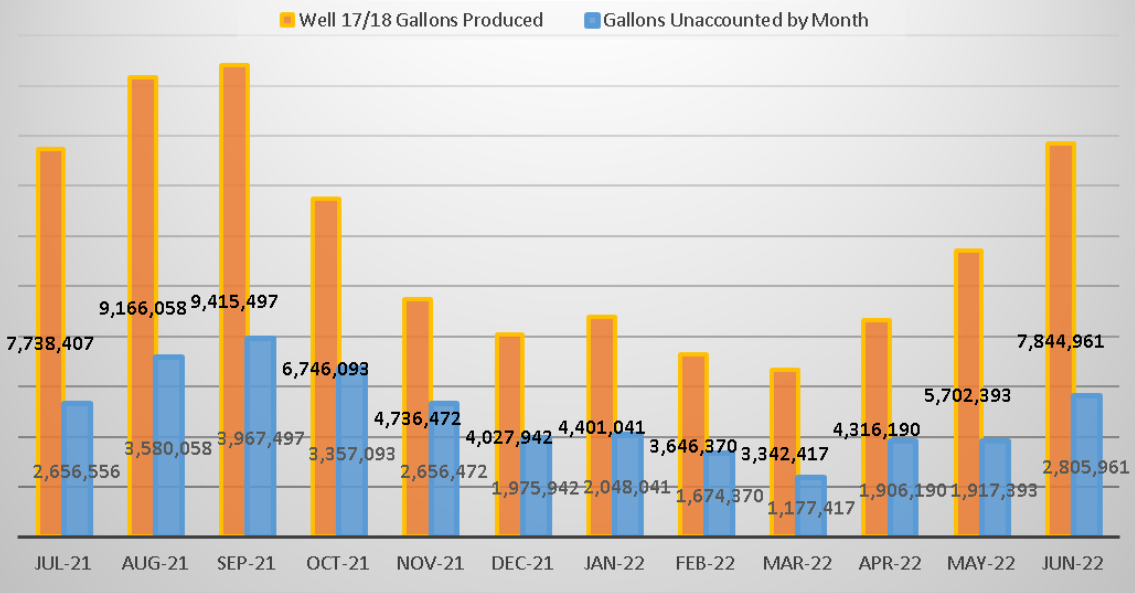
- **Auto Sampling Equipment**
 - Happy to report the auto samplers are operational and in use.
- **Water and Sewer Mainline Extensions**
 - Lovers Way Line Extension nearing completion only a few close out Items are remaining.
- **Road repair from water main breaks**
 - 1 of the 3 patches has been repaired.
 - We are working on scheduling the repair of the other 2.
- **Summer Projects**
 - Fire hydrant maintenance 233 of 273 have been completed
 - 3 Hydrant currently out of service. 1 can be repaired, 2 need replaced. Hydrants are in the process of being ordered.
 - Cleaning and sewer mainline inspection are in progress in Basin 4 (Chalet 2 and 3)
 - Still looking for two summer temporary employee's to help with summer projects
- **Unaccounted Water**
 - Wells 17 and 18 produced 7,844,961 gallons of water in the month of June
 - The District sold its customers 5,039,000 gallons of water in the month of June, leaving 2,805,961 gallons unaccounted for.
 - 36% of the water produced is unaccounted for in the month of June.

- **Aspen WWTP and Town of Crestone Loading**
 - Aspen WWTP averaged 38% of hydraulic loading capacity in the month of June, the Town of Crestone contributed and average of 35% of the treatment plants hydraulic load.
 - Aspen WWTP averaged 66% of organic loading capacity in the month of June. The Town of Crestone contributed an average of 33% of the treatment plants organic load.

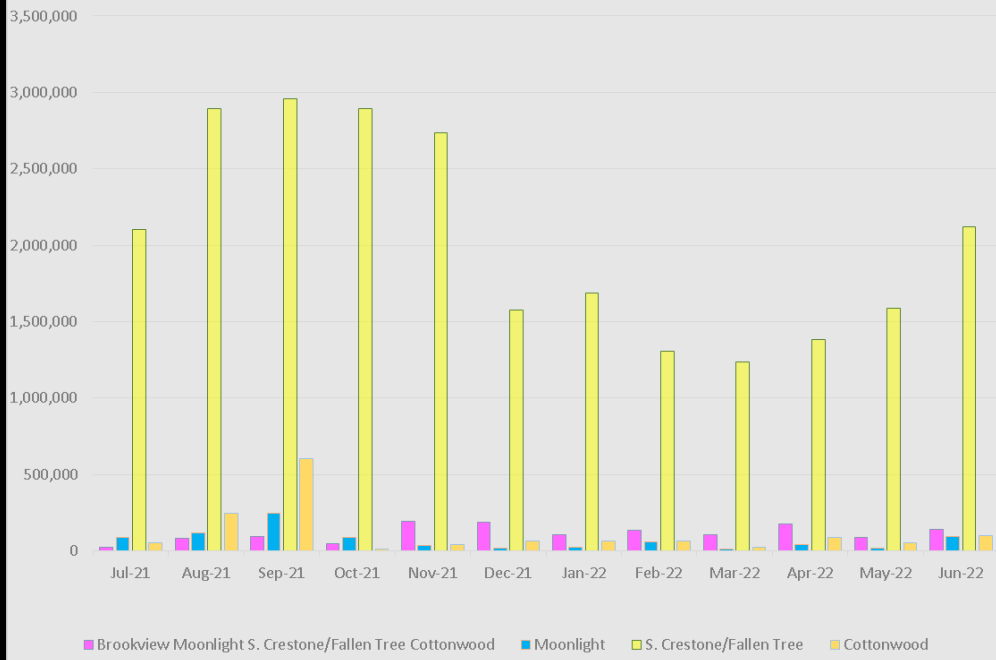
Total Unaccounted Water by Month



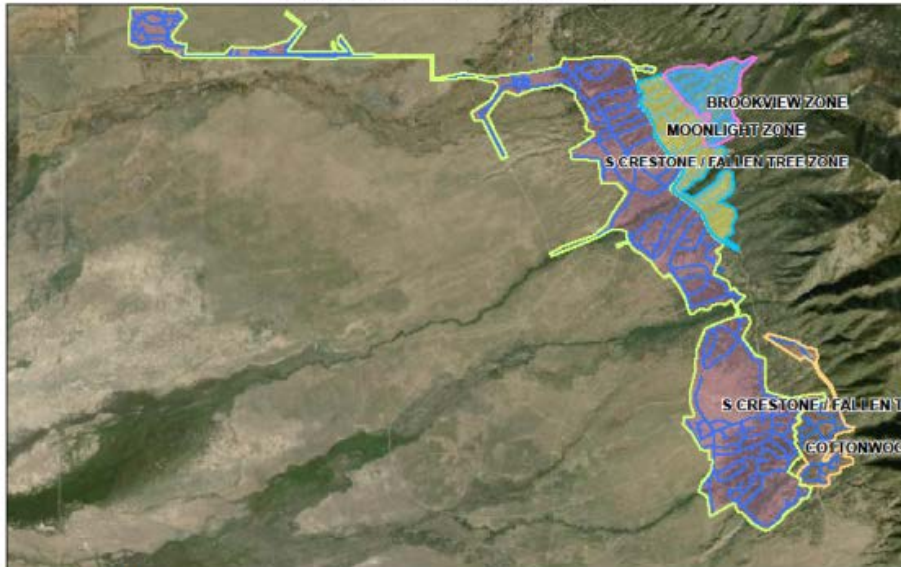
Total Unaccounted Water by Month



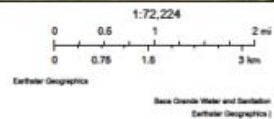
Total Monthly Unaccounted in Gallons by Pressure Zone



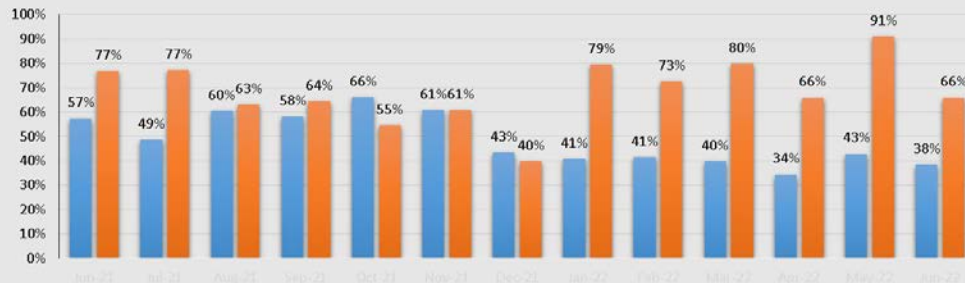
BGWSD Unaccounted Water Zone's



12/10/2020, 3:43:14 PM



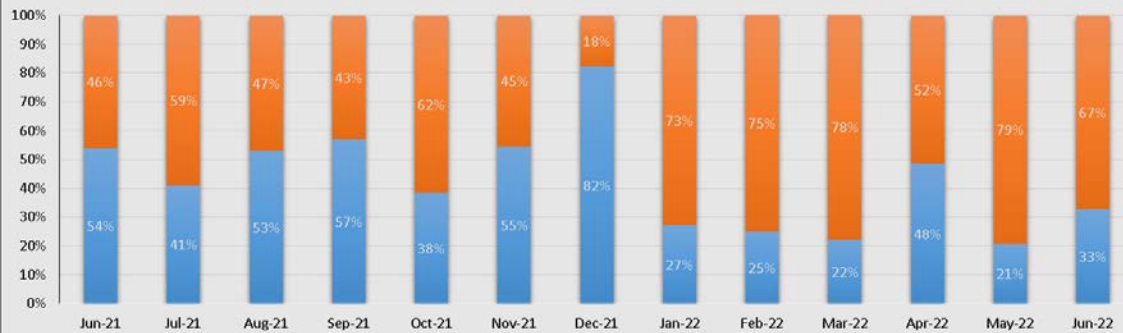
Percentage of Plant Capacities by Month at Aspen Wastewater Treatment Plant



	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22
■ Plant % of Hydraulic Capacity	57%	49%	60%	58%	66%	61%	43%	41%	41%	40%	34%	43%	38%
■ Plant % of Organic Capacity	77%	77%	63%	64%	55%	61%	40%	79%	73%	80%	66%	91%	66%

■ Plant % of Hydraulic Capacity ■ Plant % of Organic Capacity

Average % of Total Organic Loading of Aspen Wastewater Treatment Plant by Month of 2021-2022



■ Town of Crestone % of Organic Loading ■ Baca % of Organic Loading

Average % of Total Hydraulic Loading of Aspen Wastewater Treatment Plant by Month 2021-2022



■ Town of Crestone % of Hydraulic Loading ■ Baca % of Hydraulic Loading

Public Notice

NOTICE OF COMMUNITY MEETING FOR

INDUSTRIAL TOWER WEST

&

BACA GRANDE WATER and SANITATION DISTRICT

Notice is hereby given that the property owned by the Baca Grande Water & Sanitation District located south of County Road T, shall be considered for a 195' Telecommunications Tower, pursuant to local and federal regulations.

This community meeting is to be held on the 24th Day of August 2022 Via Zoom <https://us02web.zoom.us/j/81316449558?pwd=S3pVNUdrRFAwVURrcTVvZ0lYdUFNUT09> at 6PM or as soon thereafter as possible.

Please submit questions to info@bacawater.com by the **1st Day of August 2022** to aid in responses during said meeting.

COMMISSIONERS MEETINGS

THE COUNTY

NE 2022

Government	2,703.33
Autobody	5,336.62
Public Health	750.31
Marketing	204.96
Religious	4,779.39
Telephone	32,850.00
Mixers	3,004.76
Industrial	667.34
1 Resource	613.59
Collective	142.68
Company	100.00
Service	40.00
Architecture	122.50
Leasing	140.71
Dupont	622.24
School	9,166.67
Pal Utilities	309.52
Store	629.00
Sheriff	1,000.00
SLVREC	910.14
Source	158.86
Antile	31,399.88
ring	54.12
Group	600.00
Electronics	135.72
Financial	300.76
Legal	175.79
ry	2,205.00
ing	3,132.90
r, CBI	50.00
ire	454.95
oad Assn.	6,570.00
Trash Service	10.80
Financial	131.50
try Times	2,142.87
nty Electric	109.00
Parts	133.33
ilities	645.13
oots	1,312.94
s	847.52
Graphics	1,143.00
Plumbing	100.00
Parts	417.00
ue Service	24.13
rs	2,354.02
Financial	1,122.74
y	362.46
z	89,551.66
rs	27.70
Financial	116.20
y	110.80
z	837.63
z	131.50
z	6,570.00
z	131.50
z	1,626.16
z	120.90
z	500.60
z	150.00
z	3,598.33
z	163.78
z	812.50
z	64.04
z	593.93
z	188.10
z	72.00
z	165.00
z	22.70
z	92.00
z	805.00
z	115.29
z	16.20
z	600.00
z	3,547.10
z	195.00
z	2,359.84
z	4,052.25
z	126.80
z	525.00
z	136.00
z	11,256.00

Trilium Holdco	1,572.66
Valley Communications	2,700.00
Valley Courier	343.80
Valley Lock & Security	112.00
Valley Publishing	142.00
Vemco Electrical	527.36
Vendola Plumbing	1,291.44
Verizon Wireless	2,333.56
Viaero	328.32
Virginia West	4,207.50
Vivial Media	16.50
Wagner Equipment	13,778.38
Wendi Maez	79.65
Whitehall's Alpine Dist.	1,092.75
World Fuel Services	42,097.92
WSB Computer Services	17,334.23
Xcel Energy	2,119.61
Xerox	139.36
Zachary Joyner	26.95

TREASURER'S NOTICE ON REQUEST FOR TAX DEED

NOTICE OF PURCHASE OF REAL ESTATE AT TAX LIEN SALE AND OF APPLICATION FOR ISSUANCE OF TREASURER'S DEED

To Every Person in Actual Possession or Occupancy of the hereinafter Described Land, Lot or Premises, and to the Person in Whose Name the same was Taxed or Specially Assessed, and to all Persons having an Interest or Title of Record in or to the said Premises and to Whom it May Barbara Barkley & Michael Colombo, address removed.

You and each of you are hereby notified that on the 7th day of November, A.D. 2018, the then County Treasurer of the County of Saguache, in the State of Colorado, sold at public tax lien sale to Saguache County the following described real estate situate in the County of Saguache, State of Colorado.

Legal Description:
Baca Grande Chalet II, Lot 3375, State of Colorado, County of Saguache
Parcel Number: 460521300188
Certificate Number: 43-387
Account Number: R014278

and said County Treasurer issued a certificate of purchase therefore to Saguache County.

That said tax lien sale was made to satisfy the delinquent property (and special assessment) taxes assessed against said real estate for the year 2017;

That said real estate was taxed or specially assessed in the name(s) of Barbara Barkley & Michael Colombo for said year 2017;

That on the 15th day of June 2022, said Saguache County assigned said certificate of purchase to Kaushlesh Biyani;

That said Kaushlesh Biyani on the 15th day of June 2022, the present holder of said certificate, has made request upon the Treasurer of said county for a deed to said real estate;

That a Treasurer's Deed will be issued for said real estate to Kaushlesh Biyani on the 10th day of November 2022, unless the same has been redeemed.

Said property may be redeemed from said sale at any time prior to the actual execution of said Treasurer's Deed.

This Notice of Purchase has also been published in the Saguache Crescent on July 7, 2022, July 14, 2022 and July 21, 2022. Witness my hand this 30th day of June 2022

Regina Swartz
Treasurer of Saguache County, Colorado

Meeting Notice

Upper Gunnison River Water Conservancy District Board of Directors Meeting

MONDAY, JULY 25 — 5:30 p.m.
The Board of Directors of the Upper Gunnison River Water Conservancy District (UGRWCD) will

DISTRICT COURT, SAGUACHE COUNTY, COLORADO

Case Number: 2022 CV 30012
Division: Courtroom:

SUMMONS

BY PUBLICATION

BARNA KASA, Plaintiff, vs. DESIGN DESK, INC., a Virginia Corporation; and all unknown persons who claim any interest in the subject matter of this action. THE PEOPLE OF THE STATE OF COLORADO TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby summoned and required to appear and defend against the claims of the complaint filed with the court in this action, by filing with the clerk of this court an answer or other response. You are required to file your answer or other response within 35 days after the service of this summons upon you. Service of this summons shall be complete on the day of the last publication. A copy of the complaint may be obtained from the clerk of the court.

If you fail to file your answer or other response to the complaint in writing within 35 days after the date of the last publication, judgment by default may be rendered against you by the court for the relief demanded in the complaint without further notice.

This is an action to quiet title of the Plaintiff in and to the real property situate in Saguache County, Colorado, described more particularly as:

Lot 4292, The Baca Grande, Chalets Unit Two, County of Saguache, State of Colorado
Also Known as: Baca Grande CHII Lot 4292 Map 13

Also Known as: Baca Grande, Chalet Unit Two, Lot 4292

Also Known by street and number as:

4292 Fallen Tree OL, Crestone, CO 81131.

Dated: July 7, 2022.

Published in the Saguache Crescent

First Publication: July 14, 2022

Last Publication: August 11, 2022

By: /s/ Daniel B. Slater

Daniel B. Slater, #30174

Attorney for Plaintiff

1415 Main Street, Suite A

Canon City, Colorado 81212

Phone: 719-269-3315

dan@danslaterlaw.com

PUBLIC NOTICE

FOREST RESERVE TITLE III PROPOSED PROJECT

The Saguache County Board of Commissioners is soliciting public proposals to spend Forest Service Title III funds for any projects that will be used for projects that pertain to property that adjoins the US Federal Property.

Written proposals must be received by 3:00 p.m. on FRIDAY, July 15, 2022.

Written project request must be submitted to the Saguache County Administration office, 505 3rd Street or emailed to wmaez@saguachecounty-co.gov, or can be mailed to PO Box 100, Saguache, CO 81149.

The deadline for submittal is FRIDAY, July 15, 2022 at 3:00 p.m.

Published: June 16, 23, 30, July 7 and 14, 2022

Request for Property Bids

The Saguache County Board of Commissioners are accepting written offers for County Owned Property at this time. The lots available will be accepted by the Commissioners, at their discretion, on or until September 30,

DISTRICT COURT, COUNTY OF SAGUACHE, STATE OF COLORADO
Court Address: 501 4th Street, P.O. Box 197, Saguache, CO 81149
Telephone: (719) 655-2511
Case No. 2022 CV 030020
Division C

SUMMONS

BY PUBLICATION

BRENT ALLEN BECKMAN and FLORIBETH BECKMAN Plaintiffs,

vs. KATHRYN R. KIER, and all other persons who claim as heirs, devisees, creditors or otherwise under said defendants, and all unknown persons who claim any interest in the subject matter of this action, Defendants

THE PEOPLE OF THE STATE OF COLORADO TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to appear and defend against the claims of the Complaint filed with the Court in this action, by filing with the Clerk of this Court an answer or other response. You are required to file your answer or other response within thirty five (35) days after the service of this Summons upon you. Service of this Summons shall be complete on the day of the last publication. A copy of the Complaint may be obtained from the Clerk of the Court.

If you fail to file your answer or other response to the Complaint in writing within thirty five (35) days after the date of the last publication, judgment by default may be rendered against you by the Court for the relief demanded in the Complaint without further notice to you.

This is an action to quiet title to the following described property situate in the County of Saguache and State of Colorado, to-wit:

Tract 3872-C as shown on the Vacation/Consolidation Plat of Lots 3872, 3873 and 3874, The Baca Grande, Chalets Unit Two, the Plat of which was filed May 23, 2002, under Reception No.'s 337921 and 337922 in the office of the Clerk and Recorder of Saguache County, Colorado,

DATED: June 24, 2022.

MOTZ LAW FIRM, LLC

By: Paul E. Motz

Paul E. Motz, Reg. No. 7740

410 San Juan Avenue

P.O. Box 779

Alamasa, CO 81101

(719) 589-6676

Paul.Motz1@gmail.com

Published in the Saguache

Crescent Newspaper

First Publication: June 30, 2022

Last Publication: July 28, 2022

PUBLIC NOTICE

NOTICE OF COMMUNITY MEETING FOR INDUSTRIAL TOWER WEST & BACA GRANDE WATER AND SANITATION DISTRICT

Notice is hereby given that the property owned by the Baca Grande Water & Sanitation District located south of County Road T shall be considered for a 195' Telecommunications Tower, pursuant to local and federal regulations.

This community meeting is to be held on the 24th Day of August 2022 Via Zoom mhttps://us02web.zoom.us/j/81316449558?pwd=S3pVNUdrRFAwVURrcTVvZ01YdUFNUU09 at 6:00 p.m. or as soon thereafter as possible.

Please submit questions to info@bacawater.com by the 1st Day of August 2022 to aid in responses during said meeting.

Published: June 23, 2022

LEGAL NOTICE

San Luis Valley Board of Cooperative Educational Services

COMBINED NOTICE PUBLICATION

CRS §38-38-103

FORECLOSURE SALE NO. 02-2022

To Whom It May Concern: This Notice is given with regard to the following described Deed of Trust:

On April 21, 2022, the undersigned Public Trustee caused the Notice of Election and Demand relating to the Deed of Trust described below to be recorded in the County of Saguache records.

Original Grantor(s): Miller, Michael R.

Original Beneficiary(ies): JP Morgan Chase, N.A.

Current Holder of Evidence of Debt: NewRez LLC, F/K/A

New Penn Financial, LLC, D/D/B/A Shellpoint Mortgage Servicing

Date of Deed of Trust: October 3, 2018

County of Recording: Saguache

Recording Date of Deed of Trust: October 4, 2018

Recording Information (Reception No. and/or Book/Page No.)

386510

Original Principal Amount: \$40,000.00

Outstanding Principal Balance: \$38,873.27

Pursuant to C.R.S. § 38-38-101 (4) (i), you are hereby notified that the covenants of the Deed of Trust have been violated as follows: Failure to pay principal and interest when due together with all other payments provided for in the Evidence of Debt secured by the Deed of Trust and other violations thereof.

THE LIEN FORECLOSED MAY NOT BE A FIRST LIEN

Lots 1, 2, 3, and 4, Block in the Town of Moffat, County of Saguache, State of Colorado

Also known by street and number as: 615 McPherson Ave., Moffat, CO 81143.

THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.

NOTICE OF SALE

The current Holder of the Evidence of Debt secured by the Deed of Trust described herein, has filed notice of election and demand for sale as provided by law and in said Deed of Trust.

THEREFORE, Notice Is Hereby Given that I will at public auction at 10:00 a.m. on Thursday, August 18, 2022, at The Public Trustee's Office, 501 4th Street, Saguache, Colorado, sell to the highest and best bidder for cash, the said real property and all interest of the said Grantor(s), Grantor(s)' heirs and assigns therein, for the purpose of paying the indebtedness provided in said Evidence of Debt secured by the Deed of Trust, plus attorneys' fees, the expenses of sale, and other items allowed by law, and will issue to the purchaser a Certificate of Purchase, all as provided by law.

First Publication: June 23, 2022
Last Publication: July 21, 2022
Name of Publication: Saguache Crescent

• IF THE SALE DATE IS CONTINUED TO A LATER DATE, THE DEADLINE TO FILE A NOTICE OF INTENT TO CURE BY THOSE PARTIES ENTITLED TO CURE MAY ALSO BE EXTENDED.

DATED: April 21, 2022

Regina Swartz

Public Trustee in and for the County of Saguache, State of Colorado

By: Regina Swartz

Public Trustee

The name, address, business telephone number and bar registration number of the attorney(s) representing the legal holder of the indebtedness is:

Courtney Wright #45482

Erin Robson #46557

Eva Grina #43658

Holly Shilliday #24423

Classifieds

Buy - Sell - Rent -
Promote your
services & More!

Print classifieds appear in print and on our website, and run the entire calendar month. Print classifieds must be submitted and paid for by the 20th of the month prior to print.

Online classifieds appear on our website until the end of the month of submission. Online classifieds may be submitted at any time but will not be posted until payment is received. One photo per classified ad may be submitted.

To submit your classified: Include a unique Title & Description in email format and send to: Classifieds@CrestoneEagle.com

Houses & Property for Sale

Two lots and a Half Built House (long story) for Sale in Chalet 1

The house will be round or octagonal and have two bedrooms and one bath. Tap & paid on adjoining lot. Have contractor ready to finish or owner/builder. Will carry qualified. Private, perfect views of the mountains but close to town. 520-297-1438.

Houses for Rent

House for rent

4001 CR DD. \$800/mo. Available Aug 1. 19-588-8869

Vacation Retreat Home

BA/IBA + Office, Pet Friendly, Fenced/landscaped, Superbly Outfitted Kitchen, W/D, Excellent mattress and furnishings, radamebwolfe.wixsite.com/rentals, 505 728 244 Call for longer term costs.

Stunning 3BR/3BA Home

pet friendly, fenced grounds, 3 min. walk to year round creek. Screened porch, superb kitchen w/ views, lg. garage, W/D, LEWS, huge basement, 505 728 2044 Pics/terms: zillow.com, click on rentals w/ 81131 p Avail. July, 1 year lease.

Crestone Sanctuary Available July 15 - August 15, 2022

many, new, private, peaceful 1150 sf 3D/IBA, big views high in 1st Chalet. Fully finished, tile floors, W/D, + excellent wifi. spacious bedroom/office faces east for morning sun & mtn. views. Open living/kitchen area has valley views. Wrap around deck. NS/NP. \$1750 + \$200 utilities monthly. flexible dates. 1st, last + deposit. so available Nov. 1st for 6 month lease at reduced rate. Text 719-539-5030 for pics & fo.

4 bedroom Home in Chalet 1

Available June 15, \$2,300/Month. We make this charming 2109 SF farmhouse your home. Enjoy the beautiful mountain views including Blanca, the numerous deer

New Classifieds online daily. Check www.crestoneeagle.com!

strolling through the 1.5 acre grounds and the greenbelt hiking trails close by. Take in the stunning nature and views from the sun or screened in porches or the back deck. This home includes 3 bedrooms and 3 baths. The master has a separate attached room to use as a sitting area, office or additional closet space. It could even make a sweet baby nursery. A bonus room could be a fourth bedroom or office.

Suitable for a family or 3-4 friends. \$2300/month. Unfurnished. First and last month's rent plus cleaning & damage deposit. Utilities are not included. No smoking please. Cats and small dogs welcome on approval. References necessary. One year lease with option to extend. This is an excellent opportunity for a handy family who would like to help take this treasure to the next level in exchange for a portion of rent. Contact Kate at kateginforth@gmail.com or 808-372-7459.

The Stupa Cottage,

A charming small straw bale house (1 bedroom, 1 bath, W/D), unfurnished, radiant floor heat, a greenhouse, Zen-like beauty (located at Hilltop Way). Private, good views, close to town. Available in August for long-term rent. \$1,500 + utilities. Text or call: 720-666-9979; email: sashayeshe@gmail.com

Apartments/Rooms for Rent

Low Price Rooms Available

Rooms for rent in smoke friendly house. Call Doug 719-256-5142.

Save Money from Airbnb Extra Fees

Nightly rentals available, yurts \$50-\$150. Retreat houses, please text Electrum @ 719-588-2114 for availability.

Services

Aguilar's Automotive

Honest, affordable, reliable automotive service. Alignments, brakes, oil changes, tune ups and more! Experienced mechanic. Monday-Saturday, Center, CO. 719-245-9005.

Computer Service/Repairs

Computer Service/Repairs

PC consultant/technician since 1985 with a full shop in the Baca. VIRUS fixes and prevention, hard drive data recovery, networking. Call Dennis 256-4110.

Airbnb Genie Assistance

Transform your home into a highly desirable income producing rental, full service arranging, cleaning & listing. Perfect for out of town, second home owners. We'll even furnish. Call Soleil or Electrum @ 719-588-2114 for info.

Help Wanted

Amazing Part Time Opportunity

Part-time position available at the *Crestone Eagle* for detail-oriented person. You will be responsible for billing, database management, classified ads, subscriptions, deposits and other projects as needed. Quickbooks experience a plus. Looking for a tech-savvy, meticulous, consistent team member 2 days a week to be part of an amazing team. Send your resume and a little bit about yourself to jennifer@ads@crestoneeagle.com.

Baca Grande Water and Sanitation District Looking to Fill 2 Fulltime Seasonal Positions for a Utility Maintenance Worker

Under general supervision the Utility Maintenance worker performs duties to assist in the operations and maintenance of the District's water and wastewater facilities. General duties include, but are not limited to: sewer collection system cleaning and inspection, fire hydrant maintenance, distribution system valve maintenance, weed control, and various other maintenance and labor tasks as assigned. This position is limited to 480 hours or approximately 12 weeks at 40 hours per week. Pay is \$15.00 per hour.

Applications can be picked up at 57 Baca Grant Way S, Crestone, CO 81131 or on our web site at www.bacawater.com/forms.

Submit a completed application to: Baca Grande Water and Sanitation District PO Box 520, Crestone, CO 81131

Saguache County Road and Bridge is hiring for Operator I positions....\$18.22/hour

REQUIREMENTS: Applicants must possess a current Class-A CDL license with heavy semi-truck endorsement and a current medical certificate. Applicants should have a high school diploma or GED and six months or more of relevant experience. Prospective employees applying with Saguache County will be required to submit and pass a pre-employment drug screening and criminal background check.

Operator I is a full time position - applicants must be able to operate light and heavy equipment and perform manual labor in the maintenance, repair and minor construction of roads, streets, bridges, signs, markings and related facilities. Applicants must be physically capable of periods of sustained physical exertion and may be required to lift and move up to 75 lbs. to 150 lbs.

Applications are available at the Saguache County Road and Bridge Office 305 3rd Street, PO Box 476, Saguache, CO 81149 - 719-655-2554 or on the Saguache County website - saguachecounty.colorado.gov under the Road and Bridge Department tab. Please fill out and submit the Drivers-Application. A complete job description is available at the Road and Bridge Office.

Completed applications can be hand delivered or mailed to Saguache County Road and Bridge - at the address listed above, sent by email to mhashbarger@saguachecounty-co.gov or faxed to: 719-655-2543. APPLICATION DEADLINE: Open until qualified candidates are hired. Saguache County is an Equal Opportunity Employer.

Saguache County Landfill is Hiring for a Full Time Attendant.

REQUIREMENTS: Applicants must fill out and submit an application, must be an experienced front end loader operator and possess a valid driver's license. Applicants should have a high school diploma or GED and six months or more of relevant experience. Final candidates applying with Saguache County will be required to submit and pass a pre-employment drug screen and criminal background check. Pay D.O.E.

Landfill Attendant is a full time 40 hour per week position - starting at 8:00 A.M. each day Tuesday through Saturday (subject to change). Those applying must be an experienced front end loader operator, have the ability to do strenuous outdoor physical labor in extreme weather conditions and be able to lift and/or move 20 lbs. to 75 lbs.

Applications are available at the Saguache County Road and Bridge/Landfill Office 305 3rd Street, PO Box 476, Saguache, CO 81149 - 719-655-2554 or on the NEW Saguache County website <https://saguachecounty.colorado.gov> under the Landfill Department tab. Completed applications can be hand delivered or mailed to Saguache County Road and Bridge/Landfill Office - at the address listed above, faxed to: 719-655-2543 or sent by email to mhashbarger@saguachecounty-co.gov

APPLICATION DEADLINE: Open until a

qualified candidate is hired. Saguache County

Town Hall Custodian Contract Position: Part-time

Duties: Clean public areas in the Town Hall building once a week. Follow all safety practices in operating equipment and using cleaning supplies.

Applications are available on the town website: <https://townofcrestone.colorado.gov/sites/townofcrestone/files/documents/Employment%20Application.pdf>

Please submit a brief letter of intent with your completed application to Town Hall either in person via our secure payment slot at 108 W. Galena Ave; by mail to PO Box 64, Crestone 81131; or via email to crestonetownoffice@gmail.com.

Hourly pay: \$20 per hour minimum.

The Town of Crestone is an equal opportunity employer and does not discriminate on basis of race, color, religion, sex, national origin, sexual orientation, gender identity, age, disability or genetics. In addition to federal law requirements, the Town of Crestone complies with applicable state laws.

The Crestone Charter School has Immediate Openings

For Office Assistant and Custodian, and 2022/23 school year openings for Elem and MS classroom aides, van driver (non-CDL), janitor, and book-keeper/ accountant. Please explore crestone-charter-school.org/employment. Wages: \$15-19/hr with generous benefits, flexible hours, great environment, and growth opportunities. Explore your future with us

The Town of Crestone Seeks a Part-Time Office Aide to Assist the Town Hall Administration.

The starting pay begins at \$17.00 per hour. Essential job duties include, but are not limited to, answering the phone and interacting with members of the public, and providing administrative support to Town Hall staff.

A complete job description and employment application form can be found at townofcrestone.colorado.gov.

Completed applications can be submitted in one of three ways:

Via the secure payment slot located to the right of the entrance to Town Hall (108 W. Galena Ave.). Via email to crestonetownoffice@gmail.com. Via USPS to PO Box 64, Crestone, CO 81131.

The Town of Crestone is an equal opportunity employer and does not discriminate on basis of race, color, religion, sex, national origin, sexual orientation, gender identity, age, disability or genetics. In addition to federal law requirements, the Town of Crestone complies with applicable state laws.

Cleaner Needed

Pay \$25/hr. Call Catherine 719-256-4248.

Misc. Wanted

Searching

A Crestone Resident, who died 5-10 years ago, stole a number of drawings- pen and water colors on paper- by my friend, Palle Bruun. His initials PB, are usually found on lower right. Please return, with gratitude, any of Palle's works you may have received to Resident, PO Box 846, Crestone CO 81131. Thank you.

Misc. for Sale

Firewood For Sale

Buy Now & Save! Split & Delivered, Aspen & Spruce. \$185/Cord. Don 989-424-9402 or Grizz 719-256-5872. GOT WOOD LLC

For Sale

In-box Honda GX160 5 hp motor with 6:1 gear reducer, \$600-OBO. Hitachi 3 1/2 " 20° cordless nail gun with charger, lightly used 2 seasons. \$200, 719-256-5084

Free

Free Manure

Free horse manure. Call the Baca Grande Stables to arrange pick up. 256-6200.

NOTICE OF COMMUNITY MEETING FOR INDUSTRIAL TOWER WEST

BACA GRANDE WATER and SANITATION DISTRICT

Notice is hereby given that the property owned by the Baca Grande Water and Sanitation District located south of County Road T, shall be considered for a 195' Telecommunications Tower, pursuant to local and federal regulations.

This community meeting is to be held on the 24th Day of August 2022 via Zoom <https://us02web.zoom.us/j/81316449558?pwd=S3pVNURrRFAvVURrcTVvZ0lYdUFNUT09> at 6PM or as soon thereafter as possible. Please submit questions to info@bacawater.com by the 1st Day of August 2022 to aid in responses during said meeting.



July 12, 2022

Joann Slivka
 Baca Grande Water and Sanitation District
 PO Box 520
 Crestone, CO 81131

Subject: Compliance Inspection of Domestic Wastewater Treatment
 Colorado Discharge Permit Systems (CDPS) No. CO0046914, Aspen Institute WWTF
 Saguache County

Dear Joann Slivka:

This letter serves to report the findings of the compliance inspection conducted by the Field Services Section of the Water Quality Control Division (the division) on the above referenced facility on June 1, 2022. The assistance that was provided was very helpful and is greatly appreciated. Table 1 identifies the parties present during the compliance inspection.

Table 1: Parties Present

Name	Organization
Gary Potter and Bryan Howard	Baca Grande Water and Sanitation District
Tammy Bruning and Liam Junk	Colorado Department of Public Health and Environment

Table 2 summarizes the number of findings and the required written response dates.

Table 2: Compliance Inspection Findings

Severity Category	Number Identified	Response Due (within 30 days of letter date)
Major Findings	0	No Response Required
Other Findings	2	No Response Required
Observations / Recommendations	1	No Response Required

Major Findings

These items require action by the permittee and will be followed up by the division.

No major findings were identified.

Other Findings

The division expects the permittee to correct the following other findings, which are potential violations, as soon as practical and return the facility to compliance with the CDPS permit, Colorado Revised Statutes and/or the associated regulations. Failure to correct these other findings may result in formal enforcement action. The division may contact the permittee regarding resolution of these findings prior to the next inspection and, at the latest, conduct a detailed review of the resolution during the next inspection.



1. E0013 - Reporting Violations - Improper/ Incorrect Reporting. Data reported on DMRs are not accurate.

Part 1.D.1 of CDPS No. CO0046914 requires the discharge monitoring reports (DMRs) submitted to the division be completed accurately and completely. In addition to a review of all DMRs between December 31, 2016 and April 30, 2022 during the inspection, the division conducted a detailed review and comparison between the information on monthly logs and/or bench sheets and DMRs for the month of March 2022. As a result, the division identified that oil and grease, and total chlorine residual were not analyzed during the DMR period, as they were conditional monitoring. The permittee needs to utilize the proper NODI code to show these parameters were not sampled during DMR period. Please amend future DMRs to reflect these changes. The division has developed a DMR Guidance document as a condensed, but thorough tool for operators regarding how to complete DMRs. The DMR Guidance document is located on the internet at the CDPHE-WQCD website: <https://cdphe.colorado.gov/water-quality/Regulations-Policies-and-Guidance>.

2. D0017 - Permit Violations - Violation Specified in Comment. Facility loading (hydraulic or organic) exceeds 80% of permitted capacity without plans for expansion or 95% without commencing construction for expansion.

Part 1.B.3 of CDPS No. CO0046914 requires planning and construction of facility expansion to be initiated if the monthly throughput (i.e., hydraulic or organic loading) exceeds 80% and 95%, respectively, of the design capacity. The approved Site Location Application No. 4687 for the facility included a total hydraulic capacity of 0.15 MGD and an organic loading of 300 lbs. BOD₅/day.

Data provided by the permittee for March 2022 indicates a maximum month organic loading of 255 lbs. BOD₅/day, which is approximately 85% of the organic loading design capacity of 300 lbs. BOD₅/day. The DMR data provided by the permittee indicates the organic throughput has exceeded the threshold to require engineering and financial planning for expansion. On the day of the inspection, the permittee stated that they have started a capital improvement study to begin design improvements for their facility. Also, the permittee stated they are in agreement negotiations with the satellite collection system from the Town of Crestone to include pretreatment best management practices to control the amount of BOD discharged from the commercial businesses.

Part 1.B.3 of CDPS No. CO0046914 allow the permittee, in lieu of initiating planning and/or construction for expansion, to submit a report to the division that demonstrates the event will likely not reoccur. Please submit to the division a plan and schedule for reducing loading or expanding system capacity, with plan for achieving site location and design approval for the expansion, or a demonstration the throughput of greater than 80% of capacity is not likely to reoccur.

Observations/Recommendations

While the division will not directly follow-up on the observations/recommendations listed below, it is highly recommended that the permittee address them. The following observations/recommendations were identified:

1. At the time of the compliance inspection, there was an alarm on the Evoqua UV system. The permittee stated they were unable to clear the alarm without Evoqua technician assistance but were assured that it did not affect quality of UV system. Due to location of wastewater facility, an Evoqua technician was not expected to arrive on site in the near future to clear the alarm. The permittee stated they do not have another form of disinfection available if UV system were to fail. The wastewater facility can store approximately one week of wastewater in a lagoon if necessary. The division recommends the permittee have a backup form of disinfection available if UV system fails.

Reminders

- Sanitary sewer overflows and any other spills that may impact state waters are required by law to be reported in accordance with the division's *Guidance for Reporting Spills under the Colorado Water Quality Control Act and Colorado Discharge Permits*, which is available on the division's website at <https://cdphe.colorado.gov/water-quality>. The state 24-hour toll-free number for environmental release and incident reporting is 877-518-5608.

- Construction of interceptor sewers, lift stations and treatment plants, including modification/expansion of existing facilities, requires site location and design approval prior to commencement of construction. Please refer to the division's website at <https://cdphe.colorado.gov/water-quality> for information regarding these requirements.
- Most regulations, guidance documents and forms are available via the Internet on the division's website. Please link to <https://cdphe.colorado.gov/water-quality> for further information.

We would appreciate any feedback that you provide so that we can improve. Please take a few moments to complete [this survey](#).

If you have any questions, please contact me by phone at (719) 251-4615 or via email at tammy.bruning@state.co.us. Thank you for your time and cooperation.

Sincerely,

Tammy Bruning Digitally signed by Tammy Bruning
Date: 2022.07.12 12:37:57 -06'00'

Tammy Bruning, Environmental Protection Specialist
Field Services Section
Water Quality Control Division
Colorado Department of Public Health and Environment

Encl. Inspection Report
SSO Evaluation Form

cc: Saguache County Health Department
Permit File, CDPS No. CO0046914
Tracking No.: FS.22.INSP.1058

JoAnn Slivka, CO
Mark Potter, ORC
Cameron Wilkins, PE, CDPHE-FSS, Unit Manager
Liam Junk, CDPHE-FSS, Environmental Protection Specialist



Water Compliance Inspection Report

Section A: National Data System Coding (I.e., ICIS)

Inspection Date:	6/1/2022	Inspector:	State
Permit			
Inspected:	<u>CDPS #</u>	<u>Inspection Type</u>	<u>Program</u>
Process	CO0046914	Compliance Evaluation	NPDES Base Program
Biosolids	CO0046914	Compliance Evaluation	NPDES Sludge / Biosolids
			<u>Facility Self-Monitoring Evaluation Rating</u>
			Satisfactory
			Satisfactory

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number.)			Entry	Permit Effective Date
Name	ASPEN INSTITUTE WWTF	Facility Loc	Date 6/1/2022	12/1/2019
Address	70502 C.R. T		Time 1:00 PM	
City, State, Zip	Saguache County CO 81131		Exit	Permit Expiration Date
If industrial, POTW name & CDPS number:			Date 6/1/2022	11/30/2024
			Time 4:30 PM	Effective

<u>Name(s) of On-Site Representative(s) / Title / Phone / Email</u>		<u>Processes Which Generate Wastewater:</u>	
Name	Gary Potter	Name	Bryan Howard
Title	Director of Utilities	Title	Operator
Company	Baca Grande Water and Sanitation	Company	Baca Grande Water and Sanitatio
Address	57 Baca Grant Way	Address	57 Baca Grant Way
City, State, Zip	Crestone, CO 81131	City, State, Zip	Crestone, CO 81131
Phone	719-256-4310	Phone	719-256-4310
Email	gary.potter@bacawater.com	Email	
			Domestic Wastewater

<u>Name / Contact info of Responsible Official</u>	<u>Treatment Process Description:</u>
Name	JoAnn Slivka
Title	District Manager
Company	Baca Grande Water and Sanitation District
Address	PO Box 520
City, State, Zip	Crestone, CO 81131
Phone	719-256-4310
Email	joann@bacawater.com
	Domestic wastewater enters the facility via lift station enters headworks liquids flow to equalization basin then through influent meter to anaerobic selector to surge tank where magnesium hydroxide is added for alkalinity, then it is pumped into sequencing batch reactor, flow combines in wet well and then goes through effluent meter and onto the UV unit and out to effluent sample point to Creek. Once solids enter Headworks they enter the grit screw pump are decanted and taken to drying beds and then hauled off to the landfill.

<u>Permitted Features (bold italics indicate revised coordinates)</u>				
Feature:	300-I	001-A	0	0
Lat (DD):	+37.98	+37.98	0.000000	0.000000
Long (DD):	-105.712222	-105.7125	0.000000	0.000000

Section C: Areas Evaluated During Inspection (included in letter if unsatisfactory)

Satisfactory	Permit	Satisfactory	Self-Monitoring Program	Satisfactory	Pollution Prevention
Satisfactory	Records / Reports	Not Applicable	Compliance Schedules	Not Applicable	Stormwater
Satisfactory	Facility Site Review	Satisfactory	Laboratory	Not Applicable	Combined Sewer Overflow
Satisfactory	Effluent / Receiving Waters	Satisfactory	Operations & Maintenance	Satisfactory	Sanitary Sewer Overflow
Satisfactory	Flow Measurement	Satisfactory	Sludge Handling / Disposal	Not Applicable	MS4
Satisfactory	Certified Operator in Responsible Charge	Marginal	Pretreatment	Inspection evaluated elements identified in EPA's NPDES Compliance Inspection Manual, US Environmental Protection Agency, Office of Enforcement and Compliance Assurance, EPA 305-X-04-001.	
DMR Period Evaluated - Start: 12/31/2016 End: 4/30/2022					

Section D: Summary of Findings / Comments (see inspection letter for details)

<u>Code</u>	<u>Description</u>
D0017	Facility loading (hydraulic or organic) exceeds 80% of permitted capacity without plans for expansion or 95% without commencing construction for expansion.
E0013	Data reported on DMRs are not accurate.

<u>Name of Inspector</u>	<u>Phone</u>	<u>Email</u>	<u>Agency</u>	<u>Office</u>
Tammy Bruning	(719) 251-4615	tammy.bruning@state.co.us	CDPHE, Water Quality Control Division	Pueblo



**SANITARY SEWER OVERFLOW EVALUATION
 DURING PAST 5 YEARS**

Entity Name:	ASPEN INSTITUTE WWTF
Permit Number:	CO0046914
Date of Inspection:	6/1/2022

I. GENERAL INFORMATION

Size of service area (acres):	70.06 Acres
Feet (or miles) of sewer:	68 miles
Age of collection system (oldest part):	1974
Number of pump stations:	4
Number with back-up power supply:	1 w/ Attached 3 w/ mobile generators
Number with alarm systems:	4
Number with emergency storage:	1 (At wagon wheel LS)

Comments:

Population of service area:	1398(Baca Grande), ~141 FT, Unknown Transient
Number of Total Taps (domestic, commercial, industrial):	778
Number of Industrial Taps:	0
Satellite collection system name(s):	Crestone, CO

II. SANITARY SEWER OVERFLOW EVALUATION

Inspection observation verifying SSO events	Yes, No, N/A
1. Sewer back-ups into basements?	No
2. Pipe blockages, pinch points, or breaks?	No
3. Bypasses from collection system (unpermitted outfalls, storm sewer connections, etc)?	No
4. Manholes or other overflows during wet weather?	No
5. Inflow/infiltration program in place?	Yes
6. Line cleaning and inspection program in place?	Yes

If yes to any of questions 1-4:

	Yes, No, N/A
7. Were SSO's reported to the State upon discovery (spill # 877-518-5608)?	Yes
8. Was the public notified?	No
9. Number of SSOs (last 5 years)?	3
10. Quantity (volume) of any SSO?	Sept 2018 (60K-100K), Jan 2019 (40K-60K), Dec 2019 (1K)

Comments:

Line flushing program (frequency):	1/4 system / Year
Line inspection program(frequency):	"
SSO information:	Problem with road grader filling manholes caused 1 SSO, now coordinates with PW. Other SSO was contractor caused
Status of response procedures:	

Check Issue Date	Payee	Invoice Number	Invoice GL Account	Account Title	Check Amount
92540					
07/20/2022	A&M Pest & Termite Control,Inc	731029	4-503000	Repair & Maint	75.00
Total 92540:					75.00
92569					
07/12/2022	All Valley Towing LLC	AVT-22-07	4-500662	Vehicle-Repairs and Maint	12,406.60
Total 92569:					12,406.60
92541					
07/20/2022	CEBT	INV0049590	4-530500	Health Insurance	5,367.13
Total 92541:					5,367.13
92542					
07/20/2022	Centratel, LLC	2207022091	4-500406	Phone Answering Service	289.18
Total 92542:					289.18
92543					
07/20/2022	Consolidated Communications	CC-22-07	4-505027	Office / Cell Phones	477.16
Total 92543:					477.16
92544					
07/20/2022	Crestone Eagle Enterprises LLC	9167	4-500510	Advertising	120.00
Total 92544:					120.00
92545					
07/20/2022	Deluca Gas Company, Inc.	E003974	4-503019	Repair & Maint-Aspen TP	50.00
07/20/2022	Deluca Gas Company, Inc.	U0481061	4-505026	Shop, Yard, Office-Propane	313.93
Total 92545:					363.93
92546					
07/20/2022	Denver Industrial Pumps, Inc.	101345	4-503008	Repairs & Maint-Well No. 18	1,298.23
Total 92546:					1,298.23
92547					
07/20/2022	Element Engineering, LLC	EE-22-07-00	4-506020	Professional Fees	280.00
Total 92547:					280.00
92548					
07/20/2022	ENQUA	2001563-IN	4-503019	Repair & Maint-Aspen TP	4,500.00
Total 92548:					4,500.00
92549					
07/20/2022	FirstBank	FB-22-06	4-500403	Office Supplies	59.02
07/20/2022	FirstBank	FB-22-06	4-500460	Utility Billing	.75
07/20/2022	FirstBank	FB-22-06	4-500401	Postage	100.00
07/20/2022	FirstBank	FB-22-06	4-500550	Meals and Lodging	12.71
07/20/2022	FirstBank	FB-22-06	4-500403	Office Supplies	94.54

Check Issue Date	Payee	Invoice Number	Invoice GL Account	Account Title	Check Amount
07/20/2022	FirstBank	FB-22-06	4-500550	Meals and Lodging	29.96
07/20/2022	FirstBank	FB-22-06	4-500460	Utility Billing	3.00
07/20/2022	FirstBank	FB-22-06	4-500500	Training and Education	50.00
07/20/2022	FirstBank	FB-22-06	4-500500	Training and Education	100.00
07/20/2022	FirstBank	FB-22-06	4-500662	Vehicle-Repairs and Maint	7.59
07/20/2022	FirstBank	FB-22-06	4-503019	Repair & Maint-Aspen TP	39.96
07/20/2022	FirstBank	FB-22-06	4-500662	Vehicle-Repairs and Maint	433.64
07/20/2022	FirstBank	FB-22-06	4-503001	Repairs & Maint-Water Mains	491.45
07/20/2022	FirstBank	FB-22-06	4-500550	Meals and Lodging	19.26
07/20/2022	FirstBank	FB-22-06	4-500550	Meals and Lodging	229.00
07/20/2022	FirstBank	FB-22-06	4-500662	Vehicle-Repairs and Maint	40.49
07/20/2022	FirstBank	FB-22-06	4-500408	Computer Support	14.00
07/20/2022	FirstBank	FB-22-06	4-500500	Training and Education	60.00
07/20/2022	FirstBank	FB-22-06	4-500550	Meals and Lodging	33.73
07/20/2022	FirstBank	FB-22-06	4-505029	Trash and Recycling Services	106.62
07/20/2022	FirstBank	FB-22-06	4-505029	Trash and Recycling Services	757.19
07/20/2022	FirstBank	FB-22-06	4-503019	Repair & Maint-Aspen TP	358.20
Total 92549:					3,041.11
92550					
07/20/2022	Freedom Mailing Services, INC	43211	4-500460	Utility Billing	490.27
Total 92550:					490.27
92551					
07/20/2022	Fromm & Company LLC	2022-6	1-506045	Accounting	3,681.00
Total 92551:					3,681.00
92552					
07/20/2022	Front Range Win Water Works Co	07294804	4-503331	Retail Water Meter Parts	1,387.36
07/20/2022	Front Range Win Water Works Co	07442600	4-503331	Retail Water Meter Parts	11,451.60
Total 92552:					12,838.96
92553					
07/20/2022	Grand Junction Pipe/Ferguson W	1222147-2	4-503331	Retail Water Meter Parts	7,165.76
07/20/2022	Grand Junction Pipe/Ferguson W	1308979-1	4-503001	Repairs & Maint-Water Mains	30.80
Total 92553:					7,196.56
92554					
07/20/2022	Great America Financial Svcs	31982354	4-500402	Copier Lease and Equipment	227.41
Total 92554:					227.41
92555					
07/20/2022	John Deere Financial	B51902	4-500662	Vehicle-Repairs and Maint	39.99
07/20/2022	John Deere Financial	B51902	4-500451	Supplies	3.52
Total 92555:					43.51
92556					
07/20/2022	Law of the Rockies	LOR-22-06	1-506030	Legal	4,042.50

Check Issue Date	Payee	Invoice Number	Invoice GL Account	Account Title	Check Amount
Total 92556:					4,042.50
92557					
07/20/2022	Lawson, Vivia	VL-22-07	4-500359	Mileage Reimbursement	70.20
Total 92557:					70.20
92558					
07/20/2022	Peregrino, Dora	220613-PER	4-503025	Repair & Maint-Office	120.00
07/20/2022	Peregrino, Dora	220628-PER	4-503025	Repair & Maint-Office	120.00
Total 92558:					240.00
92559					
07/20/2022	Pinnacol Assurance	20943642	4-530600	Worker's Compensation Insur	908.00
Total 92559:					908.00
92560					
07/20/2022	Pitney Bowes Global Financial Se	1020996993	4-500403	Office Supplies	141.87
Total 92560:					141.87
92561					
07/20/2022	Sand Pit Metal Work, LLC	SP-22-06	4-503019	Repair & Maint-Aspen TP	220.00
Total 92561:					220.00
92562					
07/20/2022	Sangre De Cristo Lab, Inc.	23839	4-500250	Testing	240.00
Total 92562:					240.00
92563					
07/20/2022	Slivka, Josephine	JS-22-07	4-500359	Mileage Reimbursement	122.62
Total 92563:					122.62
92564					
07/20/2022	UNCC	222060119	4-500530	Locates	62.40
Total 92564:					62.40
92565					
07/20/2022	US Fish and Wildlife Service	USFW-22-07	4-500100	Raw Water USFSWS	12,702.04
Total 92565:					12,702.04
92566					
07/20/2022	Valley Electric	33680	4-503008	Repairs & Maint-Well No. 18	753.37
Total 92566:					753.37
92567					
07/20/2022	World Fuel Service, Inc. Land	2089901-415	4-500663	Diesel Fuel	1,039.17
07/20/2022	World Fuel Service, Inc. Land	2089901-415	4-500661	Gas and Oil	1,375.14

Check Issue Date	Payee	Invoice Number	Invoice GL Account	Account Title	Check Amount
Total 92567:					2,414.31
92568					
07/20/2022	WSB Computer Services, Inc.	84324	4-500407	Computers and Media	270.00
07/20/2022	WSB Computer Services, Inc.	84324	4-500408	Computer Support	230.00
07/20/2022	WSB Computer Services, Inc.	84358	4-500408	Computer Support	216.09
Total 92568:					716.09
Grand Totals:					75,329.45