

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

October 21, 2020

9:00 AM

District Office – 57 Baca Grant Way South

Crestone, Colorado 81131

Meeting held via Zoom due to COVID-19

**ATTENDANCE**

Directors in Attendance:

John Loll  
Robert Salmi  
Gregg Conlee  
William Peck  
Mike Smith

Also in Attendance:

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

Members of the Public:

Andrew Rheem, Raftelis (for a portion of the meeting)  
Michael Scully, Community Member

**CALL TO ORDER**

President Loll opened the meeting at 9:03 AM.

**DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST**

*Attorney Lock has discussed with the Board the requirements pursuant to Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Baca Grande Water and Sanitation District Board of Directors and to the Secretary of State. It was noted that a quorum was present and members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. No new disclosures were made.*

**AGENDA**

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

**CONSENT AGENDA**

The board considered the following consent agenda items:

- Approve Minutes from the September 18, 2020 Regular Meeting

No discussion, questions or comments were presented.

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

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

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

There was no public comment.

**BOARD AND STAFF REPORTS**

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

- Board Report  
President Loll provided a detailed update to the Directors and members of the public on USFW negotiations.

**FINANCIAL MATTERS**

- Check Register: The board considered approval of the check register through the period ending October 21, 2020

General	\$	15,477.59
Capital Projects	\$	2,657.52
<u>Enterprise</u>	<u>\$</u>	<u>65,590.91</u>
	\$	83,726.02

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR CONLEE SECONDED BY DIRECTOR SMITH AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CHECK REGISTER FOR THE PERIOD ENDING OCTOBER 21, 2020.

- Financial Statements: Ms. Fromm reviewed the unaudited financial statements with the board. She reminded the board that the CWRPDA Bond is coming up due in November. The ColoTrust interest rates continue to go down.

#### **RAFTELIS PROPOSAL**

- Mr. Rheem provided a high-level overview of his proposal and answered questions from the Directors. The intent is to inform and educate and to provide thoughtful information to move forward.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LOLL, SECONDED BY DIRECTOR SMITH, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE 2020 W/WW FINANCIAL PLAN, TAP FEE, COST OF SERVICE, RATE AND ANCILLARY FEE STUDY PROPOSED AGREEMENT FROM RAFTELIS FINANCIAL CONSULTANTS, INC.

#### **JVA INCORPORATED PROPOSAL**

- The Board reviewed the letter received from JVA for engineering services for a Wastewater Treatment Facility Capacity Evaluation and BioWin Modeling. The Directors discussed the matter at length and determined that more information is needed at this time before any more money is spent on this matter; they deferred to not take action at this time.

#### **KUTAK ROCK ARBITRAGE CONSULTING LLC**

- Ms. Fromm explained the arbitration process.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR CONLEE SECONDED BY DIRECTOR PECK, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD ACCEPTED THE ENGAGEMENT LETTER FROM KUTAK ROCK FOR ARBITRAGE REBATE CALCULATION SERVICES IN THE AMOUNT OF TWO THOUSAND DOLLARS.

#### **LEGAL MATTERS**

- President Loll gave a detailed report on the efforts of Law of the Rockies and the District regarding the negotiations with USFW at the onset of today's meeting. Mr. Lock continues to communicate with all the entities involved on the Lease Rate negotiations and appraisal.

#### **DISCUSSION AND/OR ACTION ITEMS**

- COVID-19 Public Health Crisis  
President Loll recommends that the District staff continue to be vigilant to protect ourselves and our community; he thanked the staff for working tirelessly through this COVID pandemic time. The Staff's service is a great benefit to our community.

#### **ADJOURN**


THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE BY DIRECTOR CONLEE, SECONDED BY DIRECTOR PECK AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 11:12 AM.


THE NEXT REGULAR MEETING IS SCHEDULED FOR  
November 18, 2020

Respectfully submitted,

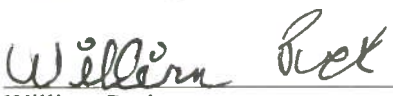
  
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JoAnn Slivka  
Secretary for the meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL October 21, 2020 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

  
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John Loll

  
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Robert Salani

  
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Gregg Corle

  
\_\_\_\_\_  
William Peck

  
\_\_\_\_\_  
Mike Smith