

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

**May 18, 2018**

9:00 A.M.

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

**ATTENDANCE**

Directors in Attendance:

Lynn Drake  
Robert Salmi  
John Loll  
Michael Scully

Also in Attendance:

Marcus Lock; Law of the Rockies (via speakerphone)

Staff in Attendance:

JoAnn Slivka; District Manager  
Joshua Cichocki; Utility Superintendent  
René Evenson (for a portion of the meeting)  
Tim Allen (for a portion of the meeting)  
Rebecca Potter (for a portion of the meeting)  
Chad Tate (for a portion of the meeting)

Members of the Public:

Janie Thomas  
Daniel Gray

**ADMINISTRATIVE MATTERS**

Recognition of Mr. Macaulay

Members of the Baca Grande District Board of Directors and staff recognized Mr. Martin Macaulay for his service to the District. Ms. Slivka presented Mr. Macaulay with a certificate of appreciation for his eight years of service to the District and community. Each staff member stood and personally thanked Mr. Macaulay for the various times he supported staff throughout the years. The Directors, staff and community applauded Mr. Macaulay and thanked him for all his service.

Oaths of Office: Ms. Evenson administered the Oath of Office to Directors John Loll, Robert Salmi and Michael Scully.

Appointment of Officers: The Board entered into discussion regarding the appointment of officers.

*Director Salmi nominated Director Drake to serve as President of the Board of Directors and upon motion duly made by Director Salmi, seconded by Director Loll and, upon vote, unanimously carried, the Board appointed Director Drake as President of the Board of Directors.*

*President Drake nominated Director Salmi to serve as Vice-President of the Board of Directors and upon motion duly made by President Drake, seconded by Director Scully and, upon vote, unanimously carried, the Board appointed Director Salmi as Vice-President of the Board of Directors.*

*President Drake nominated Director Loll to serve as Treasurer of the Board of*

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*Directors and upon motion duly made by President Drake,  
seconded by Director Salmi and,  
upon vote, unanimously carried, the Board appointed Director Loll as  
Treasurer of the Board of Directors.*

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*President Drake nominated Director Scully to serve as Secretary of the Board  
of Directors and upon motion duly made by President Drake,  
seconded by Director Salmi and,  
upon vote, unanimously carried, the Board appointed Director Scully as  
Secretary of the Board of Directors.*

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Mr. Lock reminded the Directors that a vacancy still exists on the Board and that they may want to consider soliciting for interest for consideration of an appointment of a new director.

#### 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 Board of Directors and to the Secretary of State. It was noted that a quorum was present and requested members of the Board to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting.

#### AGENDA

President Drake opened with a review of the proposed Agenda for the District's Regular Meeting with the Board of Directors.

Ms. Slivka requested an addition to the executive session pursuant to Section §24-6-402(4) (a), (b), C.R.S. to discuss an unauthorized Facebook page that is posing as official news from the Baca Grande Water and Sanitation District and using the District's logo without permission.

Ms. Slivka had another addition to the agenda to discuss a request from the Tract 1 development team for a letter of support.

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*Following discussion, upon motion duly made by  
Director Scully,  
Seconded by Director Loll,  
And upon vote, unanimously carried, the Agenda was approved as amended.*

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#### Board Member Orientation Retreat

The Board discussed and considered the idea of having a Board Retreat in August to discuss member duties and goals.

#### CONSENT AGENDA

The Board considered the following actions:

- Approve Minutes from the April 20, 2018 Regular Meeting.
- Review and accept the unaudited Financial Statements for the period of April 30, 2018 and current schedule of cash position.
- Approve the Completion of Services and Termination of Agreement with TZA Water Engineers. Director Salmi asked if we received the files from Brad Simons, of TZA yet. Ms. Slivka reported that per her discussion with Mr. Simons, he will send the files once payment of all invoices is received by TZA. Director Salmi is concerned that we will not receive the files from Mr. Simons if we pay him in full. Mr. Cichocki assured the Board that we have what we need and the electronic files should be a backup of what we have.

*Following discussion, upon motion duly made by  
Director Scully,  
Seconded by Director Loll,  
And upon vote, unanimously carried, the Consent Agenda was approved.*

### **BOARD AND STAFF REPORTS**

Following discussion, the Board reviewed and accepted the reports that are attached therein.

President Drake requested an update regarding the Baca Grande POA Golf Course. Mr. Cichocki explained his plan and interaction with Shawn Hollmer, POA Maintenance Administrator. The Board expressed their concerns about the excess water being used on the golf course. Mr. Cichocki explained that we should see some conservation with the implementation of the new schedule. The Board of Directors acknowledged the efforts of Mr. Hollmer and the difficult job he has to keep the golf course green. The District Board and staff appreciate Mr. Hollmer's efforts and want to support him and make every effort to work with the POA personnel.

### **PUBLIC COMMENT**

Ms. Thomas asked about the status of the Feasibility Study. Mr. Cichocki reported that he has some comments that he would like to have added to the report before it is finalized.

Mr. Gray would like to see the District be more transparent.

### **FINANCIAL MATTERS**

Claims: The Board considered approval of the check register for the period ending April 20, 2018, as follows:

General Fund:	\$	4661.70
Debt Service Fund	\$	-0-
Capital Projects Fund:	\$	24,714.54
Enterprise Fund:	\$	<u>50,223.83</u>
<b>Total:</b>	<b>\$</b>	<b>79,600.07</b>

The Board of Directors discussed the costs of meters as well as the high cost of freight for the

chemical order. Mr. Cichocki will inquire about the freight costs next time an order is placed with Univar. If the freight costs are exorbitant, staff will be directed to find another vendor for our chemicals. Mr. Cichocki recommends payment of the invoice.

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*Following discussion, upon motion duly made by  
Director Salmi,  
seconded by Director Loll,  
and upon vote, unanimously carried, the check register for the period ending  
May 18, 2018 was approved.*

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### Skid Steer Procurement

Mr. Cichocki recommends we postpone the purchase of the skid steer because of the delay in the drying beds project that will not be completed until the end of the year. We have other needs at this time and he is working on a strategy for the equipment.

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*Following discussion, upon motion duly made by  
Director Scully,  
seconded by Director Salmi,  
and upon vote, unanimously carried, the skid steer procurement will be moved  
to the 2019 budget.*

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### **OPERATIONS**

The Town of Crestone had the flow meter calibration verified by an outside vendor; it was reported that the flow meter is calibrated correctly and the billing statements are correct.

### **CAPITAL**

Mr. Cichocki reported that he has a meeting scheduled with Andrew Sparn on Friday, May 25, 2018 to review the Sludge Drying Bed project along with other upcoming District projects. The Geotech reports have been completed.

### **LEGAL MATTERS**

The Board reviewed Resolution 2018-05-01 Concerning the Imposition of Various Fees, Rates, Penalties and Charges for Water and Sanitary Sewer Services and Facilities, which corrected ambiguities in prior fee resolutions.

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*Following discussion, upon motion duly made by  
Director Salmi,  
seconded by President Drake,  
and upon vote, unanimously carried, Resolution 2018-05-01 was accepted.*

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**EXECUTIVE SESSION MATTERS - §24-6-402(4) (a), (b), (e)(I) and (f)(I), C.R.S.**

*Pursuant to Sections §24-6-402(4)(a), (b), (c)(I), and (f)(I) C.R.S., upon motion duly made by President Drake, seconded by Director Salmi and, upon vote unanimously carried, the Board convened in executive session at 10:26 A.M. for the purpose of discussing Cottonwood Creek, Well 17 18 and a Case of Cybersquatting.*


**The Board reconvened at 11:30 A.M.**

*Upon motion duly made by President Drake, seconded by Director Scully and, upon vote, unanimously carried, the Board agreed to pursue hiring a Water Resource Engineer for the District and to release the water rights memo prepared by Law of the Rockies.*

**ADJOURNMENT**

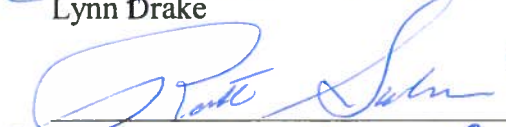
*There being no further business to come before the Board at this time, upon motion duly made by Director Loll, seconded by Director Salmi, and upon vote, unanimously carried, the meeting was adjourned 11:35 A.M.*

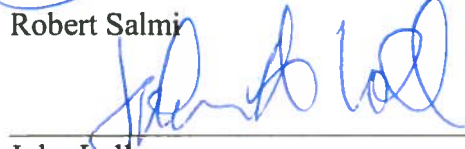
**THE NEXT REGULAR MEETING IS SCHEDULED FOR**  
**June 15, 2018**

Respectfully submitted,  
By   
Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL MAY 18, 2018 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

  
\_\_\_\_\_  
Lynn Drake

  
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Robert Salmi


  
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John Loll

  
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Michael Scully

**ATTORNEY STATEMENT**

**Regarding Privileged Attorney-Client Communication**

Pursuant to §24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Baca Grande Water and Sanitation District, I attended the executive session on May 18, 2018, and it is my opinion that the portion of the executive session that was not recorded constituted attorney-client privileged communications.

  
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Marcus Lock  
General Counsel  
Baca Grande Water and Sanitation District



**Baca Grande Water and Sanitation District**  
P.O. Box 520 | 57 Baca Grant Way S  
Crestone, CO 81131-0520

**May 18, 2018**  
**Board Meeting**

**Board of Directors Sign-in**

<b>Martin Macaulay:</b>	
<b>Lynn Drake:</b>	
<b>Bob Salmi:</b>	
<b>John Loll:</b>	
<b>Michael Scully:</b>	



**Baca Grande Water and Sanitation District**  
 P.O. Box 520 | 57 Baca Grant Way S  
 Crestone, CO 81131-0520

**May 18, 2018  
 Board Meeting**

Please print your name, address and contact information along with any issues you are interested in addressing at today's Board Meeting.

Name	Address	Telephone/Email	Would you like to speak?	Issues to be addressed
daniel gray	3896 Rarity way	970-497-6010	hmmmm	spirit of the law
Sonic Thomas	203 Camino del Oro West	719 256 5910	maybe	