

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

April 17, 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
Michael Scully
Bill Peck

Also in Attendance:

Marcus Lock; Law of the Rockies
Cathy Fromm; Fromm and Company
JoAnn Slivka; District Manager

Members of the Public:

Daniel Gray
Stephen “Ish” Futral

CALL TO ORDER

President Loll opened the meeting at 9:00 AM.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

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

AGENDA

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR 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 March 27, Regular Meeting
Approve Minutes from the April 03, Special Meeting

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

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. You must sign in before speaking. Please limit your comments to three minutes or less.

No Public Comments were received.

CRESTONE-BACA ENERGY-WATER MICROGRID DEMONSTRATION -Dr. Lindsay George

Dr. Lindsay George is a civil engineer involved in the small hydropower industry. Dr. George provided an update to the Board on the efforts to date regarding the recently submitted Concept Paper. This is a joint project with the Baca Grande Water and Sanitation District as the lead applicant partnering with Dr. George, the SLV REC, as well as other community members. The concept is to create a demonstration site for a resilient community solar energy water microgrid in the event of a wide spread energy outage. If we are successful and are invited to participate there will be several more steps to complete, including a submittal of full application. With the advent of Covid-19, dates are changing. The original application date was changed from May 21 to June 18, 2020.

Director Loll mentioned a new term called islanding, which is the condition of a distributed generation (DG) generator continuing to power a location even though power from the electric utility is no longer present.

BOARD AND STAFF REPORTS

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

Customer Requests

The District received a request from Vajra Vidya for forgiveness of consolidation fees because of their nonprofit status.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR SCULLY, SECONDED BY DIRECTOR PECK AND UPON VOTE, CARRIED, THE BOARD DENIED THE REQUEST. DIRECTOR CONLEE RECUSED HIMSELF FROM VOTING.

Election Update

The May 5, 2020 Election tasks are on track. The ballots have been printed and were sent to the post office on Wednesday, April 15 to all registered District customers. Judy Egbert visited the office on Tuesday, April 14 to discuss and plan the election process with staff. The ballot box and signage have been set up at the District office. The following information has been provided on the bacawater.com web site.

- Voters can UPDATE their voter information online at Secretary of State (SOS)
- Secretary of State Voters information -
<https://www.sos.state.co.us/pubs/elections/vote/VoterHome.html?menuheaders=5>
 - If not registered- they have to go in to the County Clerk's office
- Director Loll volunteered to be on the Canvas committee as the non-candidate Board member.

FINANCIAL MATTERS

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 June. Also noted was the continuing decline in the ColoTrust interest rates.

Check Register: The board considered approval of the check register through the period ending April 17, 2020 as follows:

General	\$	6049.09
Capital Projects	\$	4146.90
<u>Enterprise</u>	\$	<u>33,025.00</u>
	\$	43,220.99

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR CONLEE, SECONDED BY DIRECTOR SCULLY, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CHECK REGISTER FOR THE PERIOD ENDING APRIL 17, 2020.

BOARD OF DIRECTOR MATTERS

Director Scully is interested in researching the Motel Well water tank.

LEGAL MATTERS

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

MOTION: DIRECTOR SALMI MOVED AND DIRECTOR CONLEE SECONDED THAT THE BOARD OF DIRECTORS ENTER INTO EXECUTIVE SESSION AT 10:20 AM FOR THE PURPOSES OF DISCUSSING THE LEASE AND POTENTIAL PURCHASE OF REAL PROPERTY, ONGOING NEGOTIATIONS, AND RECEIVING LEGAL ADVICE FROM THE DISTRICT'S ATTORNEY, REGARDING:

- A. RMS OUTSTANDING INVOICE
- B. NEGOTIATIONS WITH USFW

MOTION: DIRECTOR SCULLY MOVED AND DIRECTOR CONLEE SECONDED THAT THE BOARD OF DIRECTORS RECONVENE TO REGULAR SESSION AT 10:58 AM.

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE BY DIRECTOR SCULLY SECONDED BY DIRECTOR CONLEE AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 11:00 AM.

THE NEXT REGULAR MEETING IS SCHEDULED FOR
May 15, 2020

Respectfully submitted,



JoAnn Slivka
Secretary for the meeting

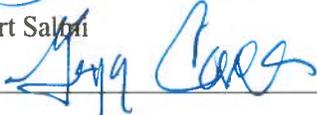
THESE MINUTES ARE APPROVED AS THE OFFICIAL March 27, 2020 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:



John Lell



Robert Salami



Gregg Conlee



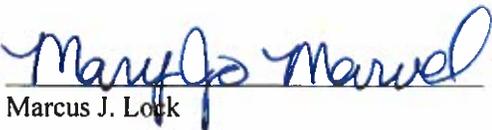
William Peck

7/17/2020

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 April 17, 2020, 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

with permission from


Public Meeting Notice Requirements:

(2) (a) The governing body of any special district furnishing domestic water or sanitary sewer services directly to residents and property owners within or outside the district may fix or increase fees, rates, tolls, penalties, or charges for domestic water or sanitary sewer services only after consideration of the action at a public meeting held at least thirty days after providing notice stating that the action is being considered and stating the date, time, and place of the meeting at which the action is being considered. Notice must be provided to the customers receiving the domestic water or sanitary sewer services of the district in one or more of the following ways:

(I) Mailing the notice separately to each customer of the service on the billing rolls of the district;

(II) Including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, or other notice of action, or other informational mailing sent by the special district to the customers of the district;

(III) Posting the information on the official website of the special district if there is a link to the district's website on the official website of the division; or

(IV) For any district that is a member of a statewide association of special districts formed pursuant to section 29-1-401, C.R.S., by mailing or electronically transmitting the notice to the statewide association of special districts, which association shall post the notice on a publicly accessible section of the association's website.

(b) The power to fix or increase fees, rates, tolls, penalties, or charges for domestic water or sanitary sewer services is a legislative power of the district board and is not changed by the provisions of this section.

(c) No action to fix or increase fees, rates, tolls, penalties, or charges for domestic water or sanitary sewer services may be invalidated on the grounds that a person did not receive the notice required by this section if the district acted in good faith in providing the notice. Good faith is presumed if the district provided the notice in one or more of the ways listed in paragraph (a) of this subsection (2).