

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

June 26, 2024 - 9:00 A.M.

District Office – 57 Baca Grant Way South

Crestone, Colorado 81131

Meeting held via Zoom

ATTENDANCE

Directors in Attendance:

Vivia Lawson

Mike Smith

Rick Hart

David Karas

Also in Attendance:

Marcus Lock, District Legal Counsel (for a portion of the meeting)

Jacob With, District Legal Counsel (for a portion of the meeting)

Diego Martinez, District Manager

Natalie DeBon, Administrative Manager

Gary Potter, Director of Utilities

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

Nicholaus Marcotte, District Engineer (for a portion of the meeting)

Community Members and Guests:

Dan Gray

CALL TO ORDER

President Lawson called the meeting to order at 9:01 A.M.

Board Roll Call: All Directors were present, except John Loll with an excused absence.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

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 potential conflicts were disclosed.

AGENDA

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE AGENDA AS AMENDED, TO MOVE THE LEGAL SECTION AFTER THE PUBLIC COMMENT AND ADJUST ACCORDINGLY.

APPOINTMENT OF OFFICERS

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR KARAS AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD NOMINATED DIRECTOR SMITH AS TREASURER AND THE NOMINATION WAS ACCEPTED BY DIRECTOR SMITH.

CONSENT AGENDA

The Board considered the following consent agenda items:

- REVIEW AND ACCEPT UNAUDITED FINANCIAL STATEMENTS FOR THE PERIOD ENDING MAY 30, 2024 AND CURRENT SCHEDULE OF CASH POSITION.
- APPROVE MINUTES FROM THE MAY, 2024 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). *In accordance with the Colorado Open Meetings Law, no Board action will take place until a later date, if necessary. Please limit your comments to three minutes or less.*

No public comments.

LEGAL MATTERS (These documents are attached to the minutes as supporting documents)

Technology Accessibility Statement:

Mr. Lock reviewed the technology accessibility statement incorporated into the Board Packet, the new law was originally to be effective July 1, 2024, but the Governor recently approved a one-year extension allowing organizations a grace period to comply with the standards set forth in the original bill.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE TECHNOLOGY ACCESSIBILITY STATEMENT.

CWRPDA Loan Resolution: Mr. Lock presented the proposed resolution to the Board. The loan to be considered would be a forgivable loan from Colorado Water Resources and Power Development Authority. This project will bring the Mobile Home Estates well (also known as the Motel Well) back in service and connected to the water system supplying the Chalets to provide redundancy. The Well is currently offline, and needs improvements to be connected to the system. The design and review process with the state will take approximately 8-12 months. Construction is expected to take 4-6 months.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED CWRPDA LOAN RESOLUTION 06-01-2024.

Social Media Policy: The Board discussed the policy and the Board decided to review the policy further before considering whether to adopt it.

FINANCIAL MATTERS

Check Register: The Board discussed and considered approval of the check register through the period ending June 19, 2024 as follows:

General	\$	5,517.26
Capital	\$	2,360.00
Enterprise	\$	30,502.84
	\$	38,380.50

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR KARAS, SECONDED BY DIRECTOR SMITH AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CHECK REGISTERS FOR THE PERIODS ENDING JUNE 19, 2024.

Audit: The Board clarified the current audit schedule and next steps with Ms. Fromm.

Engineer's Report:

The Board reviewed Engineer's report incorporated in the Board packet attached to the minutes as supporting documentation.

Wastewater Treatment Plant and application with USDA:

At the April Board meeting, it was recommended that the WWTP expansion project should be put on hold based on the most recent influent loading data, which shows that the existing plant capacity is adequate. Therefore Mr. Marcotte recommended that the Board/management reach out to USDA to inform them of the change in capacity and scope of the project and withdraw its funding request for the plant expansion.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD IS NO LONGER GOING TO PURSUE USDA FUNDING FOR ADDITIONAL CAPACITY AT AWWTP.

STAFF REPORTS

The Board reviewed and discussed the reports incorporated in the Board packet; the staff reports are attached to the minutes as supporting documents.

Planning Committee

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR KARAS AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPOINTED DIRECTOR SMITH AS AN ADDITIONAL MEMBER OF THE COMMITTEE.

EXECUTIVE SESSION

MOTION : upon motion duly made by Director Hart, seconded by Director Smith and, upon an affirmative vote of at least two-thirds of the quorum present, Adjourn to Executive Session at 10:37 AM, 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 C.R.S. § 24-6- 402(4) (F), FOR DISCUSSION OF PERSONNEL MATTERS INVOLVING THE DISTRICT MANAGER POSITION.

MOTION: DIRECTOR SMITH MOVED, DIRECTOR HART SECONDED, AND THE BOARD VOTED TO UNANIMOUSLY TO ADJOURN TO REGULAR SESSION AT 10:56 A.M.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR KARAS AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD DELEGATED TO THE PERSONNEL COMMITTEE THE RESPONSIBILITY OF CONDUCTING THE DISTRICT MANAGER EVALUATION.

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 10:58 A.M.


THE NEXT REGULAR MEETING IS SCHEDULED FOR

July 17, 2024

Drafted by Natalie DeBon



Respectfully submitted,



Diego Martinez

THESE MINUTES ARE APPROVED AS THE OFFICIAL June 26th, 2024 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:


Signed with DocuBee -- 43e78102f5fc

Vivia Lawson


Signed with DocuBee -- 8e7387f4ee0e

John Loll



Mike Smith


Signed with DocuBee -- 28e25d956405

Rick Hart


Signed with DocuBee -- 97f7939e60d7

David Karas

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 June 26, 2024, and it is my opinion that any portion of the executive session that was not recorded constituted attorney-client privileged communications.



Jacob A. With

General Counsel

Baca Grande Water and Sanitation District

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

WHEN: Wednesday, June 26, 2024

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
Rick Hart	Vice-President	2025/May 2025
Mike Smith	Treasurer	2027/May 2027
David Karas	Secretary	2025/May 2027
John Loll	Director	2027/May 2025

****Requires Board Action***

I. CALL TO ORDER

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

II. ***APPROVE AGENDA**

III. ***CONSIDER APPOINTMENT OF OFFICER**

Treasurer - Mike Smith

IV. ***CONSENT AGENDA**

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 May, 2024 Regular Meeting**

b. *** Review and accept unaudited financial statements for the period ending May 30, 2024 and current schedule of cash position (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. FINANCIAL MATTERS

- a. * Review and approve the check register for the period ending June 19, 2024(enclosure)

General	\$ 5,517.26
Capital	\$ 2,360.40
<u>Enterprise</u>	<u>\$ 30,502.84</u>
Total	\$ 38,380.50

VII. BOARD AND STAFF REPORTS

- a. Board of Director Matters
 - b. District Engineer Report (enclosure)
 - USDA Application
 - c. District Manager Report (enclosure)
 - Planning Committee Member
 - Summer BBQ
 - d. Administrative Manager's Report (enclosure)
 - e. Director of Utilities Report (enclosure)
-

VIII. LEGAL MATTERS

- a. *Loan Resolution & Legal Counsel Opinion
 - b. *Technology Accessibility Statement
 - c. *Social Media Policy
-

IX. 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 C.R.S. § 24-6- 402(4) (f), for discussion of personnel matters involving the District Manager position.

X. ADJOURN

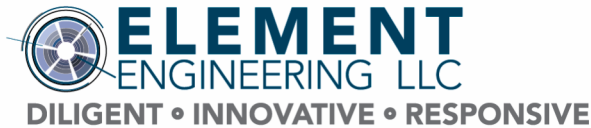
****Requires Board Action***

**NEXT REGULAR MEETING IS SCHEDULED FOR
July 17, 2024**

Join Zoom Meeting

<https://us02web.zoom.us/j/87269124750?pwd=ZmZVcTd2Y0UycW0vRmFWNS9wTU5WQT09>

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



MONTHLY ENGINEER'S REPORT

DATE OF MEETING: JUNE 26, 2024
CLIENT: BACA GRANGE WATER & SANITATION DISTRICT (BGWSD)
SUBJECT: MONTHLY ENGINEER'S REPORT **NEW ITEMS IN BOLD**

GENERAL ENGINEERING (PROJECT NO. 0001)

The district's discharge permit expires on November 30, 2024. A discharge permit application must be filed six months prior to the termination of the permit. Therefore, the permit application is due on May 30, 2024. Element will assist the district with the discharge permit application. Currently the district has an individual permit. If it is possible, Element recommends the district apply for a general permit as there are several benefits of a general over an individual. We are currently reviewing if the district is eligible for a general permit.

We are currently working on the general permit renewal application and plan to have that sent to the district for review by the end of February.

Element is assisting the district with an application for the FY2024 Water Smart grant. This application will be written in support of a project to replace outdated water meters and install meters and meter pits where meters are located in homes. The grant is due by February 22nd.

The Water Smart grant application for meter replacements was submitted. Element continues to work with the district on compiling the discharge permit renewal application and associated documentation.

No items to report.

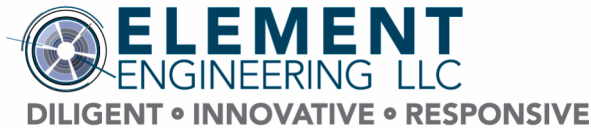
WATER AND WASTEWATER MASTER PLAN UPDATE (PROJECT NO. 0009)

The Water and Wastewater Master Plan Update document has been finalized in draft format and provided to the BGWSD staff and board for review.

The master plan was approved by the district board in September 2022. The district approved Water and Wastewater Master Plan culminated in recommendations for water and wastewater system improvements. These recommendations are being included in the Wastewater Treatment Plant Improvements (Project No. 0010) and Water Treatment Plant Improvements (Project No. 0011) projects. Status reports on these projects are presented under their respective project numbers.

The master plan also included recommendations for water loss reduction. Reporting on progress for this item is listed under General Engineering (Project No. 0001). As the master plan document itself has been approved, and action is being taken on the master plan recommendations, no additional updates will be included on this project number.

No items to report.



WASTEWATER TREATMENT PLANT IMPROVEMENTS (PROJECT NO. 0010)

A draft of the alternatives analysis was submitted to district staff and a meeting held to review and discuss. The updated alternatives analysis memorandum has been completed and submitted to district staff. This document was reviewed with the district at the board retreat. It was recommended that the WWTP should be put on hold based on the most recent influent loading data.

Element is conducting a search for a contractor/consultant to provide a structural and environmental analysis of the wastewater treatment plant building. It was determined that the facility may need structural and/or environmental (mold) remediation and an inspection and report should be generated.

WATER TREATMENT SYSTEM IMPROVEMENTS (PROJECT NO. 0011)

The Water and Wastewater Master Plan Update recommended a water project be completed including the following:

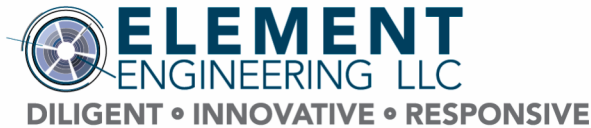
- Integrate the Motel Well and Booster Pump Station into the large BGWSD system.
- Increase Water Treatment Plant (WTP) Pumping Capacity
- Add Administrative Building for district.

It is recommended that these projects be funded through the Colorado Department of Health and Environment (CDPHE) State Revolving Fund (SRF) Loan Program. Upon completion of the WWTP PER and ER the funding process for the water system improvement project should begin. A preliminary schedule for the proposed project is shown below. Note that this schedule may vary widely based on review time by CDPHE.

- | | |
|---|----------------------------|
| • Compile and submit pre-qualification form (CDPHE funding) | December 2022 |
| • Compile and submit Project Needs Assessment | April 2023 |
| • CDPHE review and design and engineering grant execution | July 2023 |
| • Design, CDPHE permitting | August 2023 – March 2024 |
| • CDPHE funding coordination and loan execution | February 2024 – April 2024 |
| • Bidding | April 2024 |
| • Construction | June 2024 – December 2024 |

The pre-qualification form was submitted in December of 2022. A pre-qualification meeting has been scheduled with CDPHE, DOLA, BGWSD, and Element staff on Tuesday January 31st at 10:00. The pre-qualification meeting is the next step in the CDPHE funding process where all entities discuss the proposed project and review the steps in the funding process.

The prequalification meeting was held to discuss the CDPHE funding process specific to the BGWSD water project. The district qualifies for a planning grant of \$10,000 to support compilation of the Project Needs Assessment. The planning grant requires a local match of \$2,500, for total funding of \$12,500 for the Project Needs Assessment. The Project Needs Assessment (PNA) is an engineering planning document similar to the PER but compiled in a format and form acceptable to CDPHE. Element has compiled a proposal to complete the PNA on behalf of the district.



The draft PNA is nearly complete with an internal (Element) review by the middle of April. We are on target to provide the draft to district staff by the end of April.

CDPHE has provided a pre-qualification review letter after our January pre-qualification meeting. The review letter (dated April 19, 2023) is attached to this report. This letter clarifies that the district is eligible for a planning grant (already obtained), a design and engineering grant, and Bipartisan Infrastructure Law (BIL) funding.

Element finalized a draft of the PNA and transmitted it to district staff on May 9, 2023. It is recommended the district board schedule a work session or special meeting to review the final PNA during the month of June. In the meantime, Element and district staff will work to resolve any initial questions and/or comments.

The draft PNA is scheduled to be reviewed by the district at an August 23rd meeting. A handout summarizing the PNA has been transmitted to district staff for board distribution.

The district approved submittal of the PNA at the August 23rd meeting. Element has coordinated with district staff and the PNA has been submitted to CDPHE. We are awaiting CDPHE review of the document. Element will respond to any questions or CDPHE comments.

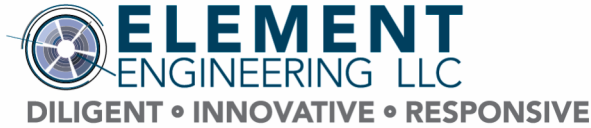
The PNA has been approved. See the attached approval letter.

We have been exchanging email correspondence with CDPHE regarding the district's potential Design and Engineering grant (D/E grant) for the drinking water project. The proposed budget from the US Congress is significantly cutting the EPA capitalization grants to the various state SRF programs. Therefore, CDPHE is unsure if they will have D/E grants available and may not know the available amount until September of 2024.

CDPHE will, however, allow the district to recoup funds spent on design and engineering costs from the construction loan, when it is issued to build the project. This would mean funding the design of the project upfront and recouping the costs at the time of construction. The district may apply for a DOLA grant to fund up to half of the design related costs. Therefore, the two options moving forward are as follows:

1. Self-fund the design of the water project and reimburse yourself with funds from the construction loan when the project design is completed and goes to construction. In this case we could potentially apply to DOLA for a 50/50 match grant for design.
2. Wait to see if D/E grant funds become available later in the year and proceed accordingly if one is awarded. If those funds are not available, re-consider item number 1 above.

The design and engineering costs associated with the water system project is \$108,370.00. Therefore, the district could apply for a DOLA grant in the amount of \$54,185.00, which would be a Tier II grant. The upcoming DOLA cycle begins accepting applications on March 1 and closes on April 1. Awards are estimated to be made by July of 2024. Note that if the district intends to use this grant, no work can begin until the grant contract is executed.



The district has selected to apply for a DOLA grant during the March 1 – April 1 application period to support design. Element will assist the district in completing the grant application. This application has been submitted by the project team.

CDPHE has reached out to Element and indicated that funding for a design and engineering grant in the necessary amount is available. CDPHE is currently working on this grant paperwork with the district.

2023 WATER LOSS PREVENTION PROJECT (PROJECT NO. 0013)

Element staff are periodically working with district staff in developing a water loss prevention program. It is likely that this prevention program will take several months to collaboratively develop prior to presentation by district staff and Element to the board. Element is assisting the district in assembling cost estimates for PRV vault and water main replacement program. Our initial meeting has identified the following items to focus on:

- PRV Vault Cost Estimate
- Metering Vault Cost Estimate
- Cost Estimate 1,000 Feet of Main (General)
- Meter Inventory (Ages, Visual Inspection)
- Unmetered Service Survey
- Testing Meters
- Leak/Break Fix Map
- Water Main Replacement Program

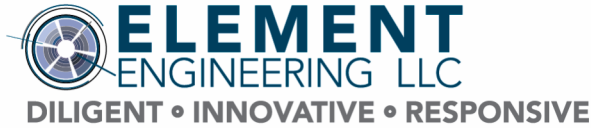
District staff is interested in applying for Saguache County grant funds to potentially pay for relocation of PRVs and installation of flow meter vaults to study. Potential uses for this grant money is installation of metering vaults, PRVs, and water shutoff valves to better isolate for breaks. Also, money could be used for leak detection equipment. A cost estimate of a PRV and metering vault has been provided to district staff for review.

Element has been released on design services of the PRV relocation, new PRV installation, and two new meter vaults. Element is completing design and bidding documents so the project can be publicly bid. We are currently waiting for the field survey work to be completed in order to finalize our draft documents for internal review.

We have received the survey and are finalizing the water loss prevention project deliverable design documents for review by district staff.

We created a cost estimate for replacement of the receiving manhole of the Wagon Wheel Lift Station with a polymer manhole that is corrosion resistant.

We have finalized the water loss prevention plans and met with district staff to review. Upon approval of the drawings the next step is project bidding. The project may be advertised and bid in early 2024 if desired by the district.



The project plans have been finalized and approved by the district. The following bid schedule for this project is as follows:

- Advertisement Published Week of January 22nd
- Plans/Specifications Available January 26th at 4:00 PM
- Bids Due (via email to Element) February 19th at 4:00 PM
- Review Bids at Board Meeting February 21st
- Notice of Award February 23rd (estimated)

Bids for the project will be presented at the district's February 21st board meeting.

Element and district staff requested that Cooley and Sons revise their bid to only include the two meter installations and the required mobilization. The revised bid table is attached to this report. This will allow the project to fall within the district's budget and gain valuable data to dial in water loss by geographic area.

Element is currently working with Cooley and Sons to nail down a delivery date for the equipment, specifically the water meters and determine a final installation date.

A pre-construction meeting was held Monday May 13th at 9:00 AM.

The vault and piping installation has been completed. We are currently awaiting delivery and installation of the flow meters.

District Manager Report – June 26, 2024

Saguache County Grant - Water Loss Prevention Project (Capital Project)

- Bids were due on 02/19/2024 – Present to BoD for selection
- Bids were well over the budgeted amount
 - The \$180k meter project was awarded to Cooley & Sons
 - Parts were received on the week of 5/6
 - Pre-construction meeting scheduled for 5/13
- Majority of excavation and piping are complete
 - Meters are expected to be delivered and installed the week of 6/24

United States Fish and Wildlife Service (USFWS) – Water lease negotiations

- Management will start defining “drought” conditions
 - Outline restrictions for irrigation and use of MHE Well in a drought
 - Draft presented for legal review
- USFWS approved a 1 year extension to our short-term agreement
- No update

Town of Crestone (ToC) – Sewer Service Negotiations

- No update for April
 - The Discharge Permit was on the agenda of the last trustee meeting
- No update for May
 - ToC has been unresponsive
- ToC held an open meeting on 6/18 to discuss the IGA and Discharge permit
 - Instructed counsel to respond to the District

Aspen Wastewater Treatment Facility (AWWTF)

- Loading data suggests additional capacity may not be necessary – Averaging 40% capacity (have not exceeded 60% capacity since 11/2022)
 - More frequent sampling
 - EQ Basin cleaning program
 - Auto samplers
- Some issues are present – Health or Safety hazards prioritized
 - Structural engineer inspection of foundation
 - Industrial health & safety inspection

Grant Opportunities

- Congresswoman Lauren Boebert – Community Project Funding
 - Status – Pending
 - Request was for \$1,450,000 to help with Water Loss Prevention and new residential meters
- Colorado Water Resources & Power Development Authority – Drinking Water Revolving Fund
 - Status - Approved for Design and Engineering \$108,370
 - Principal forgiveness loan structure
 - Requires 20% match
 - Currently working on providing the requested documentation
- Bureau of Reclamation – WaterSMART: Water and Energy Efficiency Grant
 - Status – Pending
 - Will be used to replace old or inaccurate water meters throughout the District.
- USDA
 - Status – Pending
 - Currently providing the requested documentation

SDA Workshop - Salida

- Myself and two directors attended the workshop on 6/10
 - Great workshop, very informative
 - Minutes, Meeting format, public records and conflict of interest

Rate Increase

- Law of the Rockies
 - Rate will increase from \$275 to \$295
 - Effective 7/1

Personnel

- Summer temporary positions
 - Only two applicants
 - One of the two positions has been filled
- Staff milestones
 - Johann – 1 year
 - Cooper – 90 day probationary period

Planning Committee

- Official Formation
 - Members

Summer Team BBQ

- Board and staff are invited to attend on 7/18

Administrative Monthly Report

June 26th, 2024

Board of Directors Meeting

UTILITY BILLING ACTIVITY FOR THE MONTH OF MAY (BILLED IN JUNE)

Customer Utility Billing		
Billing Category	Number of Accts	Amount Billed
Usage Customers Billed - SEWER	827	\$40,025.50
Usage Customers Billed - WATER	849	\$51,979.48
ON/OFF Service	6	\$200.00
LATE FEE	39	\$780.00
TRANSFER	22	\$7,350.00
EQR	27	\$785.75
NSF FEE	0	\$0.00
WATER & SEWER HOOK UP	5	\$12,250.00
NSF	1	\$30.00
CONSOLIDATION	6	\$4000.00
TAP	1	\$10,000.00
MISC (PRV)	1	\$214.00

MAY - XPRESS BILL PAY TRANSACTION ACTIVITY

Product / Service Description	Qty	Unit Price	Line Total
EFT Web Transactions	256	\$0.64	\$163.84
EFT Returned Item Basic	1	\$7.00	\$7.00
EFT Return NSF or Account Closed	1	\$14.00	\$14.00
Credit/Debit Card Web Transactions	379	\$0.49	\$185.71
Online Banking - Bank Bill Pay Transactions	19	\$0.25	\$4.75
Lock Box Service Transactions	152	\$0.58	\$88.16
Toll Free Operator Assisted Transactions	1	\$1.25	\$1.25
Toll Free IVR Transactions	9	\$1.25	\$11.25
Support, Maintenance, Hosting - Fee	1	\$100.00	\$100.00

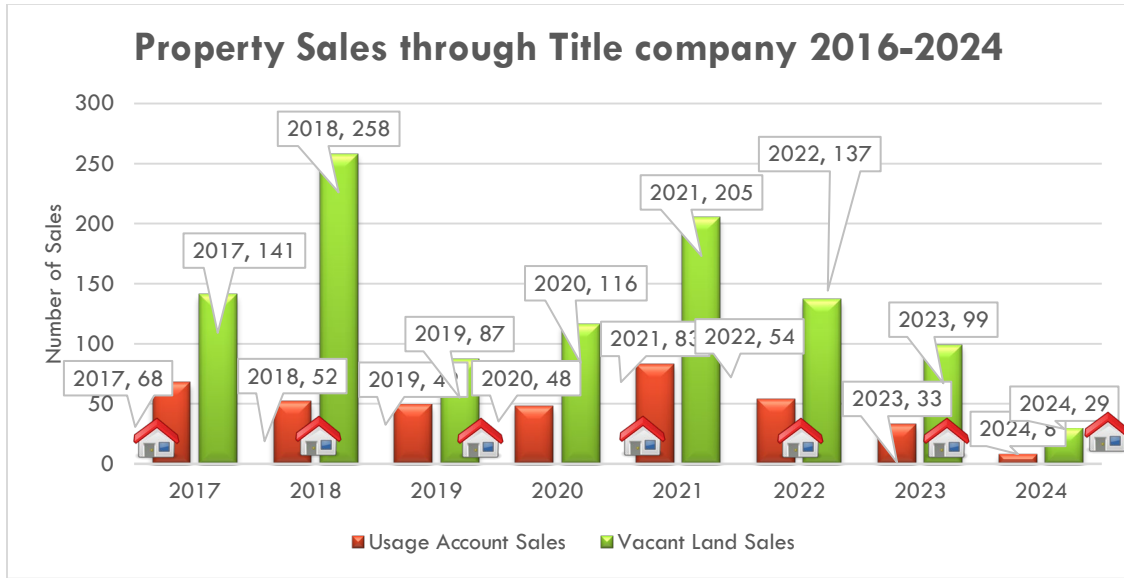
Town of Crestone Sewer 2024

Town of Crestone Sewer Billing - 2024

Date	Monthly Total	Monthly Flow	Flow Charges	Average Daily BOD	Monthly BOD	BOD Charges	Paid	Balance Due
January	418,898	3,309,294.20	\$ 3,309.29	37	1221	\$ 1,210.01	Check #13917	02/28/2024- \$4,519.31
February	379,458	2,997,718.20	\$2,997.72	38	1140	\$1,129.74	Paid online	03/31/2024- \$4,127.46
March	351,472	2,776,628.80	\$2,776.63	72	2016	\$1997.86	Check #14046	04/30/2024- \$4,774.48
April	384,310	3,036,049.00	\$3,036.05	33	1099	\$1,089.11	Check #14104	5/31/2024- \$4125.16
May	413,178	3,264,106.20	\$3,264.11	34	1020	\$1,010.82	Check # 14104	4,274.93- 06/30/2024
June								
July								
August								
September								
October								
November								
December								
2024 Totals	1,947,316		\$15,383.80	214	6496	\$6,437.54		

New Rate 10/2022
Rate per 1,000 Gallons of Flow: \$7.900 / 1,000 gallons
Rate per Pound of BOD: \$0.991 / pounds BOD

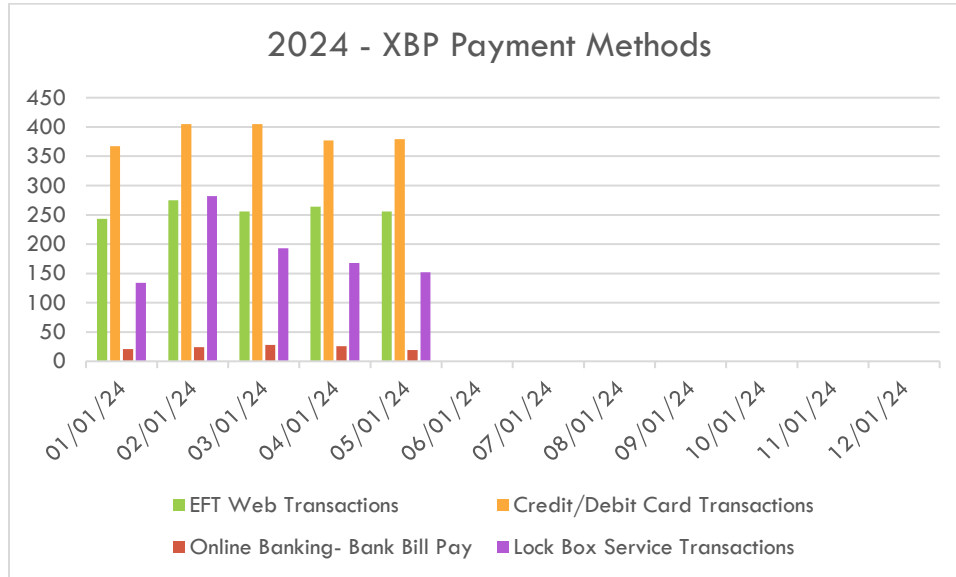
May - 2024- Property Sales: 2- Homes, 10- Lots



May - 2024 – Other Sales Statistic Including Name Changes Only

Type	Vacant Lot	House	Total Charges
Quit Claim Deed	5	1	\$350.00
Warranty Deed	5	0	1,750.00
Treasurer's Deed	3	0	\$1,050.00
Bargain & Sale Deed	1	0	\$350.00
			Total: \$3,500.00

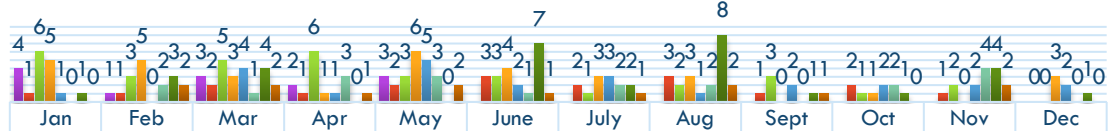
2024 - Xpress Bill Pay Customers Transactions Activity



2024 - Water and Sewer Hook up Applications

3 - Application (s) received in May. – 13 Total application (s) received in 2024

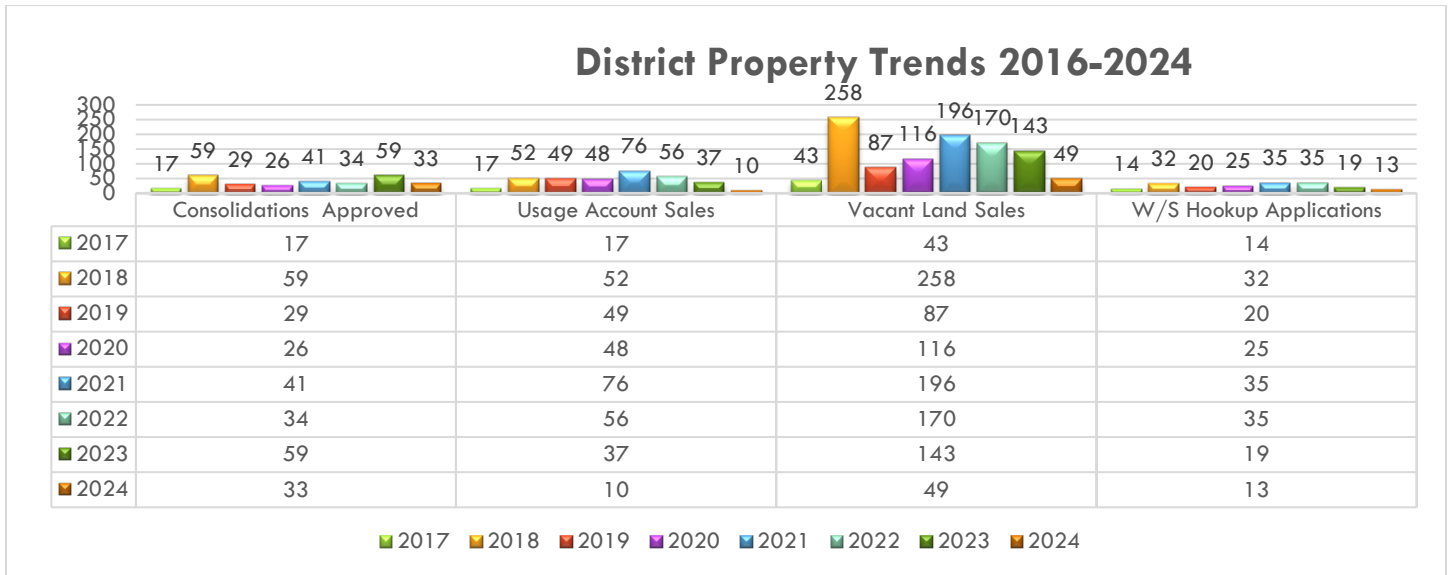
Water-Sewer Hookups 2016-2024



	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2024 = 13 applications	4	1	3	2	3							
2023=19 applications	1	1	2	1	2	3	2	3	1	2	1	0
2022=35 applications	6	3	5	6	3	3	1	2	3	1	2	0
2021=35 applications	5	5	3	1	6	4	3	3	0	1	0	3
2020=25 applications	1	0	4	1	5	2	3	1	2	2	2	2
2019 = 20 applications	0	2	1	3	3	1	2	2	0	2	4	0
2018= 32 applications	1	3	4	0	0	7	2	8	1	1	4	1
2017= 14 applications	0	2	2	1	2	1	1	2	1	0	2	0

■ 2024 = 13 applications
 ■ 2023=19 applications
 ■ 2022=35 applications
 ■ 2021=35 applications
■ 2020=25 applications
 ■ 2019 = 20 applications
 ■ 2018= 32 applications
 ■ 2017= 14 applications

2016-2024 PROPERTY TRENDS



ADMINISTRATIVE UPDATES:

- **Consolidations:**
 - Received multiple resolutions from the SC County and new requests for subdivision and consolidations.
 - In 2024, 13 consolidations completed, involving a total of 33 lots.
- **Personnel:**
 - Johann McKee -1 Year work anniversary review completed.
 - Onboarding completed for new operations team member, Tate Chad.
 - Training is ongoing, utility Billing, final bills, customer’s inquiries, and meter installation.
 - Onboarding completed for a new operations team member Mark Bindner
- **Office phones outage:**
 - Phone system was down on June 6, worked with WSB to troubleshoot and restore it.
- **SDA Annual Conference :**
 - Registration will open in early July, a three-day event planned in Keystone, September 10-12!
- **Delinquent water shut off’s:**
 - No delinquent water shut off in the month of June.
- **Upcoming Certification of delinquent accounts**
 - First Precertification draft is in progress.
- **AOS Billing Due date – June 30th, 2024.**
- **Website verification project:**
 - Website tap status and AOS verification project in progress.
 - Admin staff working to ensure website information remains accurate and up-to-date.
 - Customers advised to contact the office to verify website information.

BACA GRANDE WATER AND SANITATION DISTRICT



Summer / 2024 / ISSUE 3

A QUASI MUNICIPAL
CORPORATION
AND POLITICAL
SUBDIVISION OF
THE STATE OF
COLORADO



Welcome

Welcome to the June edition of the Baca Grande Water & Sanitation District Newsletter! We're excited to bring you updates on important developments, upcoming events, and tips to help you make the most of our services.



IN THIS ISSUE

NEW HOURS!

We have new office hours
Mon-Thurs 8:00-5:30PM
Closed Friday

BGWSW WASTEWATER
TREATMENT HISTORY

OPERATIONS PROJECTS
& DISTRICT CAPITAL
IMPROVEMENTS

GRANTS &
OPPORTUNITIES FOR
THE DISTRICT!

New Office Hours

Dear Customers, we would like to inform you of our new office hours which will be effective as of June 17, 2024. The office will now be closed on Fridays, and in order to better serve our customers, office hours will be extended Monday through Thursday.

Your feedback is very valuable to us, and we encourage you to share any comments, questions, or concerns by calling us at 719-256-4310 or emailing us at info@bacawater.com.

NEW OFFICE HOURS: Monday through Thursday, from 8:00 a.m. to 5:30 p.m. The office will be closed on Friday, Saturday, and Sunday, and for lunch between 12:00 p.m. and 1:00 p.m. Effective as of June 17th, 2024.

Emergency Contact: For after-hours emergencies, you can reach us at 719-256-4310. An operator will be on-call to respond promptly to any emergencies.

Bill Payments Options after Business Hours:

- **Pay Online with Xpress Bill Pay:** Our online bill payment option saves you time and gives you more flexibility in how you pay your bill. If you have an Internet connection and an e-mail address, you can now pay your bill online. It's fast, it's easy, and you no longer have to write a check each month or find a stamp when it's time to send in your payment.
- **Overnight Payment Box:** You can drop off your payment at the office anytime. There is a drive-up payment box in the parking lot at the District office located at 57 Baca Grant Way S, Chalet I.
- **By Phone:** You can also pay by phone with either a credit/debit card or E-check. Just call our Interactive Voice Response Line 24hrs a day, 7 days a week at 888-504-0548.

Conservation Corner

Water conservation is essential, especially in our arid region. As we head into the warmer months, consider implementing water-saving practices such as fixing leaks, using drought-resistant landscaping, and being mindful of your water consumption.

Billing and Customer Service

For your convenience, we offer various payment options and online account access. If you have any billing inquiries or need assistance, our customer service team is here to help. Reach out to us at info@bacawater.com or call our office at 719-256-4310.

Check our [website](#) for updated news.

Monthly BOD Meetings

We value your input! Join us for our Board of Directors community meetings to discuss current and future projects, share your thoughts, and learn more about the district's initiatives. Your participation is crucial in shaping the future of our water and sanitation services.

Regular meetings of the BGWSD Board of Directors are typically held on the third Wednesday of each month at 9:00 AM, via Zoom Only. All meetings are open to the public.

Agendas are available on www.bacawater.com website 24 hours prior to each meeting. If you wish to be included on the monthly Board Meeting Agenda email distribution list, please send a request to info@bacawater.com.

Projects and Capital Improvements

The District is currently installing two distribution system meters to help us identify the areas with the highest water loss. This project was made possible by a grant from Saguache County.

The District will be conducting several annual summer projects throughout the District including: fire hydrant maintenance, gate valve maintenance, cleaning and inspection of the sewer collection system and other various excavation projects. For more information please contact the District.

Wastewater Treatment a Brief History

Written by Gary Potter

The District's wastewater treatment began in 1971 with the construction of two facilities, Wastewater Treatment Plant #1 and #2. Plant #1, located near Casita Park, served the Mobile Home Estates Subdivision, while Plant #2, at the current District office site, served the Chalet 1 area. In 1974, Plant #3 was built to serve Chalet 2, but remained unused for years due to a lack of houses.

In the early 1980s, the District expanded its infrastructure, replacing Plants #1 and #2 with lagoon systems and adding two more: the Stables Lagoon and the Cottonwood Lagoon. By this time, the District had five small treatment systems, which operated until 2004.

In the early 2000s, the District centralized its treatment systems into the Aspen Institute Wastewater Treatment Facility (AIWWTF), completed in 2004. An agreement in 2002 with the Town of Crestone led to the treatment of the town's wastewater at AIWWTF. In 2013, the Mobile Home Estates Lagoon was replaced with a pump station transporting wastewater to AIWWTF. Since then, AIWWTF has served the Baca Chalets 1, 2, and 3, Mobile Home Estates, and Crestone.

Currently, AIWWTF faces challenges such as new regulatory limits, capacity issues, aging infrastructure, and safety concerns. The District is exploring options to build a new facility or upgrade the existing one, considering the financial impacts on constituents. Efforts are focused on securing funding and making informed, transparent decisions for the community's wastewater treatment future.

To read the full article please click on the link below:

<https://bacawater.specialdistrict.org/bgwsd-wastewater-treatment-a-brief-history>

The Importance of Proper Flushing

Flushing inappropriate items can cause blockages and sewer backups.

Despite being labeled "flushable," wipes can still clog pipes and jam pumps.

Only flush human waste and toilet paper. Dispose of other items like feminine hygiene products, cotton swabs, dental floss, and paper towels in the trash.

Remember, the toilet is not a trash can.

Employment Opportunities

Baca Grande Water and Sanitation District is accepting applications to fill 2 fulltime seasonal positions for a Utility Maintenance Worker.

This position is limited to 480 hours or approximately 12 weeks at 40 hours per week.

Pay is \$18.00 per hour.

Applications can also be picked up at 57 Baca Grant Way S, Crestone, CO 81131 or downloaded here:

[Job Application.pdf](#)

Submit a completed application to:
HR@bacawater.com



GRANTS & OPPORTUNITIES FOR THE DISTRICT!

Colorado Department of Public Health and Environment Drinking Water Revolving Fund

- This design and engineering grant was applied for in 2023, and will provide funding for the engineering of a back-up water source by connecting Mobile Home Estates Well to the larger water system that feeds the Chalets. The grant was recently approved in May 2024, and is structured as a principal forgiveness loan agreement. The grant will cover up to 80 percent of the project cost.

United States Department of Agriculture

- The grant was intended to be used for the construction of a new wastewater treatment facility.

Community Project Funding – Office of Lauren Boebert

- This grant was applied for in 2024 and will be used to help with water loss prevention. This funding request was approved by Lauren Boebert’s office, and they will now request federal funds.

Bureau of Reclamation

- WaterSMART: Water and Energy Efficiency Grants
This grant was applied for in 2024, and will be used to replace old and inaccurate residential water meters throughout the District.

Help Us Help You! Keep in Touch

- Please give the district office at least 48 hours’ notice of any turn ON/OFF non-emergency requests.
 - If you rent or lease your home, please provide the District with a [Tenant form](#), which can be found on the District website.
- EMERGENCIES!**
- If you have a water or sewer emergency always call the district’s main office number at **719-256-4310** and an Operator will be dispatched to help you. Calls received outside normal working hours will be answered by the district’s answering service.

FAQ’s

- How do I change mailing address?
You can email the new address to office@bacawater.com

You can also write a note to us at: PO Box 520, Crestone, CO 81131 or give us a call at 719-256-4310.
- When is a due date for water and sewer bill? Monthly water and sewer fees are due on the last day of the month. A late fee will be assessed on the 15th of the following month if payment is not received.
- What are the minimum fees for water and sewer?
* Water is \$48.13 per month for 4,000 gallons
* Sewer is \$40.73 per month
Minimum fees apply regardless of connected services being on or off..
- Is my water safe to drink?
Yes! The water that you receive from the Baca Grande Water & Sanitation District is very safe to drink. Our certified operators constantly monitor and test your drinking water. For additional information check our water quality reports at bacawater.com

Meet BGWSD Team

Board of Directors	District Staff
Vivia Lawson President	Diego Martinez District Manager
Rick Hart Vice President	Gary Potter Director of Utilities
Mike Smith Treasurer	Natalie DeBon Administrative Services Manager
David Karas Secretary	Johann McKee Administrative Assistant
John Loll Director	Greg Hess Administrative Utility Assistant
	Tim Allen Utility Maintenance Operator
	Bryan Howard Utility Maintenance Operator
	Mark Elliott Utility Maintenance Operator
	Cooper Goodhart Utility Maintenance Operator
	Chad Tate Utility Maintenance Operator



Baca Grande Water and Sanitation District

P.O. Box 520 | 57 Baca Grant Way S.
Crestone, CO 81131-0520

OFFICE HOURS

Monday – Thursday

8:00 AM – 5:30 PM

CLOSED FOR LUNCH 12:00 PM – 1:00 PM

**IN CASE OF A WATER/SEWER
EMERGENCY**

PLEASE CALL 719-256-4310

After Hours Drop Box located outside of fence to the left of the door. To make a payment by phone, please call the 24/7 IVR line at 888-504-0548.

Baca Grande Water and Sanitation District
Monthly Operations Report

June 26th, 2024



New Fence at S. Crestone Tank



New Meter Vault Being Installed

Facilities and Staff 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

- **Shumei Booster Pump #1**
 - Pump was repaired by operations staff and put back into service.
- **New Operation Truck**
 - Has been picked up and integrated into our fleet
- **Accidents**
 - Happy to report no accidents in May!!

Operations Updates

➤ Aspen Wastewater Treatment Plant

- Application for the New Discharge permit has been submitted.
- Duplicate influent BOD samples result for Colorado Analytical Labs are generally less than 10% different from in-house sample results with a few outliers.

➤ Annual Reports

- Biosolids Report-Complete
- Nutrients Report-Complete
- Consumer Confidence-Completed
- Backflow Prevention Report- Completed

➤ Water and Wastewater Meter Calibration

- We worked with a technician from Ted Miller and associated to calibrate the District large flow meters including:
 - all water transfer station meters
 - Influent and Effluent Meters at Aspen Wastewater Treatment Plant
 - Flow meter for the Town of Crestone

➤ Fence for S. Crestone Tank

- Construction is finally underway and is nearing completion
- After the fence is complete Operations staff is planning to pressure wash and paint the exterior of the tank

➤ Personnel

- Happy to report operations is fully staffed for full time team members and we have hire one summer temporary position

➤ Projects

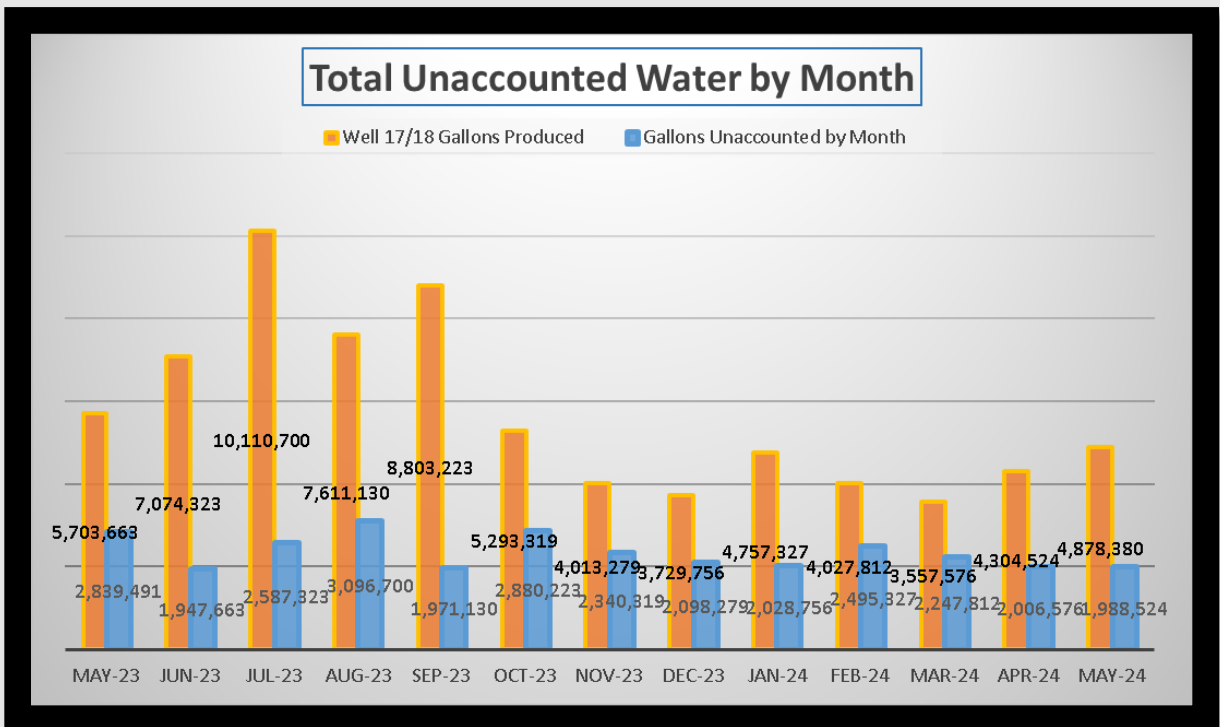
- Distribution system meter vaults have been installed. Waiting on meter to arrive to finish the project
- Summer annual maintenance projects are under Way
 - Valve Maintenance- In process
 - Collection System Cleaning- In Process
 - Collection System Inspections-In-Process
 - Fire Hydrant Maintenance- In Process
 - Dig List (various projects that require excavation)- In Process
 - Backflow device testing- In Process

➤ **Unaccounted Water**

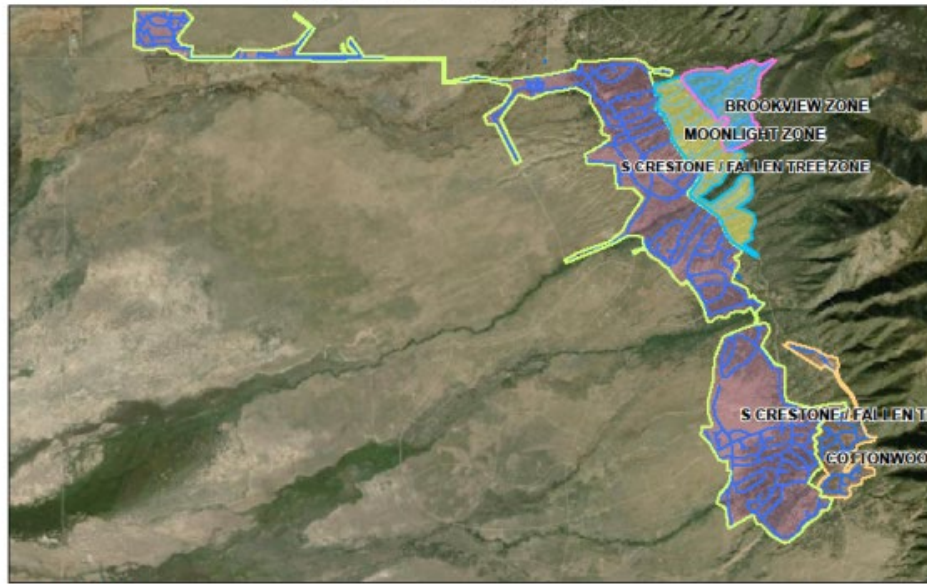
- Wells 17 and 18 produced 4,878,380 gallons of water in the month of May
- The District sold its customers 2,816,000 gallons of water in the month of May, leaving 2,062,380 gallons unaccounted for.
- 42% of the water produced is unaccounted for in the month of May.

➤ **Aspen WWTP and Town of Crestone Loading**

- Aspen WWTP averaged 48% of hydraulic loading capacity in the month of May, the Town of Crestone contributed and average of 19% of the treatment plants hydraulic load.
- Aspen WWTP averaged 59% of organic loading capacity in the month of May. The Town of Crestone contributed an average of 23% of the treatment plants organic load.



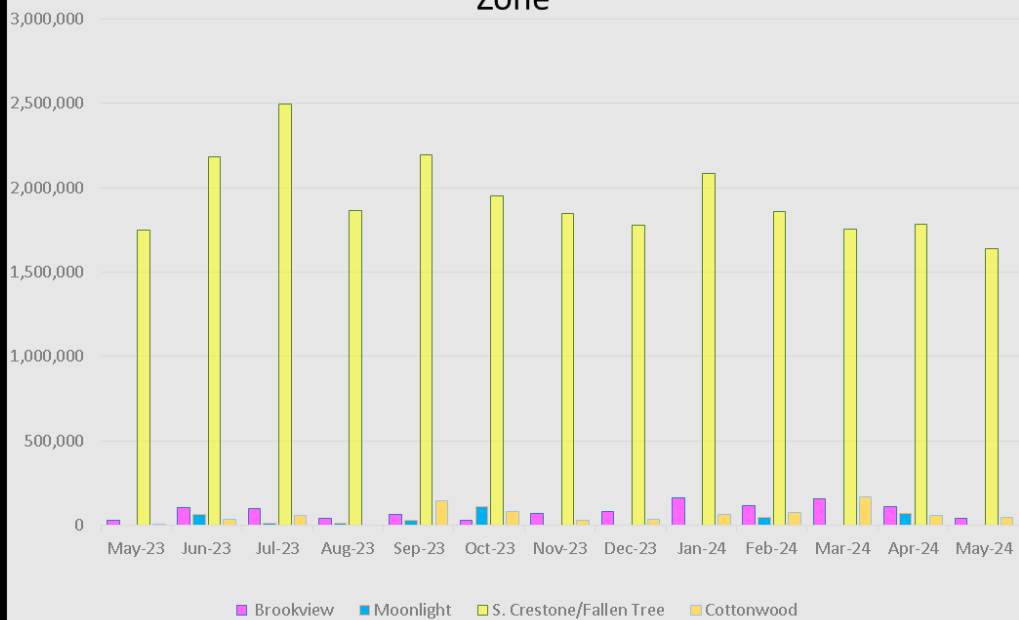
BGWSD Unaccounted Water Zone's



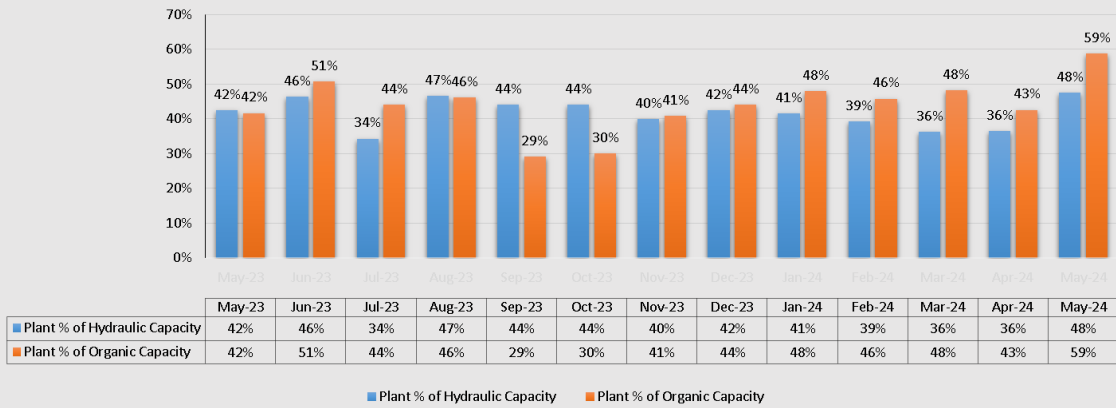
12/10/2020, 3:43:14 PM

1:72,224
 0 0.5 1 2 mi
 0 0.75 1.5 3 km
 Earthrise Geographics
 Base Oracle Water and Distribution
 Earthrise Geographics

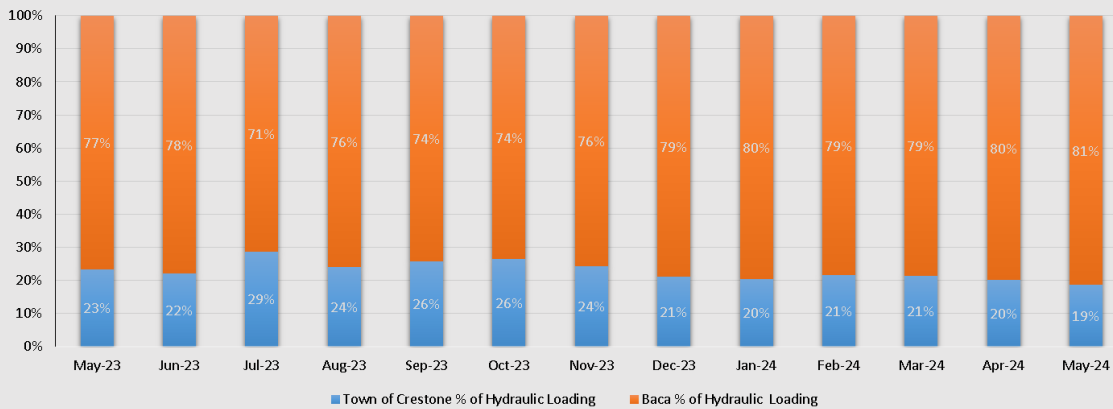
Total Monthly Unaccounted in Gallons by Pressure Zone



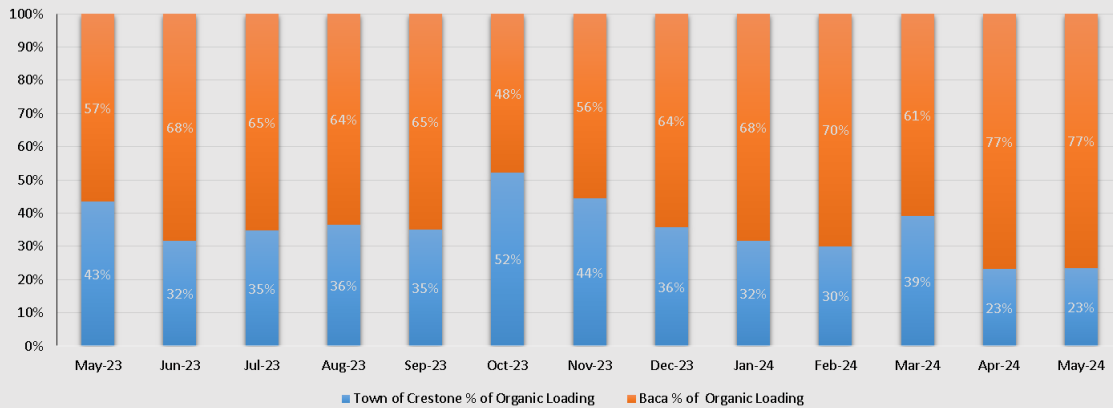
Percentage of Plant Capacities by Month at Aspen Wastewater Treatment Plant



Average % of Total Hydraulic Loading of Aspen Wastewater Treatment Plant by Month 2022-2023



Average % of Total Organic Loading of Aspen Wastewater Treatment Plant by Month of 2022-2023



An Act

HOUSE BILL 24-1454

BY REPRESENTATIVE(S) Ortiz and Pugliese, Bacon, Bird, Duran, Kipp, Lieder, Parenti, Young;
also SENATOR(S) Lundeen, Bridges, Kirkmeyer, Priola, Roberts.

CONCERNING A ONE-YEAR EXTENSION OF THE DEADLINE FOR PUBLIC AGENCIES TO COMPLY WITH DIGITAL ACCESSIBILITY STANDARDS IF THE PUBLIC AGENCY DEMONSTRATES A GOOD FAITH EFFORT TOWARD COMPLIANCE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly declares that:

(a) It is imperative to recognize the importance of ensuring full accessibility for individuals with disabilities to state and local government digital resources;

(b) The general assembly's commitment to inclusivity and equal access is underscored by establishing a one-year grace period that extends the current deadline for full digital accessibility compliance for state agencies and public entities from July 1, 2024, to July 1, 2025, so that

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

applicable state agencies and public entities may achieve compliance with established accessibility standards, provided that the public entity or state agency has demonstrated good faith efforts toward compliance;

(c) The temporary grace period reflects the general assembly's understanding of the reality of adapting the necessary accessibility standards by state agencies and public entities and bases the grace period on current progress made by each state agency and public entity; and

(d) The one-year grace period is made with the intent to encourage continued diligent progress toward accessibility for all Coloradans with disabilities without imposing immediate penalties on state agencies and public entities.

SECTION 2. In Colorado Revised Statutes, 24-34-802, amend (1)(c) as follows:

24-34-802. Violations - penalties - immunity - repeal.
(1) (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(II) OF THIS SECTION, discrimination pursuant to this section includes the failure of a public entity or state agency, as those terms are defined in section 24-34-301, to fully comply, on or before July 1, 2024, with the accessibility standards for individuals with a disability established by the office of information technology pursuant to section 24-85-103. Liability for noncompliance as to content lies with the public entity or state agency that manages the content. Liability for noncompliance of the platform hosting the content lies with the public entity or state agency that manages the platform.

(II) (A) A PUBLIC ENTITY OR STATE AGENCY IS IMMUNE FROM LIABILITY FOR A VIOLATION OF SUBSECTION (1)(c)(I) OF THIS SECTION UNTIL JULY 1, 2025, IF THE PUBLIC ENTITY OR STATE AGENCY DEMONSTRATES GOOD FAITH EFFORTS TOWARD COMPLIANCE WITH THE ACCESSIBILITY STANDARDS ESTABLISHED PURSUANT TO SECTION 24-85-103 OR, AS NECESSARY, MAKES GOOD FAITH EFFORTS TOWARD RESOLUTION OF A COMPLAINT OF NONCOMPLIANCE. TO BE ELIGIBLE FOR THE IMMUNITY AUTHORIZED PURSUANT TO THIS SUBSECTION (1)(c)(II), BY JULY 1, 2024, A PUBLIC ENTITY'S OR STATE AGENCY'S GOOD FAITH EFFORTS MUST INCLUDE CREATING A PROGRESS-TO-DATE REPORT THAT DEMONSTRATES CONCRETE AND SPECIFIC EFFORTS TOWARD COMPLIANCE ON THE ENTITY'S OR AGENCY'S FRONT-FACING WEB PAGES; UPDATING THE REPORT ON A QUARTERLY BASIS;

AND CREATING A CLEAR, EASY-TO-FIND PROCESS FOR REQUESTING REDRESS FOR INACCESSIBLE DIGITAL PRODUCTS, INCLUDING CONTACT OPTIONS THAT ARE NOT DEPENDENT ON WEB ACCESS OR DIGITAL ACCESSIBILITY AND ARE PROMINENTLY DISPLAYED ON ALL FRONT-FACING WEB PAGES.

(B) IF A CIVIL ACTION IS FILED PURSUANT TO THIS SUBSECTION (1)(c) AND A PUBLIC ENTITY OR STATE AGENCY ALLEGES THAT IT HAS MADE GOOD FAITH EFFORTS PURSUANT TO THIS SUBSECTION (1)(c)(II), THE COURT IN WHICH THE CIVIL ACTION WAS FILED SHALL DETERMINE, BASED ON A PREPONDERANCE OF THE EVIDENCE, WHETHER THE PUBLIC ENTITY OR STATE AGENCY HAS MADE GOOD FAITH EFFORTS, AND, IF THE COURT DETERMINES THAT GOOD FAITH EFFORTS HAVE BEEN MADE, THE COURT SHALL DISMISS THE ACTION WITHOUT PREJUDICE.

(C) THIS SUBSECTION (1)(c)(II) IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

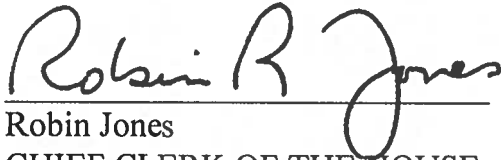
preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Steve Fenberg
PRESIDENT OF
THE SENATE

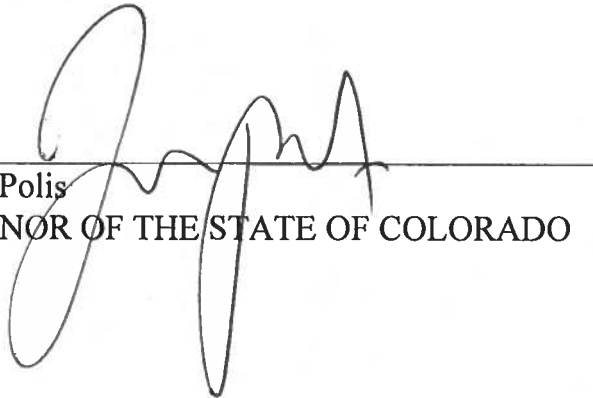


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Friday May 25th 2024 at 5:00 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

Technology Accessibility Statement

This Technology Accessibility Statement was approved by the Baca Grande Water & Sanitation District (“BGWSD”) board of directors on June 26, 2024.

BGWSD is fully committed to providing accessible facilities, services, digital content, and technologies to all members of the public. As part of this commitment, BGWSD has a policy of providing an accessible website compatible with the Web Content Accessibility Guidelines (WCAG 2.1) level AA criteria and commercial screen reading software. All features of the website are coded to allow individuals with vision and other impairments to understand and use the website to the same degree as someone without disabilities. We welcome feedback and can often resolve issues in a timely manner if they arise.

Accessibility Officer

BGWSD has designated Natalie DeBon as its Accessibility Officer for issues related to website and other technology accessibility. The Accessibility Officer has received training in website and other technology accessibility. The Accessibility Officer can be contacted via the contact form below or at: 719-256-4310 or via email frontdesk@bacawater.com.

Ongoing Compliance

In addition to annual testing with users with a wide range of disabilities and coding our website to WCAG standards, BGWSD regularly scans its website to ensure ongoing compliance, and makes timely changes to any inaccessible content, if it is found.

Linked Documents and Third Parties

Please note that BGWSD’s website may link out to third-party websites, such as state or federal agencies, that do not have accessible content. BGWSD’s website may also include documents provided by third parties (for example, documents included in our agenda packets). While we cannot control the accessibility of content provided by third parties, we are happy to assist any

member of the public with reading and accessing content on our website, so please contact the Accessibility Officer if you need assistance.

Report an Accessibility Issue, Request Accommodations, or Provide Feedback

We are committed to your ability to access BGWSD's website and technology. To provide feedback, request reasonable accommodations or modifications, or to report inaccessible content or any website or technology related accessibility issues, please contact the Accessibility Officer via the contact form below or at: 719-256-4310 or via email frontdesk@bacawater.com, and the Accessibility Officer or designee will strive to respond within 2 business days.

First Name

Last Name

Email address

Phone Number

Page(s) where you experienced accessibility issue

Description of accessibility issue

Submit

BACA GRANDE WATER AND SANITATION DISTRICT SOCIAL MEDIA POLICY

EFFECTIVE DATE: XXX

SOCIAL MEDIA POLICY

The Baca Grande Water and Sanitation District (the District) will determine how its web-based social media resources are designed, implemented, and managed as part of its overall communication strategy. Because many District residents and stakeholders utilize social media for news and communications, the District has developed its own social media accounts to inform the public about the District's work and mission.

The District has an important interest in assuring the accuracy and consistency of information associated with its social media sites. The District will respect the First Amendment to the U.S. Constitution and the constitutional right to freedom of speech. These terms and conditions establish guidelines for both the District and the public's use of social media that balance these values.

DEFINITIONS

Social Media — The digital content created by the District and communicated on platforms that allow sharing, commenting, and engagement from the public. Examples of social media accounts the District may use include Facebook, X, Instagram, YouTube, Google and LinkedIn.

Post — The action by the District or a member of the public to provide content, including text, pictures, videos, or any other type of media on a social media account.

Comments — Any digital content, information, link, image, video, or any other form of communicative content posted in reply or response on a social media account operated by the District.

User — A member of the public who views or interacts with one or more of the District's social media accounts.

The District will initially participate in the following social media sites:

- District Facebook page
- District Google reviews page
- District Instagram page

POLICIES

1. **Terms and Conditions Accessibility:** These terms and conditions apply to all of the District's social media sites. Where possible, a link to these terms and conditions will be made available as a hyperlink or posted as text on the District's social media accounts. The District will also post these terms and conditions on its website.

2. **Compliance with Laws:** Where applicable, the use of District social media sites shall comply with Colorado's open meeting and open records laws. Users should know that social media posts, and any direct or private messages sent to the District may be public records and subject to disclosure.

3. Linking to Personal Accounts: The District will not link to elected officials' personal websites or social media accounts.

4. Emergency Services: Social media sites are not monitored 24/7 and should not be used when seeking emergency services. Anyone in need of emergency water or sewer help should call 719-256-4310. Anyone in need of other emergency services should call 911.

5. Response Guarantee: The District does not guarantee a response to messages sent to the District's social media accounts.

6. Account Identification: The District's accounts on social media sites shall clearly state they are maintained by the District and shall have District contact information prominently displayed. Sites will be consistently branded to communicate a clear association with the District. Branding must include the District logo. The naming and contact conventions used for social media accounts should be District-specific and must not contain individual employee names.

7. Official Website Reference: The District website, www.bacawater.com, is the official location for content regarding District business, services, and events. Whenever possible, links to more information should direct users back to the District's official website for more details, documents, forms, or online services necessary to conduct business with the District.

8. Staff Conduct: District staff representing the District via its social media accounts must be authorized to use such accounts by the District Manager and must conduct themselves in the use of the District's social media accounts appropriately, professionally, and as representatives of the District. Staff who fail to conduct themselves in such a manner shall be subject to the disciplinary procedures outlined in the Personnel Policies and Procedures Manual.

9. Prohibited Uses: District accounts on social media sites may not be used by any District employee for private or personal purposes, for expressing personal views on political or policy issues, or to express personal views or concerns pertaining to District employment or personnel matters. Information about confidential District business shall not be disclosed on either the District social media accounts or on any employee's personal social media account.

10. Reservation of Rights and Limitations: At all times, the District reserves the right to update, modify, or delete a post or comment by the District on its social media accounts. Comments on the District's social media accounts must relate to the official business of the District. The District reserves the right to block all comments on one or more of the District's social media accounts or on one or more posts by the District on its social media accounts so long as it is done in a content neutral manner. If comments are allowed, the District will not block comments based on the viewpoint of the commentator. However, the District reserves the right to block or delete comments that make a true and immediate threat to another person, incite others to imminently violate the law, contain obscene language as defined by the United States Supreme Court, or as otherwise consistent with the First Amendment to the United States Constitution.

11. Account Management Responsibility: The District Manager or a Social Media Coordinator designated by the District Manager is responsible for managing the District's social media accounts. This includes creating content, monitoring interactions, responding to messages, and enforcing this social media policy. The Social Media Coordinator will be trained on the relevant laws and guidelines to ensure compliance and effective communication.

11. Content Approval: All content posted on the District's social media accounts must be approved by the District Manager or the designated Social Media Coordinator. In cases where sensitive or critical information is being shared, additional approval may be required from the Board of Directors.

12. Crisis Communication: In the event of a crisis or emergency, the District Manager or designated crisis communication team will take control of all social media communications. This ensures that information disseminated is accurate, timely, and consistent.

13. Security Measures: Appropriate security measures, including strong passwords and two-factor authentication, must be utilized to protect the District's social media accounts from unauthorized access.

CONTENT MODERATION

1. Public Comments: Public commenting will not be enabled on the District's official social media accounts, ensuring that communication platforms remain focused on providing accurate information and addressing inquiries through appropriate channels.

Audit: The Board clarified the current audit schedule and next steps with Ms. Fromm.

Engineer's Report:

The Board reviewed Engineer's report incorporated in the Board packet attached to the minutes as supporting documentation.

Wastewater Treatment Plant and application with USDA:

At the April Board meeting, it was recommended that the WWTP expansion project should be put on hold based on the most recent influent loading data, which shows that the existing plant capacity is adequate. Therefore Mr. Marcotte recommended that the Board/management reach out to USDA to inform them of the change in capacity and scope of the project and withdraw its funding request for the plant expansion.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD IS NO LONGER GOING TO PURSUE USDA FUNDING FOR ADDITIONAL CAPACITY AT AWWTP.

STAFF REPORTS

The Board reviewed and discussed the reports incorporated in the Board packet; the staff reports are attached to the minutes as supporting documents.

Planning Committee

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR KARAS AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPOINTED DIRECTOR SMITH AS AN ADDITIONAL MEMBER OF THE COMMITTEE.

EXECUTIVE SESSION

MOTION : upon motion duly made by Director Hart, seconded by Director Smith and, upon an affirmative vote of at least two-thirds of the quorum present, Adjourn to Executive Session at 10:37 AM, 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 C.R.S. § 24-6- 402(4) (F), FOR DISCUSSION OF PERSONNEL MATTERS INVOLVING THE DISTRICT MANAGER POSITION.

MOTION: DIRECTOR SMITH MOVED, DIRECTOR HART SECONDED, AND THE BOARD VOTED TO UNANIMOUSLY TO ADJOURN TO REGULAR SESSION AT 10:56 A.M.

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR HART, SECONDED BY DIRECTOR KARAS AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD DELEGATED TO THE PERSONNEL COMMITTEE THE RESPONSIBILITY OF CONDUCTING THE DISTRICT MANAGER EVALUATION.

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE DIRECTOR HART, SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 10:58 A.M.

THE NEXT REGULAR MEETING IS SCHEDULED FOR

July 17, 2024

Drafted by Natalie DeBon

Respectfully submitted,

Diego Martinez

THESE MINUTES ARE APPROVED AS THE OFFICIAL June 26th, 2024 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

Vivia Lawson

John Loll

Mike Smith

Rick Hart

David Karas

ATTORNEY STATEMENT

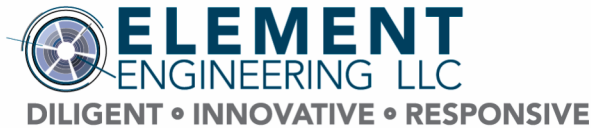
Regarding Privileged Attorney-Client Communication

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 June 26, 2024, and it is my opinion that any portion of the executive session that was not recorded constituted attorney-client privileged communications.

Jacob A. With

General Counsel

Baca Grande Water and Sanitation District



MONTHLY ENGINEER'S REPORT

DATE OF MEETING: JUNE 26, 2024
CLIENT: BACA GRANGE WATER & SANITATION DISTRICT (BGWSD)
SUBJECT: MONTHLY ENGINEER'S REPORT **NEW ITEMS IN BOLD**

GENERAL ENGINEERING (PROJECT NO. 0001)

The district's discharge permit expires on November 30, 2024. A discharge permit application must be filed six months prior to the termination of the permit. Therefore, the permit application is due on May 30, 2024. Element will assist the district with the discharge permit application. Currently the district has an individual permit. If it is possible, Element recommends the district apply for a general permit as there are several benefits of a general over an individual. We are currently reviewing if the district is eligible for a general permit.

We are currently working on the general permit renewal application and plan to have that sent to the district for review by the end of February.

Element is assisting the district with an application for the FY2024 Water Smart grant. This application will be written in support of a project to replace outdated water meters and install meters and meter pits where meters are located in homes. The grant is due by February 22nd.

The Water Smart grant application for meter replacements was submitted. Element continues to work with the district on compiling the discharge permit renewal application and associated documentation.

No items to report.

WATER AND WASTEWATER MASTER PLAN UPDATE (PROJECT NO. 0009)

The Water and Wastewater Master Plan Update document has been finalized in draft format and provided to the BGWSD staff and board for review.

The master plan was approved by the district board in September 2022. The district approved Water and Wastewater Master Plan culminated in recommendations for water and wastewater system improvements. These recommendations are being included in the Wastewater Treatment Plant Improvements (Project No. 0010) and Water Treatment Plant Improvements (Project No. 0011) projects. Status reports on these projects are presented under their respective project numbers.

The master plan also included recommendations for water loss reduction. Reporting on progress for this item is listed under General Engineering (Project No. 0001). As the master plan document itself has been approved, and action is being taken on the master plan recommendations, no additional updates will be included on this project number.

No items to report.

WASTEWATER TREATMENT PLANT IMPROVEMENTS (PROJECT NO. 0010)

A draft of the alternatives analysis was submitted to district staff and a meeting held to review and discuss. The updated alternatives analysis memorandum has been completed and submitted to district staff. This document was reviewed with the district at the board retreat. It was recommended that the WWTP should be put on hold based on the most recent influent loading data.

Element is conducting a search for a contractor/consultant to provide a structural and environmental analysis of the wastewater treatment plant building. It was determined that the facility may need structural and/or environmental (mold) remediation and an inspection and report should be generated.

WATER TREATMENT SYSTEM IMPROVEMENTS (PROJECT NO. 0011)

The Water and Wastewater Master Plan Update recommended a water project be completed including the following:

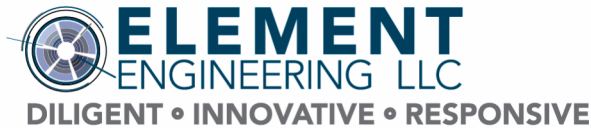
- Integrate the Motel Well and Booster Pump Station into the large BGWSD system.
- Increase Water Treatment Plant (WTP) Pumping Capacity
- Add Administrative Building for district.

It is recommended that these projects be funded through the Colorado Department of Health and Environment (CDPHE) State Revolving Fund (SRF) Loan Program. Upon completion of the WWTP PER and ER the funding process for the water system improvement project should begin. A preliminary schedule for the proposed project is shown below. Note that this schedule may vary widely based on review time by CDPHE.

- | | |
|---|----------------------------|
| • Compile and submit pre-qualification form (CDPHE funding) | December 2022 |
| • Compile and submit Project Needs Assessment | April 2023 |
| • CDPHE review and design and engineering grant execution | July 2023 |
| • Design, CDPHE permitting | August 2023 – March 2024 |
| • CDPHE funding coordination and loan execution | February 2024 – April 2024 |
| • Bidding | April 2024 |
| • Construction | June 2024 – December 2024 |

The pre-qualification form was submitted in December of 2022. A pre-qualification meeting has been scheduled with CDPHE, DOLA, BGWSD, and Element staff on Tuesday January 31st at 10:00. The pre-qualification meeting is the next step in the CDPHE funding process where all entities discuss the proposed project and review the steps in the funding process.

The prequalification meeting was held to discuss the CDPHE funding process specific to the BGWSD water project. The district qualifies for a planning grant of \$10,000 to support compilation of the Project Needs Assessment. The planning grant requires a local match of \$2,500, for total funding of \$12,500 for the Project Needs Assessment. The Project Needs Assessment (PNA) is an engineering planning document similar to the PER but compiled in a format and form acceptable to CDPHE. Element has compiled a proposal to complete the PNA on behalf of the district.



The draft PNA is nearly complete with an internal (Element) review by the middle of April. We are on target to provide the draft to district staff by the end of April.

CDPHE has provided a pre-qualification review letter after our January pre-qualification meeting. The review letter (dated April 19, 2023) is attached to this report. This letter clarifies that the district is eligible for a planning grant (already obtained), a design and engineering grant, and Bipartisan Infrastructure Law (BIL) funding.

Element finalized a draft of the PNA and transmitted it to district staff on May 9, 2023. It is recommended the district board schedule a work session or special meeting to review the final PNA during the month of June. In the meantime, Element and district staff will work to resolve any initial questions and/or comments.

The draft PNA is scheduled to be reviewed by the district at an August 23rd meeting. A handout summarizing the PNA has been transmitted to district staff for board distribution.

The district approved submittal of the PNA at the August 23rd meeting. Element has coordinated with district staff and the PNA has been submitted to CDPHE. We are awaiting CDPHE review of the document. Element will respond to any questions or CDPHE comments.

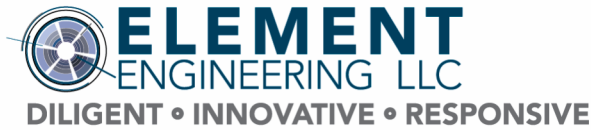
The PNA has been approved. See the attached approval letter.

We have been exchanging email correspondence with CDPHE regarding the district's potential Design and Engineering grant (D/E grant) for the drinking water project. The proposed budget from the US Congress is significantly cutting the EPA capitalization grants to the various state SRF programs. Therefore, CDPHE is unsure if they will have D/E grants available and may not know the available amount until September of 2024.

CDPHE will, however, allow the district to recoup funds spent on design and engineering costs from the construction loan, when it is issued to build the project. This would mean funding the design of the project upfront and recouping the costs at the time of construction. The district may apply for a DOLA grant to fund up to half of the design related costs. Therefore, the two options moving forward are as follows:

1. Self-fund the design of the water project and reimburse yourself with funds from the construction loan when the project design is completed and goes to construction. In this case we could potentially apply to DOLA for a 50/50 match grant for design.
2. Wait to see if D/E grant funds become available later in the year and proceed accordingly if one is awarded. If those funds are not available, re-consider item number 1 above.

The design and engineering costs associated with the water system project is \$108,370.00. Therefore, the district could apply for a DOLA grant in the amount of \$54,185.00, which would be a Tier II grant. The upcoming DOLA cycle begins accepting applications on March 1 and closes on April 1. Awards are estimated to be made by July of 2024. Note that if the district intends to use this grant, no work can begin until the grant contract is executed.



The district has selected to apply for a DOLA grant during the March 1 – April 1 application period to support design. Element will assist the district in completing the grant application. This application has been submitted by the project team.

CDPHE has reached out to Element and indicated that funding for a design and engineering grant in the necessary amount is available. CDPHE is currently working on this grant paperwork with the district.

2023 WATER LOSS PREVENTION PROJECT (PROJECT NO. 0013)

Element staff are periodically working with district staff in developing a water loss prevention program. It is likely that this prevention program will take several months to collaboratively develop prior to presentation by district staff and Element to the board. Element is assisting the district in assembling cost estimates for PRV vault and water main replacement program. Our initial meeting has identified the following items to focus on:

- PRV Vault Cost Estimate
- Metering Vault Cost Estimate
- Cost Estimate 1,000 Feet of Main (General)
- Meter Inventory (Ages, Visual Inspection)
- Unmetered Service Survey
- Testing Meters
- Leak/Break Fix Map
- Water Main Replacement Program

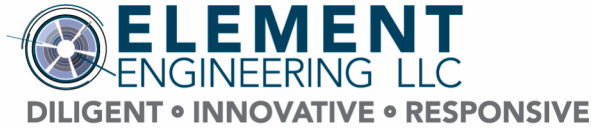
District staff is interested in applying for Saguache County grant funds to potentially pay for relocation of PRVs and installation of flow meter vaults to study. Potential uses for this grant money is installation of metering vaults, PRVs, and water shutoff valves to better isolate for breaks. Also, money could be used for leak detection equipment. A cost estimate of a PRV and metering vault has been provided to district staff for review.

Element has been released on design services of the PRV relocation, new PRV installation, and two new meter vaults. Element is completing design and bidding documents so the project can be publicly bid. We are currently waiting for the field survey work to be completed in order to finalize our draft documents for internal review.

We have received the survey and are finalizing the water loss prevention project deliverable design documents for review by district staff.

We created a cost estimate for replacement of the receiving manhole of the Wagon Wheel Lift Station with a polymer manhole that is corrosion resistant.

We have finalized the water loss prevention plans and met with district staff to review. Upon approval of the drawings the next step is project bidding. The project may be advertised and bid in early 2024 if desired by the district.



The project plans have been finalized and approved by the district. The following bid schedule for this project is as follows:

- Advertisement Published Week of January 22nd
- Plans/Specifications Available January 26th at 4:00 PM
- Bids Due (via email to Element) February 19th at 4:00 PM
- Review Bids at Board Meeting February 21st
- Notice of Award February 23rd (estimated)

Bids for the project will be presented at the district's February 21st board meeting.

Element and district staff requested that Cooley and Sons revise their bid to only include the two meter installations and the required mobilization. The revised bid table is attached to this report. This will allow the project to fall within the district's budget and gain valuable data to dial in water loss by geographic area.

Element is currently working with Cooley and Sons to nail down a delivery date for the equipment, specifically the water meters and determine a final installation date.

A pre-construction meeting was held Monday May 13th at 9:00 AM.

The vault and piping installation has been completed. We are currently awaiting delivery and installation of the flow meters.

District Manager Report – June 26, 2024

Saguache County Grant - Water Loss Prevention Project (Capital Project)

- Bids were due on 02/19/2024 – Present to BoD for selection
- Bids were well over the budgeted amount
 - The \$180k meter project was awarded to Cooley & Sons
 - Parts were received on the week of 5/6
 - Pre-construction meeting scheduled for 5/13
- Majority of excavation and piping are complete
 - Meters are expected to be delivered and installed the week of 6/24

United States Fish and Wildlife Service (USFWS) – Water lease negotiations

- Management will start defining “drought” conditions
 - Outline restrictions for irrigation and use of MHE Well in a drought
 - Draft presented for legal review
- USFWS approved a 1 year extension to our short-term agreement
- No update

Town of Crestone (ToC) – Sewer Service Negotiations

- No update for April
 - The Discharge Permit was on the agenda of the last trustee meeting
- No update for May
 - ToC has been unresponsive
- ToC held an open meeting on 6/18 to discuss the IGA and Discharge permit
 - Instructed counsel to respond to the District

Aspen Wastewater Treatment Facility (AWWTF)

- Loading data suggests additional capacity may not be necessary – Averaging 40% capacity (have not exceeded 60% capacity since 11/2022)
 - More frequent sampling
 - EQ Basin cleaning program
 - Auto samplers
- Some issues are present – Health or Safety hazards prioritized
 - Structural engineer inspection of foundation
 - Industrial health & safety inspection

Grant Opportunities

- Congresswoman Lauren Boebert – Community Project Funding
 - Status – Pending
 - Request was for \$1,450,000 to help with Water Loss Prevention and new residential meters
- Colorado Water Resources & Power Development Authority – Drinking Water Revolving Fund
 - Status - Approved for Design and Engineering \$108,370
 - Principal forgiveness loan structure
 - Requires 20% match
 - Currently working on providing the requested documentation
- Bureau of Reclamation – WaterSMART: Water and Energy Efficiency Grant
 - Status – Pending
 - Will be used to replace old or inaccurate water meters throughout the District.
- USDA
 - Status – Pending
 - Currently providing the requested documentation

SDA Workshop - Salida

- Myself and two directors attended the workshop on 6/10
 - Great workshop, very informative
 - Minutes, Meeting format, public records and conflict of interest

Rate Increase

- Law of the Rockies
 - Rate will increase from \$275 to \$295
 - Effective 7/1

Personnel

- Summer temporary positions
 - Only two applicants
 - One of the two positions has been filled
- Staff milestones
 - Johann – 1 year
 - Cooper – 90 day probationary period

Planning Committee

- Official Formation
 - Members

Summer Team BBQ

- Board and staff are invited to attend on 7/18

Administrative Monthly Report

June 26th, 2024

Board of Directors Meeting

UTILITY BILLING ACTIVITY FOR THE MONTH OF MAY (BILLED IN JUNE)

Customer Utility Billing		
Billing Category	Number of Accts	Amount Billed
Usage Customers Billed - SEWER	827	\$40,025.50
Usage Customers Billed - WATER	849	\$51,979.48
ON/OFF Service	6	\$200.00
LATE FEE	39	\$780.00
TRANSFER	22	\$7,350.00
EQR	27	\$785.75
NSF FEE	0	\$0.00
WATER & SEWER HOOK UP	5	\$12,250.00
NSF	1	\$30.00
CONSOLIDATION	6	\$4000.00
TAP	1	\$10,000.00
MISC (PRV)	1	\$214.00

MAY - XPRESS BILL PAY TRANSACTION ACTIVITY

Product / Service Description	Qty	Unit Price	Line Total
EFT Web Transactions	256	\$0.64	\$163.84
EFT Returned Item Basic	1	\$7.00	\$7.00
EFT Return NSF or Account Closed	1	\$14.00	\$14.00
Credit/Debit Card Web Transactions	379	\$0.49	\$185.71
Online Banking - Bank Bill Pay Transactions	19	\$0.25	\$4.75
Lock Box Service Transactions	152	\$0.58	\$88.16
Toll Free Operator Assisted Transactions	1	\$1.25	\$1.25
Toll Free IVR Transactions	9	\$1.25	\$11.25
Support, Maintenance, Hosting - Fee	1	\$100.00	\$100.00

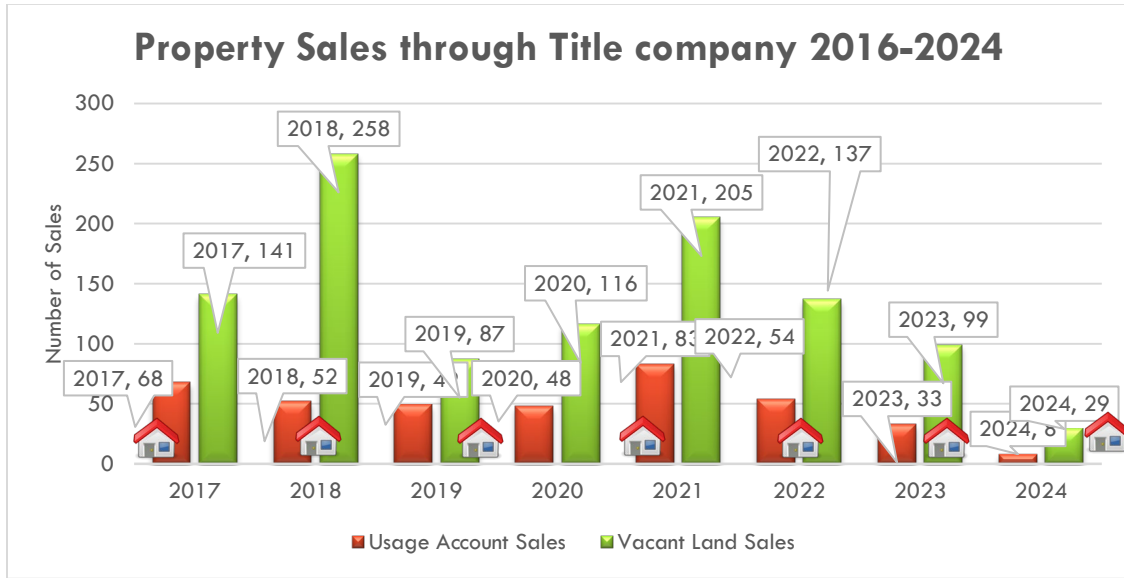
Town of Crestone Sewer 2024

Town of Crestone Sewer Billing - 2024

Date	Monthly Total	Monthly Flow	Flow Charges	Average Daily BOD	Monthly BOD	BOD Charges	Paid	Balance Due
January	418,898	3,309,294.20	\$ 3,309.29	37	1221	\$ 1,210.01	Check #13917	02/28/2024- \$4,519.31
February	379,458	2,997,718.20	\$2,997.72	38	1140	\$1,129.74	Paid online	03/31/2024- \$4,127.46
March	351,472	2,776,628.80	\$2,776.63	72	2016	\$1997.86	Check #14046	04/30/2024- \$4,774.48
April	384,310	3,036,049.00	\$3,036.05	33	1099	\$1,089.11	Check #14104	5/31/2024- \$4125.16
May	413,178	3,264,106.20	\$3,264.11	34	1020	\$1,010.82	Check # 14104	4,274.93- 06/30/2024
June								
July								
August								
September								
October								
November								
December								
2024 Totals	1,947,316		\$15,383.80	214	6496	\$6,437.54		

New Rate 10/2022
Rate per 1,000 Gallons of Flow: \$7.900 / 1,000
gallons
Rate per Pound of BOD: \$0.991 /
pounds BOD

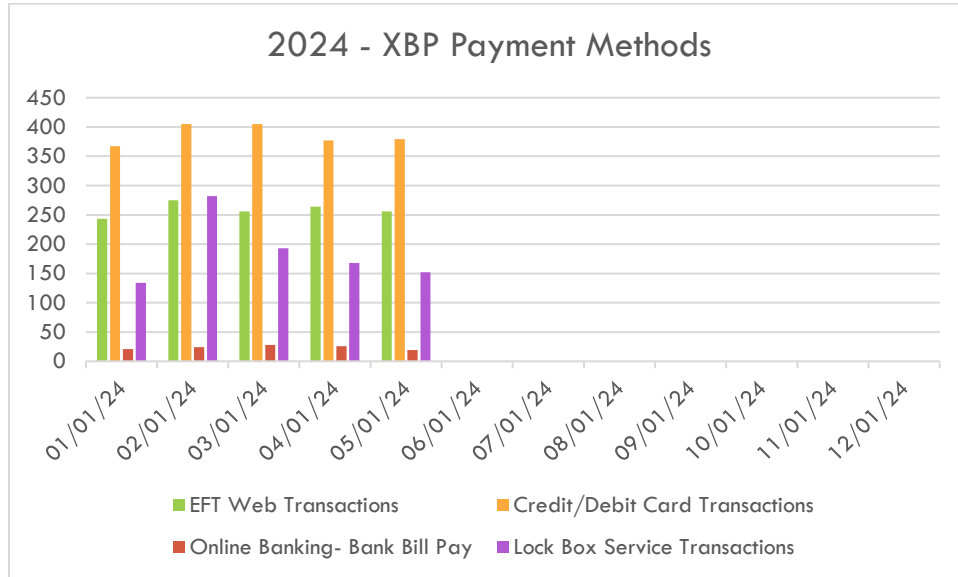
May - 2024- Property Sales: 2- Homes, 10- Lots



May - 2024 – Other Sales Statistic Including Name Changes Only

Type	Vacant Lot	House	Total Charges
Quit Claim Deed	5	1	\$350.00
Warranty Deed	5	0	1,750.00
Treasurer's Deed	3	0	\$1,050.00
Bargain & Sale Deed	1	0	\$350.00
			Total: \$3,500.00

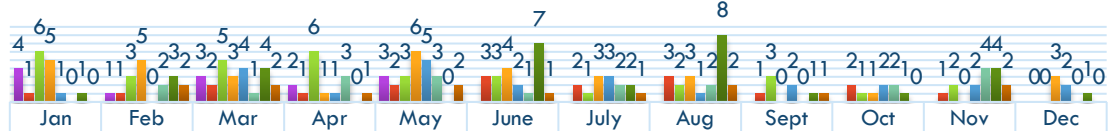
2024 - Xpress Bill Pay Customers Transactions Activity



2024 - Water and Sewer Hook up Applications

3 - Application (s) received in May. – 13 Total application (s) received in 2024

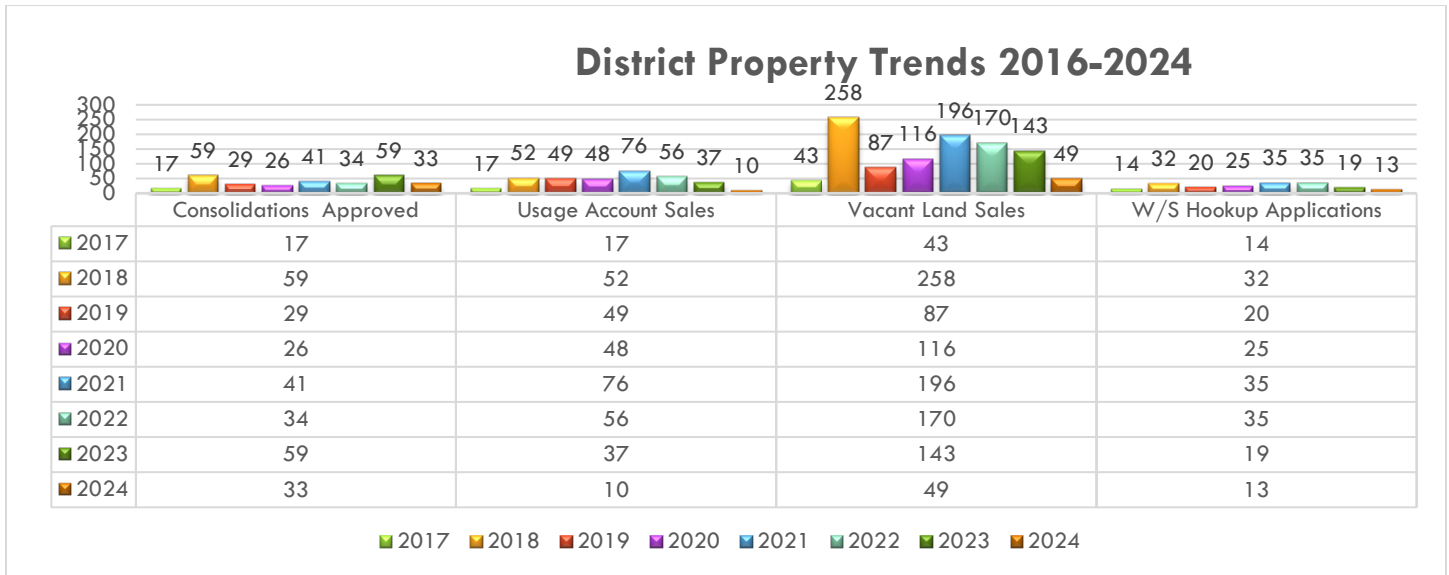
Water-Sewer Hookups 2016-2024



	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2024 = 13 applications	4	1	3	2	3							
2023=19 applications	1	1	2	1	2	3	2	3	1	2	1	0
2022=35 applications	6	3	5	6	3	3	1	2	3	1	2	0
2021=35 applications	5	5	3	1	6	4	3	3	0	1	0	3
2020=25 applications	1	0	4	1	5	2	3	1	2	2	2	2
2019 = 20 applications	0	2	1	3	3	1	2	2	0	2	4	0
2018= 32 applications	1	3	4	0	0	7	2	8	1	1	4	1
2017= 14 applications	0	2	2	1	2	1	1	2	1	0	2	0

■ 2024 = 13 applications
 ■ 2023=19 applications
 ■ 2022=35 applications
 ■ 2021=35 applications
■ 2020=25 applications
 ■ 2019 = 20 applications
 ■ 2018= 32 applications
 ■ 2017= 14 applications

2016-2024 PROPERTY TRENDS



ADMINISTRATIVE UPDATES:

- **Consolidations:**
 - Received multiple resolutions from the SC County and new requests for subdivision and consolidations.
 - In 2024, 13 consolidations completed, involving a total of 33 lots.
- **Personnel:**
 - Johann McKee -1 Year work anniversary review completed.
 - Onboarding completed for new operations team member, Tate Chad.
 - Training is ongoing, utility Billing, final bills, customer’s inquiries, and meter installation.
 - Onboarding completed for a new operations team member Mark Bindner
- **Office phones outage:**
 - Phone system was down on June 6, worked with WSB to troubleshoot and restore it.
- **SDA Annual Conference :**
 - Registration will open in early July, a three-day event planned in Keystone, September 10-12!
- **Delinquent water shut off’s:**
 - No delinquent water shut off in the month of June.
- **Upcoming Certification of delinquent accounts**
 - First Precertification draft is in progress.
- **AOS Billing Due date – June 30th, 2024.**
- **Website verification project:**
 - Website tap status and AOS verification project in progress.
 - Admin staff working to ensure website information remains accurate and up-to-date.
 - Customers advised to contact the office to verify website information.

BACA GRANDE WATER AND SANITATION DISTRICT



Summer / 2024 / ISSUE 3

A QUASI MUNICIPAL
CORPORATION
AND POLITICAL
SUBDIVISION OF
THE STATE OF
COLORADO



Welcome

Welcome to the June edition of the Baca Grande Water & Sanitation District Newsletter! We're excited to bring you updates on important developments, upcoming events, and tips to help you make the most of our services.



IN THIS ISSUE

NEW HOURS!

We have new office hours
Mon-Thurs 8:00-5:30PM
Closed Friday

BGWSW WASTEWATER
TREATMENT HISTORY

OPERATIONS PROJECTS
& DISTRICT CAPITAL
IMPROVEMENTS

GRANTS &
OPPORTUNITIES FOR
THE DISTRICT!

New Office Hours

Dear Customers, we would like to inform you of our new office hours which will be effective as of June 17, 2024. The office will now be closed on Fridays, and in order to better serve our customers, office hours will be extended Monday through Thursday.

Your feedback is very valuable to us, and we encourage you to share any comments, questions, or concerns by calling us at 719-256-4310 or emailing us at info@bacawater.com.

NEW OFFICE HOURS: Monday through Thursday, from 8:00 a.m. to 5:30 p.m. The office will be closed on Friday, Saturday, and Sunday, and for lunch between 12:00 p.m. and 1:00 p.m. Effective as of June 17th, 2024.

Emergency Contact: For after-hours emergencies, you can reach us at 719-256-4310. An operator will be on-call to respond promptly to any emergencies.

Bill Payments Options after Business Hours:

- **Pay Online with Xpress Bill Pay:** Our online bill payment option saves you time and gives you more flexibility in how you pay your bill. If you have an Internet connection and an e-mail address, you can now pay your bill online. It's fast, it's easy, and you no longer have to write a check each month or find a stamp when it's time to send in your payment.
- **Overnight Payment Box:** You can drop off your payment at the office anytime. There is a drive-up payment box in the parking lot at the District office located at 57 Baca Grant Way S, Chalet I.
- **By Phone:** You can also pay by phone with either a credit/debit card or E-check. Just call our Interactive Voice Response Line 24hrs a day, 7 days a week at 888-504-0548.

Conservation Corner

Water conservation is essential, especially in our arid region. As we head into the warmer months, consider implementing water-saving practices such as fixing leaks, using drought-resistant landscaping, and being mindful of your water consumption.

Billing and Customer Service

For your convenience, we offer various payment options and online account access. If you have any billing inquiries or need assistance, our customer service team is here to help. Reach out to us at info@bacawater.com or call our office at 719-256-4310.

Check our [website](#) for updated news.

Monthly BOD Meetings

We value your input! Join us for our Board of Directors community meetings to discuss current and future projects, share your thoughts, and learn more about the district's initiatives. Your participation is crucial in shaping the future of our water and sanitation services.

Regular meetings of the BGWSD Board of Directors are typically held on the third Wednesday of each month at 9:00 AM, via Zoom Only. All meetings are open to the public.

Agendas are available on www.bacawater.com website 24 hours prior to each meeting. If you wish to be included on the monthly Board Meeting Agenda email distribution list, please send a request to info@bacawater.com. In case of a water or sewer emergency, please call 719-256-4310.

Projects and Capital Improvements

The District is currently installing two distribution system meters to help us identify the areas with the highest water loss. This project was made possible by a grant from Saguache County.

The District will be conducting several annual summer projects throughout the District including: fire hydrant maintenance, gate valve maintenance, cleaning and inspection of the sewer collection system and other various excavation projects. For more information please contact the District.

Wastewater Treatment a Brief History

Written by Gary Potter

The District's wastewater treatment began in 1971 with the construction of two facilities, Wastewater Treatment Plant #1 and #2. Plant #1, located near Casita Park, served the Mobile Home Estates Subdivision, while Plant #2, at the current District office site, served the Chalet 1 area. In 1974, Plant #3 was built to serve Chalet 2, but remained unused for years due to a lack of houses.

In the early 1980s, the District expanded its infrastructure, replacing Plants #1 and #2 with lagoon systems and adding two more: the Stables Lagoon and the Cottonwood Lagoon. By this time, the District had five small treatment systems, which operated until 2004.

In the early 2000s, the District centralized its treatment systems into the Aspen Institute Wastewater Treatment Facility (AIWWTF), completed in 2004. An agreement in 2002 with the Town of Crestone led to the treatment of the town's wastewater at AIWWTF. In 2013, the Mobile Home Estates Lagoon was replaced with a pump station transporting wastewater to AIWWTF. Since then, AIWWTF has served the Baca Chalets 1, 2, and 3, Mobile Home Estates, and Crestone.

Currently, AIWWTF faces challenges such as new regulatory limits, capacity issues, aging infrastructure, and safety concerns. The District is exploring options to build a new facility or upgrade the existing one, considering the financial impacts on constituents. Efforts are focused on securing funding and making informed, transparent decisions for the community's wastewater treatment future.

To read the full article please click on the link below:

<https://bacawater.specialdistrict.org/bgwsd-wastewater-treatment-a-brief-history>

The Importance of Proper Flushing

Flushing inappropriate items can cause blockages and sewer backups.

Despite being labeled "flushable," wipes can still clog pipes and jam pumps.

Only flush human waste and toilet paper. Dispose of other items like feminine hygiene products, cotton swabs, dental floss, and paper towels in the trash.

Remember, the toilet is not a trash can.

Employment Opportunities

Baca Grande Water and Sanitation District is accepting applications to fill 2 fulltime seasonal positions for a Utility Maintenance Worker.

This position is limited to 480 hours or approximately 12 weeks at 40 hours per week.

Pay is \$18.00 per hour.

Applications can also be picked up at 57 Baca Grant Way S, Crestone, CO 81131 or downloaded here:

[Job Application.pdf](#)

Submit a completed application to:
HR@bacawater.com



GRANTS & OPPORTUNITIES FOR THE DISTRICT!

Colorado Department of Public Health and Environment Drinking Water Revolving Fund

- This design and engineering grant was applied for in 2023, and will provide funding for the engineering of a back-up water source by connecting Mobile Home Estates Well to the larger water system that feeds the Chalets. The grant was recently approved in May 2024, and is structured as a principal forgiveness loan agreement. The grant will cover up to 80 percent of the project cost.

United States Department of Agriculture

- The grant was intended to be used for the construction of a new wastewater treatment facility.

Community Project Funding – Office of Lauren Boebert

- This grant was applied for in 2024 and will be used to help with water loss prevention. This funding request was approved by Lauren Boebert’s office, and they will now request federal funds.

Bureau of Reclamation

- WaterSMART: Water and Energy Efficiency Grants
This grant was applied for in 2024, and will be used to replace old and inaccurate residential water meters throughout the District.

Help Us Help You! Keep in Touch

- Please give the district office at least 48 hours’ notice of any turn ON/OFF non-emergency requests.
- If you rent or lease your home, please provide the District with a [Tenant form](#), which can be found on the District website.

EMERGENCIES!

- If you have a water or sewer emergency always call the district’s main office number at **719-256-4310** and an Operator will be dispatched to help you. Calls received outside normal working hours will be answered by the district’s answering service.

FAQ’s

- How do I change mailing address?
You can email the new address to office@bacawater.com

You can also write a note to us at: PO Box 520, Crestone, CO 81131 or give us a call at 719-256-4310.

- When is a due date for water and sewer bill? Monthly water and sewer fees are due on the last day of the month. A late fee will be assessed on the 15th of the following month if payment is not received.
- What are the minimum fees for water and sewer?
 - * Water is \$48.13 per month for 4,000 gallons
 - * Sewer is \$40.73 per month
 - Minimum fees apply regardless of connected services being on or off..
- Is my water safe to drink?
Yes! The water that you receive from the Baca Grande Water & Sanitation District is very safe to drink. Our certified operators constantly monitor and test your drinking water. For additional information check our water quality reports at bacawater.com

Meet BGWSD Team	
Board of Directors	District Staff
Vivia Lawson President	Diego Martinez District Manager
Rick Hart Vice President	Gary Potter Director of Utilities
Mike Smith Treasurer	Natalie DeBon Administrative Services Manager
David Karas Secretary	Johann McKee Administrative Assistant
John Loll Director	Greg Hess Administrative Utility Assistant
	Tim Allen Utility Maintenance Operator
	Bryan Howard Utility Maintenance Operator
	Mark Elliott Utility Maintenance Operator
	Cooper Goodhart Utility Maintenance Operator
	Chad Tate Utility Maintenance Operator



Baca Grande Water and Sanitation District

P.O. Box 520 | 57 Baca Grant Way S.
Crestone, CO 81131-0520

OFFICE HOURS

Monday – Thursday

8:00 AM – 5:30 PM

CLOSED FOR LUNCH 12:00 PM – 1:00 PM

**IN CASE OF A WATER/SEWER
EMERGENCY**

PLEASE CALL 719-256-4310

After Hours Drop Box located outside of fence to the left of the door. To make a payment by phone, please call the 24/7 IVR line at 888-504-0548.

Baca Grande Water and Sanitation District
Monthly Operations Report

June 26th, 2024



New Fence at S. Crestone Tank



New Meter Vault Being Installed

Facilities and Staff 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

- **Shumei Booster Pump #1**
 - Pump was repaired by operations staff and put back into service.
- **New Operation Truck**
 - Has been picked up and integrated into our fleet
- **Accidents**
 - Happy to report no accidents in May!!

Operations Updates

➤ Aspen Wastewater Treatment Plant

- Application for the New Discharge permit has been submitted.
- Duplicate influent BOD samples result for Colorado Analytical Labs are generally less than 10% different from in-house sample results with a few outliers.

➤ Annual Reports

- Biosolids Report-Complete
- Nutrients Report-Complete
- Consumer Confidence-Completed
- Backflow Prevention Report- Completed

➤ Water and Wastewater Meter Calibration

- We worked with a technician from Ted Miller and associated to calibrate the District large flow meters including:
 - all water transfer station meters
 - Influent and Effluent Meters at Aspen Wastewater Treatment Plant
 - Flow meter for the Town of Crestone

➤ Fence for S. Crestone Tank

- Construction is finally underway and is nearing completion
- After the fence is complete Operations staff is planning to pressure wash and paint the exterior of the tank

➤ Personnel

- Happy to report operations is fully staffed for full time team members and we have hire one summer temporary position

➤ Projects

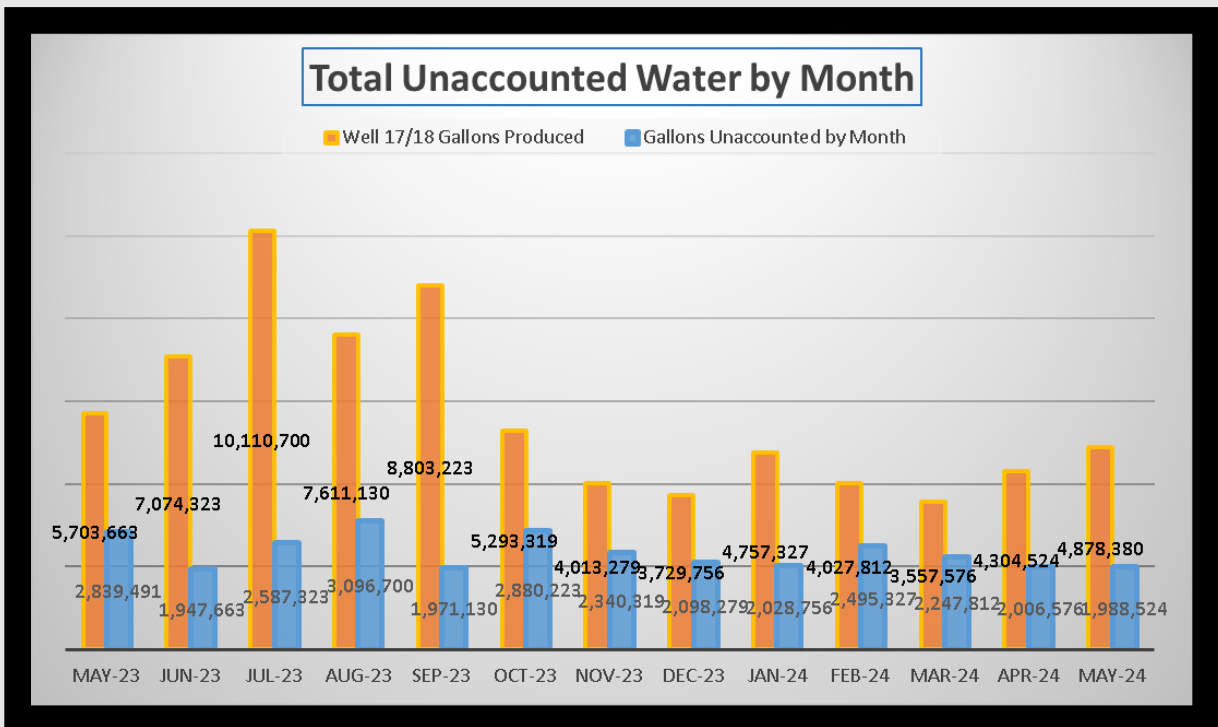
- Distribution system meter vaults have been installed. Waiting on meter to arrive to finish the project
- Summer annual maintenance projects are under Way
 - Valve Maintenance- In process
 - Collection System Cleaning- In Process
 - Collection System Inspections-In-Process
 - Fire Hydrant Maintenance- In Process
 - Dig List (various projects that require excavation)- In Process
 - Backflow device testing- In Process

➤ **Unaccounted Water**

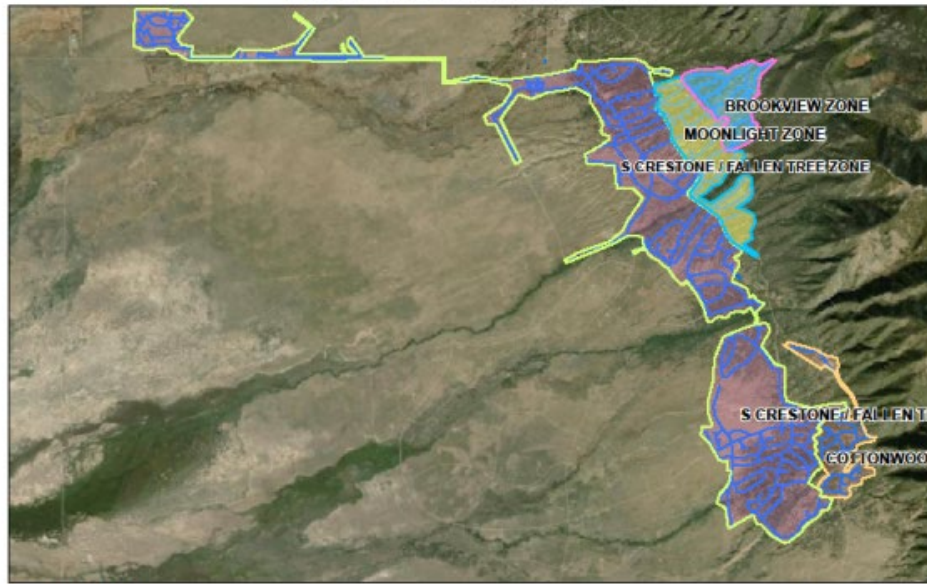
- Wells 17 and 18 produced 4,878,380 gallons of water in the month of May
- The District sold its customers 2,816,000 gallons of water in the month of May, leaving 2,062,380 gallons unaccounted for.
- 42% of the water produced is unaccounted for in the month of May.

➤ **Aspen WWTP and Town of Crestone Loading**

- Aspen WWTP averaged 48% of hydraulic loading capacity in the month of May, the Town of Crestone contributed and average of 19% of the treatment plants hydraulic load.
- Aspen WWTP averaged 59% of organic loading capacity in the month of May. The Town of Crestone contributed an average of 23% of the treatment plants organic load.



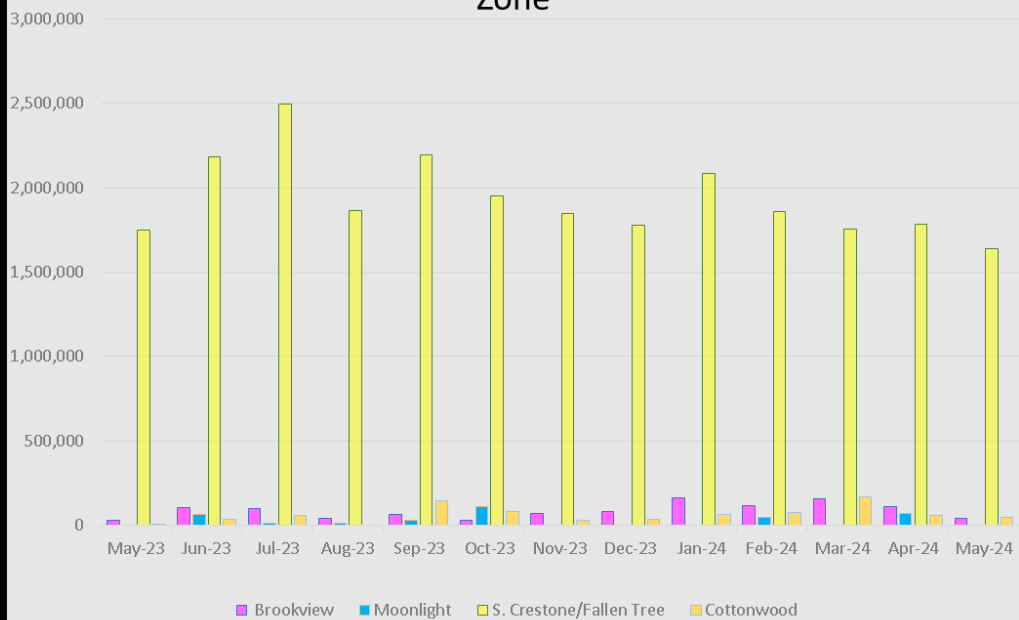
BGWSD Unaccounted Water Zone's



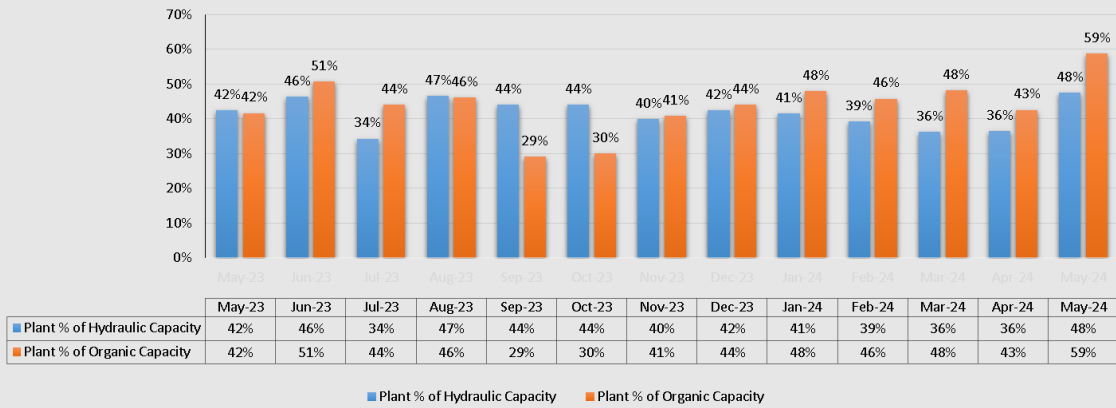
12/10/2020, 3:43:14 PM

1:72,224
0 0.5 1 2 mi
0 0.75 1.5 3 km
Earthstar Geographics
Base Oracle Water and Distribution
Earthstar Geographics

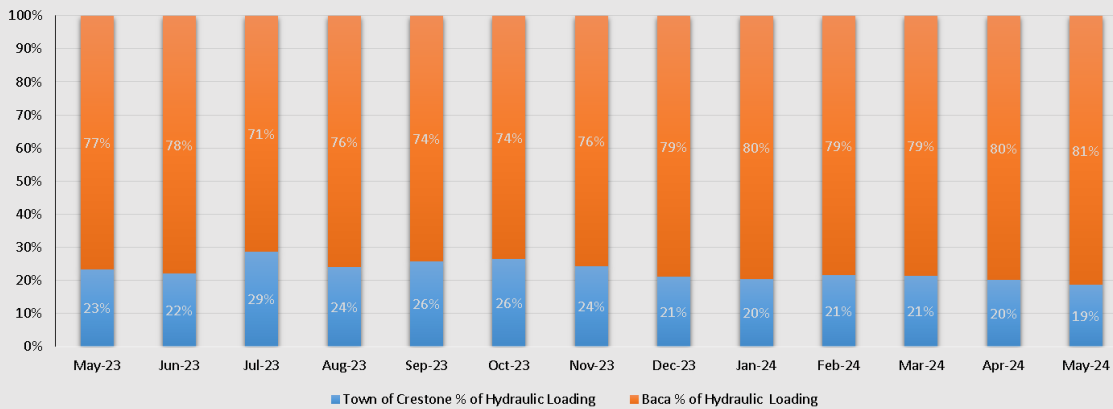
Total Monthly Unaccounted in Gallons by Pressure Zone



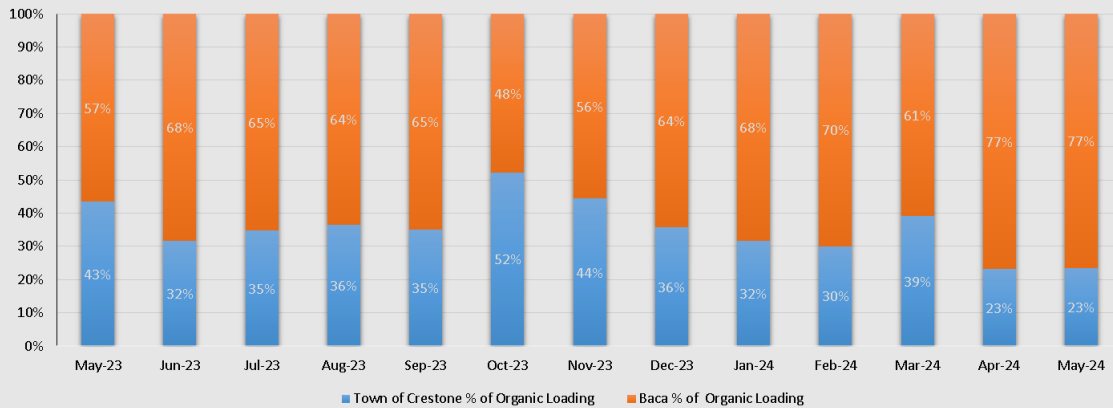
Percentage of Plant Capacities by Month at Aspen Wastewater Treatment Plant



Average % of Total Hydraulic Loading of Aspen Wastewater Treatment Plant by Month 2022-2023



Average % of Total Organic Loading of Aspen Wastewater Treatment Plant by Month of 2022-2023



STATE OF COLORADO)
)
 SAGUACHE COUNTY)
)
 BACA GRANDE WATER AND)
 SANITATION DISTRICT,) ss.
 ACTING BY AND THROUGH)
 ITS WATER AND SEWER)
 ACTIVITY ENTERPRISE)

I, the Secretary of the Baca Grande Water and Sanitation District, Saguache County, Colorado, do hereby certify that:

(a) the Board of Directors (the “Board”) of the Baca Grande Water and Sanitation District, acting by and through its Water and Sewer Activity Enterprise, Saguache County, Colorado (as so acting, the “District”), met in regular session, pursuant to due notice and call within the boundaries of the District, on June 26, 2024;

(b) notice of such meeting, in the form attached hereto as Exhibit A, was made in accordance with C.R.S. § 32-1-903(2)(a) and C.R.S. § 24-6-402(c) by posting notice of the meeting on the District’s website, www.bacawater.com, and at the District’s office located at 57 Baca Grant Way S., Crestone Colorado 81131;

(c) attached hereto as Exhibit B is a true and correct copy of a resolution (the “Resolution”) adopted by the Board of Directors (the “Board”) at the regular meeting held on June 26, 2024;

(d) upon roll call, the members of the Board not marked absent, below, were present, constituting a quorum, and the Resolution was duly introduced, moved, seconded and adopted at such meeting by the affirmative vote of a majority of the members of the Board as follows:

Board Member	Yes	No	Absent	Abstaining
Vivia Lawson	_____	_____	_____	_____
Rick Hart	_____	_____	_____	_____
Mike Smith	_____	_____	_____	_____
David Karas	_____	_____	_____	_____
John Loll	_____	_____	_____	_____

(e) the Resolution was duly approved by the Board, signed by the President of the District, sealed with the District’s seal, attested by the Secretary of the District and recorded in the minutes of the Board; and

(f) the meeting at which the Resolution was adopted was noticed, and all proceedings relating to the adoption of the Resolution were conducted in accordance with all applicable bylaws, rules, regulations and resolutions of the District, in accordance with the normal procedures of the

District relating to such matters, and in accordance with applicable constitutional provisions and statutes of the State of Colorado;

WITNESS my hand and the seal of the District this ____ day of _____, 2024.

[SEAL]

By _____
David Karas, Secretary of the District

EXHIBIT A

[Attach a copy of the Notice of Meeting, as posted]

EXHIBIT B

RESOLUTION NO. _____

A RESOLUTION OF BACA GRANDE WATER AND SANITATION DISTRICT, ACTING BY AND THROUGH ITS WATER AND SEWER ACTIVITY ENTERPRISE, APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO THE DISTRICT, ACTING BY AND THROUGH THE WATER AND SEWER ACTIVITY ENTERPRISE, FOR THE PURPOSE OF FUNDING THE DESIGN AND ENGINEERING COSTS OF CERTAIN IMPROVEMENTS TO THE SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF A LOAN AGREEMENT AND GOVERNMENTAL BOND EVIDENCING SUCH LOAN; PROVIDING FOR PAYMENT OF THE GOVERNMENTAL AGENCY BOND FROM REVENUES OF THE WATER AND SEWER ACTIVITY ENTERPRISE AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, Baca Grande Water and Sanitation District, Saguache County, Colorado, is a quasi-municipal corporation duly organized and existing as a water and sanitation district under the constitution and laws of the State of Colorado, including particularly Title 32, Article 1 of the Colorado Revised Statutes (“C.R.S.”), and is operating hereunder by and through its Water and Sewer Activity Enterprise under §37-45.1-101 et seq., C.R.S. (as so operating, the “District”); and

WHEREAS, the District is authorized by Title 32, Article 1, Parts 1 and 10, C.R.S., to supply water for domestic and other public and private purposes by any available means and provide all necessary or proper reservoirs, treatment works and facilities, equipment, and appurtenances incident thereto, and to provide for storm or sanitary sewers, or both, flood and surface drainage, treatment and disposal works and facilities, and all necessary or proper equipment and appurtenances incident thereto; and to fix and from time to time to increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District; and

WHEREAS, the District has heretofore determined and undertaken to acquire and develop certain properties and facilities for the diversion, storage, carriage, delivery, distribution, collection, treatment, use, reuse, augmentation, exchange or discharge of water or wastewater, which constitute a “water activity enterprise” within the meaning of §37-45.1-102(4), C.R.S. (collectively, as defined herein, the “System”); and

WHEREAS, the District is authorized by §32-1-1101(1)(d), C.R.S., and §37-45.1-104, C.R.S., to issue revenue obligations authorized by action of the Board of Directors acting as the governing body of its Water and Sewer Activity Enterprise (the “Board”), such obligations to be issued in the manner provided in Part 4 of Article 35 of Title 31, C.R.S.; and

WHEREAS, the District operates its System as a “water activity enterprise” pursuant to the provisions of Title 37, Article 45.1, C.R.S.; in addition, the System is a government-owned business authorized to issue its own revenue bonds and receiving under 10% of annual revenue in Grants, as defined in 37-45.1-102(2), C.R.S., from all Colorado state and local governments

combined, and it is hereby determined that the System is an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution; and

WHEREAS, the Board has heretofore determined and does hereby determine that it is necessary for the District and its residents and ratepayers to rehabilitate an existing booster pump station with the installation of new pumps, rehabilitate the water treatment system, and rehabilitate a water storage tank (collectively, as further defined in the 2024 CWRPDA Loan Agreement, the “Project”); and

WHEREAS, the Board has determined that the need for the Project requires the Board to obtain financing for the Project; and

WHEREAS, the Colorado Water Resources and Power Development Authority (the “Authority”) has made certain loan funds in its Drinking Water Revolving Fund available to the District, as further set forth in the 2024 CWRPDA Loan Agreement; and

WHEREAS, after extended discussions and consultation, the Board has determined and hereby determines that it is in the best interests of the District and its residents and ratepayers that the Project should be financed by the execution and delivery of a Loan Agreement (the “2024 CWRPDA Loan Agreement”) between the District and the Authority, and the issuance of a Governmental Agency Bond to the Authority pursuant the 2024 CWRPDA Loan Agreement (the “2024 CWRPDA Bond” and, collectively with the 2024 CWRPDA Loan Agreement, the “2024 CWRPDA Financing Documents”) evidencing the loan (the “2024 CWRPDA Loan”) made pursuant to the respective 2024 CWRPDA Loan Agreement; and

WHEREAS, none of the members of the Board have any potential conflicting interests in connection with the authorization, execution and delivery of the 2024 CWRPDA Loan Agreement, the authorization, execution and issuance of the 2024 CWRPDA Bond, or the use of the proceeds of the 2024 CWRPDA Loan; and

WHEREAS, the 2024 CWRPDA Bond is exempt from registration under the “Colorado Municipal Bond Supervision Act” by virtue of the exemption provided in §11-59-110(1)(j), C.R.S., and the appropriate filing has been made under §11-59-110(2), C.R.S., in order to make such exemption applicable; and

WHEREAS, the Board desires to authorize the execution and delivery of the 2024 CWRPDA Loan Agreement, the execution and issuance of the 2024 CWRPDA Bond and the approval, execution and delivery of any other documents necessary and appropriate to effectuate the transaction described in this Resolution;

THEREFORE, be it resolved by the Board of Directors of the Baca Grande Water and Sanitation District, Saguache County, Colorado, acting as the governing body of the District’s Water and Sewer Activity Enterprise:

Section 1. Definitions. As used herein, the following capitalized terms shall have the respective meanings set forth below, unless the context indicates otherwise.

“*Authority*” means the Colorado Water Resources and Power Development Authority and any successor thereto.

“*Board*” means the Board of Directors of the District, acting as the governing body of the Water and Sewer Activity Enterprise of the District.

“*C.R.S.*” means the Colorado Revised Statutes, as amended and supplemented as of the date hereof.

“*Dated Date*” means, with respect to the 2024 CWRPDA Bond, the original dated date as set forth therein.

“*District*” means the Baca Grande Water and Sanitation District, Saguache County, Colorado, acting by and through its Water and Sewer Activity Enterprise.

“*Project*” is defined in the 2024 CWRPDA Loan Agreement.

“*Resolution*” means this Resolution, including any amendments properly made hereto.

“*2024 CWRPDA Bond*” is defined in the recitals hereto.

“*2024 CWRPDA Financing Documents*” means, collectively, the 2024 CWRPDA Bond and the 2024 CWRPDA Loan Agreement.

“*2024 CWRPDA Loan Agreement*” is defined in the recitals hereto.

“*Water and Wastewater Enterprise Fund*” means, collectively, the funds of the District designated as the “Water Enterprise Fund” and the “Wastewater Enterprise Fund,” previously established by the District and reaffirmed by the provisions hereof.

Section 2. Authorization. In accordance with the Constitution of the State of Colorado, Title 31, Article 35, C.R.S., Title 32, Article 1, C.R.S.; Title 37, Article 45.1, C.R.S., Title 11, Article 57, Part 2, C.R.S., and all other laws of the State of Colorado thereunto enabling, the 2024 CWRPDA Bond shall be issued by the District pursuant to and under the provisions of the 2024 CWRPDA Loan Agreement for the purpose of financing the Project. The 2024 CWRPDA Loan Agreement, setting forth *inter alia* the terms, conditions and details of the 2024 CWRPDA Bond and the procedures relating thereto, is incorporated herein by reference and is hereby approved; the Chairman of the Board and President of the District, the Secretary of the Board and all other appropriate officers of the District are hereby authorized and directed to execute and deliver the 2024 CWRPDA Loan Agreement and execute, issue and deliver the 2024 CWRPDA Bond, in substantially the respective forms made available to the Board, with such changes as are permitted by Section 6 hereof and such other changes, not inconsistent herewith, as are approved by the persons executing the same (whose signatures thereon shall constitute conclusive evidence of such approval); and the District is hereby authorized and directed to perform its obligations under the 2024 CWRPDA Loan Agreement and 2024 CWRPDA Bond. The accomplishment of the Project is hereby authorized, approved, and ordered and it is hereby determined that the maturity of the 2024 CWRPDA Bond does not exceed the estimated life of the Project.

The 2024 CWRPDA Bond shall recite that it is issued under the authority of and in full conformity with the Constitution and laws of the State of Colorado, including without limitation, Article X, Section 20 of the Constitution, Title 31, Article 35, Part 4, C.R.S., Title 37, Article 45.1, C.R.S.; and certain provisions of Title 11, Article 57, Part 2, C.R.S. Pursuant to §11-57-210, C.R.S., such recital shall be conclusive evidence of the validity and regularity of the issuance of the 2024 CWRPDA Bond after its delivery for value. Pursuant to §31-35-413, C.R.S., such recital shall conclusively impart full compliance with all the provisions of such part, and each the 2024 CWRPDA Bond shall be incontestable for any cause whatsoever after its delivery for value.

Section 3. No Debt. Neither the 2024 CWRPDA Bond nor the 2024 CWRPDA Loan Agreement shall constitute a debt or an indebtedness of the District within the meaning of any constitutional or statutory provision or limitation; nor shall they be considered or held to be general obligations of the District.

Section 4. Water and Wastewater Enterprise Fund. There is hereby reaffirmed the Water and Wastewater Enterprise Fund, which shall be maintained by the District in accordance with the provisions of this Resolution.

Section 5. Maintenance of Water and Sewer Activity Enterprise. The District hereby further irrevocably covenants and agrees with the Authority that so long as the 2024 CWRPDA Bond remains outstanding, the District has established and covenants to continue to maintain the System as an “enterprise” within the meaning of Article X, Section 20 of the Colorado Constitution, and as a “water activity enterprise” within the meaning of Title 37, Article 45.1, C.R.S.; provided, however, after calendar year 2024, the District may disqualify the System as an “enterprise” in any year in which said disqualification does not materially adversely affect the enforceability of the covenants made by the District in the 2024 CWRPDA Financing Documents. In the event that the System is disqualified as an enterprise and the enforceability of the covenants made by the District in the 2024 CWRPDA Financing Documents are materially adversely affected, the District covenants to immediately take all actions necessary to (i) qualify the System as an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution and (ii) permit the enforcement of the covenants made in the 2024 CWRPDA Financing Documents.

Section 6. Delegation and Parameters.

(a) The Board hereby delegates to the District Manager the authority to determine and cause to be set forth in the 2024 CWRPDA Loan Agreement and the CWRPDA Bond the matters set forth in subsection (b) of this Section, subject to the applicable parameters set forth in subsection (c) of this Section.

(b) The 2024 CWRPDA Loan Agreement shall set forth the following matters, but each such matter must fall within the applicable parameters set forth in subsection (c) of this Section:

(i) the date on which the 2024 CWRPDA Bond will be issued;

(ii) the Dated Date of the 2024 CWRPDA Bond, if different from the date on which the 2024 CWRPDA Bond is issued;

(iii) the aggregate principal amount of the 2024 CWRPDA Bond; and

(c) The authority delegated to the District Manager by this Section shall be subject to the following parameters:

(i) in no event shall the District Manager be authorized to execute the 2024 CWRPDA Loan Agreement or the 2024 CWRPDA Bond after the date that is one year after the date of adoption of this Resolution and in no event may any such 2024 CWRPDA Loan Agreement be executed or any such 2024 CWRPDA Bond issued after such date, absent further authorization by the Board; and

(ii) the aggregate principal amount of the 2024 CWRPDA Bond shall not exceed \$108,370.00.

Section 7. Authorization to Execute Documents. The President and Secretary of the District, the District Manager, and any other duly authorized officer of the District, shall, and they are hereby authorized and directed to, take all actions necessary or desirable to effectuate the provisions of this Resolution, including, but not limited to, the execution of an such certificates and other documents as may be reasonably required by the Authority or as are necessary and appropriate to effectuate the transactions described in this Resolution. The execution by the President or Secretary of the District, the District Manager or any other duly authorized officer of the District of any document authorized herein shall be conclusive proof of the approval by the District of the terms thereof.

Section 8. Costs and Expenses. All costs and expenses incurred in connection with the issuance and payment of the 2024 CWRPDA Bond shall be paid as provided in the 2024 CWRPDA Loan Agreement, and such moneys are hereby appropriated for that purpose.

Section 9. Application of Title 11, Article 57, Part 2, C.R.S. Pursuant to Section 11-57-204, C.R.S., the District hereby elects to apply all of the provisions of Title 11, Article 57, Part 2, C.R.S., to the issuance of the 2024 CWRPDA Bond.

Section 10. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers and agents of the District and the members of the Board, not inconsistent with the provisions of this Resolution, relating to the authorization, execution and delivery of the 2024 CWRPDA Loan Agreement and the authorization, sale, issuance, and delivery of the 2024 CWRPDA Bond are hereby ratified, approved, and confirmed.

Section 11. Resolution Irrepealable; Amendments. After the 2024 CWRPDA Bond has been issued, this Resolution shall constitute a contract between the Authority and the District with respect to such 2024 CWRPDA Bond, and shall be and remain irrepealable until such 2024 CWRPDA Bond and any interest accruing thereon shall have been fully paid, satisfied, and discharged, as herein provided. This Resolution shall not be amended without the prior written consent of the Authority.

Section 12. Repealer. All orders, bylaws, and resolutions of the District, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed to the extent only of such inconsistency or conflict.

Section 13. Severability. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

Section 14. Effective Date. This Resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this _____ day of _____, 2024.

[SEAL]

By _____
Vivia Lawson, President

Attested:

By _____
David Karas, Secretary

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

WHEN: Wednesday, June 26, 2024

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
Rick Hart	Vice-President	2025/May 2025
Mike Smith	Treasurer	2027/May 2027
David Karas	Secretary	2025/May 2027
John Loll	Director	2027/May 2025

****Requires Board Action***

I. CALL TO ORDER

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

II. ***APPROVE AGENDA**

III. ***CONSIDER APPOINTMENT OF OFFICER**

Treasurer - Mike Smith

IV. ***CONSENT AGENDA**

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 May, 2024 Regular Meeting**

b. *** Review and accept unaudited financial statements for the period ending May 30, 2024 and current schedule of cash position (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. FINANCIAL MATTERS

- a. * Review and approve the check register for the period ending June 19, 2024(enclosure)

General	\$ 5,517.26
Capital	\$ 2,360.40
<u>Enterprise</u>	<u>\$ 30,502.84</u>
Total	\$ 38,380.50

VII. BOARD AND STAFF REPORTS

- a. Board of Director Matters
 - b. District Engineer Report (enclosure)
 - USDA Application
 - c. District Manager Report (enclosure)
 - Planning Committee Member
 - Summer BBQ
 - d. Administrative Manager's Report (enclosure)
 - e. Director of Utilities Report (enclosure)
-

VIII. LEGAL MATTERS

- a. *Loan Resolution & Legal Counsel Opinion
 - b. *Technology Accessibility Statement
 - c. *Social Media Policy
-

IX. 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 C.R.S. § 24-6- 402(4) (f), for discussion of personnel matters involving the District Manager position.

X. ADJOURN

****Requires Board Action***

**NEXT REGULAR MEETING IS SCHEDULED FOR
July 17, 2024**

Join Zoom Meeting

<https://us02web.zoom.us/j/87269124750?pwd=ZmZVcTd2Y0UycW0vRmFWNS9wTU5WQT09>

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



LAW OF THE ROCKIES

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: mlock@lawoftherockies.com

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister
Daniel P. Spivey

_____, 2024

VIA ELECTRONIC MAIL

Colorado Water Resources and Power Development Authority
1580 Logan St. Suite #620
Denver, CO 80203
areichel@cwrpda.com

**Re: *OPINION OF GENERAL COUNSEL FOR BACA GRANDE WATER AND
SANITATION DISTRICT, ACTING BY AND THROUGH ITS WATER AND SEWER
ACTIVITY ENTERPRISE***

Dear Ladies and Gentlemen,

We are attorneys admitted to practice in the State of Colorado and we have acted as general counsel, but not bond counsel, to the **BACA GRANDE WATER AND SANITATION DISTRICT (THE "DISTRICT"), ACTING BY AND THROUGH ITS WATER AND SEWER ACTIVITY ENTERPRISE** (the "Governmental Agency"), which has entered into a Loan Agreement (as hereinafter defined) with the **COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY** (the "Authority"), and have acted as such in connection with the authorization, execution, and delivery by the Governmental Agency of the Loan Agreement and its Governmental Agency Bond (as hereinafter defined).

In so acting, we have examined the Constitution and laws of the State of Colorado and the resolutions establishing the Governmental Agency. We have also examined originals, or copies certified or otherwise identified to our satisfaction, of the following:

- a. the Loan Agreement, dated as of _____, 2024 (the "Loan Agreement") by and between the Authority and the Governmental Agency;
- b. the proceedings of the governing body of the Governmental Agency relating to the approval of the Loan Agreement and the execution, issuance and delivery thereof on behalf of the Governmental Agency, and the authorization of the undertaking and completion of the Project (as defined in the Loan Agreement);

- c. the Governmental Agency Bond, dated as of _____, 2024 (the "Governmental Agency Bond") issued by the Governmental Agency to the Authority to evidence the Loan (as defined in the Loan Agreement); and
- d. the proceedings of the governing body of the Governmental Agency relating to the issuance of the Governmental Agency Bond and the execution, issuance, and delivery thereof to the Authority (the Loan Agreement and the Governmental Agency Bond are referred to herein collectively as the "Loan Documents").

We have also examined and relied upon originals, or copies certified or otherwise authenticated to our satisfaction, of such other records, documents, certificates and other instruments, and made such investigation of law as in our judgment we have deemed necessary or appropriate to enable us to render the opinions expressed below.

Based upon the foregoing, we are of the opinion that:

1. The Governmental Agency is a "governmental agency" within the meaning of the Authority's enabling legislation and has been previously established by legislative act of the District pursuant to Title 37, Article 45.1, C.R.S, and is an "Enterprise" within the meaning of Article X, Section 20 of the Colorado Constitution, with the full legal right and authority to execute the Loan Documents.
2. The Governmental Agency has the full legal right and authority to carry on the business of the System (as defined in the Loan Agreement) as currently being conducted and as proposed to be conducted, and to undertake and complete the Project.
3. The proceedings of the Governmental Agency's governing body authorizing the Governmental Agency to undertake and complete the Project were duly and lawfully adopted and approved by resolution on _____, 2024, in accordance with applicable Colorado law, at a meeting duly called pursuant to necessary public notice and held in accordance with applicable Colorado law at which quorums were present and acting throughout and were published in accordance with applicable Colorado law.
4. The proceedings of the Governmental Agency's governing body approving the Loan Documents and authorizing their execution, issuance and delivery on behalf of the Governmental Agency have been duly and lawfully adopted and approved by resolution on _____, 2024, in accordance with applicable Colorado law, at a meeting duly called pursuant to necessary public notice and held in accordance with applicable Colorado law, and at which quorums were present and acting throughout and were published in accordance with applicable Colorado law.
5. To the best of our knowledge, after such investigation as we have deemed appropriate, the authorization, execution and delivery of the Loan Documents by the Governmental Agency, the observation and performance by the Governmental Agency of its duties, covenants, obligations and agreements thereunder and the consummation of the

transactions contemplated therein and the undertaking and completion of the Project do not and will not contravene any existing law or any existing order, injunction, judgment, decree, rule or regulation of any court or governmental or administrative agency, authority or person having jurisdiction over the Governmental Agency or its property or assets or result in a breach or violation of any of the terms and provisions of, or constitute a default under, any existing bond resolution, trust agreement, indenture, mortgage, deed of trust, ordinance, order, or other agreement to which the Governmental Agency is a party or by which it, the System, or its property or assets is bound.

6. To the best of our knowledge, after such investigation as we have deemed appropriate, all approvals, consents or authorizations of, or registrations of or filings with, any governmental or public agency, authority or person required to date on the part of the Governmental Agency in connection with the authorization, execution, delivery and performance of the Loan Documents and the undertaking and completion of the Project, other than licenses and permits relating to the construction and acquisition of the Project, which we expect the Governmental Agency to receive in the ordinary course of business, have been obtained or made.
7. To the best of our knowledge, after such investigation as we have deemed appropriate, there is no litigation or other proceeding pending or threatened in any court or other tribunal of competent jurisdiction (either State or Federal) questioning the creation, organization or existence of the Governmental Agency or of the validity, legality or enforceability of the Loan Documents or the undertaking or completion of the Project, except as disclosed in writing to the Authority, which if adversely determined, could (i) materially adversely affect (a) the financial position of the Governmental Agency, (b) the ability of the Governmental Agency to perform its obligations under the Loan Documents, (c) the security for the Loan Documents, or (d) the transactions contemplated by the Loan Documents; or (ii) impair the ability of the Governmental Agency to maintain and operate the System.

The opinions expressed in this opinion letter are subject to the following:

The obligations of the Governmental Agency pursuant to the Loan Documents are subject to the application of equitable principles, to the reasonable exercise in the future by the State of Colorado and its governmental bodies of the police power inherent in the sovereignty of the State of Colorado, and to the exercise by the United States of America of the powers delegated to it by the Federal Constitution, including without limitation, bankruptcy powers.

No opinion is expressed herein regarding the validity or enforceability of Section 3.05 of the Loan Agreement or any other provision thereof which purports to require the Governmental Agency to indemnify or hold any person harmless.

We are opining only upon those matters set forth herein, and we are not passing upon the accuracy, adequacy, or completeness of any statements made in connection with the Loan Documents. This opinion letter is rendered on the basis of Federal law and the laws of the State

of Colorado as enacted and construed on the date hereof, and we express no opinion as to any matter not set forth in the numbered paragraphs herein. This opinion letter is issued as of the date hereof and we assume no obligation to revise or supplement this opinion letter to reflect any facts or circumstances that may hereafter come to our attention or changes in law that may hereafter occur.

In connection with the execution and delivery of the Loan Documents, we have represented the Governmental Agency which is our sole client in this transaction. Delivery of this letter to you does not establish an attorney-client relationship between you and this firm.

Subject to all of the conditions and limitations (including the final paragraph below) of this opinion letter, which are also applicable to you, we hereby authorize Carlson, Hammond & Paddock, L.L.C., General Counsel to the Authority, to rely on this opinion letter as if we had addressed this opinion to them in addition to you, provided that in no event shall General Counsel to the Authority have any greater rights with respect hereto than the original addressee of this opinion letter on the date hereof.

This opinion letter is furnished to you solely for your information and benefit in connection with the initial execution and delivery of the Loan Documents and may not be relied upon by you for any other purpose or relied upon by any other person (other than the Authority's General Counsel identified above) without the prior written consent of this firm. Your right to rely on this opinion letter is subject to the condition and understanding that (i) any such reliance must be actual and reasonable under the circumstances existing at the time of such reliance, including any circumstances known to or reasonably knowable by you at such time, and (ii) our consent to such reliance shall not constitute a reissuance of the opinions expressed herein or otherwise extend any statute of limitations period applicable hereto on the date hereof. Furthermore, all rights hereunder may be asserted only in a single proceeding by and through the Authority.

Sincerely,

LAW OF THE ROCKIES

By: _____
Marcus J. Lock, its Managing Member

Technology Accessibility Statement

This Technology Accessibility Statement was approved by the Baca Grande Water & Sanitation District (“BGWSD”) board of directors on June 26, 2024.

BGWSD is fully committed to providing accessible facilities, services, digital content, and technologies to all members of the public. As part of this commitment, BGWSD has a policy of providing an accessible website compatible with the Web Content Accessibility Guidelines (WCAG 2.1) level AA criteria and commercial screen reading software. All features of the website are coded to allow individuals with vision and other impairments to understand and use the website to the same degree as someone without disabilities. We welcome feedback and can often resolve issues in a timely manner if they arise.

Accessibility Officer

BGWSD has designated Natalie DeBon as its Accessibility Officer for issues related to website and other technology accessibility. The Accessibility Officer has received training in website and other technology accessibility. The Accessibility Officer can be contacted via the contact form below or at: 719-256-4310 or via email frontdesk@bacawater.com.

Ongoing Compliance

In addition to annual testing with users with a wide range of disabilities and coding our website to WCAG standards, BGWSD regularly scans its website to ensure ongoing compliance, and makes timely changes to any inaccessible content, if it is found.

Linked Documents and Third Parties

Please note that BGWSD’s website may link out to third-party websites, such as state or federal agencies, that do not have accessible content. BGWSD’s website may also include documents provided by third parties (for example, documents included in our agenda packets). While we cannot control the accessibility of content provided by third parties, we are happy to assist any

member of the public with reading and accessing content on our website, so please contact the Accessibility Officer if you need assistance.

Report an Accessibility Issue, Request Accommodations, or Provide Feedback

We are committed to your ability to access BGWSD's website and technology. To provide feedback, request reasonable accommodations or modifications, or to report inaccessible content or any website or technology related accessibility issues, please contact the Accessibility Officer via the contact form below or at: 719-256-4310 or via email frontdesk@bacawater.com, and the Accessibility Officer or designee will strive to respond within 2 business days.

First Name

Last Name

Email address

Phone Number

Page(s) where you experienced accessibility issue

Description of accessibility issue

Submit

An Act

HOUSE BILL 24-1454

BY REPRESENTATIVE(S) Ortiz and Pugliese, Bacon, Bird, Duran, Kipp, Lieder, Parenti, Young;
also SENATOR(S) Lundeen, Bridges, Kirkmeyer, Priola, Roberts.

CONCERNING A ONE-YEAR EXTENSION OF THE DEADLINE FOR PUBLIC AGENCIES TO COMPLY WITH DIGITAL ACCESSIBILITY STANDARDS IF THE PUBLIC AGENCY DEMONSTRATES A GOOD FAITH EFFORT TOWARD COMPLIANCE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly declares that:

(a) It is imperative to recognize the importance of ensuring full accessibility for individuals with disabilities to state and local government digital resources;

(b) The general assembly's commitment to inclusivity and equal access is underscored by establishing a one-year grace period that extends the current deadline for full digital accessibility compliance for state agencies and public entities from July 1, 2024, to July 1, 2025, so that

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

applicable state agencies and public entities may achieve compliance with established accessibility standards, provided that the public entity or state agency has demonstrated good faith efforts toward compliance;

(c) The temporary grace period reflects the general assembly's understanding of the reality of adapting the necessary accessibility standards by state agencies and public entities and bases the grace period on current progress made by each state agency and public entity; and

(d) The one-year grace period is made with the intent to encourage continued diligent progress toward accessibility for all Coloradans with disabilities without imposing immediate penalties on state agencies and public entities.

SECTION 2. In Colorado Revised Statutes, 24-34-802, amend (1)(c) as follows:

24-34-802. Violations - penalties - immunity - repeal.

(1) (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(II) OF THIS SECTION, discrimination pursuant to this section includes the failure of a public entity or state agency, as those terms are defined in section 24-34-301, to fully comply, on or before July 1, 2024, with the accessibility standards for individuals with a disability established by the office of information technology pursuant to section 24-85-103. Liability for noncompliance as to content lies with the public entity or state agency that manages the content. Liability for noncompliance of the platform hosting the content lies with the public entity or state agency that manages the platform.

(II) (A) A PUBLIC ENTITY OR STATE AGENCY IS IMMUNE FROM LIABILITY FOR A VIOLATION OF SUBSECTION (1)(c)(I) OF THIS SECTION UNTIL JULY 1, 2025, IF THE PUBLIC ENTITY OR STATE AGENCY DEMONSTRATES GOOD FAITH EFFORTS TOWARD COMPLIANCE WITH THE ACCESSIBILITY STANDARDS ESTABLISHED PURSUANT TO SECTION 24-85-103 OR, AS NECESSARY, MAKES GOOD FAITH EFFORTS TOWARD RESOLUTION OF A COMPLAINT OF NONCOMPLIANCE. TO BE ELIGIBLE FOR THE IMMUNITY AUTHORIZED PURSUANT TO THIS SUBSECTION (1)(c)(II), BY JULY 1, 2024, A PUBLIC ENTITY'S OR STATE AGENCY'S GOOD FAITH EFFORTS MUST INCLUDE CREATING A PROGRESS-TO-DATE REPORT THAT DEMONSTRATES CONCRETE AND SPECIFIC EFFORTS TOWARD COMPLIANCE ON THE ENTITY'S OR AGENCY'S FRONT-FACING WEB PAGES; UPDATING THE REPORT ON A QUARTERLY BASIS;

AND CREATING A CLEAR, EASY-TO-FIND PROCESS FOR REQUESTING REDRESS FOR INACCESSIBLE DIGITAL PRODUCTS, INCLUDING CONTACT OPTIONS THAT ARE NOT DEPENDENT ON WEB ACCESS OR DIGITAL ACCESSIBILITY AND ARE PROMINENTLY DISPLAYED ON ALL FRONT-FACING WEB PAGES.

(B) IF A CIVIL ACTION IS FILED PURSUANT TO THIS SUBSECTION (1)(c) AND A PUBLIC ENTITY OR STATE AGENCY ALLEGES THAT IT HAS MADE GOOD FAITH EFFORTS PURSUANT TO THIS SUBSECTION (1)(c)(II), THE COURT IN WHICH THE CIVIL ACTION WAS FILED SHALL DETERMINE, BASED ON A PREPONDERANCE OF THE EVIDENCE, WHETHER THE PUBLIC ENTITY OR STATE AGENCY HAS MADE GOOD FAITH EFFORTS, AND, IF THE COURT DETERMINES THAT GOOD FAITH EFFORTS HAVE BEEN MADE, THE COURT SHALL DISMISS THE ACTION WITHOUT PREJUDICE.

(C) THIS SUBSECTION (1)(c)(II) IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

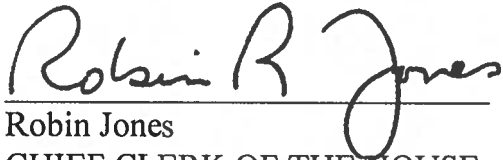
preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Steve Fenberg
PRESIDENT OF
THE SENATE

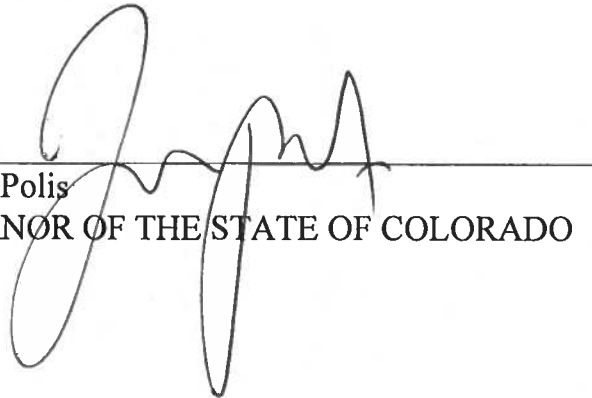


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Friday May 25th 2024 at 5:00 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO