

MINUTES OF THE REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF  
GREEN MOUNTAIN WATER AND SANITATION DISTRICT

April 12, 2022

A Regular Meeting of the Board of Directors (the “Board”) of the Green Mountain Water and Sanitation District, (the “District”) was held at 6:00 p.m. on Tuesday, April 12, 2022.

The audio recording of this meeting is available on the District’s website.

<p>Attendance:</p>	<p>A regular meeting of the District was scheduled in compliance with the laws of the State of Colorado, with the following directors in attendance:</p> <p>Jeff A. Baker, President Alex Plotkin, Secretary Karen Morgan, Vice President Todd Hooks, Treasurer David Garner, Director</p> <p>Also present were:</p> <p>Kristan Buck, Interim District Manager Sam R. McKay, District Information Technology Jesse Davenport, District Information Technology Dylan Woods, Coaty Marchant Woods P.C. Jeff Tyus, District Manager Terry Kenyon, Merrick Engineering Austyn Pantano, District Field Supervisor Bill O’Connell</p>
<p>Call to Order / Declaration of Quorum:</p>	<p>Director Baker, noting the presence of a quorum of all Directors, called to order the Regular Meeting of the Board of the Green Mountain Water and Sanitation District at 6:02 p.m.</p>
<p>Directors &amp; Disclosure Matters:</p>	<p>None.</p>
<p>Approval of/Deletions from the Agenda:</p>	<p>The Board discussed an amendment to the Agenda. Director Baker <b>MOVED</b> to have item 10.c moved to be prior to item 6. Director Hooks seconded, and upon vote, the motion <b>PASSED</b> unanimously.</p>
<p>Public Comment</p>	<p>None.</p>

<p>Approval of the Minutes</p> <ul style="list-style-type: none"> <li>a. February 22, 2022, Special Meeting Minutes</li> <li>b. March 8, 2022, Regular Meeting Minutes</li> <li>c. March 22, 2022, Special Meeting Minutes</li> </ul>	<p>Director Baker <b>MOVED</b> to approve the February 22, 2022, meeting minutes as presented. Director Hooks seconded and upon vote the motion <b>PASSED</b> unanimously.</p> <p>Director Baker <b>MOVED</b> to approve the March 8, 2022, Meeting Minutes as presented. Director Garner seconded and upon vote the motion <b>PASSED</b> unanimously.</p> <p>Director Baker <b>MOVED</b> to approve the March 22, 2022, Meeting Minutes with a correction to indicate that the Directors were physically in attendance at the meeting. Director Garner seconded and upon vote the motion <b>PASSED</b> unanimously.</p>
<p>District Manager Report</p> <ul style="list-style-type: none"> <li>a. Full Employee, Operations and Maintenance report <ul style="list-style-type: none"> <li>i. Employee Recognition</li> <li>ii. Performance</li> <li>iii. Collection and Distribution Status</li> </ul> </li> </ul>	<p>Mr. Tyus described the process to which the staff continue to establish their Mission, Vision, and Values statements.</p> <p>Mr. Tyus described the number of incoming and outgoing calls and the staff's ability to resolve issues quickly and efficiently.</p> <p>Mr. Tyus reported that the system is running as expected for this time of year. He noted that the 8" line at Kipling is in the design process. The Red Zone tank is currently one of the highest priorities of the District. Demand is expected to increase, and the tank needs to be up and running by the middle of May. Director Baker stated that he is not comfortable expending any District funds on removing the lining as it should all be covered by the warranty. Director Hooks asked about retainage in contracts. Mr. Kenyon described that paying off the retainage would have occurred when the tank was put into service and would not have been held through the warranty period. Director Hooks and Mr. Kenyon described the reason the problem was not remedied immediately as a result of further testing to determine cause of the failure.</p>

	<p><i>The Board Moved to Agenda item 10 that had been moved to 6.</i></p>
<p>Legal Matters</p>	<p>Mr. Woods stated that the District and Board Members were being sued by former counsel as well as John Henderson. He noted that the District insurance provider had been notified of the lawsuit.</p> <p>Mr. Woods introduced special counsel Bill O'Connell. Mr. O'Connell stated that he had been selected by the Colorado Special Districts Pool to represent the District and Directors. He described his background.</p>
<p>Federal Litigation action and litigation counsel introduction and summary, including executive session pursuant to C.R.S. 24-6-402(4)(b) for purposes of conferring with attorney to receive legal advice responding to federal litigation.</p>	<p>Director Baker <b>MOVED</b> to enter into executive session per §24-6-402(4)(d), C.R.S. for the purpose of conferring with attorney to receive legal advice responding to federal litigation. Director Garner seconded and upon vote the motion <b>PASSED</b> unanimously.</p> <p>At 6:32 p.m. the Board entered Executive Session.</p> <p>The executive session was concluded at 7:48 pm.</p>
	<p><i>The Board continued item 6.</i></p> <p>Jeff Tyus requested direction from the Board to proceed with hiring a company to remove the liner with the expectation of financial recovery from the previous contractor.</p> <p>Mr. Kenyon noted that the Bond in place is well over the expense being considered for immediate removal.</p> <p>Director Baker <b>MOVED</b> to approve a District expenditure not to exceed \$60,000 to remove the tank liner and get the tank back online in May. Director Garner seconded and upon vote the motion <b>PASSED</b> unanimously.</p> <p>Director Morgan <b>MOVED</b> for the District to file a claim for the cost of the liner removal in addition to all District expenses associated with bringing the tank online. Director Hooks seconded and upon vote the motion <b>PASSED</b> unanimously.</p>

<ul style="list-style-type: none"> <li>i. Maintenance</li> <li>ii. Emergency Preparedness</li> <li>iii. Staffing Position</li> </ul>	<p>Mr. Tyus discussed focus points. He described that the District continues to move toward a predictive level of maintenance as opposed to reactive maintenance practices.</p> <p>Mr. Tyus described aspects of the Districts emergency preparedness. He expressed the importance of the Denver Water back-up systems that are in place should there be an emergency in the future.</p> <p>Mr. Tyus noted that the staff engineer position has been posted. Director Baker asked about any inquiries thus far. Mr. Tyus described that two have been received but did not meet the minimum qualifications.</p>
<p>Capital and Construction Projects</p>	
<ul style="list-style-type: none"> <li>a. Red Zone Tank</li> <li>b. Kipling Street Sewer Line Upgrade</li> <li>c. 10700 West Expo</li> <li>d. Ravine Open Space Sewer Bridge Crossing</li> <li>e. Sewer Lining</li> <li>f. Design Force Main Pipe for Tamarisk Lift Station</li> </ul>	<p>Mr. Tyus explained that he would send all information to the Board, Mr. Woods, and Mr. Kenyon as it became available.</p> <p>Mr. Tyus explained that the Kipling Street Sewer Line upgrade is in the design stages and will be sent for bid in accordance with State Statute. Director Morgan expressed concerns over the stormwater runoff in this area. The Directors requested that the District send a notification to the City and Developer to inform them of the concerns with stormwater runoff.</p> <p>Mr. Tyus confirmed that this had been signed off.</p> <p>Mr. Tyus described signage that had been put in place to reduce foot traffic in this area. Director Morgan asked if there were any legal citations in the area for the closing. Director Baker requested that the term bridge be removed to avoid confusion. Barricades are currently being researched and priced. The Board discussed the possibility of burying the line.</p> <p>Mr. Tyus explained the project noting that Bear Creek approved and acknowledged that the cost is within the approved budget. Mr. Tyus and Mr. Kenyon stressed the importance and urgency of the completion of this project.</p> <p>Mr. Tyus explained that Mr. Kenyon will be moving forward with design and that the expense is included in the approved budget.</p>

<p><b>Financial Matters</b></p> <p>a. March 2022/April 2022 Daily/Monthly Operation Expenses &amp; Capital Expenditures</p> <p>b. March 2022 Unaudited Financial &amp; Investment Report</p> <p>c. Auditor's recommendation to increase capital policy minimum from \$1,000 to \$5,000</p> <p>d. Update First Bank Signers</p> <p>e. Investment Options</p>	<p>Director Hooks <b>MOVED</b> to approve the March 2022/April 2022 Daily/Monthly Operation Expenses &amp; Capital Expenditures as presented. Director Baker seconded and upon vote the motion <b>PASSED</b> unanimously.</p> <p>Director Hooks <b>MOVED</b> to approve the March 2022 Unaudited Financial &amp; Investment Report as presented. Director Baker seconded and upon vote the motion <b>PASSED</b> unanimously.</p> <p>Director Hooks <b>MOVED</b> to accept the Auditor's recommendation to increase capital policy minimum from \$1,000 to \$5,000. Director Baker seconded and upon vote the motion <b>PASSED</b> unanimously.</p> <p>The bank signers do not need to be updated until after the election date.</p> <p>Director Hooks described investment options available to the District.</p>
<p><b>Director's Matters</b></p> <p>a. District Staff Engineer</p> <p>b. Denver Water Agreement</p> <p>c. District Lobbyist</p>	<p>The Board noted that this had been discussed as part of the District Manager report. Mr. Woods recommended they post the position on the SDA Website.</p> <p>Director Morgan and Hooks acknowledged that any promise to provide water to the Green Mountain Water and Sanitation District would be an uphill battle. The Directors discussed the need for a committee and asked that Director Plotkin lead the Water Conservation Committee. Director Baker <b>MOVED</b> to appoint Director Plotkin as the head of the newly created Water Conservation Committee. Director Morgan seconded. The Board brainstormed ideas to increase water conservation. Director Baker called for a vote and upon vote the motion <b>PASSED</b> 4 – 0 with an abstention from Director Plotkin.</p> <p>Director Morgan described her search for a District Lobbyist. The Board discussed options to ensure the</p>

	District has input at the legislative level that promotes changes in the best interest of the District.
Legal Matters – Continued	
a. Legislative Advocacy	Mr. Woods informed the Board that there would be a legislative update provided by the SDA soon. He briefly described a few of the changes currently proposed. The Board discussed candidate websites, pictures and biographies on the District’s website. Director Baker requested that the District ask each candidate to provide a 300 word biography and a picture to be placed on the District’s website.
b. Malpractice Litigation	Mr. Woods updated the Board on the ethics complaint that was filed on behalf of the District.  He informed the Board that he responded to the Auditor per her request for information relating to the actions and operations of the District.  Director Baker asked about any Appeals updates. Mr. Woods noted he had contacted counsel for an update and advised the Board that a special meeting might be necessary to discuss progress.
New Business – Notifications for Next Board Meeting	The Board discussed options for a special meeting. No date was determined. Director Morgan discussed the request from the City of Lakewood for a history of the District and updated the Board on her discussion with a former District Staff member. The Board requested that the history be provided, reviewed by the Board and then placed on the website.  Director Morgan asked if the Board was interested in decreasing the office hours to allow staff to continue flexible remote schedules.
Adjourn:	Director Baker <b>MOVED</b> to adjourn the meeting. Director Hooks seconded the motion. The motion <b>PASSED</b> by unanimous consent, and the meeting was adjourned at 9:55 p.m.

\_\_\_\_\_, Secretary