

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

May 4, 2021

A Special 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, May 4, 2021.

~~This document is an edited version of the audio recording of the District Board meeting. The audio recording shall be the official record of the District Board meeting proceedings. Such audio recording is available on the District website.~~

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Attendance: A special meeting of the District was scheduled in compliance with the laws of the State of Colorado, with the following directors in attendance:

Adrienne L. Hanagan, President – Virtual Attendance  
Jeff A. Baker, Vice President – Virtual Attendance  
Alex Plotkin, Secretary – Virtual Attendance  
Karen Morgan, Treasurer – Virtual Attendance  
Rhonda Peters, Director – Virtual Attendance

Also, present were:

Greg Kropkowski, District Manager  
Sam R. McKay  
Jesse Davenport  
Jo Deziel Timmins, Deziel Timmins LLC, District Legal Counsel

Also, in Attendance from the Public:

Kathleen	Christopher Arlen
Devon Neill	Rita
Brenda Bronson	Scott Gessler
Kathe Odenweller	Mike Muller
John Henderson	

Call to Order/  
Declaration of  
Quorum: Director Hanagan, noting the presence of a quorum of the Board called to order the Special Meeting of the Board of the Green Mountain Water and Sanitation District at 6:04 p.m.

Directors &  
Disclosure Matters: None.

Approval of/Deletions  
from the Agenda: None.

**Public Comment:**

Members of the public wishing to address the board during the public comment period are asked to indicate the agenda item number or public comment period next to their name on the sign-in sheet. Members of the public will then be recognized by the Board as each agenda item is undertaken.

Director Morgan stated that a Motion had been approved at the last meeting to limit Public Comments to the Public Comments section. Director Hanagan stated that since the agenda reflects that the Members of the public will be recognized by the Board as each agenda items is undertaken that is how the meeting will be handled.

Rita protests Director Morgan's change to have an agenda item to limit public comment.

Christopher Arlen states that he has a complaint against the Board and the Directors conduct in the meetings. He further states that Mr. Henderson is and has been a disruption to the Board.

Brenda Bronson states that she is on the committee that will recall, Directors Plotkin, Morgan and Baker if they continue to hurt the district. She reads into the record a letter written by Bill Furman.

Kathe Odenweller directs her comments to Director Plotkin and his duties as Secretary, Director Morgan and her duties as Treasurer and Director Baker as his duties as Vice President. She requests that Directors Plotkin, Morgan and Baker resign.

Mike Muller stated that he had not received a response to his CORA request that he submitted two weeks ago and expects a response no later than Thursday @ 5:00 p.m. Mr. Muller also requests Director Plotkin to resign.

**Directors Matters:**

- a. Discussion and adoption of the framework under which the District will receive legal guidance and representation:

Mr. Kropkowski had added this to the agenda based on what he heard from last week's meeting.

- i. Representation and guidance pertaining to ongoing litigation

Several Board Members were looking for a new counsel for that role so that Ms. Deziel Timmins and Mr. Gessler could focus on the litigation. Mr. Gessler did speak with one law firm that had expressed interest.

A discussion followed with public comments to discuss the potential hiring of counsel to handle the day-to-day duties.

- ii. Representation and guidance pertaining to Title 32 matters (e.g. contract interpretation, conduct of regular meetings under the provisions of Title 32, non-litigation related CORA review, assistance with other routine Title 32 issues requiring legal input)
  1. Discuss the engagement (need RFP) of firms who have proffered engagement letters

Director Baker **MOVED** to create an RFP to hire a Title 32 legal counsel that handles the day-to-day duties to support the District and the Board. Director Plotkin seconded. A discussion followed. Director Morgan **MOVED** to amend the Motion to create an RFP to hire a Title 32 counsel that handles the day-to-day duties to support the District and the Board and that reports directly to the Board. Director Baker agreed to the amendment. Director Plotkin seconded the amendment. Director Peters **MOVED** to amend the Amended Motion to read as follows: To create an RFP to hire a Title 32 counsel to handle the day-to-day duties to support the District and the Board that reports directly to the Board and that would not exclude Ms. Deziel Timmins firm from applying. Director Baker agrees to amend the amended Motion. Director Plotkin seconded the amendment to the amendment.

Director Plotkin requested that Mr. Gessler work with Mr. Kropkowski to prepare the RFP for the Board's approval. Mr. Gessler agreed to do so with input from Ms. Deziel Timmins. A discussion followed. Directors Plotkin, Baker and Morgan voted yes, Director Peters abstained, and Director Hanagan voted no. The amended Motion passed.

- b. Discussion of CDM Smith report on GWWSD's wastewater system capacities – review of Merrick

Director Peters discussed the wastewater system capacities and how the settlement discussions would be impacted. Director Peters suggests that an additional survey be done on the pipe sizing and to have a licensed professional engineer run the model and to certify that the capacity exists. Director Peters will talk to CDM Smith to get quotes on the timing, scope and limited review cost and will report back to the Board at the next meeting. Mr. Kropkowski will check with the District staff on the ability to survey the pipe size and will report back to the Board at the next meeting.

Executive Session: No Executive Session to be held tonight. Mr. Gessler requests that an item be added to the agenda for the next meeting - vii. Discussion of Litigation and Settlement Options.

- a. Executive Session pursuant to Section 24-6-402(4)(b) and/or Section 24-6-402(4)(e), C.R.S. for the purpose of conferencing with an attorney to receive legal advice regarding:
  - i. Litigation relating to Big Sky
  - ii. Big Sky No. 1 v. GMWSD alleging breach of IGA
  - iii. Status of CDN Litigation
  - iv. Stream Realty Litigation
  - v. Cardel Homes Litigation
  - vi. Three Dinos Litigation

Other Matters: Director Peters and Baker would like to schedule a visit with CDN. Ms. Deziel Timmins stated that she would coordinate schedules and set up a Zoom call.

The Directors were served with a subpoena for document production. Ms. Deziel Timmins asked that she be forwarded a copy of the subpoena to review.

Adjourn: Director Hanagan **MOVED** to adjourn the meeting. Director Baker seconded. The Motion passed by unanimous consent, and the meeting was adjourned at 9:40 p.m.

  
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Adrienne L. Hanagan, President

  
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Alex Plotkin, Secretary

  
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Rhonda Peters, Director

  
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Jeffrey A. Baker, Vice President

  
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Karen Morgan, Treasurer