

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE BACA GRANDE WATER AND SANITATION DISTRICT HELD APRIL 19, 2013

A Regular Meeting of the Board of Directors of the Baca Grande Water and Sanitation District (referred to hereafter as "Board") was held on Friday, the 19th day of April, 2013, at 8:00 a.m. at the offices of the District, BGWS&D Shop, 57 Baca Grant Way South, Crestone, Colorado. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Vicki Matthews
Martin Macaulay
Cindy Reinhardt
Kyle Grote

Following discussion, upon motion duly made by Director Macaulay, seconded by Director Grote and, upon vote, unanimously carried, the absence of Parvin J. Johnson, Sr., was excused. It was noted by the Board that Director Johnson attended a portion of the meeting via speakerphone.

Also In Attendance Were:

AJ Beckman and Lindsay Ross (for a portion of the meeting); Special District Management Services, Inc. – Via speakerphone

Jennifer Gruber Tanaka, Esq.; White, Bear & Ankele, P.C. – Via speakerphone

Marcus Lock, Esq. (for a portion of the meeting); Bratton Hill Wilderson & Lock, LLC – Via speakerphone

Brad Simons; Olsson Associates, Inc. – Via speakerphone

Steven Harrell; District General Manager

Other members of the public as referenced on the attached sign in sheet.

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DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Attorney Tanaka noted that conflicts were filed for applicable Directors at least 72 hours prior to the meeting. Mr. Beckman noted that a quorum was present and requested members of the Board to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. No further conflicts were disclosed.

ADMINISTRATIVE MATTERS

Agenda: Mr. Beckman reviewed the proposed agenda for the District's Regular Board meeting.

Following discussion, upon motion duly made by Director Macaulay, seconded by Director Grote and, upon vote, unanimously carried, the Agenda was approved, as amended.

Consent Agenda: The Board considered the following actions:

- Approve Minutes from the March 15, 2013 Regular Meeting.
- Acknowledge Operations Report.
- Acknowledge Engineer's Report.
- Approval of Independent Contractor Agreement between the District and HRS Water Consultants, Inc. for Feasibility Study of Forbearance Agreement for Water Rights Acquisition.

Following discussion, upon motion duly made by Director Reinhardt, seconded by Director Matthews and, upon vote, unanimously carried, the Board reviewed, approved and accepted the above items.

Meeting Packet Format and Distribution of Materials: The Board discussed meeting packet materials and the process for distribution. Following discussion, the Board directed staff to provide meeting packets and materials in double sided format going forward and to include scopes and fee schedules as opposed to full contracts.

PUBLIC COMMENT

Public Comment: Mr. Lloyd addressed the Board and inquired as to whether the lab test for the Ortho – Polyphosphate ("OPP") conducted at his residence was sufficient to determine if the phosphate detected in his water is comprised of Seaquest brand OPP. Mr. Beckman explained that he is not aware of a test that would identify the specific brand of OPP. Mr. Lloyd further explained that he is interested knowing of the levels of OPP observed through periodic testing at various residences versus the level observed in the untreated ground water pumped

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from the District's wells in order to see if a trend of decreasing levels is observed. He requested that the District continue monitoring of the OPP levels in this manner in order to determine if the level of OPP continues to decrease system wide. Director Reinhardt recommended that the Board consult with McLaughlin Engineering, Ltd., to determine the best means of monitoring the OPP levels. The Board discussed periodic testing over the next few months. Mr. Harrell reported that he will be conducting testing at the prescribed sites between June and September and that he will include Mr. Lloyd's residence in the scope of testing and consult with McLaughlin Engineering, Ltd., and continue to report back to the Board.

Ms. Cyriacks requested an update on the proposed water system flushing program and the status of the water rights negotiations. Mr. Harrell reported that the flushing program has not yet been initiated; however, the District is working on a Water Conservation Project that would include a hydraulic study. The hydraulic study will be instrumental in developing the flushing program. Director Macaulay reported that the District is currently in negotiations for the purchase of water rights from the US Fish and Wildlife Service and that there is nothing new to report at this time.

OPERATIONS

Corrosion Control Study: Mr. Harrell reported that the last set of samples from the copper pipe loop rig testing for lime, sodium hydroxide and soda ash were completed today and will be sent to the lab for analysis. The tests were initiated twenty-eight (28) days ago. All lab results will also be reviewed by McLaughlin Engineering, Ltd. Following this round of testing, McLaughlin Engineering, Ltd., will analyze all of the data from all three rounds of testing with the copper pipe loop rig. A final report to the Colorado Department of Public Health and Environment will be prepared by Mr. McLaughlin recommending an optimal treatment technique by July 1, 2013.

Weed Mitigation Near Wagon Wheel Lift Station: Mr. Harrell reported that there is a request from a resident to remove the weeds growing on the berm near the Wagon Wheel lift station. He explained that he recently discussed the weed problem with the Fire Department and learned that there is grant funding available for weed removal. He explained that the weeds would be pulled by volunteers of the fire department and transported by the District to a burn pit. The total area having the weed problem is approximately two acres. The financial commitment by the District would be approximately \$2,000 which would constitute 50% of the estimated cost of \$4,000, with the remainder of the cost being paid through grant funding secured by the Fire Department. The Board discussed pursuing the project with funding from the Maintenance Reserve line item in the 2013 District's annual budget. The Board also requested that Mr. Harrell research all available options

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for weed mitigation and potential funding sources. Attorney Tanaka advised the Board that because the work would be performed by the Property Owners' Association ("POA") under the grant applied for and received by the POA, with minimal assistance from the District, a service contract would not be necessary. The POA would invoice the District for its share of the efforts.

Following discussion, upon motion duly made by Director Grote, seconded by Director Reinhardt and, upon vote, unanimously carried, the Board authorized the financial commitment by the District for weed mitigation in amount not to exceed \$2,000.

Mobile Home Estates Forced Main Flushing: Mr. Harrell reported that the pump in the lift station is abnormally burdened leading to maintenance and repair issues. It was noted that the District's Engineer and District staff will conduct testing and trouble shooting of the system control devices.

Replacement of Computer Server and Cooling Requirements for Computer Equipment: Mr. Harrell reported that the new server is expected to be installed next week. District staff is constructing a server room with a window mounted cooling unit as an interim solution to the cooling requirements of the equipment. He further discussed the cooling proposal previously circulated and noted that the current alternative is significantly less expensive.

Emergency Response Plan: Mr. Harrell reviewed the proposed Emergency Response Plan with the Board. Attorney Tanaka requested confirmation that contractors listed as responders understand that they are to provide services in an emergency, and that they be under contract with the District for such services. The Board discussed the scope of the plan compared to the plan previously distributed. Following discussion, the Board directed Mr. Harrell to obtain a fee schedule from each of the contractors. It was noted that the revised plan and necessary contracts will be presented for consideration at the next meeting.

Lease Information for Potential Use of Backhoe: Mr. Harrell discussed the potential purchase of a backhoe and reviewed the proposed lease agreement with the Board. Mr. Beckman reported that he has been reluctant to consider the purchase of a backhoe due to other capital needs that have not yet been clearly defined. The Board discussed obtaining additional proposals from dealers in the San Luis Valley and other surrounding areas. Mr. Beckman recommended that the true annual cost of operating the existing machine be evaluated. He discussed factors such as the difficulty of operation, repair costs, and the cost of contracting services when needed. These costs when compared to the annual cost of a new machine through a lease agreement or outright purchase will allow for a clear cost benefit analysis. Following discussion, the Board directed Mr. Harrell and Mr.

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Beckman to compile data regarding the annual cost of the current backhoe versus the purchase of a new machine and present their findings at the next Board meeting.

Grant Funding Application for Website Development: Mr. Beckman reported that the availability of grant funding through the Statewide Internet Portal Authority (“SIPA”) will not be known until November of this year, at which time he will report back to the Board. Director Macaulay recommended that the District conduct a survey of customers to determine the level of interest for electronic payment. The Board then discussed the current use of credit cards for payment. Attorney Tanaka reported that the District will need to adopt a resolution regarding electronic payment and handling of confidential information. No action was taken by the Board at this time.

Removal and Hauling of Biosolids: Mr. Harrell reviewed with the Board the proposal from RMS Utilities for removal and hauling of biosolids in the amount of \$21,900. Following discussion, the Board directed Mr. Harrell and Mr. Beckman to further research disposal options as well as the potential construction of a reed bed for organic composting of the biosolids.

CAPITAL IMPROVEMENTS

Water Conservation Project: Mr. Beckman reported that the District received approval for a matching funds grant in the amount of \$12,500 from the Department of Local Affairs (“DOLA”) for 50% of the cost of preliminary engineering necessary to prepare a capital funding grant application for the Water Conservation Project.

Engagement of Olsson Associates, Inc. for engineering associated with the Water Conservation Project: The Board considered the engagement of Olsson Associates, Inc. for engineering associated with the Water Conservation Project, pending finalization of the purchase order with DOLA.

Following discussion, upon motion duly made by Director Grote, seconded by Director Reinhardt and, upon vote, unanimously carried, the Board approved the engagement of Olsson Associates, Inc. for engineering associated with the Water Conservation Project, subject to resolving language in the purchase order issued by DOLA and with authorization to proceed with public bidding of the engineering services, if necessary.

Supplemental Environmental Project (Reed Bed): Mr. Simons joined the meeting at this time. He discussed with the Board the status of the project and reported that it will not be deemed a viable Supplemental Environmental Project by the Colorado Department of Public Health and Environment (“CDPHE”).

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Mr. Beckman reported that he, Mr. Simons and Attorney Tanaka will meet with the CDPHE on April 25th to discuss potentially viable projects. Director Grote recommended that emergency backup power sources be discussed to see if they may be viable.

Independent Contractor Agreement with Arkansas Valley Surveying, Inc. for Surveying Services at the Dharma Ocean Lift Station and Fallen Tree Transfer Station: The Board discussed the proposal from Arkansas Valley Surveying, Inc. for Surveying Services at the Dharma Ocean Lift Station and Fallen Tree Transfer Station.

Following discussion, upon motion duly made by Director Macaulay, seconded by Director Grote and, upon vote, unanimously carried, the Board approved the proposal from Arkansas Valley Surveying, Inc. for Surveying Services at the Dharma Ocean Lift Station and Fallen Tree Transfer Station.

FINANCIAL MATTERS

Claims: Mr. Beckman reviewed the payment of claims with the Board through the period ending April 19, 2013 as follows:

	Period Ending April 19, 2013
General Fund	\$ 17,050.12
Cap. Projects Fund	8,137.01
Enterprise Fund	50,753.20
Total Claims	\$ 75,940.33

Following review and discussion, upon motion duly made by Director Reinhardt, seconded by Director Macaulay and, upon vote, unanimously carried, the Board approved the payment of the claims for the period ending April 19, 2013, as presented.

Ms. Ross joined the meeting at this time.

Financial Statements: Ms. Ross reviewed the unaudited financial statements of the District setting forth the cash deposits, investments, and budget analysis and accounts payable vouchers for the period ending March 31, 2013.

Following discussion, upon motion duly made by Director Macaulay, seconded by Director Grote and, upon vote, unanimously carried, the Board accepted the financial statements for the period ending March 31, 2013.

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2012 Audit: Mr. Beckman reported that a draft of the 2012 Audit is expected to be ready for Board review at the June meeting.

LEGAL MATTERS

Resolution No. 2013-04-01 Regarding Modifications to the District's Public Records Policy ("Resolution No. 2013-04-01"): Attorney Tanaka reviewed Resolution No. 2013-04-01 with the Board noting that the resolution incorporates changes implemented by HB 13-1041.

Following discussion, upon motion duly made by Director Macaulay, seconded by Director Grote, and upon vote, unanimously carried, the Board adopted Resolution No. 2013-04-01. A copy of the adopted Resolution is attached hereto and is incorporated herein by this reference.

EXECUTIVE SESSION

EXECUTIVE SESSION: Pursuant to Sections 24-6-402(4) (b), (e) and (f), C.R.S., upon motion duly made by Director Macaulay, seconded by Director Reinhardt and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 12:03 p.m. for the purpose of discussions relating to negotiations with third parties, for receiving legal advice and for discussing personnel matters, all as authorized by Sections 24-6-402(4)(b), (e) and (f) C.R.S.

Furthermore, pursuant to Section 24-6-402(2)(d.5) (II)(B), C.R.S., no record will be kept of those portions of the executive session that, in the opinion of the District's attorney, constitute privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

The Board reconvened in regular session at 12:52 p.m.

Following discussion, upon motion duly made by Director Macaulay, seconded by Director Reinhardt and, upon vote, unanimously carried, the Board ratified the establishment of an employment committee comprised of Mr. Beckman, and Directors Macaulay and Reinhardt to make final hiring decisions following the recommendations of staff.

OTHER BUSINESS

Crestone Eagle Article for May 2013 Publication: The Board discussed the article drafted by Director Reinhardt. It was noted that staff has reviewed the article and the Board requested that she proceed with sending the final version to the Crestone Eagle for the May 2013 publication.

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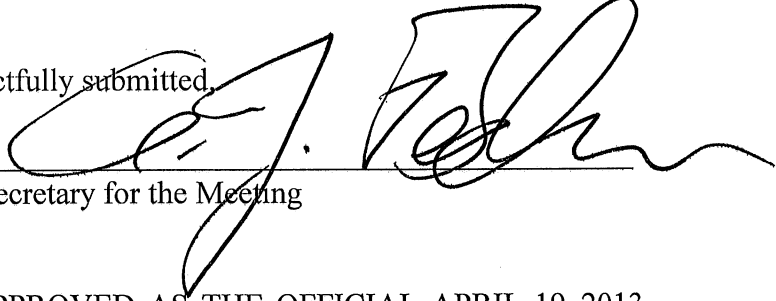
2013 SDA Conference: Mr. Beckman discussed having Board members attend the 2013 SDA Conference.

Following discussion, the Board authorized Directors Grote and Reinhardt to attend the 2013 SDA Conference.

ADJOURNMENT


Upon motion duly made, seconded and, upon vote, unanimously carried, the meeting was adjourned.

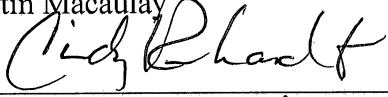
Respectfully submitted,


By 
Secretary for the Meeting

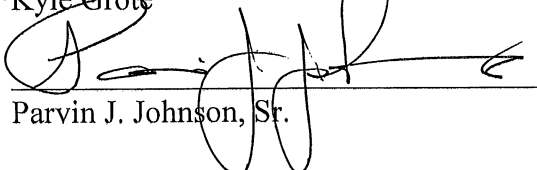
THESE MINUTES ARE APPROVED AS THE OFFICIAL APRIL 19, 2013 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:


Vicki Matthews


Martin Macaulay


Cindy Reinhardt

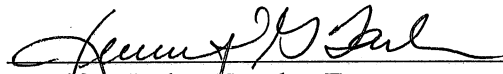

Kyle Grote


Parvin J. Johnson, Sr.

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ATTORNEY STATEMENT

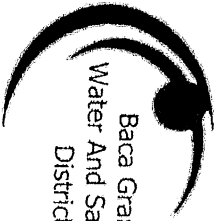
Pursuant to §24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Baca Grande Water and Sanitation District, I attended the executive session convened on April 19, 2013 for the sole purpose of discussing matters subject to negotiation with third parties, personnel matters and matters seeking legal advice, as authorized by §§24-6-402(4)(b), (e) and (f), C.R.S. I further attest that it is my opinion that a portion of the executive session discussion constituted attorney-client privileged communication as provided by §24-6-402(4)(b), C.R.S., and, based on that opinion, no further record, written or electronic, was kept or required by be kept pursuant to §24-6-402(2)(d.5)(II)(B), C.R.S.



Jennifer Gruber Tanaka, Esq.

General Counsel

Baca Grande Water and Sanitation District



Baca Grande
Water And Sanitation
District

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

April 19, 2013

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

Name	Address	Telephone/Email	Would you like to speak?	Issues to be addressed
MICHAEL SCULLY		256-5728		
Deed Lord		4676		
Lisa Grynich		4146		
Fran K Judson		303 328 3671		



Water is Life ~ Water is Our Business

Report on District Operations

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Steven Harrell
General Manager
Baca Grande Water and Sanitation District
April 19, 2013

DISTRICT OPERATIONS

SSO-Sanitary Sewer Overflow	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Fire Hydrants Repair & Maintenance Total =278	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	2013 Fire hydrant maintenance season
Water Main Repairs	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Lateral service line break (Sundown OL)
Infrastructure Installed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
GPS/GIS	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Water/Sewer Hookups	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	1-new service installed
Accidents	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

CORROSION CONTROL STUDY

First Pipe Loop Rig Testing - Completed
Second Pipe Loop Rig Testing - Completed
Third Pipe Loop Rig Testing - Completed
On-line PH Monitoring – Operational
Soda Ash Treatment – Operational
Soda Ash/ PH Adjustment – Target achieved @ 7.5
Distribution System Lead and Copper Analysis – 60 of 60 samples completed
Well-18 Raw Water Phosphate – Ortho (as PO ₄) Concentration on 02/28/2013 <0.01 mg/L
Distribution System Treated Water Phosphate – Ortho (as PO ₄) Concentration on 02/28/2013 <0.01 mg/L
Corrosion Control Study – Study has been extended to CDPHE to May 1, 2013 Final report due July 1, 2013
Aspen Wastewater Influent ph Has Not Increased Due to Soda Ash Water Treatment

BACA GRANDE CHALET

Water – Well 18	Gallons Pumped	Compliant	Result
Gallons Pumped January 2013	4,561,914		
Total Coliform Reporting		Yes	Absent
Free Chlorine Residual PWSID # CO 0155200		Residual	0.19 mg/L
Gallons Pumped February 2013	5,513,616		
Total Coliform Reporting		Yes	Absent
Free Chlorine Residual PWSID # CO 0155200		Residual	0.30 mg/L
Gallons Pumped March 2013	4,561,914		
Total Coliform Reporting		Yes	Absent
Free Chlorine Residual PWSID # CO 0155200			0.31 mg/L

April 19, 2013

CASITA PARK

Water – Motel Well	Gallons Pumped	Compliant	Result
Gallons Pumped January 2013	1,629,255		
Total Coliform Reporting		Yes	Absent
Free Chlorine Residual PWSID # CO 0155200		Residual	.18 mg/L
Gallons Pumped February 2013	977,553		
Total Coliform Reporting		Yes	Absent
Free Chlorine Residual PWSID # CO 0155200		Residual	0.31 mg/L
Gallons Pumped March 2013			
Total Coliform Reporting	977,553	Yes	Absent
Free Chlorine Residual PWSID # CO 0155200		Residual	0.25 mg/L

TOTAL WATER TREATED

	Finished Water Combined Well-18 & Motel Well	Wastewater Treated	Estimated Unaccounted Water
Gallons Pumped January 2013	6,191,169	2,656,000	3,535,169
Gallons Pumped February 2013	6,491,169	2,383,000	4,108,169
Gallons Pumped March 2013	5,539,467	2,260,000	3,279,467

WASTEWATER DISCHARGE SAMPLE RESULTS			
March	Limit	Compliant	Result
Effluent BOD ₅	30/45 mg/L 30 DAY AVG/7DMAX	Yes	4.0 mg/L
Percent Removal BOD ₅	85% or greater	Yes	98 %
Effluent TSS	30/45 mg/L 30 DAY AVG/7DMAX	Yes	3 mg/L
Percent Removal TSS	85% or greater	Yes	99 %
Fecal Coliform	200/400 Colonies/100/mL 30 DAY GEO.MEAN/7DMAX	Yes	3/100 mg/L

Aspen Wastewater Treatment Plant Has No Discharge Permit Violations
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TOTAL AMMONIA AS N, MG/L			
Month	Limit	Compliant	Result
January	5.0 mg/L	Yes	January 0.5 mg/L
February	4.1 mg/L	Yes	February 0.3 mg/L
March	4.4 mg/L	Yes	March 0.15 mg/L
April	3.9 mg/L		April 0.0 mg/L
May	3.3 mg/L		May 0.0 mg/L
June	3.4 mg/L		June 0.0 mg/L
July	3.0 mg/L		July 0.0 mg/L
August	2.2 mg/L		August 0.0 mg/L
September	2.6 mg/L		September 0.0 mg/L
October	2.5 mg/L		October 0.0 mg/L
November	3.8 mg/L		November 0.0 mg/L
December	4.0 mg/L		December 0.0 mg/L

CERTIFICATION CORNER

Steven Harrell General Manager	Class C Water Operator Class C Wastewater Operator Class 1 Collection Operator Class 1 Distribution Operator
Justin DeBon Operator	Class C Water Operator Class C Wastewater Operator Class 1 Collection Operator Class 1 Distribution Operator Nationally Certified Heavy Equipment Operator Level 1
Mark Bluestein Operator	Small System Operator Class 1 Collection Operator
Diego Martinez Operator	Class D Water Operator Class D Wastewater Operator
Nick Arends Operator	Class D Water Operator

BGWSD – INFRASTRUCTURE FIXED ASSETS

Drinking Water Distributions	Wastewater Collections
Water Mains = 64 miles	Sewer Mains = 45 Miles
Gate Valves = 517 Units	Manholes = 798
Curb Stops = 629 Units	Lift Stations = 5
Fire Hydrants = 278	MHE LS – Operational
Well 17/18 Water Treatment Facility Plant Capacity - 0.4 MGD*	Stables LS - Operational
MHE Motel Well Water Treatment Facility Plant Capacity - 1 MGD*	Wagon Wheel Lift Station - Operational
Water Transfer Stations = 3	Dharma Ocean LS – 1 Failed pump (not repaired)
Booster Stations = 4	Aspen Lift Station - Operational
	Aspen Wastewater Treatment Facility - 0.15 MGD* Plant Capacity – Average loading on plant – 0.09 MGD*
Service Accounts = 630	

Transfer Stations	Booster Stations
Fallen Tree Transfer Station - Operational	Pine Cone Booster Station – 2 failed motor controls (repaired)
Ridge View Transfer Station - Operational	Shumei Booster Station – 1 failed pump (repaired)
Moonlight Transfer Station - Operational	Motel Well Booster Station – Failed Pump #1. Station is in operation with pump #2 & #3.
	Well – 18 Booster Station - Operational
* MGD = MILLION GALLONS PER DAY	

April 19, 2013

ADMINISTRATION

Customer Complaints	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Monthly Safety Meetings	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Repeat - Vector Truck Safety

MXU / WATER METER ANALYSIS FEBRUARY 2013	
Total Service Accounts Registered in Caselle	629
MXU - m (newest model) Total Registered	189
Non - Functioning	18
Difference	171
Percent not functioning	10%
MXU - r (older model) Total Registered	440
Non - Functioning	314
Difference	126
Percent not functioning	71%
Total Service Accounts Registered in Caselle	629
Total Non - Functioning MXU's	332
Difference	297
Total Percent Non - Functioning	53%

* Water Main Breaks - cracks or burst in the PVC water mains

* Lateral Service Line Breaks – in service line or brass fittings

* Other – Road grader or broken facility due to accidental impact on fire hydrants or flushing hydrants

MEMO

To: AJ Beckman, District Manager
From: Brad Simons
Date: April 12, 2013
Re: Engineer's Report – April 19, 2013 Board Meeting
CC: Steven Harrell, General Manager

I do not plan to attend this month's Board meeting to present these items. I will be available by cell phone (720-234-8398) to discuss any topics that may arise.

Reed Beds Project – The Water Quality Control Division's extended review team for the Supplemental Environmental Project (SEP) proposed by the District has more questions and concerns than confidence in the proposed SEP meeting the requirements of the Division's SEP Policy. While I do not agree with the complete list of observations and concerns provided, the District Manager has requested a meeting with the Division to review alternative project concepts.

Lift Station Site Applications – Josh Cook, Olsson's project engineer, met with the Division on March 19 to discuss their requests for additional information associated with the Dharma Ocean and Stables lift stations. The biggest issue is the design capacity of these lift stations, other lift stations operated by the District, and the rated capacity of the Aspen wastewater treatment facility. They understand the District's situation, but do not have an answer that will allow us to process an appropriate response.

Casita Park Lift Station – I reviewed a budgetary proposal from Guildner Pipeline for pigging the Casita Park force main. Their proposal was to begin by using small pigs (sizers) to make sure there is a clear path, then use larger and larger pigs until the line is clean. The budgetary proposal was for mobilization (\$1,995.00), 40 hours of pigging (\$235.00 per hour = \$9,400.00), and 5 per diems (\$200.00 per day = \$1,000.00). Total estimate is \$12,395.00 and does not include disposal of debris, traffic control, and permits. If the effort takes longer, there would be a cost associated with demobilization/remobilization each weekend for a pick-up truck. Based upon the projected cost, as well as confirmation of the wet well level transducer's calibration, and following discussions with the District's General Manager, we would like to investigate self-performing the pigging activities.

Preventive Maintenance Plan (software integration with GIS) – I spoke with Trip McLaughlin, of North Line GIS, and the District's GIS has the ability to record preventive maintenance efforts, but does not produce work orders for necessary activities. Caselle, the District's accounting software, may have the ability to provide this support to the District's operations team. The District's General Manager is to talk with Trip regarding Caselle and integration into the GIS.

Again, I do not plan to attend this month's Board meeting to present these items but can discuss any topics that may arise by cell phone (720-234-8398).

Resolution No. 2013-04-01

RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
BACA GRANDE WATER AND SANITATION DISTRICT

Regarding Modifications to the District's Public Records Policy

WHEREAS, the Baca Grande Water and Sanitation District (the "District") maintains certain records that are available for inspection by the public under and in accordance with the laws of the State of Colorado; and

WHEREAS, records of the District available for inspection by the public are defined as "public records" under applicable Colorado law; and

WHEREAS, the District anticipates that from time to time members of the public may request the right to inspect and/or copy public records of the District; and

WHEREAS, pursuant to § 24-72-203(1)(a), C.R.S., the District is authorized to adopt certain rules with regard to the inspection and copying of public records of the District; and

WHEREAS, the District previously adopted a Resolution Regarding Colorado Open Record Act Requests on December 14, 2012 by Resolution No. 2012-12-03; and

WHEREAS, the General Assembly of the State of Colorado approved, and on March 8, 2013, the Governor signed into law, House Bill 13-1041 amending § 24-72-205, C.R.S., which legislation modifies the procedures and permissible fees associated with public requests for copies, printouts, or photographs of public records; and

WHEREAS, the District desires to modify the District Public Records Policy (the "Public Records Policy") to conform to the changes in the law governing public records requests.

NOW, THEREFORE, it is hereby resolved by the Board of Directors of the District as follows:

1. In accordance with the Colorado Open Records Act, §§ 24-72-201 to 24-72-309, C.R.S. ("CORA"), the District hereby adopts the modified Public Records Policy, attached hereto as **Exhibit A** and incorporated herein. The Public Records Policy and this Resolution shall supersede and replace all previous resolutions and policies of the District concerning CORA requests.

2. The Custodian, as such is defined in the Public Records Policy, shall make a copy of the Public Records policy available to members of the public upon request.

3. Requests for inspection of District public records shall utilize the Public Records Request Form, attached hereto as **Exhibit B** and incorporated herein.

[Signatures on Following Page]

RESOLVED AND ADOPTED this 19th day of April 2013.

BACA GRANDE WATER AND SANITATION
DISTRICT, a quasi municipal corporation and
political subdivision of the State of Colorado

By: Vicki Matthews
Vicki Matthews, President

ATTEST:

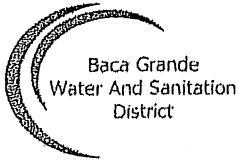
Kyle Grote ☺
Kyle Grote, Secretary

APPROVED AS TO FORM:
WHITE, BEAR & ANKELE,
Professional Corporation

James J. Anale
General Counsel to the District

[Signature Page to Public Records Policy]

EXHIBIT A
District Public Records Policy



BACA GRANDE WATER AND SANITATION DISTRICT
57 Baca Grant Way South Crestone, Colorado 81131
(719) 256-4310, FAX (719) 256-4309

District Public Records Policy
Adopted April 19, 2013
By Resolution No. 2013-04-01

I. Purposes of the District's Public Records Policy

This Public Records Policy of the Baca Grande Water and Sanitation District (the "District") shall be applied and interpreted with the following purposes in mind:

- a. To adopt a Public Records request policy pursuant to Section 24-72-203(1), C.R.S.;
- b. To provide access to and the protection and integrity of Public Records in the custody of the District;
- c. To prevent unnecessary interference with the regular discharge of the duties of the District and its manager in compliance with the Colorado Open Records Act, Section 24-72-201 to 24-72-309, C.R.S. ("CORA");
- d. To establish reasonable and standardized fees for producing copies of and information from records maintained by the District as authorized by CORA; and
- e. To set forth a general procedure for providing consistent, prompt and equitable service to those requesting access to Public Records.

II. Public Records Requests

A. Applicability

This Public Records Policy applies to requests submitted to the District for the inspection of Public Records pursuant to CORA, and shall supersede any previously adopted CORA policies of the District.

B. Definitions

1. **"Custodian"**: Except as otherwise provided in this policy, the term "Custodian" shall mean the District Manager, or any successor that has been designated by the Board of the District to oversee the collection, retention, and retrieval of Public Records of the District.

2. **"Public Records"**: As defined in Section 24-72-202, C.R.S.

C. Submission of Requests

1. Requests for inspection of Public Records are to be submitted in writing on an official request form to the Custodian and must be sufficiently specific as to enable the Custodian to locate the information requested with reasonable effort. The District has

determined that the use of an official request form is necessary for the efficient handling of Public Records requests.

2. Requests may be submitted by mail, fax, e-mail, or hand-delivery.

3. A request shall be considered made when the request is actually received by the Custodian:

a. A letter is received when it is opened in the usual course of business by the recipient or a person authorized to open the recipient's mail;

b. A fax is received when it is printed during regular business hours, or if received after hours, at 8:30 a.m. on the following business day; and

c. An e-mail is received when it is received and opened during regular business hours, or, if received after hours, at 8:30 a.m. on the following business day.

4. If a deposit is required, the request is not considered received until the deposit is paid.

D. Inspection

1. The Custodian or the Custodian's designee shall make the requested Public Records available for inspection during regular business hours, deemed to be from 8:30 a.m. to 4:30 p.m., Monday through Friday, except for times the Custodian's office is closed. During the inspection of Public Records, the Custodian may request the requestor follow certain procedures to protect the integrity of the Public Records.

2. If a Public Record is not immediately or readily available for inspection, the Custodian or the Custodian's designee shall make an appointment or other arrangements with the applicant concerning the time at which the requested record will be available. The Public Records shall be made available for inspection within a reasonable time, which is presumed to be three (3) working days or less from the date of receipt of the request. Such three (3) day period may be extended by an additional seven (7) working days if extenuating circumstances, as described in Section 24-72-203(3)(b), C.R.S., exist. Responding to applications for inspection of Public Records need not take priority over the previously scheduled work activities of the Custodian or the Custodian's designee.

3. All Public Records to which the request applies shall be preserved from the date of the request until such time as set forth in the District's records maintenance, retention, or deletion policy or practices utilized by the Custodian.

4. No one shall remove a Public Record from the Custodian's offices without the permission of the Custodian. Public Records may be removed from file folders or places of storage for photocopying by the Custodian or the Custodian's designee. The Custodian may allow a person to use his or her own portable electronic equipment to make copies of Public Records.

5. As a general practice, in response to a Public Records request:
 - a. Public Records in hard copy, paper, published, or documentary form shall be made available for inspection;
 - b. A document will not ordinarily be created in order to respond to such a request;
 - c. In the case of e-mail that is a Public Record, paper copies of such e-mail that is a Public Record will be made available by the Custodian in response to such a request;
 - d. The person making the request shall not be allowed to access the Custodian's computer or any other computer for purposes of inspecting any Public Records;
 - e. Any portion of a Public Record containing non-public information that is not subject to inspection may be redacted by the Custodian prior to making the record available for inspection. The Custodian is not required to redact information from a writing that is not a Public Record in order to make the writing available for inspection. *Denver Publishing Co. v. Bd. of County Comm'rs of the County of Arapahoe*, 121 P.3d 190 (Colo. 2005); *Colorado Republican Party v. Benefield, et al.*, Court of Appeals No. 07CA1216, Oct. 23, 2008 (Unpublished).
 - f. The Custodian, in consultation with the District's general counsel, will determine which information is no longer considered "work-in-progress" subject to the deliberative process or work product privilege and therefore eligible for release.
6. Where a request seeks in excess of 25 e-mails or other electronically-stored Public Records, the Custodian may elect to produce Public Records in electronic form on a disk or comparable media. The following procedure shall apply in responding to such a request:
 - a. The Custodian shall solicit the comments of the requestor regarding any search terms to be used to locate and extract such records, and, in doing so, will seek to have the request refined so that it does not result in an inordinate number of irrelevant or duplicating documents, it being understood that the Custodian will make the final determination regarding search terms;
 - b. The Custodian shall designate an employee or another person with experience in performing electronic searches to locate and extract responsive records;
 - c. The person who is designated to perform the searches shall consult, as appropriate, with legal counsel to identify privileged records that should not be produced; and
 - d. Where appropriate, legal counsel shall conduct a final review to identify and withhold privileged records.
7. The Custodian or the Custodian's designee shall deny the inspection of the records if such inspection would be contrary to federal or state law or regulation or would violate a court order. In special circumstances, a Custodian shall deny inspection of the Public Records if such

inspection would cause substantial injury to the public interest. Such a denial shall be made in writing by the Custodian to the person making the request and shall set forth with specificity the grounds of the denial. It is not necessary to state a ground for denial of access for each document if a specific ground is applicable to a group of documents.

8. If the Public Records requested are not in the custody or control of the Custodian, the Custodian shall notify the requestor of this fact in writing. In such notification, the Custodian shall state in detail to the best of his/her knowledge and belief the reason for the absence of the Public Records, the location of the Public Records, and what person then has custody or control of the Public Records.

9. All Public Records, regardless of storage format, will be administered in accordance with approved retention schedules. The District reserves the right to adopt the records retention policy that has been promulgated by the Custodian.

E. Fees for All Record Requests

1. **Fees for standard reproductions.** The Custodian or the Custodian's designee shall charge a fee not to exceed twenty-five cents per page for any photocopies or printed copies of electronic records that are required to make a Public Record available. Other reproductions of Public Records shall be provided at a cost not to exceed the actual cost of the reproduction. Such fees shall be paid by the applicant prior to the receipt of copies of any Public Records. Requests expected to exceed a total charge of \$10.00 or more must be accompanied by a deposit equal to the reasonably-estimated reproduction costs. This deposit will be credited toward the total fee, and the total fee shall be paid prior to release of the requested records. In the event the deposit amount exceeds the actual costs, the balance will be refunded.

2. **Transmission fees.** No fees related to transmission shall be charged for transmitting public records via electronic mail. Within the period specified in Section 24-72-203(3), C.R.S., the Custodian shall notify the record requester that a copy of the record is available but will only be sent to the requester once the Custodian receives payment for postage if the copy is transmitted by United States mail, or payment for the cost of delivery if the copy is transmitted other than by United States mail, and payment for any other supplies used in the mailing, delivery, or transmission of the record and for all other costs associated with producing the record. Upon receiving such payment, the Custodian shall send the record to the requester as soon as practicable but no more than three business days after receipt of such payment.

3. **Fees for search and retrieval:**

a. In the case of any request requiring more than one-half hour of staff time for search and retrieval or for supervision of inspection or copying, the Custodian or the Custodian's designee may charge a nominal hourly fee for such staff time. The Custodian may base this hourly fee upon the estimated average salary and benefits paid by the Custodian for the staff involved. See *Black v. S.W. Water Conserv. Dist.*, 74 P.3d 462 (Colo. App. 2003). This nominal fee shall not exceed \$30.00 per hour. Prior to performing any services necessary to respond to a request, the Custodian or the Custodian's designee shall require the applicant to pay a deposit equal to the reasonably-estimated fees that will be charged by the Custodian for

such staff time. Before receiving any records, the applicant shall also pay the amount by which the cost of any open records services exceeds the deposit. The District shall promptly refund the amount by which the deposit exceeds the cost of any open records services.

b. To the extent possible, the Custodian shall utilize administrative or clerical staff for search and retrieval of Public Records who are ordinarily responsible for such duties to ensure that the fees charged for staff time in connection with the request represent costs incurred in the ordinary course of business and not extraordinary charges.

EXHIBIT B
Public Records Request Form



BACA GRANDE WATER AND SANITATION DISTRICT
 57 Baca Grant Way South Crestone, Colorado 81131
 (719) 256-4310, FAX (719) 256-4309

Public Records Request Form

Request for Inspection/Copy of Public Records

For Internal Use Only Date of Request: _____ Time of Request: _____ AM/PM
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Applicant Name: _____

Applicant Address: _____ **City/State:** _____ **Zip:** _____

Daytime Phone #: () _____ **Alt./Cell:** () _____

Email: _____

Detailed description of the records requested: (Please use additional sheets if necessary)

Please select a preferred format for the materials: Hard Copies _____ Electronic (PDF) _____ View Hard Copy Only _____

Estimated Charges:

Number of pages _____ @ \$0.25/page \$ _____ Research & Retrieval _____ hours @ \$30.00/hr \$ _____

Total estimated cost: \$ _____ Deposit required: \$ _____

Note: Non-standard and special requests will be billed at cost and charged in addition to any other fees.

I request the records described and agree to pay all charges incurred in processing this request at or before the time the records are made available. If over \$10, I understand I must provide a deposit to pay for the cost incurred to obtain the records. I understand that the Estimated Charges are estimates only, and that the actual cost may vary. This request will be considered received when this form is complete and received by the Custodian, and any required deposit is paid.

Signature: _____ **Date:** _____

If the records are available pursuant to Section 24-72-201 et seq. C.R.S., the records shall be made available for viewing within three working days. The date of receipt is not included in calculating the response date. If extenuating circumstances exist so that the Custodian cannot reasonably gather the records within the three-day period, the Custodian may extend the period by up to seven working days. The requestor shall be notified of the extension within the three-day period. Public records shall be viewed at the District's offices during regular business days at prearranged times.

For Internal Use Only	
Date request completed:	Amount prepaid: \$ _____
Approved: _____ Denied: _____	Balance due before release: \$ _____
If denied, provide reason(s):	Total Amount paid: \$ _____