

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

May 18, 2022- 9:00 AM

District Office – 57 Baca Grant Way South

Crestone, Colorado 81131

Meeting held via Zoom

ATTENDANCE

Directors in Attendance:

Vivia Lawson
John Loll
Mike Smith
William Peck
Rick Hart

Also in Attendance:

Marcus Lock, District Legal Counsel
Cathy Fromm, District Accountant (for a portion of the meeting)
JoAnn Slivka, District Manager
Gary Potter, District Director of Utilities
Natalie DeBon, District Administrative Services Manager (for a portion of the meeting)

Community Members and Guests:

Michael Scully
Michaël Van Broekhoven
Steven Johnson
David Lindsay

CALL TO ORDER

President Loll opened the meeting at 9:03 AM.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

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

Director Loll recused himself from any discussion regarding Yeshe Khorlo.

The Directors congratulated Mr. Rick Hart on winning the election and welcomed him to the Board.

AGENDA

Director Peck requested that a discussion be added to the agenda regarding changing the District web site domain from .com to .gov. The Directors felt this was an item that should be discussed at a later time; the subject was not added to the agenda

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LAWSON,
SECONDED BY DIRECTOR HART AND UPON VOTE, FROM A MAJORITY OF THE BOARD, WITH
DIRECTOR PECK VOTING NAY, THE BOARD APPROVED THE AGENDA WITH NO CHANGES.

Appointment of Officers: The Board entered into discussion regarding the appointment of officers.

MOTION: DIRECTOR LOLL MOTIONED AND NOMINATED DIRECTOR LAWSON TO SERVE AS PRESIDENT OF THE BOARD OF DIRECTORS, SECONDED BY DIRECTOR HART AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPOINTED DIRECTOR LAWSON AS PRESIDENT OF THE BOARD OF DIRECTORS.

MOTION: DIRECTOR LAWSON MOTIONED AND NOMINATED DIRECTOR LOLL TO SERVE AS VICE-PRESIDENT OF THE BOARD OF DIRECTORS, SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPOINTED DIRECTOR LOLL AS VICE-PRESIDENT OF THE BOARD OF DIRECTORS.

MOTION: DIRECTOR LAWSON MOTIONED AND NOMINATED DIRECTOR SMITH TO SERVE AS BOTH TREASURER AND SECRETARY OF THE BOARD OF DIRECTORS, SECONDED BY DIRECTOR HART AND UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPOINTED DIRECTOR SMITH AS TREASURER AND SECRETARY OF THE BOARD OF DIRECTORS.

DIRECTOR ROLES AND RESPONSIBILITIES

Mr. Lock provided a brief orientation for the new and current Directors on Director Roles and Responsibilities.

1. Documents and Resources:
 - a. The Special District Association (SDA) is a good resource to learn about being Special Districts in Colorado.
 - b. Work with the District Manager to receive materials regarding Director Responsibilities and District matters.
 - c. The annual SDA Board manual is a good resource.
 - d. BGWSD Rules of Decorum- Review this document that the BGWSD Board of Directors approved in 2020.
2. Director and Officer roles- it is important to remember that the governing body of a district is the board of Directors and Directors are only able to act by majority of its members.
3. Regarding Confidences and Execution Session- all actions of the Board are governed by the Colorado Open Records Act. It is important to be open and transparent to the public and our constituents, but there are items that may be determined to be discussed in executive session. Whatever is discussed in executive session is confidential information and is not to be discussed with the public to protect the district and the Board. There are specific statutory rules that apply to executive sessions. In addition to certain personnel matters, there are generally three matters that this district discusses in executive session, they include:
 - a. Matters concerning the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest.
 - b. Conferences with the attorney for the purposes of receiving legal advice on specific legal questions.
 - c. Determining positions relative to matters that may be subject to negotiations.There are other statutory bases for an executive session, but the three categories above seem to come up most often for this district.
4. The purpose of going into executive session, the statutory basis for the executive session, and the subject matter of the executive session should be noted on the meeting agenda

where possible; it is important that the executive session discussion be limited to the topics identified publicly.

- No action may be taken in executive session, any decisions or actions need to be taken in open session.
5. Deliberative Process Privilege, Attorney/-Client, and the Work Product Doctrine. Generally, communications and documentation back and forth between board members and staff on working documents leading up to a decision are confidential. Communications with the District's attorney are confidential, and documents prepared in anticipation of litigation are confidential. Mr. Lock will assist the board in determining when a particular communication or document is privileged and confidential.
 6. Delegation and Representation- the delegation of duties to a committee, Director, staff or consultant from the Board needs to have a clear scope of understanding.
 7. Communication with the public- a single Director cannot speak on behalf of the entire board unless he or she has been authorized to do so; a single Director cannot make decisions on behalf of the District. If you want to speak as an individual board member about your own views or opinions, this is certainly permissible, but you must be very clear that you are not speaking on behalf of the District but for yourself, as an individual board member.

The Board began a discussion of protocol for communications between District staff and Directors by following applicable portions of the document (enclosed in the meeting packet) titled "Officers of the Board Quick Reference".

At this point Mr. Peck stated he was having technical difficulties with his audio.

The Board took a five-minute break to allow time for Mr. Peck to work on his audio problems and to phone in to the Zoom meeting.

Mr. Peck then appeared at the District office to continue his participation at the meeting in person. The Directors again reviewed the decision previously made about in-person meetings. Following discussion, it was determined that if Mr. Peck was not allowed to stay at the office for the meeting, Mr. Loll would have to leave as well.

MOTION: Director Peck introduced a motion to override the decision to not allow in-person meetings at this time.

Motion not seconded; motion failed.

The Directors took another 25-minute break to allow Directors Loll and Peck to return to their homes to join the meeting remotely via Zoom.

MOTION: Following discussion, upon motion duly made by Director Loll, seconded by Director Hart, and, upon vote, from a majority of the board, with Director Peck voting Nay, the Board approved following the document titled "Officers of the Board Quick Reference" for guidelines on conduct by the Directors,

especially, that the Board President should be the primary point of contact with communications with the District Manager, Staff, and Legal Counsel.

In accordance with the passed motion, Directors were instructed to bring tasks for the District Manager, Staff, and Legal Counsel to the attention of the Board President.

CONSENT AGENDA

The board considered the following consent agenda items:

- Approve Minutes from the April 16, 2022 Regular Meeting

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LOLL, 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).

The district is subject to the Colorado Open Meetings Law, which states that no Board discussion or action will take place until a later date, if necessary. Please limit your comments to three minutes or less.

There were no public comments.

BOARD AND STAFF REPORTS

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

Board Matters

Director Peck had questions regarding the status of the Motel Well and fire hydrants.

District Manager Report

2022 Election- Ms. Slivka thanked the volunteers, staff and consultants that assisted with the successful completion of the 2022 Special District election. The election was certified on Monday, May 16.

Director of Utilities Report

Water/Sewer Hookup Inventory: Mr. Potter reported that five new taps have been installed so far this year. We have received the meter pits but are still missing parts due to supply chain issues. He further reported that our inventory on meters is getting low so we may be in a situation where we either have to allow installation of pits without meters or stop installing meter pits for new customers. Director Lawson inquired as to what was actually received in the last delivery. Mr. Potter explained that we received meter pits; there are two critical parts 1. Water meters and 2. Water meter pits. If we do not receive the meter order, we will need to have a discussion on how to proceed. He further reported that we are out of stock on the actual meter reading devices that measure how much water is being used.

Auto Samplers: Mr. Potter reported that staff received training on the auto samplers but they are missing parts. He is hoping the parts will arrive soon and they can begin using the auto samplers

in June.

Load Capacity: We are getting close to the 80% capacity as we continue to add more services in the Baca and the Town of Crestone.

Director Loll inquired about the schedule for Element Engineering to tell us when we may hit the 80% consistently and when we will have that information. Mr. Potter reported that he cannot answer that question at this point.

FINANCIAL MATTERS

Check Register: The board considered approval of the check register through the period ending May 18, 2022 as follows:

General	\$ 2,216.74
Debt Services	\$ 400.00
<u>Enterprise</u>	<u>\$ 48,699.18</u>
	\$ 51,315.92

MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LOLL, SECONDED BY DIRECTOR SMITH, AND, UPON VOTE, UNANIMOUSLY CARRIED, THE BOARD APPROVED THE CHECK REGISTER FOR THE PERIOD ENDING MAY 18, 2022.

Financial Statements:

Ms. Fromm reviewed the financial statements with the board of Directors. She noted that we are seeing a huge increase in interest from our ColoTrust funds. The yield went up 25% this month, which will exceed our budget line for interest income. Our first bond and loan payments will be due June first.

LEGAL MATTERS:

Yeshe Khorlo- The Directors heard from community members regarding the status of the water and sewer lines related to the Yeshe Khorlo subdivision. Mr. Broekhoven made a request to exclude from the Yeshe Khorlo agreement.

Following discussion the Board of Directors directed staff to investigate the matter and report back to the Board.

Town of Crestone- The Board of Directors directed Mr. Lock to initiate a letter to the Town’s attorney notifying him that the District will pursue a meeting with the Town in the near future.

USFWS Discussions- The Board of Directors directed Mr. Lock to write a letter expressing a willingness to negotiate with the group and that the District is open to an on-site meeting with them.

EXECUTIVE SESSION

MOTION: PURSUANT TO C.R.S. § 24-6-402(4) (A), (B), AND (E), UPON MOTION DULY MADE BY DIRECTOR PECK, SECONDED BY DIRECTOR SMITH AND, UPON AN AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE QUORUM PRESENT, THE BOARD ADJOURNED TO EXECUTIVE

SESSION AT 11:45 AM FOR THE PURPOSE OF DISCUSSING NEGOTIATIONS WITH THE TOWN OF CRESTONE AND THE PURCHASE OR LEASE OF REAL PROPERTY, RECEIVING 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. PURSUANT TO C.R.S. § 24-6-402(2) (D.5), (II), (B), NO RECORDING WILL BE KEPT OF THE PORTION OF THIS EXECUTIVE SESSION THAT, IN THE OPINION OF THE BOARD'S ATTORNEY, CONSTITUTES PRIVILEGED ATTORNEY-CLIENT COMMUNICATION PURSUANT TO SECTION C.R.S. § 24-6- 402(4) (B).

MOTION: DIRECTOR LAWSON MOVED; DIRECTOR PECK SECONDED TO RECONVENE TO REGULAR SESSION AT 1:04 PM.

Other Business:

In Person Meetings:

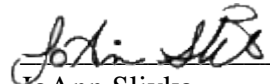
MOTION: FOLLOWING DISCUSSION, UPON MOTION DULY MADE BY DIRECTOR LAWSON, SECONDED BY DIRECTOR LOLL, AND, UPON VOTE CARRIED, THE BOARD DECIDED THAT FOR THE NEXT SIX MONTHS, THERE WILL NOT BE ANY FURTHER DISCUSSION ON IN-PERSON MEETINGS AND THE DISTRICT BOARD OF DIRECTOR MEETINGS WILL BE HELD REMOTELY VIA ZOOM UNTIL THAT TIME.

ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, UPON MOTION DULY MADE DIRECTOR PECK, SECONDED BY DIRECTOR SMITH AND UPON VOTE, UNANIMOUSLY CARRIED, THE MEETING WAS ADJOURNED AT 1:19 PM.

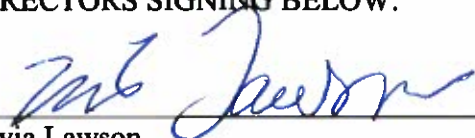
THE NEXT REGULAR MEETING IS SCHEDULED FOR
June 15, 2022

Respectfully submitted,

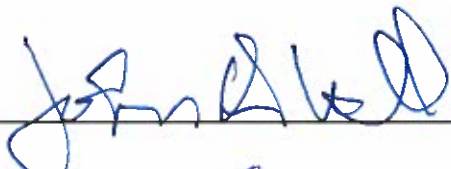


JoAnn Slivka
Secretary for the meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL May 18, 2022 MINUTES OF THE BACA GRANDE WATER AND SANITATION DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:




Vivia Lawson



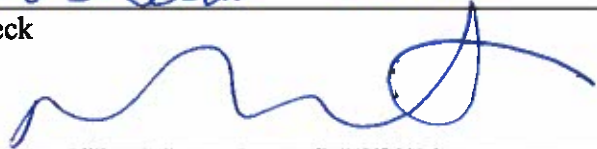
John Loll



Mike Smith



William Peck



Rick Hart

ATTORNEY STATEMENT

Regarding Privileged Attorney-Client Communication

Pursuant to §24-6-402(2) (d.5) (II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Baca Grande Water and Sanitation District, I attended the executive sessions on May 18, 2022, and it is my opinion that the portion of the executive session that was not recorded constituted attorney-client privileged communications.



Marcus J. Lock

General Counsel

Baca Grande Water and Sanitation District

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

WHEN: Wednesday, May 18, 2022

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>
John Loll		2025/May 2025
Mike Smith		2023/May 2023
Bill Peck		2023/May 2023
Viva Lawson		2025/May 2025
Rick Hart		2025/May 2025

I. Call to Order

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

II. Introduction of new Board Members.

- A. Board of Director Matters
B. Consider appointment of Officers:

President _____
Vice President _____
Treasurer _____
Secretary _____

III. CONSENT AGENDA

Action: to approve

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.

- Approve Minutes from the April 16, 2022 Regular Meeting

IV. 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.

V. BOARD AND STAFF REPORTS

- A. Board of Director Matters
- Current Fire Concerns – Director Peck
- B. District Manager Report (enclosure)
C. Administrative Report (enclosure)
D. Director of Utilities Report (enclosure)

VI. FINANCIAL MATTERS

A. Review and approve the check register for the period ending May 18, 2022 (enclosure)

Action: to approve

General	\$ 7,116.69
Enterprise	\$ 51,674.65
	\$ 58,791.34

B. Financial Summary (enclosure)

VII. LEGAL MATTERS

A. Yeshe Khorlo Tap Fees (adjourn to Executive Session if necessary)

B. Town of Crestone- Status of IGA (adjourn to Executive Session if necessary)

C. Status of USFWS Discussions (adjourn to Executive Session if necessary)

VIII. 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)(b), which concerns conferences with the District’s attorney for the purpose of receiving legal advice on specific legal questions to discuss Yeshe Khorlo.

IX. OTHER BUSINESS

A. In person meetings: Discuss and provide direction to staff

X. ADJOURN

NEXT REGULAR MEETING IS SCHEDULED FOR June 15, 2022, at 9:00 AM

Join Zoom Meeting
<https://us02web.zoom.us/j/87269124750?pwd=ZmZVcTd2Y0UycW0vRmFWNS9wTU5WQT09>
Meeting ID: 872 6912 4750
Passcode: 638055
One tap mobile
+12532158782,,87269124750#,,, *638055# US (Tacoma), +13462487799,,87269124750#,,, *638055# US (Houston)
Dial by your location
+1 253 215 8782 US (Tacoma), +1 346 248 7799 US (Houston)
Meeting ID: 872 6912 4750 Passcode: 638055

Officers of the Board Quick Reference

The Board of Directors is the governing authority of the district. Apart from his/her normal function as a part of this unit, or as directed by the Board, no individual director may commit the district to any policy, act, or expenditure. All powers, privileges, and duties vested in or imposed upon the district shall be exercised and performed by and through the Board. The Board may delegate to Officers, employees, and agents of the district any or all administrative and ministerial powers, but cannot delegate away the ultimate responsibility for the governance of the district.

REPRESENTATION

The Board of Directors as a whole should not represent any factional segment of the district, but rather should represent and act for the district as a whole. The Board of Directors shall comply with and be guided by applicable state laws and regulations including the Colorado Special District Act and applicable state and federal laws and regulations.

OFFICERS

Annually, at the first regular Board meeting following the biennial election of Board members, and during the same month in the following year, the Board should select a President, Vice President, Treasurer, and Secretary for the next year.

PRESIDENT

The President (or Chairman) should perform the duties of presiding officer at all meetings of the Board of Directors; carry out the resolutions and orders of the Board of Directors; and perform such other duties as the Board of Directors prescribes.

The President (Chairman) should be the Board's liaison to the Manager and should work with the Manager to develop the Board agenda prior to each Board meeting. The President (Chairman) should convey the Board's actions and directions to the Manager, and monitor the Manager's progress on Board directives and policies.

The President is authorized to sign all official documents of the district.

VICE PRESIDENT

When the President resigns or is absent or disabled, the Vice President (Vice Chair) shall perform the President's duties. When the President disqualifies himself/herself from participating in an agenda item, the Vice President shall perform the duties of the presiding officer.

TREASURER

The Treasurer shall be a member of the Board and shall be responsible for seeing that appropriate financial procedures are in place and that accurate financial records are kept.

The Treasurer shall also be responsible to see that an annual budget is prepared and adopted pursuant to the provisions of the Colorado Budget Act.

SECRETARY

The Secretary may be a member of the Board and shall be responsible for seeing that accurate minutes of Board meetings are kept and preserved.

The Secretary and Treasurer may be the same person, but if such is the case, he or she shall be a member of the Board.

MANAGER

The Board may hire a Manager or contract with an administrator to serve for such term and upon such conditions, including compensation, as the Board may establish. The Manager shall have general supervision over the administration of the affairs, employees, and business of the district. He/she shall also be charged with the hiring and discharging of employees and the management of district properties.

The Manager, as authorized by the Board, can have the care and custody of the general funds of the district and shall deposit or cause to be deposited the same in the name of the district in such banks or savings associations as the Board may select.

The Board may delegate to Officers, employees, and agents of the district any or all administrative and ministerial powers, but cannot delegate away the ultimate responsibility for the governance of the district.

Rules of Decorum

Board Intent for Rules of Decorum. The District's business is conducted at Board meetings by the Board of Directors of the District. All Board meetings are open to the public, but the public's participation is permitted only at formal Board business meetings during the time and in the manner set forth in these rules. Public comment is generally not permitted during work session of the Board, although the public is encouraged to attend such sessions and express comments in writing or other communication prior to or after those meetings. In order for the Board to conduct its business in a manner completely open to the public, rules of decorum are necessary. Board meetings can last several hours, which may limit the practical ability for the public to participate and the effectiveness of staff to make presentations and elected officials to discuss issues and make decisions. The intent of these rules is to:

1. Provide a safe and secure setting for the Board and the public to attend to the District's business.
2. Enable the Board to conduct its deliberative process without interruption in a manner that can be heard and viewed by all in attendance.
3. Ensure that the public has a full opportunity to be heard during public hearings and open comment periods of Board meetings.
4. Facilitate transparency in the conduct of Board meetings so that all persons have the opportunity to observe and hear all of the Board discussion and votes.
5. State specific rules so that all may know the rules in advance and be subject to the same rules.
6. Limit interruptions, unreasonable delay, or duplication of comments, presentations, or discussion.
7. Develop an atmosphere of civility that is respectful of diverse opinions and allows presentation of positions that vary from the position of others at the meeting without insults or intimidation.
8. Balance the need for the Board to conduct effective meetings without the meetings extending for an unreasonable length of time with the need to give a full opportunity for the public to be heard.
9. Facilitate Board meetings as business meetings, therefore public comments should relate to the business of the District and, as such, be addressed to the Board as a whole, which conducts the business of the District.
10. Adopt these rules of decorum as the standard for conduct of meetings of the Board of Directors and staff of the District.

b. Rules of Decorum for the Public. During all times a meeting of the Board of Directors is being conducted, the following rules shall apply:

1. Prior to addressing the Board, a person shall sign-up providing information for the Board record.
2. All public comment to the Board shall be only after the speaker is acknowledged by the presiding officer, shall be addressed to the Board as a whole, and shall be limited to the amount of time indicated by the presiding officer, which amount of time will typically be three minutes.
3. While in attendance at a Board meeting, no attendee shall disrupt, disturb, or otherwise impede the orderly conduct of any Board meeting by any means in a manner that obstructs the business of the meeting. Disorderly conduct also includes failing to obey any lawful order of the presiding officer to be seated, leave the meeting room, or refrain from addressing the Board.
4. No attendee shall make threats or other forms of intimidation against any person in the Board chambers or meeting room or any employee of the District, or be in possession of any weapon or firearm while in the Board chambers or meeting room unless the attendee possesses a valid permit meeting all of the requirements set forth in § 18-12- 204, C.R.S.
5. To maintain the fire code occupancy limits and allow for safe exit, unless addressing the Board or entering or leaving the Board chambers or meeting room, all persons in the audience shall remain seated in the seats provided. No person shall stand or sit in hallways, corridors, doorways, or other avenues of ingress or egress.
6. All persons in the Board chambers or other meeting room, including, without limitation, Board members, staff, and attendees, shall silence all cell phones, pagers, and other electronic devices to prevent disruption at the meeting.
7. No person at any Board meeting shall be in a state of intoxication caused by the person's use of alcohol or drugs.
8. Members of the public shall make every effort to be respectful at all times of those with opposing views.
9. No sign shall be displayed in Board chambers in a manner that blocks the view of another person or in a manner that would violate subsection 5 above.

c. Enforcement of Decorum. The presiding officer of the Board shall be responsible for maintaining the order and decorum of meetings. The presiding officer may order removed from the Board chambers, or other room in which a meeting of the Board is occurring, any person who fails to observe these rules of decorum:

1. The presiding officer may interrupt any speaker who is violating these rules of decorum or disrupting a meeting.

2. The presiding officer shall attempt to provide a verbal warning to any attendee or particular speaker that may be violating these rules of decorum, but such verbal warning shall not be required as a condition of removing an offender from the Board chambers or meeting room.
3. These enforcement provisions are in addition to the authority held by any peace officer in attendance to maintain order pursuant to the officer's lawful authority.
4. Any person removed from the Board chambers or meeting room shall be excluded from further attendance at the meeting from which the person has been removed, unless permission to attend is granted upon the motion adopted by a majority vote of the Board.
5. Any person who has been removed from a meeting may be charged with a violation of any applicable provision of the Colorado Revised Statutes.
6. In addition, by vote of the Board, any person removed from a meeting may be excluded from attendance at Board meetings for thirty (30) days after such removal. A longer period of prohibition from attendance at Board meetings may be determined by the Board by a vote, if the person has been removed from the Board chambers or meeting room in the past twenty-four months for violation of these rules of decorum, or the Board determines that the attendee's conduct was so severe as to necessitate a longer period of prohibition.
7. A person prohibited from attendance at Board meetings may request a hearing to dispute prohibition under the provisions of Article 2.11 of the Rules and Regulations of the District, "Hearings." The scope of the hearing will be limited to the following: (1) the nature and extent of the behavior resulting in the suspension; and (2) if applicable, whether there was a prior removal in the past twenty-four months. The hearing officer will forward a recommendation to the Board to affirm the sanction, modify the sanction, or to remove the sanction for the Board's consideration at a subsequent meeting of the Board.
8. In addition to any other authority of the presiding officer, the presiding officer may call a recess during which time the members of the Board shall leave the meeting room. Similarly, if necessary for the safety of the Board and public, the presiding officer may order the Board chambers or meeting room cleared of all attendees, and call a recess, adjourn or continue the meeting until another date.

d. Rules of Decorum for Board. Members of the Board shall attempt to balance the right of the public to know positions of the elected and appointed officials and rationale for decisions with the need for balanced discussion and timely adjournment of the meeting. In order to realize this balance, members shall endeavor to:

1. Articulate questions, opinions, comments and reasons for votes succinctly;
2. Exercise self-discipline by avoiding repeating statements of others, being verbose in expressing opinions or straying off the topic;
3. Allow the presiding officer to manage the meeting and call on members before speaking;

4. Support the presiding officer in enforcement of these rules;
5. Permit other members an opportunity to speak once on an issue before speaking a second time on the same issue;
6. Focus on the issue being discussed rather than disagreement of ideas and avoiding personal attacks or assuming motives of another;
7. Consider the adopted Board goals, staff work plans, and limited resources when making requests for delay or additional information;
8. Acknowledge that new topics raised during a meeting by a member of the public or of the Board may not have the benefit of all of the necessary background information, may not be presented from a balanced perspective, and decisions in such situations are more often emotionally driven. New topics raised during a meeting are most often best resolved by deferring the decision to the District manager or to a future agenda with direction to staff to provide background materials before the matter is considered at a future meeting;
9. During a Board meeting, refrain from electronic communication regarding subjects considered at that meeting. Except that Board members may receive electronic copies of materials from staff displayed on monitors or otherwise made available at the meeting.

e. Interpretation of Rules. These rules are intended to support the intent of the Board set forth above. These rules are not to be used to limit public participation or Board debate, but to enable the effective functioning of the Board. Either the Board or the presiding officer may temporarily suspend these rules or grant exceptions in order to effectuate their intent.



DISTRICT MANAGER REPORT

To: Baca Grande Water and Sanitation District Board of Directors

From: JoAnn Slivka, District Manager

Date: May 13, 2022

May 3, 2022 Special District Election 2022:

The Baca Grande Water and Sanitation District held an election on May 3, 2022.

Three Directors were elected to serve a three-year term expiring in 2025.

Congratulations to Ms. Lawson, Mr. Hart and Mr. Loll.

Eight candidates ran for three seats.

Following are the results:

Vivia Lawson	172
Rick Hart	125
John A. Loll	97
Dale W. Halley	68
Michael Reid	59
Michael Scully	45
dan gray	27
Kyle Morgan	15

- May 16: The Canvass Board will certify the election. At that time, we will also administer the Oath of Office for each elected director in order to have enough time to file the documents as required before their first meeting in May.
- May 18 Board Meeting:
We will introduce the new Board members and consider appointment of officers, please review the document that is enclosed in your packet.
The officers for consideration include:
 - Selection of President for the Baca Grande Water and Sanitation District.
 - Selection of Vice President for the Baca Grande Water and Sanitation District.
 - Selection of Treasurer for the Baca Grande Water and Sanitation District.
 - Selection of Secretary for the Baca Grande Water and Sanitation District.

We thank Mr. Halley for his service during his tenure with the District.

- I will be completing the necessary election documents and new director documents.

Town of Crestone

- March 16, 2022: The District received from the Town of Crestone a Counterproposal and a Report from Baseline Engineering
- The Town Trustees attended the District's April meeting to answer any questions BGWSD Directors may have and gave a historical background of the relationship.
- April: District began charging the town at the 2022 rate

2022 I.T. Updates

- **Xerox WorkCentre Lease Agreement:**
We are still waiting for delivery of the new Xerox equipment.
- **Board eMail addresses:** This project has now been completed.
Per Director Peck's directive to inform him why this was being done, WSB provided a message explaining the need for the change.

Master Plan

- The executed agreement between Baca Grande Water and Sanitation District and Element Engineering has been transmitted, Mr. Marcotte and his team will commence working on the plan.

Communications Tower

- I have been in contact with Mr. DiNaro. We are planning to have a public event after the election. Once we have the logistics in place we will send out an announcement and request comments and concerns be submitted in advance.

LEAP

- During the month of April, six district customers have received assistance for a total of \$1900.33.

Personnel, Board and Staffing Updates

- **Workers Compensation Claims:**
I have been working on two workers comp claims during the months of April and May.
 - April: this one is in the process of being closed with no further treatment required.
 - May: this other is in process with follow up needed. The staff member has returned to work on light duty.
- Job opportunity announcements have been posted on the district web site and published with the Crestone Eagle electronically and in the paper editions.
- We have received a few applications and interviews have been scheduled.
- Our Utility Billing Specialist's last day is Friday, May 13. The district will dearly miss Alba.
- Ms. DeBon has been cross training and taking on additional duties during this time.

Colorado Water Loss Initiative

Phase II of the CWLI

- The District Water Loss Team is scheduled for a follow up call on May 24, where we will make sure that we will be able to complete the supply meter testing and then can go over what is required from us.

Upcoming

- **Compliance:**
Aspen Wastewater Treatment Facility (AWWTF): The compliance inspection for AWWTF is scheduled for June 1, 2022. Mr. Potter has been diligently working to prepare for the inspection.

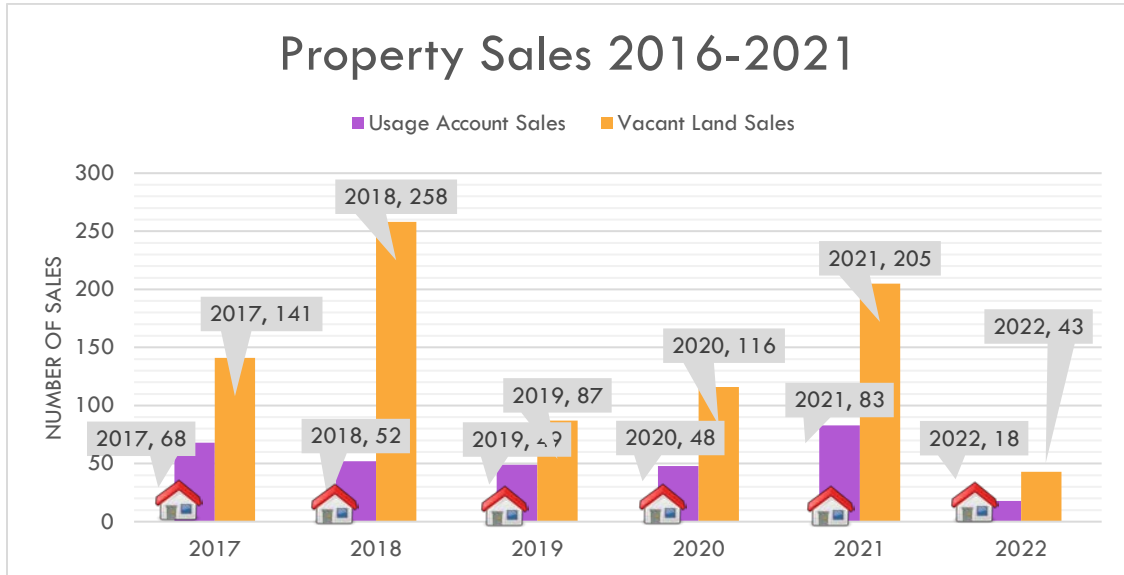
2021 Audit Ms. Fromm and I have begun working with the auditor on the 2021 audit documents and schedule.

ADMINISTRATIVE REPORT – APRIL 2022

UTILITY BILLING ACTIVITY

Customer Utility Billing		
Billing Category	Number of Accts	Amount Billed
Late Fees	49	\$ 735.00
Usage Customers Billed - Water	800	41,334.75
Usage Customers Billed - Sewer	779	\$39,191.41
EQR Fees	27	785.75
Transfer Fees	21	\$5,250.00
On/Off Fees	8	\$300.00
Town of Crestone Sewer		
Month	Total Monthly Flow (gallons)	Amount Billed
January	461,135	\$2,425.57
February	427,186	\$2,247.00
March	444,100	\$4,698.59
April	526,408	\$5,679.94
May		
June		
July		
August		
September		
October		
November		
December		
Totals	1,858,829	\$15,051.10

APRIL PROPERTY SALES: 5 HOMES 16 LOTS

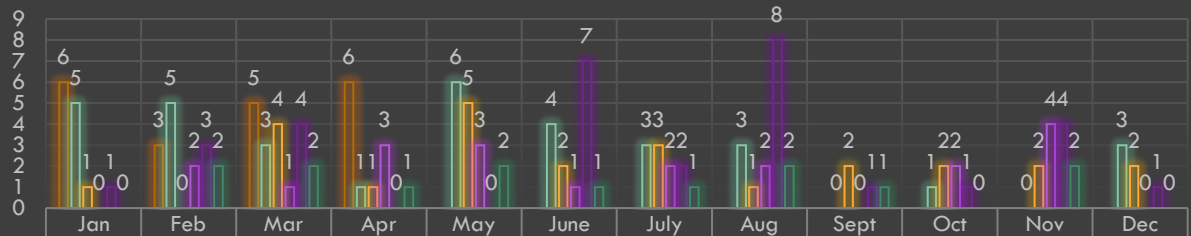


2022 WATER-SEWER HOOKUP APPLICATIONS

6 - APPLICATION(S) RECEIVED IN APRIL

Water-Sewer Hookups 2016-2022

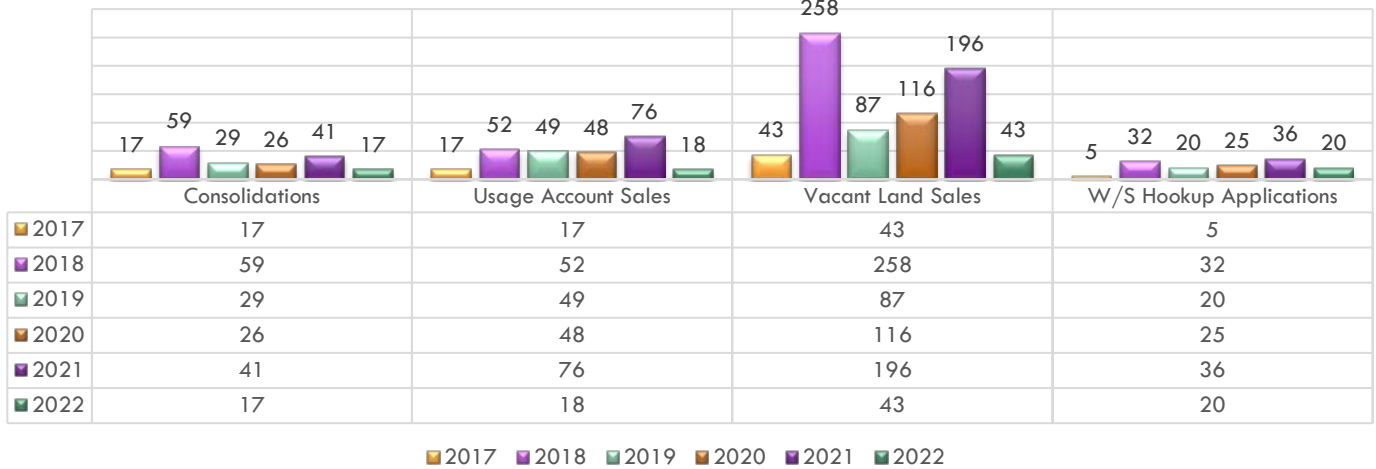
2022=20 hookups 2021=35 hookups 2020=25 hookups 2019 = 20 hookups 2018= 32 hookups 2017= 14 hookups



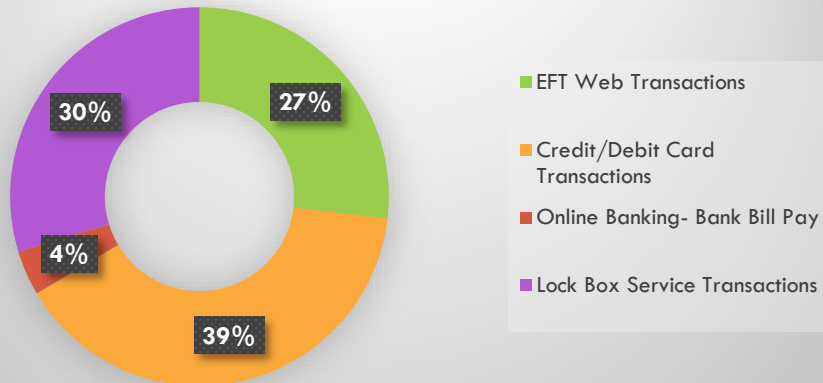
2022=20 hookups	6	3	5	6	6	4	3	3	0	1	0	3
2021=35 hookups	5	5	3	1	6	4	3	3	0	1	0	3
2020=25 hookups	1	0	4	1	5	2	3	1	2	2	2	2
2019 = 20 hookups	0	2	1	3	3	1	2	2	0	2	4	0
2018= 32 hookups	1	3	4	0	0	7	2	8	1	1	4	1
2017= 14 hookups	0	2	2	1	2	1	1	2	1	0	2	0

2022 PROPERTY TRENDS AND XBP PAYMENT METHODS

District Property Trends 2016-2022



XBP April 2022 Payment Methods



Baca Grande Water and Sanitation District Monthly Operations Report

May 18th, 2022



New manhole being installed on Lovers Way 4/28/22.



Foam on the aeration basin at Aspen WWTP 4/25/22.



Manual foam from Surge Tank at Aspen WWTP 4/25/22.

Facilities Updates

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				
Vector Truck	Dump Truck	Backhoe	Skid steer	Excavator

- **Well 18**
 - Booster Pump 320 failed pump and motor are being rebuild by Denver Industrial Pump, Motor is rebuilt, waiting on parts for the pump.
 - Back up motor also failed, this motor will be dropped off for rebuild when 320 is picked up.
- **MHE Lift Station**
 - Longer cables are required for new pump installation, cables are on order.
- **Wagon Wheel Lift Station**
 - Pump 2 needs to be wired into the panel, beyond the ability of our usual electrician, I am in search of new electrician.
- **Truck 1**
 - When in for routine oil change and inspection

Operations Updates

- **Lead and Copper**
 - Sample result are in and have been reported to the customers
 - Certificate of Delivery has been submitted to the State
- **Annual Backflow Report**
 - Completed for 2021 Calendar year
 - Happy to report 100% in compliance for 2021
- **Colorado Water Loss Initiative (CWLI) Update**
 - Well 18 Meter Test
 - Still working on the 2021 Water Audit
- **AWWTP**
 - FOAM! Lots of FOAM
 - Compliance inspection from CDPHE June 1st

➤ **Meter Pit Issues**

- 5 new service connections in 2022
- 29 active application
- 20 Pits order last December Arrived 4/27/22
- Currently out of stock on radio read device for meters
- Running low on stock of water meters
- 10 Pits that have been on order since April 2021 ship date pushed back to May 21st. (Maybe?)
- 20 more meter pit ordered 4/11/22

➤ **Auto Sampling Equipment**

- Auto-samplers were setup and the operators received training on May 3rd, but were missing a few parts
- Parts are on order
- Hopefully we will be able to start composite sample with the auto-samplers in June.

➤ **Water and Sewer Mainline Extensions**

- Lovers Way Line Extension nearing completion

➤ **Accidents**

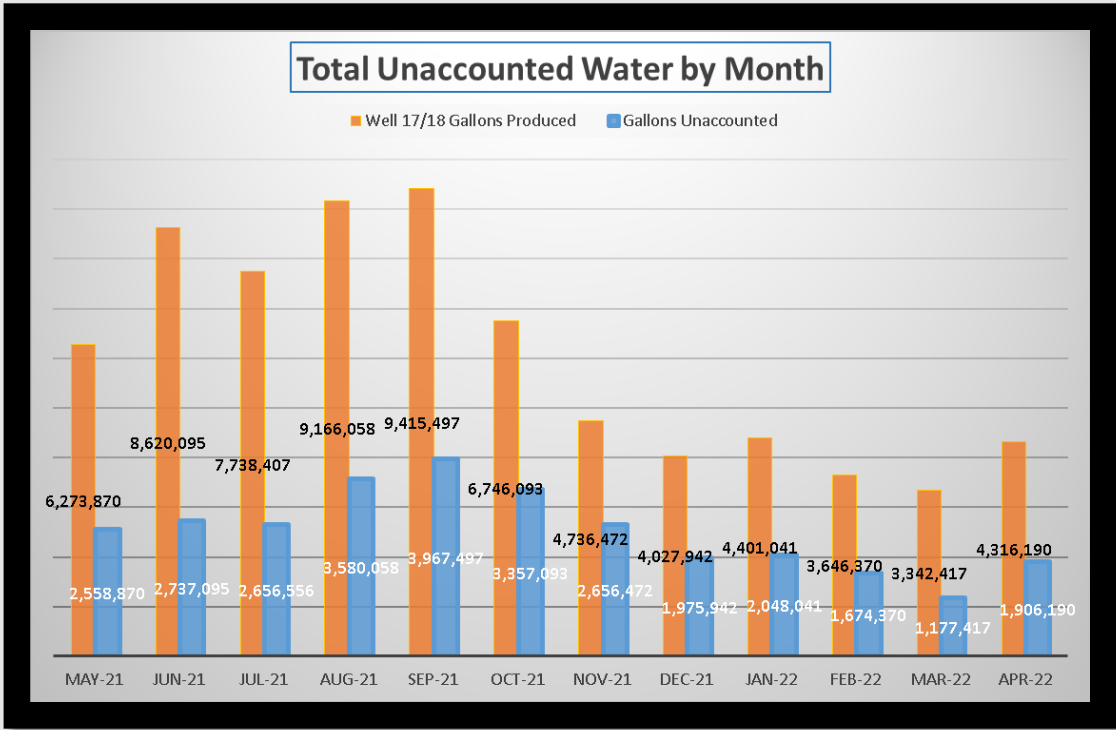
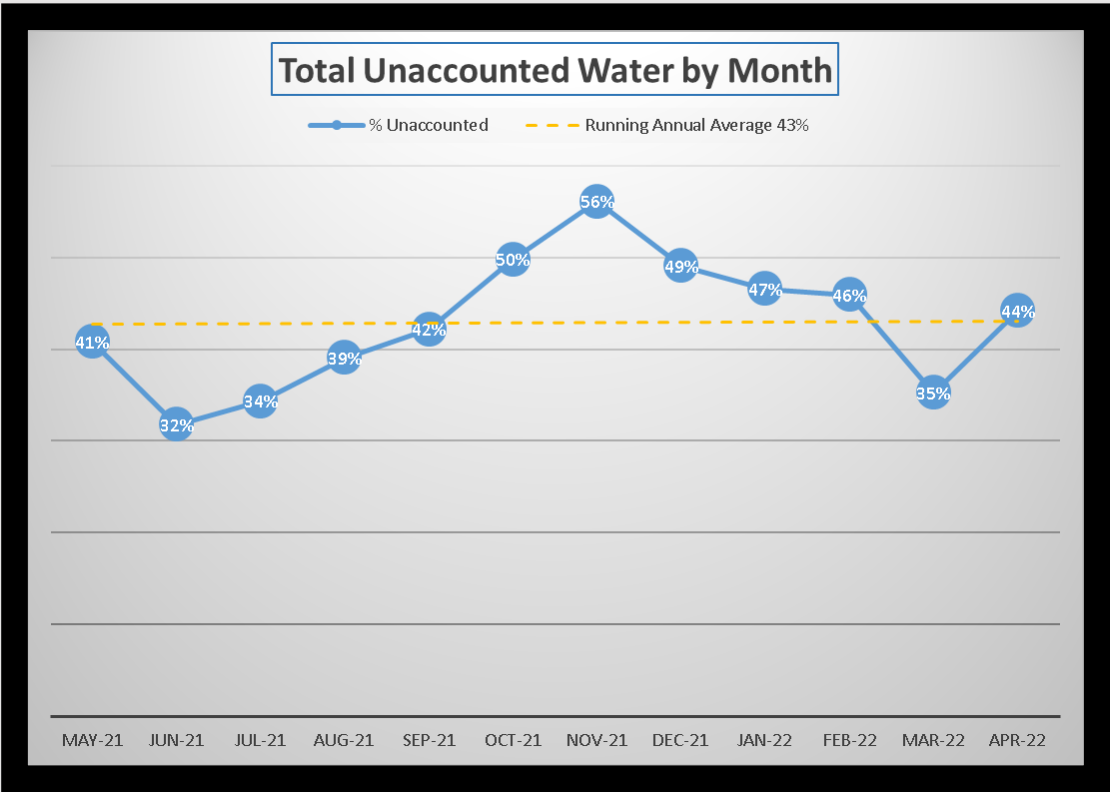
- An employee stepped wrong while operating the Vactor truck 5-5-22 and tore two ligaments in his hip.
- Employee will require physical therapy for recovery
- Employee is on light duty until further notice

➤ **Unaccounted Water**

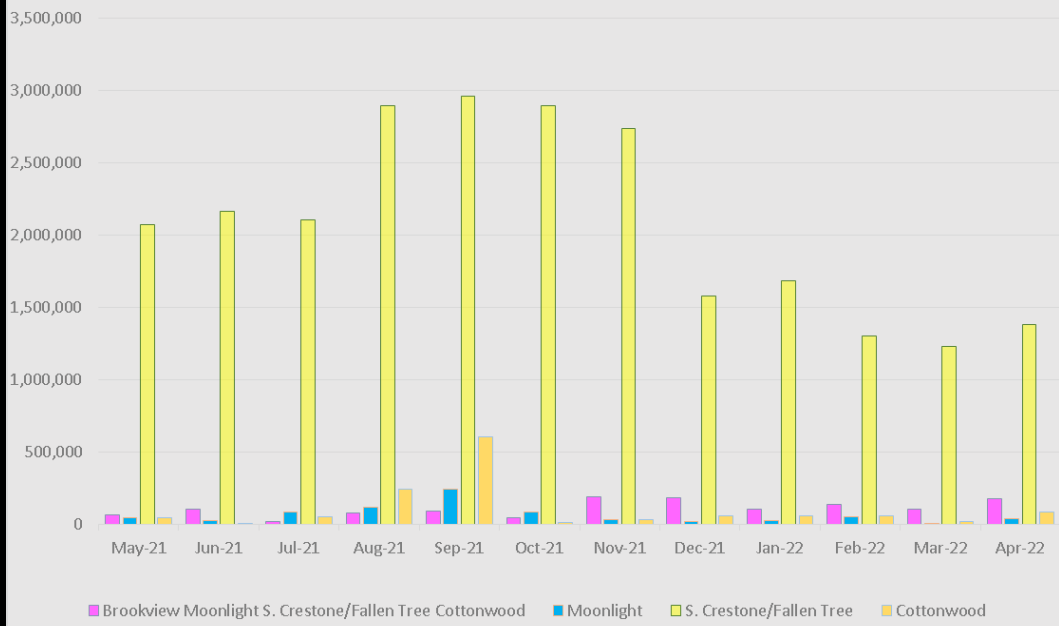
- Wells 17 and 18 produced 4,316,190 gallons of water in the month of April
- The District sold its customers 2,410,000 gallons of water in the month of April, leaving 1,906,190 gallons unaccounted for.
- 44% of the water produced is unaccounted for in the month of April.

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

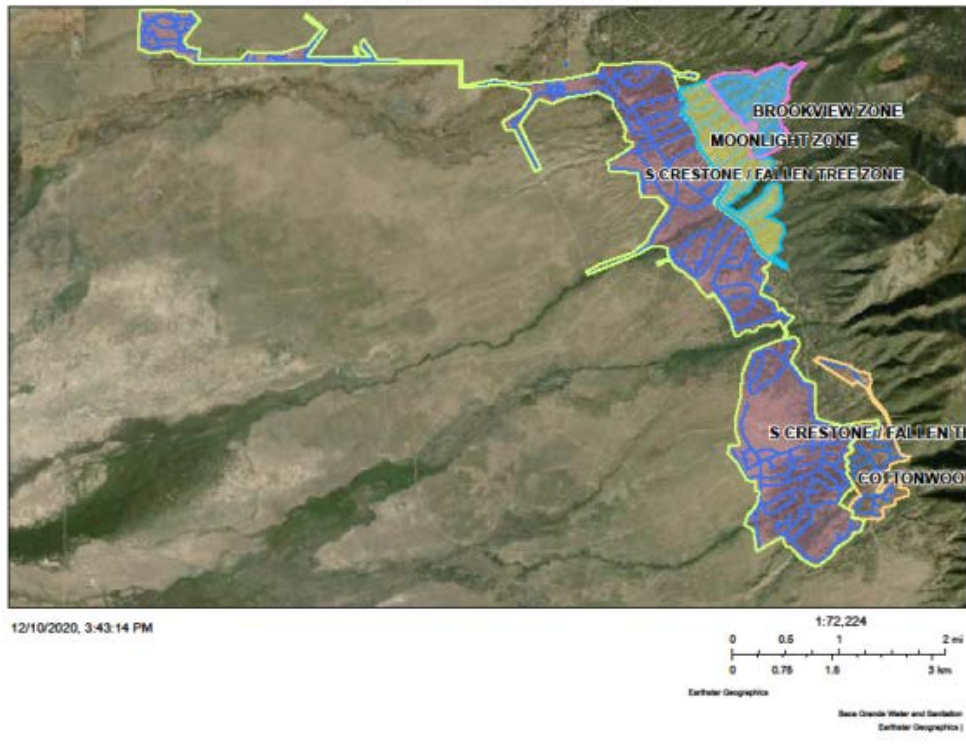
- Aspen WWTP averaged 39% of hydraulic loading capacity in the month of April, the Town of Crestone contributed and average of 34% of the treatment plants hydraulic load.
- Aspen WWTP averaged 66% of organic loading capacity in the month of March. The Town of Crestone contributed an average of 48% of the treatment plants organic load.



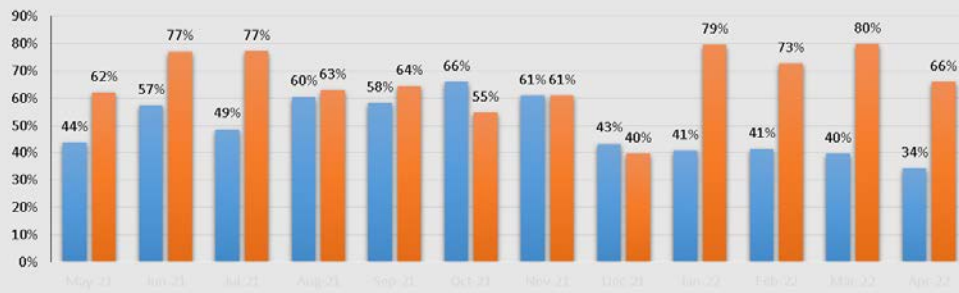
Total Monthly Unaccounted in Gallons by Pressure Zone



BGWSD Unaccounted Water Zone's



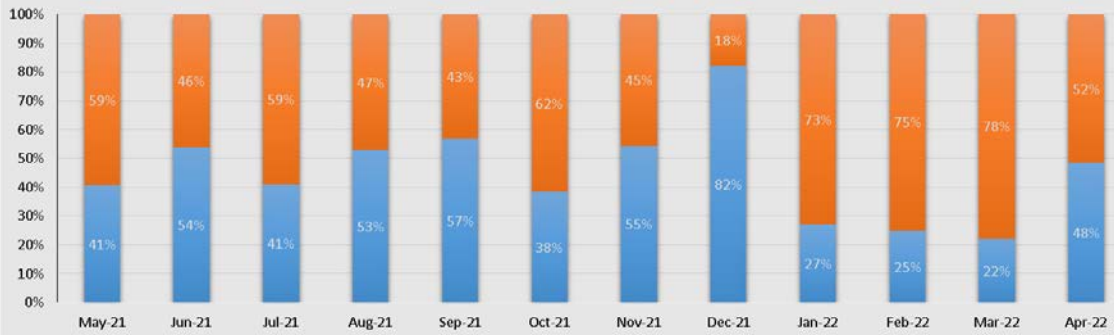
Percentage of Plant Capacities by Month at Aspen Wastewater Treatment Plant



	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22
Plant % of Hydraulic Capacity	44%	57%	49%	60%	58%	66%	61%	43%	41%	41%	40%	34%
Plant % of Organic Capacity	62%	77%	77%	63%	64%	55%	61%	40%	79%	73%	80%	66%

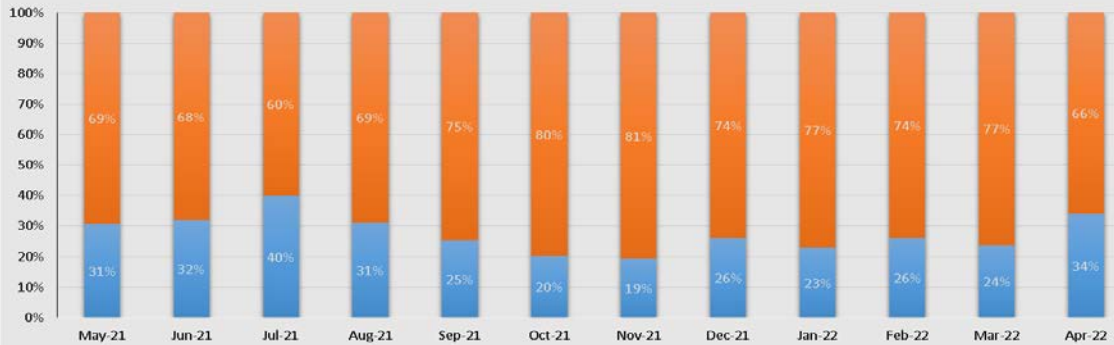
■ Plant % of Hydraulic Capacity ■ Plant % of Organic Capacity

Average % of Total Organic Loading of Aspen Wastewater Treatment Plant by Month of 2021-2022



■ Town of Crestone % of Organic Loading ■ Baca % of Organic Loading

Average % of Total Hydraulic Loading of Aspen Wastewater Treatment Plant by Month 2021-2022



■ Town of Crestone % of Hydraulic Loading ■ Baca % of Hydraulic Loading

Check Issue Date	Payee	Invoice Number	Invoice GL Account	Account Title	Check Amount
92470					
05/18/2022	CEBT	INV 0048654	4-530500	Health Insurance	5,367.13
Total 92470:					5,367.13
92471					
05/18/2022	Centratel, LLC	2205022091	4-500406	Phone Answering Service	316.45
Total 92471:					316.45
92472					
05/18/2022	Colorado Analytical Lab, Inc.	220414029	4-500250	Testing	345.00
05/18/2022	Colorado Analytical Lab, Inc.	220414049	4-500250	Testing	345.00
Total 92472:					690.00
92473					
05/18/2022	Colorado Rural Water Assoc	21238	4-500500	Training and Education	1,050.00
Total 92473:					1,050.00
92474					
05/18/2022	Consolidated Communications	CC-22-05	4-505027	Office / Cell Phones	462.48
Total 92474:					462.48
92475					
05/18/2022	Crestone Eagle Enterprises LLC	8956	4-500510	Advertising	30.00
05/18/2022	Crestone Eagle Enterprises LLC	8959	4-500510	Advertising	41.00
Total 92475:					71.00
92476					
05/18/2022	Deluca Gas Company, Inc.	U0120380	4-505020	Aspen TP-Propane	916.49
Total 92476:					916.49
92477					
05/18/2022	Element Engineering, LLC	EE-22-03-00	4-506020	Professional Fees	420.00
Total 92477:					420.00
92478					
05/18/2022	Faris Machinery Company	A15245	4-500662	Vehicle-Repairs and Maint	210.27
Total 92478:					210.27
92479					
05/18/2022	FirstBank	FB-22-04	4-500451	Supplies	22.61-
05/18/2022	FirstBank	FB-22-04	4-500403	Office Supplies	27.14
05/18/2022	FirstBank	FB-22-04	4-500662	Vehicle-Repairs and Maint	60.94
05/18/2022	FirstBank	FB-22-04	1-506050	Elections	6.51
05/18/2022	FirstBank	FB-22-04	4-500403	Office Supplies	5.99
05/18/2022	FirstBank	FB-22-04	4-500403	Office Supplies	57.51
05/18/2022	FirstBank	FB-22-04	4-500401	Postage	100.00
05/18/2022	FirstBank	FB-22-04	4-500403	Office Supplies	108.79
05/18/2022	FirstBank	FB-22-04	4-500403	Office Supplies	111.79

Check Issue Date	Payee	Invoice Number	Invoice GL Account	Account Title	Check Amount
05/18/2022	FirstBank	FB-22-04	4-503331	Retail Water Meter Parts	35.96
05/18/2022	FirstBank	FB-22-04	4-500661	Gas and Oil	61.72
05/18/2022	FirstBank	FB-22-04	4-500450	Utility Maintenance Tools	29.76
05/18/2022	FirstBank	FB-22-04	4-503002	Repairs & Maint-Sewer(Gravity)	265.78
05/18/2022	FirstBank	FB-22-04	4-500520	Memberships	300.00
05/18/2022	FirstBank	FB-22-04	4-503022	Repair & Maint-Lift Stations	75.97
05/18/2022	FirstBank	FB-22-04	4-500550	Meals and Lodging	16.01
05/18/2022	FirstBank	FB-22-04	4-500662	Vehicle-Repairs and Maint	615.07
05/18/2022	FirstBank	FB-22-04	4-500409	Software Maintenance	195.68
05/18/2022	FirstBank	FB-22-04	4-500250	Testing	45.50
05/18/2022	FirstBank	FB-22-04	4-500250	Testing	31.87
05/18/2022	FirstBank	FB-22-04	4-500662	Vehicle-Repairs and Maint	7.99
05/18/2022	FirstBank	FB-22-04	4-503000	Repair & Maint	80.00
05/18/2022	FirstBank	FB-22-04	4-500408	Computer Support	14.00
05/18/2022	FirstBank	FB-22-04	4-500408	Computer Support	15.00
05/18/2022	FirstBank	FB-22-04	1-506050	Elections	33.36
05/18/2022	FirstBank	FB-22-04	4-500403	Office Supplies	60.65
05/18/2022	FirstBank	FB-22-04	4-505029	Trash and Recycling Services	50.38
05/18/2022	FirstBank	FB-22-04	4-505029	Trash and Recycling Services	87.50
05/18/2022	FirstBank	FB-22-04	4-500550	Meals and Lodging	7.75
05/18/2022	FirstBank	FB-22-04	4-505027	Office / Cell Phones	358.20
05/18/2022	FirstBank	FB-22-04	1-506050	Elections	95.41
Total 92479:					2,939.62
92480					
05/18/2022	Freedom Mailing Services, INC	42667	4-500250	Testing	297.83
05/18/2022	Freedom Mailing Services, INC	42799	4-500460	Utility Billing	647.73
Total 92480:					945.56
92481					
05/18/2022	Fromm & Company LLC	2022-4	1-506045	Accounting	3,409.50
Total 92481:					3,409.50
92482					
05/18/2022	Front Range Win Water Works Co	07294801	4-503331	Retail Water Meter Parts	19,079.40
05/18/2022	Front Range Win Water Works Co	07294802	4-503331	Retail Water Meter Parts	1,196.57
05/18/2022	Front Range Win Water Works Co	07429500	4-503001	Repairs & Maint-Water Mains	193.75
Total 92482:					20,469.72
92483					
05/18/2022	Grainger	9270905202	4-500450	Utility Maintenance Tools	312.11
Total 92483:					312.11
92484					
05/18/2022	John Deere Financial	B23620	4-500450	Utility Maintenance Tools	203.91
Total 92484:					203.91
92485					
05/18/2022	Law of the Rockies	LOR-22-04	1-506030	Legal	3,571.91

Check Issue Date	Payee	Invoice Number	Invoice GL Account	Account Title	Check Amount
Total 92485:					3,571.91
92486					
05/18/2022	Paine, Joshua	PJ-22-04	4-120070	Accounts Receivable	181.52
Total 92486:					181.52
92487					
05/18/2022	Peregrino, Dora	220419-PER	4-503025	Repair & Maint-Office	120.00
05/18/2022	Peregrino, Dora	220502-PER	4-503025	Repair & Maint-Office	120.00
Total 92487:					240.00
92488					
05/18/2022	Pinnacol Assurance	20874295	4-530600	Worker's Compensation Insur	908.00
Total 92488:					908.00
92489					
05/18/2022	Pitney Bowes Global Financial Se	3315618958	4-500401	Postage	80.01
Total 92489:					80.01
92490					
05/18/2022	QA Balance Service INC.	13698	4-503019	Repair & Maint-Aspen TP	383.00
Total 92490:					383.00
92491					
05/18/2022	Sangre De Cristo Lab, Inc.	23750	4-500250	Testing	240.00
Total 92491:					240.00
92492					
05/18/2022	Timber Line Electric & Control	6729	4-503008	Repairs & Maint-Well No. 18	1,749.20
Total 92492:					1,749.20
92493					
05/18/2022	Town & Country Automall	658461/1	4-500662	Vehicle-Repairs and Maint	302.77
Total 92493:					302.77
92494					
05/18/2022	Ulrich, Anna N Hobbs	UA-22-28	4-120070	Accounts Receivable	158.64
Total 92494:					158.64
92495					
05/18/2022	UNCC	222040118	4-500530	Locates	31.20
Total 92495:					31.20
92496					
05/18/2022	US Fish and Wildlife Service	USFW-22-05	4-500100	Raw Water USFSWS	3,419.78

Check Issue Date	Payee	Invoice Number	Invoice GL Account	Account Title	Check Amount
Total 92496:					3,419.78
92497					
05/18/2022	USA BlueBook	942727	4-503019	Repair & Maint-Aspen TP	74.59
05/18/2022	USA BlueBook	956386	4-503019	Repair & Maint-Aspen TP	483.00
05/18/2022	USA BlueBook	961318	4-503019	Repair & Maint-Aspen TP	762.56
05/18/2022	USA BlueBook	969069	4-503019	Repair & Maint-Aspen TP	156.46
Total 92497:					1,476.61
92498					
05/18/2022	Vendola Plumbing & Heating Inc	0096625-IN	4-503019	Repair & Maint-Aspen TP	1,357.82
Total 92498:					1,357.82
92499					
05/18/2022	World Fuel Service, Inc. Land	2007322-415	4-500663	Diesel Fuel	1,326.23
05/18/2022	World Fuel Service, Inc. Land	2007322-415	4-500661	Gas and Oil	1,394.84
05/18/2022	World Fuel Service, Inc. Land	2021967-415	4-500661	Gas and Oil	814.04
05/18/2022	World Fuel Service, Inc. Land	2021967-415	4-500663	Diesel Fuel	355.04
Total 92499:					3,890.15
92500					
05/18/2022	WSB Computer Services, Inc.	83706	4-500409	Software Maintenance	792.00
05/18/2022	WSB Computer Services, Inc.	83726	4-500408	Computer Support	402.50
Total 92500:					1,194.50
92501					
05/18/2022	Xerox Corp.	016035411	4-500402	Copier Lease and Equipment	145.10
05/18/2022	Xerox Corp.	016239188	4-500402	Copier Lease and Equipment	176.89
Total 92501:					321.99
92502					
05/18/2022	Zimmermann, Roman	RZ-22-04	4-120070	Accounts Receivable	1,500.00
Total 92502:					1,500.00
Grand Totals:					58,791.34