

RECORD OF PROCEEDINGS

**MINUTES OF THE BOARD OF DIRECTORS OF
THE COTTONWOOD WATER & SANITATION DISTRICT**

October 18, 2018

at 6:30 p.m. at 8334 Sandreed Circle, Parker, Colorado

ATTENDEES

Directors present: Alyssa Kasaris, Steve Wasiecko, Bill Thomas, Linda Dillon and Nathan Bandaries. Others present: Randy Warren, Luis Tovar, and Kelly Conover, Mulhern MRE, Inc.; Carolyn Steffl, Moses, Wittemyer, Harrison, and Woodruff, P.C.; Melanie Goetz, Hughes & Stuart.

THE AGENDA

The Board considered the proposed agenda. Upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, unanimously carried, the agenda was adopted.

PUBLIC COMMENT

There was no public present.

CONSENT AGENDA

The Board considered the Consent Agenda. The Consent Agenda included approval of the minutes from the regular meeting held September 20, 2018; authorization for staff to implement disconnect procedures on accounts listed on the delinquent list dated October 12, 2018, approval of checks 20629 through 20669 listed on the check register, ratification of auto-payments to Xcel Energy and Century Link and disclosure of potential conflicts of interest. Director Bandaries' Oath of Office and Conflict of Interest Statement has been filed with the State.

Upon motion duly made by Director Thomas, seconded by Director Dillon, and upon vote, unanimously carried, the Consent Agenda was approved.

DIRECTOR ITEMS

Carolyn Steffl reviewed her progress and her planned next steps for the trash collection legislation with the Board. Director Bandaries offered his assistance with the legislative process.

RESOLUTION AMENDING RULES AND REGULATIONS REGARDING WATER CONSERVATION ORDERS

Carolyn Steffl reviewed proposed changes to the Rules and Regulations regarding streamlining the public notification process of water restrictions. Randy Warren suggested that the District consider adopting a standard

water conservation policy to reflect the 3 day-a-week watering as previously adopted in the conservation order of August 2018. Director Wasiecko suggested that both Carolyn and Randy's recommendations be incorporated into an amendment. He wanted to provide the District the ability to enact restrictions in a timely manner, especially for emergency purposes. The Board discussed additional items to cover in the amendment related to enforcement, fines and allocation restrictions. Carolyn recommended that the Board postpone the adoption of this resolution and she will work with staff to properly incorporate the language to encompass all ideas discussed.

RESOLUTION ADOPTING PERSONAL DATA PROTECTION POLICY

In September of this year, House Bill 1128 became effective which added new requirements for governmental entities to develop a written data protection policy related to personal identifying information of its customers. Legal counsel drafted the Resolution adopting such a policy to protect customer information.

Upon review and following Board discussion, upon motion duly made by Director Thomas, seconded by Director Dillon and upon vote, the Board unanimously approved the Resolution Adopting a Personal Data Protection Policy.

DISCUSSION OF AMENDMENT 74

Carolyn Steffl discussed with the Board Amendment 74 that will appear on this year's November ballot. The SDA has an official position in opposition to the Amendment. Carolyn reviewed the proposed changes to the CO Constitution and its effect on special districts.

The Board's options are to support or oppose an amendment through a Resolution passed by the District. Outside of the District, Board members are able to exercise their first amendment right and talk to neighbors on their personal position however no district funds are to be used.

Upon motion duly made by Director Wasiecko, seconded by Director Dillon, and upon vote, the Board unanimously approved adoption of the proposed resolution in opposition to Amendment 74.

MANAGERS REPORT

Luis Tovar reviewed items in the manager's report. Urban Drainage and Arapahoe County are 2 entities that have not approved permits related to the construction of the BTS.

GEI's proposal was not presented to the ACWWA Board for discussion of their participation in costs. Luis recommended that the Board consider funding 2 months of sample collection until ACWWA approves the cost

sharing. Once approved, the amount for these 2 months of sampling will be included in the cost sharing.

Luis discussed options available to the District for additional supply with the Cherry Creek Project Water Authority. The Pinery would consider participating in a water trade. Luis suggested drafting an agreement with the Pinery after further due diligence to show if CW would need additional WISE water (50 AF).

The EPA has revised the permit to Meridian for ASR, removing the limitation related to oil and hazardous waste. We anticipate that the process will be much easier for individual entities applying for this permit in the future.

ACTION ITEMS

Luis Tovar reviewed the Action Item below.

1. **GEI Consultants** – Proposal for 2 months of continued water quality monitoring for selenium and chlorides for October and November for \$10,000.

Upon motion duly made by Director Thomas, seconded by Director Wasiecko and upon vote, the Board unanimously approved the expenditure.

REPORTS

Hughes & Stuart – The Fall Garden in a Box initiative had only a few sales. Melanie suggested that next year the District support ½ of the contract amount. The Board was supportive.

Financial Report – Randy Warren reviewed the District's financial position. The revenue increase seen this month is related to the irrigation season increase in use. The water utilities budget year end projection is high due to report timing and some catch up at the beginning of 2018.

Operations Report – Randy Warren reviewed the report with the Board with a comparison of water revenues in 2017 and 2018.

Legal Report – Carolyn Steffl reported that the 08CW28 augmentation case has been settled and the District was able to avoid lengthy and costly water court proceedings. Carolyn suggested that legal counsel representatives attend a future meeting and provide an overview and explanation of the decree.

ADJOURNMENT

Upon motion duly made, seconded and unanimously carried the meeting was adjourned. The next regular meeting is scheduled for November 15, 2018, beginning at 6:30p.m. at 8334 Sandreed Circle.

Date: November 15, 2018
READ AND APPROVED BY THE BOARD:

William C. Thomas