

# RECORD OF PROCEEDINGS

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MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF  
THE CRESTVIEW WATER AND SANITATION DISTRICT  
ADAMS COUNTY, COLORADO  
JUNE 14, 2023

The regular 5:30 PM meeting of the Board of Directors of the Crestview Water and Sanitation District was held June 14, 2023, in-person at the District office. The meeting was presided over by Board President, Mike Doak. Board Secretary Danny Sweeney was present to record the minutes.

**Members present:**

Mike Doak	President
Danny Sweeney	Secretary/Treasurer
Tom Ryszkowski	Director
Victor Sanchez	Director
Kathy Laurienti	Director

**Also present:**

Crystal Schott	Paralegal
Mitch Terry	District Manager

**Members absent:**

Michael Barrett	Metro Representative
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**THE PLEDGE OF ALLEGIANCE WAS RECITED**

**PUBLIC COMMENTS -**

No one from the public joined the meeting.

**METRO WATER RECOVERY REPORT- MIKE BARRETT**

No report was provided as Mr. Barrett was excused absent.

**MINUTES FOR APPROVAL, MAY 17, 2023**

Director Doak asked if there were any corrections, deletions or additions to the Minutes for the May 17, 2023, meeting of the Board.

There being no corrections, deletions or additions, the Minutes for the May 17, 2023, meeting of the Board were accepted as presented.

**DISTRICT MANAGER'S REPORT – MITCH TERRY**

**JUNE BIRTHDAYS-**

Happy June birthday goes out to Crestview's engineer, Clarice O'Hanlon, Donovan Norton in Maintenance and Blake Casselberry in Pipeline.

**METRO WATER RECOVERY-**

I sent an email to Metro CEO, Mickey Conway on January 26<sup>th</sup> requesting Metro reclassify our meter station from a B Category to an A Category to help smooth the averaging of Crestview's flow and loadings over a year from 5-7 samples per year to 11-13 samples per year. The request is due to the close proximity of Valicor Environmental (within 1,000 feet of Crestview's meter station) due to the strengths of the flows they release periodically which may cause our sample numbers to be skewed.

I received an email within minutes of my email from Mr. Conway saying that they would review Crestview's request.

On April 17, 2023, Tom Comparo, Sampling Supervisor, for Metro Water Recovery called me to verify the request and stated that they would discuss the request internally and let me know of their findings.

On May 1<sup>st</sup>, I received an email from Molly Kostelecky stating *“Metro Water Recovery staff have reviewed your request to change Crestview’s Pecos Meter Station from a B Category to an A Category. Based on the history of fluctuations in the loadings parameters, Metro Staff agrees with your recommendation to change this connection to an A Category. Metro Staff will request the Metro Board of Directors certify this change at the August 2023 meeting.*

*Assuming the change is certified in August 2023, the change in category will take place beginning January 1, 2024. The CECU for this meter station will increase to 1.0 from .77, which will be indicated on the Annual Charges calculations for 2024 and the sampling frequency increases to between 11-13 periods per year.”*

I contacted Molly Kostelecky to see what the cost difference for the change would be regarding our annual service charge. Molly responded saying that based on 2023, our service charge would change by approximately \$5,200.

It will be interesting to see over the next few years if this change will help in evening out Crestview’s annual charges.

On May 23, 2023, I created a spreadsheet experimenting various flows and loadings over the years and have determined that sampling 12-13 times per year could ultimately cause our loadings numbers to be higher than what they are with only six sample periods per year. With up to thirteen sample periods in a year’s time, the higher concentrations added to our collection system could be caught more often than they are now. With this in mind, I have asked Metro to cancel my initial request to change the meter station classification and keep it as it is. On June 5<sup>th</sup>, I got an email from Metro agreeing to leave the station as a B Category. They did indicate that they will continue to monitor the station and may consider a category change in the future.

#### 2023 SDA CONFERENCE-

The 2023 Special District Association of Colorado’s annual conference will be Tuesday, September 12<sup>th</sup>-Thursday, June 14<sup>th</sup> this year. Please check your calendar and your availability and let me know if you would like to attend as soon as possible so I can make room arrangements.

#### WATER BREAK US 36 & ZUNI STREET-

*As we have discussed in several of the last Board meetings, Crestview had a large water main break on a 10” water main in Zuni Street at the south sound wall of US 36 on November 16, 2022*

*On December 1<sup>st</sup>, Crestview’s maintenance crew replaced a 45” section of 10” pipe to make the repairs. A 14” X 12” hole blew out of the east side of the water main. The 10” pipe has been returned to service.*

*During the January 25<sup>th</sup> meeting of the Board, Crestview’s Board adopted a resolution to have BTrenchless bore a new 24” casing pipe under US 36 and insert a new 12” pvc water main inside the casing pipe for the bid price of \$420,261.00. Crestview’s pipeline crew will perform the tie-ins at each end of the bore and will replace approximately 100 to 200 linear feet of water main to both the south and north of the new bore to eliminate old pipe from valve to valve in Zuni Street.*

*Crestview has received our contract documents from BTrenchless that includes the bid price and required performance bond, 5% retention and warranty period.*

*Denver Water was contacted to gain authorization for an emergency repair. Denver Water authorized the emergency replacement of both the 10” and 14” existing water mains under US-36.*

Potholing has been performed and a corridor for the bore has been determined.

CDOT permit applications have been provided to CDOT and plans are being reviewed. This process is taking longer than expected.

Crestview’s staff and BTrenchless’s staff have decided to delay the project until October 2<sup>nd</sup>. The risk is that we will be utilizing the 10” main that we are replacing for a few more months. The bigger risk is running out of water if the 10” is taken offline during irrigation season.

*Director Doak asked if the price will remain the same.*

Mr. Terry stated that there would be no change in the price.

SDA REGIONAL WORKSHOPS-

It's that time of year again to sign up for the SDA Regional Workshops. The workshops are scattered around Colorado so there are several options to attend. The workshops start at 8:00 AM and end at 12:30. These are the dates and locations:

June 9	Evergreen	June 12	Salida
June 13	Montrose	June 14	Vail
June 15	Granby	June 16	Eaton
June 20	Fountain	June 21	Denver North in Northglenn
June 22	Denver	June 23	Durango

I registered Directors Ryszkowski, Sweeney, Sanchez and myself to attend the June 16 workshop in Eaton, Colorado. The workshop starts at 8:00 so if we could all meet in the office parking lot by 6:30, we can hop in the Jeep and get to the location in plenty of time.

I also registered Director Laurienti and myself to attend the June 21<sup>st</sup> workshop in Northglenn. Let's leave the office at 7:15.

AMENDMENT TO THE EMPLOYEE POLICY MANUAL-

On June 2<sup>nd</sup>, Governor Polis signed Senate Bill 23-017 into law amending the Healthy Families and Workplaces Act to include additional usages for paid sick time for employees. I have created a resolution to amend the District's Employee Policy Manual that includes these changes. The changes will not go into effect until August 7, 2023.

Director Doak made a motion to adopt the following resolution:

**RES # 15 - 23 – WHEREAS**, the Board of Directors has determined that certain adjustments to the employee benefits are in the best interest of the District, and

WHEREAS, it is the desire of the Board to have the Employee Policy Manual provide benefits for District employees more consistent with neighboring municipalities; and

WHEREAS, these benefits may be amended by the Board of Directors as future needs arise or changes in employment law regarding paid sick leave; and

NOW THEREFORE, BE IT RESOLVED THAT the Board of Directors, Crestview Water & Sanitation District, amend the Employee Policy Manual for all District employees regarding section 3.5, Sick Leave effective **August 7, 2023**, to read;

**Section 3.5 Sick Leave**

On the first day of employment, all employees will be provided with eight (8) hours of paid sick leave. All employees accrue additional paid sick leave at the rate of eight (8) hours per month beginning on the first day of the next month.

Once part-time employees have been provided forty-eight (48) hours of sick leave, they will cease accruing additional sick leave until the employee reaches their anniversary date. On his or her anniversary date, the employee's paid sick leave balance will be reset to eight (8) hours and the employee will begin accruing sick leave at the rate of eight (8) hours per month until forty-eight (48) hours of sick leave has been provided.

A full-time employee may accumulate a total of no more than four hundred and eighty (480) hours of sick leave however, an employee may temporarily accumulate an additional ninety-six (96) hours of sick leave in the twelve-month (12) period following his/her annual anniversary date. At the time of the employee's next annual anniversary date, any sick leave hours accumulated over four hundred and eighty (480) hours will be paid at fifty percent (50%) of value to the employee at the employee's current wage in order to return the employee's total accumulation to four hundred and eighty (480) hours. The payment for hours over four hundred and eighty (480) hours will be paid in a lump sum to the employee on the employee's anniversary date.

**Example:**  $480 + 96 = 576 - 24$  hours used = 552 accumulated and not used through the prior 12 months;  $552 - 480 = 72$  hours over the 480 allowed hours; 72 hours multiplied by  $\frac{1}{2}$  of the employee's current wage will be paid to the employee.

Sick leave may be used as it is accrued and for the following purposes:

- (1) When the employee:
  - (a) Has a mental or physical illness, injury or health condition that prevents the employee from working;
  - (b) Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or
  - (c) Needs to obtain preventive medical care;
  - (d) Grieving or attending funeral services or memorial services, or to deal with financial and legal matters arising after the death of a family member;**
  
- (2) When the employee needs to care for a family member who;
  - (a) Has a mental or physical illness, injury, or health condition;
  - (b) Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or
  - (c) Needs to obtain preventive medical care;
  - (d) For employees who need to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the closure of the family member's school or place of care;**
  - (e) When the employee needs to evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the need to evacuate the employee's residence;**
  
- (3) When the employee or the employee's family member has been the victim of domestic abuse, sexual assault or harassment and the use of leave is to;
  - (a) Seek medical attention for the employee or the employee's family member to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault, or harassment;
  - (b) Obtain services from a victim services organization;
  - (c) Obtain mental health or other counseling;
  - (d) Seek relocation due to domestic abuse, sexual assault, or harassment; or
  - (e) Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment; or
  
- (4) When, due to a public health emergency, a public official has ordered closure of:
  - (a) The District's place of business; or
  - (b) The school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.

An employee may use paid sick leave upon the employee's request. The request may be made orally, in writing, or electronically. When possible, the employee shall include the expected duration of the absence.

An employee may use paid sick leave in fractions of hours, if needed.

When the use of paid sick leave taken under this section is foreseeable, the employee shall make a good-faith effort to provide notice of the need for paid sick leave to the District in advance of the use of the paid sick leave and shall make a reasonable effort to schedule the use of paid sick leave in a manner that does not unduly disrupt the operations of the District.

If illness or injury impairs an employee's performance, the District may require that the employee use sick leave.

The District reserves the right to require at any time that an employee using sick leave or returning from sick leave for four (4) or more consecutive workdays provide a written statement of a physician or other reasonable documentation that the leave was for a purpose authorized in this policy and/or that the employee is fit to return to work.

During a Public Health Emergency, additional rules apply as set forth in **Appendix A**.

Paid sick time will not be used in the calculation of overtime.

The District's leave policies shall be interpreted in a manner consistent with the Healthy Families and Workplaces Act, as it currently exists or as amended in the future, and any such amendments are automatically deemed incorporated into this Employee Policy Manual to the extent applicable.

**AND BE IT RESOLVED THAT** all current and new employees be given a copy of the manual, given an opportunity to ask questions concerning the policies and sign a receipt of understanding.

Director Sanchez seconded the motion.

AYES: Directors Doak, Ryszkowski, Sweeney, Sanchez and Laurienti

NAYS: None.

The resolution was unanimously adopted

#### 2023 WATER MAIN REPLACEMENT PROJECT-

The 2023 Water Main Replacement Project will consist of Alan Drive from 68<sup>th</sup> avenue north to 72<sup>nd</sup> avenue, Raritan Street from Jordan Drive north to 72<sup>nd</sup> avenue and Quivas Street from Raritan Street north to 72<sup>nd</sup> avenue. The water main replacements in Alan Drive and Raritan Street are complete with the exception of final asphalt overlay. The next street set for replacement is Quivas Street.

After completion of this project, the pipeline crew will be replacing the water main in Julian Street from 68<sup>th</sup> avenue north to Mosko Court on an emergency basis due to the numerous water breaks over the years that have caused flooding of some houses downhill of the water breaks.

The pipeline crew is also going to be replacing the water main in 70<sup>th</sup> avenue from Pecos Street east to Lipan Street then north on Lipan Street to 70<sup>th</sup> Place as part of the Adams County 70<sup>th</sup> avenue rehabilitation project this year.

#### NON-FUNCTIONAL TURF-

In August 2022, large water providers from across the Colorado River Basin announced a commitment to substantially expand existing efforts to conserve water, reduce demands and expand reuse and recycling of water supplies.

One of the "easy" items to address concerning water conservation is the removal of non-functional or passive turf and replacing it with climate resistant landscaping, Xeriscaping. Non-functional or passive turf is Kentucky Bluegrass that is only stepped on for mowing and fertilizing.

Crestview's staff has been talking about removing some or all of the Kentucky Bluegrass at the District's office and replacing it with Xeriscaping. More specifically, the north part of the building being one style of Xeriscaping, the section between the flagpole and the main walk with a different style and the section south of the main walk with another style to show our customers what Xeriscaping is and how it can look.

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There are problems with removing the non-functional turf at the office.

One, Crestview updated its current landscaping configuration just four years ago to add the handicap ramp. Some customers have voiced their concerns about the reasoning for the update and the cost.

The second reason is the cost to remove the non-functional turf and replacing it with Xeriscaping or artificial turf as opposed to continuing watering the existing turf. The district spends approximately \$500 per year to water the office landscaping. Removing the grass and replacing it with Xeriscaping or artificial turf would cost the district upwards of \$10,000 in materials and labor. It would take upwards of twenty years to break even and we would still need to have a drip system to water the xeriscaped areas.

*The Board decided to leave the office landscape as is due to the large cost to replace it with either xeriscaping or artificial turf.*

#### AWWA ACE 2024 ANNUAL CONFERENCE-

The 2024 AWWA conference is going to be in Anaheim, California June 10-13. Does the Board desire to attend the conference?

*Several directors indicated that they would like to attend.*

*Director Doak asked Mr. Terry what his opinion is about attending the conference.*

*Mr. Terry stated that he doesn't have an opinion since he has never attended the full conference, only the vendor exhibits when the conference was held in Denver.*

*Mr. Terry was instructed to talk to the Manager at North Washington Street Water & Sanitation District to get an idea what the costs could be since they attend each year.*

*Director Doak asked what the cost for the SDA Annual Conference is per year.*

*Mr. Terry estimated between \$4,000 and \$7,000 depending on how many attend the conference.*

*The Board directed Mr. Terry to add sufficient funds to the training budget for next year in anticipation of paying for attending the AWWA Conference.*

#### ADAMS COUNTY 70<sup>TH</sup> AVENUE, BROADWAY TO PECOS RECONSTRUCT PROJECT-

Adams County hosted a progress meeting on May 4, 2023 to discuss the project. Adams County's engineers have provided their 60% plans to Crestview. Crestview staff is planning on designing the replacement of the water main sections within 70<sup>th</sup> avenue that will need to be replaced prior to the start of the Adams County project. There are two 8" water mains that will be impacted by this project. One water main runs in 70<sup>th</sup> avenue from Pecos Street east to Lipan Street and the other segment runs from Huron Street east to Kidder Drive of which both will need to be replaced prior to the commencement of construction of the Adams County project. Clarice O'Hanlon is designing the replacement and our pipeline replacement crew will be performing the replacements.

The Adams County project is to start construction in June of 2024.

There are issues with this project in that at the 30% plans, Adams County's proposed storm sewer was designed to be under the sidewalk allowing us to replace our water main next to the old water main with about two feet of separation. Adams County's engineers presented us their 60% plans on May 4<sup>th</sup> showing their proposed storm sewer directly on top of our existing 8" water main. We have asked that they provide us with a replacement corridor next to our existing water main and have the proposed storm sewer under the sidewalk as originally designed. We are getting a lot of pushback from the Adams County project manager saying that he doesn't want the storm sewer under the sidewalk so we'll need to either find a corridor or we can start buying easements and get our water main out of Adams County's street. This is no longer a cooperative design. I have tried several times in various ways to meet with Adams County's engineering department manager to no avail.

The issue is, if Adams County doesn't work with us to create a corridor and doesn't modify their plans, then Adams County won't be able to install their proposed storm sewer as designed due to our active water main being in the way of their project.

### CLEAR CREEK VILLAGE-

The developer, Crestview staff and representatives of Denver Water met on January 27, 2022 to discuss the horizontal location of a proposed twelve-inch water main and new 10-inch master meter to be constructed in Lowell Blvd. from 58<sup>th</sup> avenue north to 62<sup>nd</sup> avenue to create a third source of water into Crestview from Denver Water.

The engineers for the project have provided a Union Pacific Crossing Agreement naming Crestview as the Licensee. Naming Crestview as the Licensee is common as the crossing will ultimately belong to Crestview. By naming Crestview as the Licensee, there are fees and insurances needed to be paid for the project to proceed. Crestview's attorney, Allison Ulmer is reviewing the agreement and will be supplying Crestview with a Hold Harmless Agreement to have between the developer and Crestview. This Hold Harmless Agreement should keep Crestview from having to pay any of the fees required by Union Pacific.

### CRESTVIEW'S 75<sup>TH</sup> ANNIVERSARY-

Crestview's 75<sup>th</sup> anniversary is Sunday, June 30, 2024. We spoke a bit about this at the end of the May 17<sup>th</sup> meeting and I'm not real sure what to do about it. Should we have an open house or a party? Our customers are what keeps Crestview in money, our Board keeps the District on a clear financial and legal path and our staff keeps Crestview's systems flowing.

Do we host a celebration for customers, professionals in our industry or just an in-house celebration with the Board and staff members? Should it be during the day or a night event? Should it be on Friday, June 28<sup>th</sup> or Monday, July 1<sup>st</sup>? How many attendees should we plan for? Where should we host the party?

Do we do anything at all?

*Director Ryszkowski asked when the SDA Annual Conference is compared to Crestview's anniversary date.*

*Mr. Terry guessed that they would be about two weeks apart.*

*Mr. Terry showed the Board the glass goblets that Crestview ordered for the 50<sup>th</sup> anniversary and explained that the celebration was held at the office.*

*Director Doak asked how many attended.*

*Mr. Terry estimated it was about 75.*

*Director Doak said that we should definitely hold a celebration for the staff and Board but should also think about how to have a celebration and who to invite and where to hold it.*

*Mr. Terry stated that it has been suggested that we host the celebration at the 6410 Pecos location. The issue there is Pecos itself and the safety issues getting in and out of the driveway.*

### DENVER WATER MAY PURCHASE-

48,823,000 gallons

Average since 2006 is 50,600,000 gallons

### ATTORNEY'S REPORT – CRYSTAL SCHOTT

Ms. Schott stated that Ms. Ulmer has been working with Mr. Terry regarding;

The state amended Healthy Families and Workplaces Act (HFWA) for 2023 and beyond to amend the sick time usage allowances; and

to establish **bylaws** on how to best operate the district.

**Be it noted that all five members of the Board signed the bylaws included in these minutes.**

## DISTRICT BYLAWS

**AUTHORITY.** The Crestview Water and Sanitation District (“District”) is a governmental subdivision of the State of Colorado and a body corporate with those powers of a public or quasi municipal corporation which are specifically authorized by, and in compliance with, Section 32-1-101 *et seq.*, C.R.S. The District was created on June 30, 1949, by court order and is located in the County of Adams.

**PURPOSE.** It is hereby declared that the Bylaws hereinafter set forth will serve a public purpose.

**POLICIES OF THE BOARD.** It shall be the policy of the Board of Directors (“Board”) of the District, consistent with the availability of revenues, personnel and equipment, to use its best efforts to provide the quality services as authorized under the District Service Plan or by law.

**BOARD OF DIRECTORS.** All powers, privileges and duties vested in, or imposed upon, the District by law shall be exercised and performed by and through the Board, whether set forth specifically or impliedly in these Bylaws. The Board may delegate to officers, employees, and agents of the District any or all administrative and ministerial powers.

Without restricting the general powers conferred by these Bylaws, it is hereby expressly declared that the Board shall have the following powers and duties:

To confer upon any appointed officer or employee of the District the power to choose, remove or suspend employees or agents upon such terms and conditions as may seem fair and just and in the best interests of the District.

To determine and designate, except as otherwise provided by law or these Bylaws, who shall be authorized to make purchases, negotiate leases for office space, and sign receipts, endorsements, checks, releases and other documents. The Board may, on a limited basis and by resolution, give a District manager or other appointed signatory the power to sign contracts and other official documents on behalf of District.

To create standing or special committees and to delegate such power and authority thereto as the Board deems necessary and proper for the performance of such committee’s functions and obligations.

To prepare or cause to be prepared financial reports covering each year’s fiscal activities; and such reports shall be available for inspection by the public, as required by law.

### **OFFICE.**

**Business Office.** The principal business office of District shall be at 7145 Mariposa St #7200, Denver, CO 80221, unless otherwise designated by the Board.

**Establishing Other Offices and Relocation.** The Board, by resolution, may from time to time, designate, locate and relocate its executive and business office and such other offices as, in its judgment, are necessary to conduct the business of the District.



## **MEETINGS.**

**Regular Meetings.** Regular meetings of the Board shall be conducted on the second Wednesday of each month with additional meetings in January, August, September and October on the Fourth Wednesday and held at the business office, unless otherwise noticed and posted. When necessary, the Board, in its discretion, by motion may change the time and date of regular Board meetings.

**Special Meetings.** Special meetings of the Board may be called by a majority of the Board.

**Meeting Public.** All meetings of the Board, other than executive sessions and social gatherings, shall be open to the public. Meetings include any and all sessions of the Board, at which a quorum of the Board or three (3) or more Directors are expected to be in attendance for discussion of District business, either in person, telephonically, or electronically.

**Board Member Notice.** Section 6.a. shall constitute formal notice of regular meetings to the Directors, and no other notice shall be required to be given to the Board. Notice of special meetings shall be provided to Directors by email, telephone, or United States Postal Service (USPS) not less than twenty-four (24) hours in advance. Notice delivered by USPS shall be deemed delivered at 5:00 p.m. on the third (3<sup>rd</sup>) day following the day on which it was deposited. Attendance by a Director at a regular or special meeting shall be deemed a waiver by the Director of the notice requirements of this subsection d.

**Public Notice.** Public notice and an agenda for all meetings shall be posted not less than twenty-four (24) hours in advance as set forth in the Colorado Open Meetings Law. The District's webpage is designated for the posting of such notice pursuant to Section 24-6-401, C.R.S.

**No Informal Action by Directors/Executive Sessions.** All official business of the Board shall be conducted at regular or special meetings. Executive sessions may be called at regular or special meetings, and conducted according to the following guidelines:

**Calling the Executive Session.** The topic for discussion in the executive session shall be announced in a motion, and the specific statute that authorizes the executive session shall be cited. The matter to be discussed shall be described in as much detail as possible without compromising the purpose of being in executive session. An affirmative vote of two-thirds (2/3) of the quorum in attendance shall be required to go into executive session.

**Conducting the Executive Session.** No adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall take place in an executive session. The discussion in executive session shall be limited to the reasons for which the executive session was called. An electronic record (such as an audio tape) of the actual contents of the discussion in the executive session shall be kept. No electronic or other record is necessary to be kept for any portions of the discussion which the District's attorney reasonably believes constitute attorney-client privileged communication. The attorney shall state on the electronic record when any portion of the executive

session is not recorded as an attorney-client privileged communication or sign a statement to the same effect.

Records of Executive Sessions. The electronic record of any executive session shall be retained by the District for ninety (90) days from the date of the executive session and then destroyed. Electronic recordings of the executive session, or transcripts or other reproduction of the same, shall not be released to the general public for review under any circumstances, except as required by law.

Adjournment and Continuance of Meetings. When a regular or special meeting is for any reason continued to another time and place, notice need not be given of the continued meeting if the time and place of such meeting are announced at the meeting at which the continuance is taken. At the continued meeting, any business may be transacted which could have been transacted at the original meeting.

Emergency Meetings. Notwithstanding any other provisions in this Section 6, emergency meetings may be called, without notice if notice is not practicable, by the Chair, Vice Chair, or any two (2) Directors of the Board in the event of a declared emergency that requires the immediate action of the Board in order to protect the public health, safety, welfare and property of the residents and visitors of the District. If possible, notice of such emergency meeting may be given to the Board by telephone or whatever other means are reasonable to meet the circumstances of the emergency. At such emergency meeting, any action within the power of the Board that is necessary for the immediate protection of the public health, safety, welfare or property of the residents and visitors of the District may be taken; provided, however, that any action taken at an emergency meeting shall be effective only until the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Board at which the emergency issue is on the public notice of the meeting. At such subsequent meeting, the Board may ratify any emergency action taken. If any emergency action taken is not ratified, then it shall be deemed rescinded as of the date of such subsequent meeting, although the validity and effectiveness of the emergency action during its effective time shall not be invalidated. A declared emergency for purposes of this subsection h is an emergency within the District that has been declared by county or municipal government, the State of Colorado, the United States government, of any department or agency thereof, or the Chair, Vice Chair, or any two (2) Directors of the Board.

Email Meetings. Section 24-6-402, C.R.S., requires that certain e-mail correspondence between three (3) Directors (or, when two (2) Directors constitute a quorum, two (2) Directors), if said email correspondence discusses pending resolutions or other District business, shall be considered a public meeting subject to the requirements of the Colorado Open Meetings Law.

Telephonic Attendance at Meetings. Section 24-6-402(1)(b), C.R.S., defines a meeting as “Any kind of gathering to discuss public business, in person, by telephone, electronically, or by other means of communication.” Directors may attend meetings by telephone (or other electronic means), so long as he or she is able to reasonably hear the comments from the audience and any comments and discussion among other Directors and staff and is able to participate in the discussion.

## **CONDUCT OF BUSINESS.**

**Quorum.** All official business of the Board shall be transacted at a regular or special meeting at which a quorum (majority) of the Directors shall be in attendance in person, telephonically, or electronically, except as provided in Section 6.h. above and Section 7.b. below.

**Vote Requirements.** Any action of the Board shall require the affirmative vote of a majority of the Directors in attendance and voting at a meeting properly called and at which a quorum is in attendance, except that to convene an executive session of the Board, a two-thirds (2/3) affirmative vote is required.

**Electronic Signatures.** In the event the signature(s) of one (1) or more Directors of the Board or appointed signatories are required to execute a written document, contract, note, bond, deed, and/or other official papers of the District, and the appropriate individual(s) is unable to be physically present to sign said documentation, such individual or individuals are authorized to execute the documentation electronically via facsimile or e-mail signature, unless said documentation provides otherwise. Any electronic signature so affixed to a document shall carry the full legal force and effect of any original, handwritten signature. Except as approved herein, this provision of these Bylaws shall not be interpreted as establishing District's consent or authorization to bind District to any transaction by the use of electronic records or electronic means. This provision is made pursuant to Article 71.3 of Title 24, C.R.S., also known as the Uniform Electronic Transactions Act.

**Order of Business.** The business of all regular meetings of the Board shall be transacted, as far as practicable, in the following order, and the agenda for such meetings shall describe in as much detail as is possible the topics planned for discussion within each category:

Roll call of Directors

Approval of previous meeting's minutes

Opening of any bids, consideration of bids, petitions for inclusion, and petitions for exclusion, if any.

Reports

Correspondence

Unfinished Business

New Business

Adjournment

**Public Conduct at Meetings.** Comments by members of the public shall be made only during the "Public Input" portion of the meeting and shall be limited to three (3) minutes per individual and five (5) minutes per group spokesperson unless additional opportunity is given at the Board's discretion. Each member of the public wishing to speak may be asked to fill out a form indicating name, address, and agenda item to be addressed. Disorderly conduct, harassment, or obstruction of or interference with meetings by physical action, verbal utterance, nuisance or any other means

are hereby prohibited and constitute a violation of District rules. Such conduct may result in removal of person(s) responsible for such behavior from the meeting and/or criminal charges filed against such person(s). To the extent such occurrences arise and the person(s) responsible refuses to leave the premises, law enforcement authorities will be summoned. Prosecution will be pursued under all applicable laws including, without limitation, Sections 18-9-108, C.R.S. (disrupting lawful assembly), 18-9-110, C.R.S. (public buildings - trespass, interference), and/or 18-9-117, C.R.S. (unlawful conduct on public property). Law enforcement may be requested to attend meetings at any time in which the Board believes their presence will be an asset to the keeping of peace and the conducting of public business. 9-1-1 will be called at any time that the Board or staff feels threatened or endangered during a public meeting.

**Minutes.** Within a reasonable time after passage, all votes, resolutions, motions and minutes of Board meetings shall be recorded in a visual text format that may be transmitted electronically and kept for that purpose and shall be attested by the Recording Secretary. Such records shall be the official record of Board meetings. Minutes of regular meetings shall be available for public review as soon as practicable following acceptance of the minutes by adoption of a motion of the Board. Executive sessions shall be electronically recorded on audio tape or other electronic media, and such electronic recording or reproduction of the same shall be kept separate from minutes of regular sessions as described in Section 6.e. of these Bylaws, and shall not be open to the public except as required by law. Draft minutes are considered work product under the Colorado Open Records Act and are not available to the public until discussed by the Board in a public meeting.

## **DIRECTORS, OFFICERS AND PERSONNEL.**

**Director Qualifications and Terms.** Directors shall be electors of the District. The term of each Director shall be determined by relevant statutory provisions with regular elections held in odd numbered years, and conducted in the manner prescribed by Articles 1 through 13.5, Title 1, and Part 8, Article 1, Title 32, C.R.S.

**Faithful Performance Bonds.** Each Director shall furnish, at the expense of the District, an individual, schedule or blanket surety bond or crime insurance in the sum of not less than one thousand dollars (\$1,000) each, conditioned on the faithful performance of the duties of his/her office. In addition, the Treasurer shall furnish, at the expense of the District, a corporate fidelity bond or crime insurance in a sum of not less than five thousand dollars (\$5,000), conditioned upon the faithful performance of the duties of his/her office.

**Director's Performance of Duties.** A Director of the District shall perform all duties of a Director, including duties as a member of any committee of the Board upon which the Director may serve, in good faith, in a manner in which the Director reasonably believes to be in the best interests of the District, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. In performing the Director's duties, the Director shall be entitled to rely upon information, opinions, reports, or statements, including financial statements and other financial data, in each case prepared or presented by persons and groups listed in subparagraphs 1, 2 and 3 of this subsection c. The Director shall not be considered to be acting in good faith if he/she has knowledge

concerning the matter in question that would cause such reliance to be unwarranted. A person who so performs the Director's duties shall not have any liability by reason of being or having been a Director of the District. Those programs and groups upon whose information, opinions, reports, and statements a Director is entitled to rely upon are:

One (1) or more officers or employees of the District whom the Director reasonably believes to be reliable and competent in the matters presented;

Legal counsel, public accountants, or other persons as to matters which the Director reasonably believes to be within such persons' professional knowledge or expertise; and

A committee of the Board upon which the Director does not serve, duly designated in accordance with the provisions of these Bylaws, as to matters within the committee's designated authority, which committee the Director reasonably believes to merit confidence.

**Oath of Office.** Each Director of the Board, before assuming the responsibilities of his/her office, shall take and subscribe an oath of office in the form prescribed by law.

**Election of Officers.** The Board shall elect from its membership a Chair/President, Secretary, Treasurer, and Vice Chair/President who shall be the officers of the Board and of the District. The Board may elect from its membership Vice Chairs/Presidents and Assistant Secretaries and/or Assistant Treasurers. The officers shall be elected by a majority of the Directors voting at such election. The Board may, from time to time, appoint an acting officer in the absence of any individual officer. The election of the officers shall be conducted at the first regular meeting in May of each year.

**Vacancies.** Any vacancy occurring on the Board shall be filled by an affirmative vote of a majority of the remaining Directors, as prescribed by law, with the appointee to serve until the next biennial election, as prescribed by statute. The appointed individual must meet the statutorily prescribed qualifications for Directors and shall serve until the next regular election.

**Resignation and Removal.** Directors may be removed from office only by recall as prescribed by statute. Any Director may resign at any time by giving written notice to the Board, and acceptance of such resignation shall not be necessary to make it effective, unless the notice so provides.

**Chair and President.** The Chair shall preside at all meetings. The Chair shall also be the President of the District. The President is authorized to sign all contracts, deeds, notes, debentures, warrants and other instruments on behalf of the District.

**Vice President.** The Vice President shall service as the President in the absence of the President.

**Secretary.** The Secretary shall be responsible for the records of the District; may act as Secretary at meetings of the Board and record all votes; shall be responsible for composing a record of the proceedings of the Board in a visual text format that may be transmitted electronically and kept for that purpose, which shall be an official record of the Board; and shall perform all duties incident to that office. The Secretary shall be the designated

election official of the District and the custodian of the seal of the District, unless otherwise determined by the Board. The Secretary shall have the authority to affix such seal to and attest all contracts and instruments authorized to be executed by the Board.

**Treasurer.** The Treasurer shall be authorized to invest, or cause to be invested, all surplus funds or other available funds of the District in permitted investments authorized by law or as specified by the Board. The Treasurer shall be Chair of the Budget Committee and of the Audit Committee. The Treasurer shall keep, or cause to be kept, strict and accurate accounts of all money received by and disbursed for and on behalf of the District in permanent records.

**Assistant Secretaries and/or Treasurers.** The Assistant Secretaries and/or Treasurers shall have all powers of the associated primary officers in the absence of such officers. In the event that dual signatures of Directors are required on any instrument, then two (2) different Directors of the Board shall sign such instrument.

**Recording Secretary.** The Board shall have the authority to appoint a recording secretary, who need not be a member of the Board, and who shall be responsible for recording the minutes of the meetings of the Board. The recording secretary shall not be required to take an oath of office, nor shall the recording secretary be required to post a performance bond.

**Additional Duties.** The officers of the Board shall perform such other duties and functions as may, from time to time, be required by the Board, by these Bylaws or the rules and regulations of the District, by law, or by special exigencies, which shall later be ratified by the Board.

**Manager or Administrator.** The Board may appoint a manager or contract with an administrator to serve for such term and upon such conditions, including compensation, as the Board may establish. Such manager or administrator shall have general supervision over the administration of the affairs, employees and business of the District and shall be charged with the hiring and discharging of employees and the management of District properties. Such manager or administrator shall 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 District in such banks or savings associations as the Board may select. Such manager or administrator will approve all vouchers, orders and checks for payment, and shall keep or cause to be kept regular books of account of all District transactions and shall obtain, at the District's expense, such bond for the faithful performance of its duties, or crime insurance as the Board may designate. The Board may delegate such powers and duties to the manager or administrator as it deems appropriate.

**Personnel Selection and Tenure.** The selection of agents, employees, engineers, accountants, special consultants and attorneys of the District by the Board will be based upon the relative qualifications and capabilities of the applicants and shall not be based upon political services or affiliations. Agents and employees of the District shall hold their offices at the pleasure of the Board. Contracts for professional services of engineers, accountants, special consultants and attorneys may be entered into upon such terms and conditions as may seem reasonable and proper to the Board.

## **FINANCIAL ADMINISTRATION.**

**Fiscal Year.** The fiscal year of the District shall commence on January 1<sup>st</sup> of each year and end on December 31<sup>st</sup>.

**Budget Committee.** There may be a permanent Budget Committee composed of the Treasurer, another Director appointed by the Chair/President, and the manager or administrator, if any, which Committee shall be responsible for preparation of the draft annual budget of the District and such other matters as may be assigned to it by the Chair/President or the Board.

**Budget.** On or before October 15<sup>th</sup> of each year, the Budget Committee shall prepare and submit to the Board a proposed budget for the ensuing fiscal year. Such proposed budget shall be accompanied by a statement which shall describe the important features of the budget plan and, by a general summary wherein shall be set forth the aggregate features of the budget, in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income or other means of financing the proposed budget for the ensuing fiscal year, as contrasted with the corresponding figures for the last completed fiscal year and the current fiscal year. The proposed budget shall be supported by explanatory schedules or statements classifying the expenditures contained therein by services, subjects and funds. The anticipated income of the District shall be classified according to the nature of receipts.

**Notice of Budget.** Upon receipt of the proposed budget, the Board shall cause to be published a notice that the proposed budget is open for inspection by the public at the District's business office; that the Board will consider the adoption of the proposed budget at a public hearing on a certain date; and that any interested elector may inspect the proposed budget and file or register any objections thereto at any time prior to its final adoption. Such notice shall be posted or published in substantial compliance with law.

**Adoption of Budget.** On the day set for consideration of such proposed budget, the Board shall review the proposed budget and revise, alter, increase or decrease the items as it deems necessary in view of the needs of the District and the probable income of the District. The Board shall then adopt a budget, either during the budget hearing or at a later date and time to be set by the Board, setting forth the expenditures to be made in the ensuing fiscal year. The Board shall provide for sufficient revenues to finance budgeted expenditures with special consideration given to the proposed ad valorem property tax levy.

**Levy and Collection of Taxes.** On or before December 15<sup>th</sup> of each year, the Board shall certify to the Board of County Commissioners of the County or Counties in which the District is located the mill levy established for the ensuing fiscal year, in order that, at the time and in the manner required by law for the levying of taxes, such Commissioners shall levy such tax upon the assessed valuation of all taxable property within District.

**Filing of Budget.** On or before January 30<sup>th</sup> of each year, the Board shall cause a certified copy of such budget to be filed with the Division of Local Government in the Colorado Department of Local Affairs.

### **Appropriating Resolution.**

At the time of adoption of the budget, the Board shall enact a resolution making appropriations for the ensuing fiscal year. The amounts

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appropriated thereunder shall not exceed the amounts fixed therefor in the adopted budget.

The income of the District, as estimated in the budget and as provided for in the tax levy resolution and other revenue and borrowing resolutions, shall be allocated in the amounts and according to the funds specified in the budget for the purpose of meeting the expenditures authorized by the appropriation resolution.

The Board may make an appropriation to and for a contingency fund to be used in cases of emergency or for any other unforeseen contingencies.

**No Contract to Exceed Appropriation.** The Board shall have no authority to enter into any contract, or otherwise bind or obligate the District to any liability for payment of money for any purposes for which provision is not made in an appropriation resolution, including any legally authorized amendment thereto, in excess of the amounts of such appropriation for that fiscal year. Any contract, verbal or written, contrary to the terms of this Section 9 shall be void ab initio, and no District funds shall be expended in payment of such contracts.

#### **Contingencies.**

In cases of emergency caused by a natural disaster, public enemy, or other contingency which could not reasonably have been foreseen at the time of the adoption of the budget, the Board may authorize the expenditure of funds in excess of the budget by resolution duly adopted by a two-thirds (2/3) vote of the Board. Such resolution shall set forth in full the facts concerning the emergency and shall be included in the minutes of such meeting.

If so enacted, a copy of the resolution authorizing additional expenditures shall be filed with the Division of Local Government in the Colorado Department of Local Affairs and shall be published in compliance with statutory requirements.

#### **Payment of Contingencies.**

If there are unexpended or uncommitted money in funds other than those to which the emergency relates, the Board shall transfer such available money to the fund from which the emergency expenditure is to be paid.

To the extent that transferable funds are insufficient to meet the emergency appropriation, the Board may borrow money through (a) the issuance of tax anticipation warrants, to the extent that the mill levy authority of the District is available as provided by law, (b) the issuance of bond anticipation notes payable from future bond proceeds or operating revenue, or (c) any other lawful and approved method.

#### **Annual Audit.**

The Board shall cause an annual audit (or exemption from audit) to be made at the end of each fiscal year of all financial affairs of the District through December 31<sup>st</sup> of such fiscal year. The audit report must be submitted to the Board within six (6) months of the close of



such fiscal year, or as otherwise provided by law. Such audit shall be conducted in accordance with generally accepted auditing standards and by a registered or certified public accountant who has not maintained the books, records and accounts of District during the fiscal year. The auditor shall prepare, and certify as to its accuracy, an audit report, including a financial statement and balance sheet based on such audit, an unqualified opinion or qualified opinion with explanations, and a full disclosure of any violation of Colorado law, pursuant to statutory requirements.

There may be a permanent Audit Committee composed of the Treasurer and one (1) other member of the Board appointed by the Chair/President. The Audit Committee shall be responsible for the appointment, compensation, selection (to be approved by the Board), retention, and oversight of the work of any independent accountants engaged for the purpose of preparing or issuing an independent audit report or performing other independent audit, review or attest services for the District. The Audit Committee may, as necessary and to the extent of its ability, provide independent review and oversight of the District's financial reporting processes, internal controls and independent auditors. All accountants thus engaged shall report directly to the Audit Committee.

A copy of the audit report shall be maintained by the District as a public record for public inspection at all reasonable times.

A copy of the audit report shall be forwarded to the State Auditor or other appropriate State official pursuant to statutory requirements.

Notwithstanding the foregoing audit requirements, the Board may file for an application for exemption from audit if the statutory criteria are met.

**CORPORATE SEAL.** The seal of the District shall be a circle containing the name of the District and shall be used upon all documents and in such a manner as seals generally are used by public and private corporations. The Secretary shall keep, or cause to be kept, the seal and shall be responsible for its safekeeping and care.

**DISCLOSURE OF CONFLICT OF INTEREST.** A potential conflict of interest of any Director shall be disclosed in accordance with State law, particularly Article 18 of Title 24, C.R.S., and Sections 32-1-902(3) and 18-8-308, C.R.S.

**COMPENSATION.** Each Director shall receive the maximum compensation authorized by statute, unless otherwise determined by the Board. No Director shall receive compensation as an employee of the District, except as may be provided by statute.

**INDEMNIFICATION OF DIRECTORS AND EMPLOYEES.** The District shall defend, hold harmless and indemnify any Director, officer, agent, or employee of the District, whether elective or appointive, against any tort or liability, claim or demand, without limitation, arising out of any alleged act or omission occurring during the performance of official duty, as more fully defined by law or by an indemnification resolution, if any. The provisions of this Section 13 shall be supplemental and subject to and, to the extent of any inconsistency therewith, shall be modified by the provisions of the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

**BIDDING AND CONTRACTING PROCEDURES.** Except in cases in which the District will receive aid from a government agency, a notice shall be published for

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bids on all construction contracts for work, materials, or both, involving an expense of one hundred and twenty thousand dollars (\$120,000) or more of District funds. The Board may reject any and all bids, and if it appears that the District can perform the work or secure material for less than the lowest bid, it may proceed to do so in accordance with law. Notwithstanding the foregoing, the District may award an integrated project delivery contract, pursuant to Section 32-1-1801, *et seq.*, C.R.S., upon (i) the determination of the Board that integrated project delivery represents a timely or cost-effective alternative for a project; (ii) publication of a request for qualifications and/or request for proposals; and (iii) compliance with Part 18 of Article 1, Title 32, C.R.S. All other statutory requirements relating to performance bonds, retainage, and similar matters shall also be complied with.

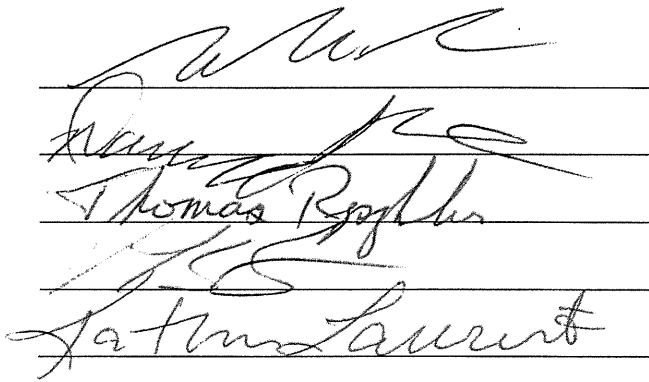
**RECORDS MANAGEMENT.** The District shall comply with and adopt and maintain policies as necessary for compliance with, applicable records retention, destruction, and disclosure requirements, including the Colorado Open Records Act, State Archives and Public Records Law, and various consumer privacy legislation. The District manager or administrator, or his/her designee, is hereby designated as the Official Custodian of Records (“Custodian”) pursuant to the Colorado Open Records Act. In the event there is any question as to whether the District is permitted to comply with a Colorado Open Records Act request, the Custodian shall forward such request to the District’s legal counsel. Copies of records shall be furnished at a cost of twenty-five cents (\$.25) per standard 8.5-inch by 11-inch black and white page. The charge for providing a copy, printout or photograph of a public record in a format other than a standard page will be assessed at the actual cost of production. Additionally, in those cases where the location or existence of specific documents must be researched and the documents must be retrieved, sorted or reviewed for applicability to the request, and such process requires more than one (1) hour of staff time, the Custodian may charge a research and retrieval fee not to exceed thirty-three dollars and fifty-eight cents (\$33.58) per hour. The Custodian will not impose a charge for the first (1<sup>st</sup>) hour of time expended in connection with the research and retrieval of public records. The fees and charges stated in this Section 15 will automatically be increased to the maximum amounts allowed by law without additional Board action.

**MODIFICATION OF BYLAWS.** These Bylaws may be altered, amended or repealed at any regular or special meeting of the Board to become effective immediately or at a subsequent date.

**SEVERABILITY.** If any part or provision of these Bylaws is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of these Bylaws, it being the Board’s intention that the various provisions hereof are severable.

**TERMINATION OF PRIOR BYLAWS.** These Bylaws amend, supersede and replace in their entirety any and all prior Bylaws, and any amendments thereto, previously adopted by the Board.

**ADOPTED** this 14th day of June, 2023, by the Board of Directors of the Crestview Water and Sanitation District.



The image shows four handwritten signatures, each written on a horizontal line. From top to bottom, the signatures are: a cursive signature that appears to be 'Doak', a signature that appears to be 'Ryszowski', a signature that appears to be 'Thomas Ryzkowski', and a signature that appears to be 'Santana Laurenti'.

**BILLS –**

Director Doak made a motion to adopt the following resolution:

**RES # 16 - 23 – BE IT RESOLVED THAT** Bills be paid.

Director Sanchez seconded the motion.

AYES: Directors Doak, Ryszkowski, Sweeney, Sanchez and Laurienti

NAYS: None.

The resolution was unanimously adopted

**OFFICE DATA -**

The May Office Data was accepted as presented.

**FINANCIAL REPORT -**

The May Financial Report was accepted as presented.

*Mr. Terry noted that Pipeline Superintendent, Larry Hopper ordered \$110,000 in pipe and fittings on June 14<sup>th</sup> for future projects and Maintenance Superintendent, Jessen Eckert ordered replacement pumps from Canyon Systems and has received a proposal from Velocity Plant Services to by-pass the sewer and install the pumps.*

*These purchases are part of the appropriated funds in the 2023 Budget.*

**NEW BUSINESS -**

*Mr. Terry asked the Board to make a change to our rates and fees regarding new sewer account charges based on the in-District winter sewer averages at 4,000 gallons per month.*

Director Doak made a motion to adopt the following resolution:

**RES # 17 - 23 – BE IT RESOLVED THAT,** The Board of Directors of the Crestview Water and Sanitation District desires to amend the Rules and Regulations of the Crestview Water and Sanitation District Part IV Sewer Rules and Regulations, Article III – SEWER CHARGES, Section C – OPTIONAL METHODS for DETERMINATION of CHARGE regarding initial charges for new accounts as the current rule does not specifically call out how this rate is assessed and,

**NOW THEREFORE BE IT RESOLVED THAT,** effective June 14, 2023 the Crestview Water and Sanitation District Rules and Regulations Part IV Sewer Rules and Regulations, Article III – SEWER CHARGES, Section C - OPTIONAL METHODS for DETERMINATION of CHARGE be amended to read:

**SECTION C - OPTIONAL METHODS for DETERMINATION of CHARGE**

Whenever by these Rules and Regulations, a sewer charge is based on the amount of sewage discharged into the District's system, the District may, at its option determine the amount of water used monthly at said property from all sources, and the sewer charge shall be based on the water usage so determined or by remetering the sewage so discharged.

**All new single family residential accounts will be assessed a volume charge equal to the District-wide single family residential winter average of 4,000 gallons per month.**

Director Ryszkowski seconded the motion.

AYES: Directors Doak, Ryszkowski, Sweeney, Sanchez and Laurienti

NAYS: None.

The resolution was unanimously adopted

There being no further business, the meeting was adjourned at 6:22 PM.

Respectfully submitted,

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Danny Sweeney, Secretary/Treasurer