

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF
THE CRESTVIEW WATER AND SANITATION DISTRICT
ADAMS COUNTY, COLORADO
JANUARY 27, 2021

The regular 5:30 PM meeting of the Board of Directors of the Crestview Water and Sanitation District was held January 27, 2021 on Zoom. 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
Jill Martin	Vice-President
Danny Sweeney	Secretary/Treasurer
Victor Sanchez	Director
Tom Ryszkowski	Director

Also present:

Ron Forman	Attorney
Mitch Terry	District Manager

THE PLEDGE OF ALLEGIANCE WAS RECITED

PUBLIC COMMENTS-

No one from the public joined the Zoom meeting.

MINUTES FOR APPROVAL, January 13, 2020

Director Doak asked if there were any corrections, deletions or additions to the Minutes for the January 13, 2020 meeting of the Board.

There being no corrections, deletions or additions, the Minutes for the January 13, 2020 meeting of the Board were accepted as presented.

DISTRICT MANAGER'S REPORT

ZOOM-The January 27, 2021 meeting of the Board will be at **5:30 pm** and will also be a Zoom meeting. The meeting can be accessed by typing Zoom.com into your browser. The **meeting number is 864 9932 7501**. The **passcode is 478894**. I will be on Zoom starting around 5:00 if you need any assistance joining the meeting. I will also have the Board room set up for social distancing if any Board members want to meet in person. By Colorado Governor's Executive Order D 2021 007, we are required to wear a mask while in the building so please bring one with you. Text me and I will let you in through the back entrance of the office.

SEWER LIFT STATION FORCE MAIN REPLACEMENT-As of January 14, Crestview's pipeline replacement team has completed the piping portion of the project and has placed it into service. The project will be complete after the milling and overlaying of 68th avenue from Huron Street west to Mariposa Street is performed. Also, the fence at the south end of the homeowner's property due west of the lift station, will be replaced with new fencing and a slurry application of native grass will be applied to return the yard to its original condition. Once the project is complete, I will get a final cost from Larry.

REPLACEMENT PICKUP-Crestview received its replacement 2021 Ford F-150 on January 21, 2021 to replace the 2017 Ford F-150 that was stolen and destroyed during a break in at the Pipeline shop on 64th avenue on August 18, 2020. Once the truck is prepped with a toolbox (recovered from the totaled truck), an LED traffic light bar (recovered from the totaled truck), the bed lined and the doors labeled, the truck will be put into service.

EMPLOYEE POLICY MANUAL UPDATE-On January 1, 2021, the Healthy Families and Workplaces Act went into effect. This is a paid sick leave law that requires all employers with 16 or more employees to supply their employees with at least 48 hours of paid sick leave per year. Crestview's attorney, Ron Forman and I have created a resolution for the Board to amend the District's Employee Policy Manual during the January 27, 2021 meeting of the Board. The amendment will adjust Crestview's policies to be in line with the new law. I have also included a resolution to add an Appendix A regarding paid sick time during a declared Public Health Emergency such as COVID-19.

Director Sanchez made a motion to adopt the following resolution:

RES. # 2 - 21 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

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 3.30, Sick Leave, to read;

Section 3.30 Sick Leave

All full-time employees will accrue 8 hours of sick leave on the first day of each month. Any part time employee will accrue 8 hours of sick leave per 160 hours of employment.

An employee may accumulate a total of no more than 480 hours of sick leave. As sick leave is accumulated at the rate of eight hours per 160 hours of employment, an employee may also temporarily accumulate an additional 96 hours in the 12-month period following his/her annual anniversary date. At the time of the next annual anniversary date, any hours accumulated over 480 hours will be paid at 50% of value to the employee at the employee's current wage in order to return the employee's total accumulation to 480 hours. The payment for hours over 480 hours will be paid in a lump sum to the employee on the employee's anniversary date.

Example:

$480 + 96 = 576 - 24 \text{ hours used} = 552 \text{ accumulated and not used through the prior 12 months}$

$552 - 480 = 72 \text{ hours over the 480 allowed hours}$

72 hours multiplied by the employee's current wage will be paid to the employee at 50% of calculated value.

For current employees possessing more than 480 hours of accumulated sick leave, any hours in excess of 480 hours will be multiplied by the employee's current hourly rate of pay as of September 30, 2013, then "locked in" to create a dollar amount earmarked per specific employee to be kept in the District's general fund for that employee's future use. The "locked in" monies may be used as sick leave if the employee chooses to do so.

Any employee possessing "locked in" funds may choose to be paid out at any time, any portion or all of the "locked in" funds at 50% of value.

Sick leave may be used for the following purposes:

(a) When the employee:

(I) Has a mental or physical illness, injury, or health condition that prevents the employee from working;

(II) Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or

(III) Needs to obtain preventive medical care;

- (b) When the employee needs to care for a family member who:
- (I) Has a mental or physical illness, injury, or health condition;
 - (II) Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or
 - (III) Needs to obtain preventive medical care;

(c) 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:

- (I) 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;
- (II) Obtain services from a victim services organization;
- (III) Obtain mental health or other counseling;
- (IV) Seek relocation due to the domestic abuse, sexual assault, or harassment; or
- (V) 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

(d) When, due to a public health emergency, a public official has ordered closure of:

- (I) The District's place of business; or
- (II) 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.

(2) 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.

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

(4) 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 employer.

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

(6) 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 days provide a written statement of a physician or other reasonable documentation that the leave was for a purpose authorized in these rules and/or that the employee is fit to return to work.

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

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 Doak seconded the motion.

AYES: Directors Doak, Martin, Sweeney, Ryszkowski, and Sanchez.

NAYS: None.

The resolution was unanimously adopted

Director Sweeney made a motion to adopt the following resolution:

RES. # 3 - 21 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; and

NOW THEREFORE, BE IT RESOLVED THAT the Board of Directors, Crestview Water & Sanitation District, amend the Employee Policy Manual for all District employees to add Appendix A to the Employee Policy Manual regarding paid sick time associated with a declared Public Health Emergency to read;

Appendix A

(1) In addition to paid sick leave accrued under the foregoing **Section 3.30 Sick Leave**, on the date a Public Health Emergency is declared, each employee's sick leave shall be supplemented as necessary to ensure that the employee may take the following amounts of paid sick leave for the purposes specified in subsection (3) of this section:

(a) For employees who normally work forty or more hours in a week, eighty hours;

(b) For employees who normally work fewer than forty hours in a week, the greater of either the amount of time the employee is scheduled to work in a fourteen-day period or the amount of time the employee actually works on average in a fourteen-day period.

(2) (The District may count an employee's unused accrued paid sick leave under said **Section 3.30 Sick Leave** toward the supplemental paid sick leave required in subsection (1) of this section.

(a) An employee may use paid sick leave under this section until four weeks after the official termination or suspension of the Public Health Emergency.

(3) An employee may use the paid sick leave required in subsection (1) of this section for the following absences related to a Public Health Emergency:

(a) The employee's need to:

(I) Self-isolate and care because the employee is diagnosed with a communicable illness that is the cause of a Public Health Emergency;

(II) Self-isolate and care because the employee is experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;

(III) Seek or obtain medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;

(IV) Seek preventive care concerning a communicable illness that is the cause of a Public Health Emergency; or

(V) Care for a family member who:

(A) Is self-isolating after being diagnosed with a communicable illness that is the cause of a Public Health Emergency;

(B) Is self-isolating due to experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency;

(C) Needs medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a Public Health Emergency; or

(D) Is seeking preventive care concerning a communicable illness that is the cause of a Public Health Emergency;

(b) With respect to a communicable illness that is the cause of a Public Health Emergency:

(I) A local, state, or federal public official or health authority having jurisdiction over the location in which the employee's place of employment is located or the employee's employer determines that the employee's presence on the job or in the community would jeopardize the health of others because of the employee's exposure to the communicable illness or because the employee is exhibiting symptoms of the communicable illness, regardless of whether the employee has been diagnosed with the communicable illness; or

(II) Care of a family member after a local, state, or federal public official or health authority having jurisdiction over the location in which the family member's place of employment is located or the family member's employer determines that the family member's presence on the job or in the community would jeopardize the health of others because of the family member's exposure to the communicable illness or because the family member is exhibiting symptoms of the communicable illness, regardless of whether the family member has been diagnosed with the communicable illness;

(c) Care of a child or other family member when the individual's child care provider is unavailable due to a public health emergency, or if the child's or family member's school or place of care has been closed by a local, state, or federal public official or at the discretion of the school or place of care due to a public health emergency, including if a school or place of care is physically closed but providing instruction remotely;

(d) An employee's inability to work because the employee has a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of the public health emergency.

(4) Notwithstanding any other provision in this part 4:

(a) An employee shall notify the District of the need for paid sick leave under this section as soon as practicable when the need for paid sick leave is foreseeable and the District's place of business has not been closed;

(b) Documentation is not required to take paid sick leave under this section; and

(c) Employees are only eligible for paid sick leave in the amount described in subsection (1) of this section once during the entirety of a public health emergency even if such public health emergency is amended, extended, restated, or prolonged.

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 Martin seconded the motion.

AYES: Directors Doak, Martin, Sweeney, Ryszkowski, and Sanchez.

NAYS: None.

The resolution was unanimously adopted

Director Sweeney made a motion to adopt the following resolution:

RES. #4 -21 WHEREAS, the Board of Directors, Crestview Water & Sanitation District desires to amend the Employee Policy Manual Section 1.00 – GENERAL to add a new Subsection 1.21 Definitions, and;

NOW THEREFORE, BE IT RESOLVED THAT the Crestview Water and Sanitation District Employee Policy Manual, Section 1.00 – GENERAL, include Subsection 1.21 Definitions to be added and read as:

Section 1.21 Definitions

As used in this manual, the following words have the following definitions:

(1) "District" - The Crestview Water and Sanitation District.

(2) "Employee" – Any person performing labor or services for the benefit of the District; except that a person performing services for the benefit of the District who is primarily free from control and direction in the performance of same, both under his or her contract for such performance and in fact, and who is customarily engaged in an independent trade, occupation, profession or business related to the service performed is not an "employee".

(3) "Family Member" –

(a) A person who is related by blood, marriage, civil union, or adoption; (immediate family member)

(b) A child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor;

(c) A person for whom the employee is responsible for providing or arranging health- or safety-related care.

BE IT FURTHER RESOLVED THAT the District reserves the right to change or rescind these policies at any time, as well as the right to determine whether, and to what extent, these policies and procedures should be applied in any given circumstances.

Director Martin seconded the motion.

AYES: Directors Doak, Martin, Sweeney, Ryszkowski, and Sanchez.

NAYS: None.

The resolution was unanimously adopted

ACCESSORY DWELLING UNITS (ADU's)-There is a lot of talk these days among cities and districts regarding Accessory Dwelling Units (ADU's). ADU's are basically an additional living space/structure that is constructed on a single-family residential property that is used as a second residential unit. Denver Water and Metro Wastewater consider them to be standalone type structures and should be treated as such regarding connections and fees. My only concern about ADU's is if, the owner decides to subdivide the property. If there are not separate water and/or sewer connections to the ADU, how can it be separated for the new owner? For billing, it seems to be no different than if a house is divided into two units with the main level as one unit and the basement as a second unit. The water is still being metered and the sewer is still being billed by water consumption through the meter.

The question is, are ADU's required to have separate water and sewer connections to Crestview's water and/or sewer systems. If yes, they would also need to pay connection fees for water and/or sewer. They would also have to pay separate service charges and volume charges from the main structure. Metro Wastewater requires ADU's to have separate connections and pay separate connection fees. Denver Water does not require separate connections but does require the owner to pay an adjusted ADU connection fee. Crestview's Rules and Regulations do not address ADU's to date. I think it would be best for the Board to amend the District's Rules and Regulations to recognize ADU's and how they are connected to Crestview's system. During the December 9, 2020 meeting of the Board, the Board indicated that a resolution be created to acknowledge ADUs. I have included a resolution for the Board to amend or approve to adjust the Rules and Regulations to address ADUs.

Director Doak made a motion to adopt the following resolution:

RES.# 5 - 21 BE IT RESOLVED THAT, the Rules and Regulations of the Crestview Water & Sanitation District be amended to add SECTION G ACCESSORY DWELLING UNITS (ADUs) to Part I-GENERAL PROVISIONS, ARTICLE V-CONNECTIONS TO DISTRICT FACILITIES, to address potential ADUs, and

NOW THEREFORE BE IT RESOLVED THAT, the Crestview Water and Sanitation District Rules and Regulations be amended in Part I - GENERAL PROVISIONS, ARTICLE V - CONNECTIONS TO DISTRICT FACILITIES to include SECTION G ACCESSORY DWELLING UNITS (ADUs) to read "One address, One connection. If for any reason, as of January 27, 2021, if a property is subdivided, a separate water and/or sewer tap will be required."

Director Ryszkowski seconded the motion.

AYES: Directors Doak, Martin, Sweeney, Ryszkowski, and Sanchez.

NAYS: None.

The resolution was unanimously adopted

COVID-19 OPERATIONAL UPDATE- This is what we've been doing.

CLOSED!!! Adams County has closed many of its buildings from November 30th to January 5th to help combat the spread of COVID-19. For the most part, Crestview follows Adams County's actions regarding closures therefore, Crestview's office is closed to walk-in service as of November 30th and will reopen on January 5th in accordance with Adams County's closings. Crestview's office reopened on January 5th, 2021 to walk-in customers. They are only allowed access to the glass enclosed portion of the lobby at this time.

We have suspended non-payment water/sewer late fees and shut-offs in accordance with the Colorado Governor's Executive Order D 2020 012 from March 20, 2020. In the Governor's order, all public utilities in the State are directed to suspend service disconnections for delayed or missed payments from residential and small business customers related to the impacts of COVID-19 and to suspend the accrual of late payment fees. This Executive Order was extended several times since March 20th then was replaced with Executive Order D 2020 098. Executive Order D 2020 098 still waives reconnection fees and suspends accrual of late payment fees for all residential customers and small businesses. Executive Order D 2020 098 was extended by Executive Orders D 2020 132 and D 2020 157 which temporarily provides relief and State support to public utility customers to mitigate, respond to, and recover from the current economic disruption due to the presence of COVID-19 in Colorado.

The office has been sending emails to customers who have a balance of \$150 or more to remind them to make a payment. Customers are also encouraged to do their best to manage their balances to keep them from growing too large.

All of Crestview's staff have returned to 5 eight-hour days. The pipeline replacement team will go back to 4 ten-hour days in the spring once there is more daylight to work in. The rest of the staff will stay on 5 eight-hour days. The employees are being provided masks, gloves and safety glasses.

Per Colorado Governor's Executive Order D 2020 039 and extended multiple times since, states that employees are required to wear a non-medical face covering that will cover their nose and mouth while at work and while serving the public. The order also requires that anyone who enters or moves within a public building to wear face coverings that cover the nose and mouth unless it would inhibit that individual's health. This Executive Order was extended again on January 6th as Executive Order D 2021 007 and will expire on February 6th unless extended again.

Employees are encouraged to be at work but can use their sick and/or vacation time to stay at home to avoid possible exposure to other employees if they so choose.

Enc.

RES to amend the Employee Policy Manual regarding paid sick leave

RES to amend the Employee Policy Manual to add Appendix A detailing Public Health Emergency paid sick leave

RES to amend the Employee Policy Manual to add Section 1.21 Definitions

RES to amend the Rules and Regulations of the District regarding Accessory Dwelling Units (ADUs)

BILLS –

- No bills

OFFICE DATA-

The November Office Data was accepted as presented

FINANCIAL REPORT-

The November Financial Report was accepted as presented

TAP REPORT-

The 4th quarter Tap Report was accepted as presented.

UNFINISHED BUSINESS-

None

PUBLIC INFORMATION-

None

NEW BUSINESS-

Budget error

Mr. Terry stated to the Board that the Salaries and Wages in the 2021 Budget were found to be incorrect by saying "I missed a step in the calculations last fall. I forgot to update the step increases for employees who are still in the anniversary increase bands. Had I correctly calculated the salaries, the actual salaries and wages amount for 2021 would have been \$34,094 higher. The 2021 Budget is \$1,572,831 and should have been \$1,606,925. Also, retirement contributions from the District will be higher by \$2,045. If all of our current employees complete 2021 with Crestview, the salaries amount will reflect the higher amount than stated in the 2021 budget. I apologize for the error."

The Board thanked Mr. Terry for disclosing the error.

OLD BUSINESS-

None

There being no further business, Director Sweeny made a motion to adjourn the meeting with Director Sanchez seconding the motion. The Board meeting was adjourned at 6:05 pm.

Respectfully submitted,

Danny Sweeney, Secretary/Treasurer