

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF
THE CRESTVIEW WATER AND SANITATION DISTRICT
ADAMS COUNTY, COLORADO
APRIL 13, 2022

The regular 5:30 PM meeting of the Board of Directors of the Crestview Water and Sanitation District was held April 13, 2022, in-person and 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
Danny Sweeney	Secretary/Treasurer
Tom Ryszkowski	Director

Also, present:

Kathy Laurienti	Metro Representative
Allison Ulmer	Attorney
Mitch Terry	District Manager

Members absent:

Jill Martin	Vice-President
Victor Sanchez	Director

THE PLEDGE OF ALLEGIANCE WAS RECITED

PUBLIC COMMENTS-

No one from the public joined the meeting.

EXECUTIVE SESSION-

Director Ryszkowski made a motion to enter into Executive Session

RES # 8 - 22 – Pursuant to § 24-6-402(4)(b), C.R.S. for a conference with the District’s attorney for the purpose of receiving legal advice on specific legal questions relating to the Colorado Open Meetings Law and the Preliminary Injunction Order in Marshall V. Douglas County Board of Education.

Director Sweeney seconded the motion.

AYES: Directors Doak, Sweeney and Ryszkowski.

NAYS: None.

The resolution was unanimously adopted

Crestview attorney, Allison Ulmer, “My Name is Allison Ulmer, legal counsel for the Crestview Water & Sanitation District. The Board has approved a motion to enter into Executive Session Pursuant to § 24-6-402(4)(b), C.R.S. for a conference with the District’s attorney for the purpose of receiving legal advice. It is **April 13th, 2022 at 5:32 PM**. The District is not required to record the portion of the Executive Session discussion that includes the advice of legal counsel and the recording will now be stopped.”

“This is Allison Ulmer, legal counsel for the Crestview Water & Sanitation District. It is now **5:39 PM**. I attest that the portion of the discussion not recorded constituted privileged attorney-client communications Pursuant to C.R.S. § 24-6-402(4)(b).”

METRO REPORT – KATHY LAURIENTI

- The ditch companies as litigants against Metro Water Recovery and Denver Water are:
 - Farmer’s Reservoir & Irrigation Company
 - Burlington Ditch Reservoir
 - Henrylin Irrigation District

- The suit is for breach of contract from a 1968 contract. The ditch companies are requiring Metro Water Recovery and Denver Water to obtain a water quality discharge permit for an outfall to the Burlington Canal. The Burlington Canal is no longer in operation due to a lack of infrastructure caused by a flood and also by Denver Water dismantling their connection to the canal.
 - Metro and Denver filed a motion to dismiss however, the presiding judge stated that the case will go forward.
- Metro is considering a price increase based on a cost analysis for materials to treat the incoming sewer flows. The increase would be on top of the standard fees assessed to its connectors.

MINUTES FOR APPROVAL, MARCH 9, 2022

Director Doak asked if there were any corrections, deletions or additions to the Minutes for the March 9, 2022, meeting of the Board.

There being no corrections, deletions or additions, the Minutes for the March 9, 2022, meeting of the Board were accepted as presented.

DISTRICT MANAGER'S REPORT

APRIL BIRTHDAYS-

Happy birthday to Board Vice-President Jill Martin, Crestview's attorney Allison Ulmer and pipeline operator Alejandro Yopez.

BOND PURCHASE-

On April 5th, one of Crestview's \$1M bonds matured. The bond provided Crestview with \$36,088.08 over its 2-year 4-month period. The new replacement bond is a 4-year, 10-month non-callable bond purchased for \$989,280 plus \$3,045.58 for accrued days (49) since its offering totaling \$992,325.58. The bond has a yield to maturity percentage of 2.485% and will provide Crestview with a projected \$120,174.42 over its 4-year 10-month lifetime.

2022 WATER STORAGE TANK CLEANING-

Crestview's maintenance team performed our three-year tank cleaning on all four of Crestview's water storage tanks. The largest of Crestview's tanks, a 3.25 - million-gallon tank, was cleaned on March 16th and the three smaller tanks, 1 – 206,000 tank and 2 – 500,000-gallon tanks, were cleaned on March thirtieth.

PUBLIC NOTIFICATION REQUIRED BY CDPHE-

Crestview has met the State's requirement of providing Public Notification of its Treatment Violation regarding missing the required date to have a Comprehensive Tank Inspection performed to all of Crestview's water accounts by mail and by posting the notification on the District's website. I certified the notification to CDPHE on April 4th thus meeting the final requirement of the Public Notification.

PINNACOL DIVIDEND-

Crestview received a check for \$3,291.00 as a dividend for a safe year in 2021. The dividend was applied to all Pinnacol customers in Colorado and was based on premium size and customer performance. The dividend has been entered back into the Worker's Comp general ledger account.

Director Doak asked, "since Crestview's employees are the reason for the safety record to allow for a worker's comp dividend, has Crestview ever split the dividend with all the employees?"

Mr. Terry questioned if such an action could be done and the equitability of giving equal amounts to each employee since the non-field workers have limited exposures to injuries.

2022 WATER MAIN REPLACEMENT PROJECT-

The pipeline crew has replaced the water main in Larsh Drive from 68th avenue north to Jordan Drive as of April 5th. Larsh Drive will be replaced from 68th avenue north to 72nd avenue and Jordan Drive will be replaced from Fern Drive east to Samuel Drive. This project will have approximately 4,800 linear feet of

water main replacements. Larry Hopper is currently purchasing as much pipe and fittings as are available for the next project due to scarcity and price increases.

SDA REGIONAL WORKSHOPS-

The Special Districts Association of Colorado is hosting in-person regional workshops for Board members and district employees. The workshops will cover topics such as conflicts of interest, TABOR, notice of meetings and District powers just to name a few. I can drive us to any of the workshops around the state! The locations and dates are as follows:

June 10 -- Evergreen	June 13 -- Salida	June 15 -- Eagle/Vail
June 16 -- Granby	June 21 -- Windsor	June 23 -- Denver

If you would like to attend one of the workshops, please let me know and I'll get you and I registered. The workshops are from 8:00 to 12:30.

PROPERTY, LIABILITY AND CYBER INSURANCE RENEWAL-

I am still working with three different brokers to get quotes for our upcoming June 1st renewal date for the District's Property, Liability and Cyber Security coverage. An interesting thing that Colorado insurance companies are doing now is requiring a \$10,000 deductible for wind and hail. Building claims are still \$2,500 for anything not wind or hail related. I'll provide the quotes to the Board for your review during the May 18th meeting of the Board.

CLEAR CREEK VILLAGE-

The developer, Crestview staff and representatives of Denver Water met on January 27th to discuss the horizontal location of the proposed twelve-inch water main and new master meter to be constructed in Lowell Blvd. from 58th avenue north to 62nd avenue. This project is moving forward and may create the need for the Board to adopt a resolution in the future to allow for specific reimbursements to the developer as other developments are built in the west pressure zone. State statute dictates that reimbursement agreements or resolutions can only be set for a maximum of 15 years however, past reimbursement resolutions from Crestview's Board have been ten years with the possibility of an additional 5 years afterward if the Board allows it. The west pressure zone is bordered by Tennyson Street on the west, the railroad tracks traveling southeast from Lowell Blvd. to 64th avenue and the south boundary of the District.

Denver Water March purchase
33,924,000 gallons
Average since 2006 is 35,912,000 gallons

BILLS -

Director Sweeney made a motion to adopt the following resolution:
RES # 9 - 22 – BE IT RESOLVED THAT Bills be paid.

Director Ryszkowski seconded the motion.
AYES: Directors Doak, Sweeney and Ryszkowski.
NAYS: None.
The resolution was unanimously adopted

OFFICE DATA -

The March Office Data was accepted as presented

FINANCIAL REPORT -

The March Financial Report was accepted as presented

TAP REPORT -

The Tap Report was accepted as presented.

NEW BUSINESS –

Updating the District's Employee Policy Manual. The Colorado Wage Protection Rules 7 CCR 1103.7
Mr. Terry indicated that he had recently been notified of a new Colorado rule regarding Vacation Pay. In very limited terms, the Rule states that employees cannot forfeit vacation days. Crestview

provides paid vacation time to employees based on a schedule located in the Employee Policy Manual. Vacation time is a benefit that provides employees with a set amount of paid time off based on their longevity with the District. Crestview does not pay for unused vacation time if an employee fails to use all his/her allotted vacation time before their next anniversary date. Crestview only pays for vacation hours/days to an employee whose employ is ending. Being an earned benefit, those hours/days are paid to the leaving employee.

Director Doak asked, "With this new law, will the unused hours roll over into the next year? For example, if you had 40 hours to use and only used 38 hours and your time ran out, would you then have 42 hours or only 40 hours?"

Mr. Terry stated that currently Crestview's rules do not allow for accrual of vacation hours.

Director Doak asked what the new law states.

Mr. Terry indicated that the new law does allow for hours to roll over but the District may cap the number of hours that are allowed to roll over. The hours can roll over into the next year but the new allotment of hours cannot be used until the previous year's excess hours are used.

Director Doak asked if an employee can go an entire year without using any vacation pay, say six weeks, then add it to the new six weeks ultimately having twelve weeks of vacation available now?

Ms. Ulmer stated that it just depends on the District's policy.

Director Doak asked what happens if you have no written policy?

Director Ryszkowski stated that Colorado state law says the employee cannot lose the hours/days.

Ms. Ulmer agreed with Mr. Ryszkowski and indicated that employees cannot forfeit vacation hours/days.

Mr. Terry asked Ms. Ulmer if an employer can force an employee to use those hours.

Ms. Ulmer replied yes

Based on the new law, it is illegal for employers to take the hours back and it is illegal for the employees to give them up.

Director Doak asked if the District would pay the employee for the unused hours.

Mr. Terry brought up a point that if the District were to pay employees for unused vacation time that over time, an employee with multiple weeks of vacation time may only take one or two weeks of vacation then use the remainder as a form of added income by being paid for the excess vacation time.

Director Ryszkowski stated that employees with only a week or two will use those weeks. Employees with more than that may end up not using all their hours which could cause this issue.

Director Doak asked for clarification to what exactly can the District do about this law. What are our options?

Ms. Ulmer stated that the District could cap the hours.

Director Doak asked Ms. Ulmer and Mr. Terry to work on some options and provide them to the Board at the next meeting.

Director Ryszkowski asked if employees are allowed to donate sick or vacation hours to other employees.

Mr. Terry stated that the Employee Policy Manual does not have a section regarding the sharing of hours. He also added that he didn't think it would be appropriate for employees to share hours due to the possibility of an employee using the available paid time off allotted them then having an emergency and asking other employees to "bail them out" by sharing their hours. The sharing of hours could become a great tool for an employee to abuse the benefit of paid time off and getting additional paid time off as a

gift from other employees. Mr. Terry also worries that if he were to provide some of his time to one employee and not to another that it could be seen as a form of favoritism.

Director Doak stated that "there should be a rule that the sharing of paid time off hours is prohibited and be inserted into the Employee Policy Manual."

Director Doak suggested that "if an employee reaches his/her anniversary date and has unused vacation hours, that they would be violating the District policy of holding more vacation hours in their year, so they can only receive their max hours allotted including the unused hours from the previous year."

Mr. Terry stated that "by limiting the next year's hours actually deducts from the employee."

Director Doak restated that Ms. Ulmer and Mr. Terry should work on some options and provide them to the Board at the next meeting.

There being no further business, Director Doak adjourned the meeting at 6:45 PM.

Respectfully submitted,

Danny Sweeney, Secretary/Treasurer