

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE DEER CREEK WATER DISTRICT HELD NOVEMBER 11, 2021

This special meeting of the Board of Directors of the Deer Creek Water District (referred to hereafter as "Board") was convened at the District's Office 3344 Deer Creek Road, Parker, Colorado and by telephone conference call on Thursday, the 11th day of November, 2021, at 6:30 p.m. The call-in information was listed in the meeting notice posted by the District and the public was able to attend the meeting by telephone, if they so desired.

Directors In Attendance Were:

Gary McIntyre
Lyle Penner
Dave Lunka
Jean King

Also, In Attendance Were the Following Consultants:

David Solin; Special District Management Services, Inc. (via phone)

Jim Ruthven; Special District Management Services, Inc. (via phone for a portion of the meeting)

**PUBLIC
INPUT/COMMENT**

There were no public comments.

**DISCLOSURE OF
POTENTIAL
CONFLICTS OF
INTEREST**

Disclosures of Potential Conflicts of Interest: The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Mr. Solin noted that a quorum was present and requested members of the Board to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. No additional conflict disclosures were made at the meeting.

**ADMINISTRATIVE
MATTERS**

Agenda: Mr. Solin distributed for the Board's review and approval a proposed Agenda for the District's Special Meeting.

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Following discussion, upon motion duly made by Director McIntyre, seconded by Director Lunka and, upon vote, unanimously carried, the Agenda was approved, as amended.

Approval of Meeting Location: The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting.

Following discussion, upon motion duly made by Director McIntyre, seconded by Director Lunka and, upon vote, unanimously carried, The Board determined that, this special meeting would be convened at the District's Office 3344 Deer Creek Road, Parker, Colorado and by telephone conference call. The call-in information was listed in the meeting notice posted by the District and the public was able to attend the meeting by telephone, if they so desired. The Board further noted that notice of the time, date and location was duly posted and that that no objections to the manner of the meeting, or any requests that the manner of the meeting be changed by taxpaying electors within the District boundaries, have been received.

Minutes: The Board reviewed the Minutes of the October 14, 2021 Special Meeting.

Following discussion, upon motion duly made by Director McIntyre, seconded by Director Penner and, upon vote, unanimously carried, the Board approved the Minutes of the October 14, 2021 Special Meeting.

§32-1-809, C.R.S. - Transparency Notice Reporting Requirements, Mode of Eligible Elector Notification for 2022: The Board discussed §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for the 2022 Transparency Notice.

Following discussion, the Board determined to post the required Transparency Notice information on the Special District Association's website and the District website to satisfy the statutory requirement.

FINANCIAL MATTERS

Payment of Claims: The Board considered ratifying the approval of the payment of claims as follows:

Fund	Period Ending Oct. 30, 2021
General	\$ 16,639.17
Debt	\$ -0-
Capital	\$ 970.00
Enterprise	\$ -0-
Total	\$ 17,609.17

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Following discussion, upon motion duly made by Director McIntyre, seconded by Director Lunka and, upon vote, unanimously carried, the Board ratified approval of the payment of claims, as presented.

Ready Reserves: Mr. Ruthven discussed Ready Reserves with the Board. Director Lunka noted that he would like to have a \$150,000 reserve balance as a goal. No action was taken.

Billing Reports: Mr. Solin reviewed with the Board the billing reports for the month of October 2021.

2021 Audit: The Board reviewed the engagement letter from Haynie & Company, Inc. to perform the 2021 Audit.

Following discussion, upon motion duly made by Director McIntyre, seconded by Director Lunka and, upon vote, unanimously carried, the Board approved the engagement of Haynie & Company, Inc. to perform the 2021 Audit, for an amount of \$11,000.

2021 Budget Amendment: The President opened the public hearing to consider an Amendment to the 2021 Budget and discuss related issues

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2021 Budget and the date, time, and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Following discussion, upon motion duly made by Director McIntyre, seconded by Director Penner and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-01; Resolution to Amend the 2021 Budget. A copy of the Resolution is attached hereto and incorporated herein by this reference.

2022 Budget Hearing: The President opened the public hearing to consider the proposed 2022 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2022 Budget and the date, time, and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Mr. Solin reviewed the estimated 2021 expenditures and the proposed 2022 expenditures.

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Following discussion, the Board considered the adoption of Resolution No. 2021-11-02 to Adopt the 2022 Budget and Appropriate Sums of Money and to Set Mill Levies (for the General Fund at 8.881 mills, for a total mill levy of 8.881 mills). Upon motion duly made by Director McIntyre, seconded by Director Penner and, upon vote, unanimously carried, Resolution was adopted, as discussed and execution of the Certification of Budget and Certification of Mill Levies was authorized, subject to receipt of final Certification of Assessed Valuation from the County on or before December 10, 2021. Mr. Solin was authorized to transmit the Certification of Mill Levies to the Board of County Commissioners of Elbert County, not later than December 15, 2021. Mr. Solin was also authorized to transmit the Certification of Budget to the Division of Local Government not later than January 30, 2022. Copies of the adopted Resolutions are attached to these Minutes and incorporated herein by this reference.

DLG-70 Mill Levy Certification Form: The Board considered authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

Following discussion, upon motion duly made by Director McIntyre, seconded by Director Penner and, upon vote, unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.

LEGAL MATTERS

Resolution Calling the May 3, 2022 Regular Election: Mr. Solin discussed with the Board the upcoming election and Resolution No. 2021-11-03 Calling the May 3, 2022 Regular Election.

Following discussion, upon motion duly made by Director McIntyre seconded by Director Lunka and, upon vote, unanimously carried, the Board adopted Resolution No. 2021-11-03 Calling the May 3, 2022 Regular Election and appointed David Solin as the Designated Election Official and authorized him to perform all tasks required for the May 3, 2022 Regular Election of the Board of Directors for the conduct of a mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

Engagement of Legal Counsel: Mr. Solin discussed with the Board the engagement of Cockrel Ela Glesne Greher & Ruhland, P.C. as Legal Counsel.

Following discussion, the Board approved the transition and engagement of Cockrel Ela Glesne Greher & Ruhland, P.C. as Legal Counsel. The Board directed Mr. Solin to complete the firm transfer form and to transmit it to Director McIntyre for execution.

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OPERATION MATTERS

Field Service Report: There was no report given.

Meter Pit Assessments and Plans for Future Refurbishing: The Board discussed the meter pit assessments and plans for refurbishing. No action was taken.

Website: The Board directed Mr. Solin to conduct an initial review and to work on uploading any missing information and streamlining the visuals for a better user experience

Email Address: The Board discussed the District's email address. The Board determined to keep the District's email address as it is linked to some accounts, but not to use or publicize in future.

6.6 Acre Parcel: The Board discussed the 6.6 acre parcel. No action was taken.

Governing Documents: The Board discussed the governing documents. The Board will provide revisions to Mr. Solin to update, have the Board review and then transmit to Attorney Ela.

Water Plant:

Landscaping: The Board directed Mr. Solin to send Mr. Graham to meet with Director Lunka to create a landscape plan and conduct a basic bid process.

Basement Lighting: The Board deferred discussion.

Window Blinds: Director King noted that she will meet with Home Depot regarding measuring windows and obtain a proposal for the blinds.

Sale of Old Generator: Still pending.

Railing Paint: The Board deferred discussion.

Chlorine Tank: The Board directed Mr. Solin to follow up with Ms. Begeman regarding installation of the chlorine tank.

Wells:

ETR's for Well Meters: The Board discussed ETR's for well meters. It was noted that Ms. Begeman has them to be installed. No action was taken.

Electrical Boxes and Controls: The Board determined to install the electrical boxes and controls on an as-needed basis.

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Payment to Settle Asphalt Damage Claim: The Board discussed the payment of \$300 to settle the asphalt damage claim. The Board directed Mr. Solin to prepare a letter and to pay the \$300 to settle the claim.

811 Copy Code: The Board discussed changing the locate notification form for the 811 Copy Code. Mr. Solin will discuss with Mr. Moncada.

Legal Notice Methods: The Board directed Mr. Solin to include the fee resolution with the invoices.

Meter Tampering Fee: Mr. Solin discussed an email he received regarding a meter tampering fee from a resident. Mr. Solin was directed to determine the party(ies) at fault, and work with Director McIntyre on an appropriate action to be taken.

OTHER MATTERS

There were no other matters to discuss at this time.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director King, seconded by Director Penner and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By: 
Secretary