

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE ROXBOROUGH WATER AND SANITATION DISTRICT AND THE BOARD OF DIRECTORS OF THE PLUM VALLEY HEIGHTS SUBDISTRICT OF ROXBOROUGH WATER AND SANITATION DISTRICT HELD October 16, 2013

A regular meeting of the Board of Directors of the Roxborough Water and Sanitation District and the Board of Directors of the Plum Valley Heights Subdistrict of Roxborough Water and Sanitation District was held on Wednesday, October 16, 2013 at 8:00 a.m. at the Roxborough Water and Sanitation District's offices located at, 6222 N. Roxborough Park Road, Littleton, Colorado 80125. Notice of the meeting was duly posted in at least three locations within the boundaries of the District and three locations within the boundaries of the subdistrict, as required by State law.

Attendance: **Directors:** Dave Bane
 John Dillon
 Dave Thomas
 Dave Heldt
 Tim Moore
 Consultants: Bill Goetz, TST Infrastructure, LLC
 Alan Pogue, Esq. Icenogle, Seaver, Pogue
 RWSD Employees: Larry Moore
 Mike Marcum
 Vickie Nolen
 Cindy Taylor
 Joanne Cleveland
 Guests: Jack McCormick, PVH resident

Call to Order: The meeting was called to order by Dave Bane, President of the Board. It was also established that a quorum was in attendance and there were no conflicts of interest to disclose.

PUBLIC COMMENT:
 There was no public comment.

CONSENT AGENDA: Upon a motion by Director Thomas and second by Director Dillon, the Board approved the Consent Agenda, which consisted of:

1. Ratify Payroll for September 30, 2013 and October 15, 2013
2. Approve Payment of Claims- checks #54519-54555
3. Ratify Payments since September 25, 2013 – checks #54502-54518
4. Approve Minutes of the September 25, 2013 Special Meeting

Amend Agenda: The Board upon a motion by Director Thomas, second by Director Dillon, and a unanimous vote agreed to amend the agenda to move the Plum Valley Heights Subdistrict meeting to the first item on the Agenda.

Director Thomas made a motion to adjourn as the Board of Directors of the Roxborough Water and Sanitation District and convene as the Board of Directors of the Plum Valley Heights Subdivision. Upon a second by Director Dillon the motion was unanimously approved.

PLUM VALLEY HEIGHTS SUBDISTRICT:

ACTION ITEMS:

2014 Budget: The Board acknowledged receiving on October 11, 2013 a draft of the 2014 Proposed Budget for the Plum Valley Heights Subdistrict. The Board upon a motion by Director Thomas, second by Director Moore and unanimous vote set the 2014 Budget Hearing for November 20, 2013 at the regular board meeting. Alan Pogue's office will handle the required publication for the hearings.

Director Thomas made a motion to adjourn as the Board of Directors of the Plum Valley Heights Subdistrict and reconvene as the Board of Directors of the Roxborough Water and Sanitation District with a second by Director Heldt the motion passed unanimously.

ROXBOROUGH WATER AND SANITATION DISTRICT:

GENERAL MANAGER'S REPORT:

Sterling Ranch/DWSD (D/SR): Mr. Moore informed the Board that we are awaiting a decision from D/SR as to their participation level in the proposed Water Treatment Plant. Mr. Moore and Mr. Pogue met with the D/SR representatives and they are working on an extension and some revisions to the WWTP Contract and also whether or not Sterling Ranch/DWSD will share in the design of the WTP.

Douglas County: Mr. Moore relayed to the Board that he has been meeting with all three Douglas County commissioners, the County Manager, Deputy Manager, County Attorney and County Water Resources Manager to discuss RWSD's conceptual plan, schedule and process for replacing the District's WTP. The County has the same November 15, 2013 deadline to respond with their anticipated involvement in the WTP process.

Plum Valley Heights: Mr. Moore updated the Board on the work being done to satisfy the requirements of this new Subdistrict including insurance. Mr. Moore also talked to the Board about how we want to handle cost incurred by RWSD on behalf of PVH Subdistrict.

LEGAL ISSUES: Alan Pogue gave the status report to the Board.

OPERATIONS: Mike Marcum gave the Board an overview of work done in the District, at the Plants, and in the Field.

ENGINEERING: Mr. Goetz presented the engineering status report and discussed the rainfall/water treatment report.

FINANCIAL: Mr. Moore presented the September 2013 Financial Statement to the Board. Upon a motion by Director Thomas, second by Director Dillon and unanimous vote the Board accepted the September 2013 Financial Statement.

ADMINISTRATIVE:

Monthly Customer Summary: Ms. Taylor reviewed the Monthly Customer Summary with the Board. Since we have started the rebate program, January 1, 2008, we have rebated \$61,455.11.

ACTION ITEMS:

2014 Budget: The Board acknowledged receiving on October 11, 2013 a draft of the 2014 Proposed Budget for the Roxborough Water and Sanitation District. The Board upon a motion by Director Thomas, second by Director Heldt and unanimous vote set the 2014 Budget Hearing for November 20, 2013 at the regular board meeting. Alan Pogue's office will handle the required publication for the hearings.

Resolution of Intent to Certify Delinquent Accounts: Alan Pogue presented to the Board Resolution 13-10-09 to Certify Delinquent Water and Sewer Charges that will be filed with the County Assessor and recorded with the Clerk and Recorder. Upon a motion by Director Heldt, Second by Director Moore and unanimous vote the Resolution was approved and the Board directed Mr. Pogue to have the Resolution recorded and the liens placed on the properties in Exhibit A of the Resolution. If any payments are received prior to the October 31, 2013 deadline, they will be removed from the Certification List.

EXECUTIVE SESSION: The board was advised that due to the need to discuss personnel matters and also to discuss matters subject to negotiation and to direct negotiators related to the sale of the WWTP to Dominion Water and Sanitation District, it was appropriate, upon compliance with the requisite statutory procedures, to convene an Executive Session. The Directors, by motion duly made and seconded, and approved by greater than two-thirds of the Directors present:

RESOLVED by a unanimous vote to convene an Executive Session, pursuant to Section 24-6-402(4)(f), C.R.S., for the purposes of discussing personnel matters and Section 24-6-402(4)(e), C.R.S., for the purposes of discussing matters subject to negotiations and to direct negotiators related to the sale of the WWTP to Dominion Water and Sanitation District.

Director Bane reported, "It is October 16, 2013 and the time is 9:40 a.m. For the record, I am the presiding officer, Dave Bane. As required by the Open Meetings Law, the Executive Session is being recorded.

Present at this Executive Session were the following persons:

Dave Bane, President
Dave Thomas, Vice-President
John Dillon, Assistant Secretary
Tim Moore, Assistant Secretary
Dave Heldt, Assistant Secretary
Larry Moore, RWSD
Alan Pogue, Esq. (only for matter subject to negotiations)
Bill Goetz, TST Infrastructure (only for the matter subject to negotiations)

This is an executive session for the following purposes:

For the purpose of discussing personnel matters pursuant to 24-6-402(4)(f) C.R.S. and for the purpose of discussing matters subject to negotiations and to direct negotiators related to the sale of the WWTP to Dominion Water and Sanitation District, pursuant to 24-6-402(4)(e), C.R.S.

Director Bane cautioned each participant to confine all discussions to the stated purposes of the executive session.

If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the session and make an objection. The purpose of the Executive Session was to discuss personnel issues and matters subject to negotiations and to direct negotiators related to the sale of the WWTP to Dominion Water and Sanitation District. The time is now 10:40 a.m. and the executive session has been concluded. The participants in the executive session were:

Dave Bane, President
Dave Thomas, Vice-President
John Dillon, Assistant Secretary (departed at 10:33)
Tim Moore, Assistant Secretary
Dave Heldt, Assistant Secretary
Larry Moore, RWSD
Alan Pogue, Esq. (only for matter subject to negotiations)
Bill Goetz, TST Infrastructure (only for the matter subject to negotiations)

Director Bane stated "For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the Executive Session occurred during the Executive Session or that any improper action occurred during the Executive Session in Violation of the Open Meetings Law, I would ask that you state your concerns for the record."

None were stated.

Personnel: The Board approved compensation adjustments for an employee.

WWTP Sale: The Board upon a motion by Director Thomas, second by Director Heldt, and a unanimous vote agreed to an extension to December 13, 2013 of the contract with Dominion Water and Sanitation District to purchase RWSD's WWTP. Negotiations will continue with Dominion with the intent that an extension of the contract will be presented at the November 20, 2013 board meeting.

ADJOURN: Being no further business, a motion was made by Director Thomas and seconded by Director Heldt to adjourn the meeting at 10:50 a.m. The motion passed.

Respectfully Submitted,


Secretary for the Meeting