

**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
GENESEE WATER & SANITATION DISTRICT**

**HELD**

Tuesday, August 23rd, 2022  
At 5:00 p.m. at the Genesee Water & Sanitation District Administrative Bldg.  
2310 Bitterroot Lane  
Golden, CO 80401

**ATTENDANCE**

A Regular Meeting of the Board of Directors of the Genesee Water & Sanitation District of Jefferson County, Colorado was held as shown above, and in accordance with the applicable statutes of the State of Colorado with the following Directors present and acting:

Branch Russell – In Person  
Frank DeFilippo – In Person  
Jim Hurd – In Person  
Cynthia Corbett – In Person  
Bob Leland - Resigned

Also present in person were:

Chris Brownell, District Manager  
Bob Calley, Superintendent  
Erin Carriere, Director of Administration  
Dylan Woods – Coaty Merchant Woods Legal Counsel  
Gary Anderson – Liaison to the Water Board  
Linda Anderson - Resident

By Zoom video teleconference:

Christina Jantzeff, Accounting consultant  
Approx 40 zoom accounts logged on zoom

**CALL TO ORDER**

President Hurd called the meeting to order.  
Acknowledge all board members are present

**ENTERPRISE BUSINESS:**

UPDATE ON RESERVOIR NO. 1 PROJECT & APPROVAL OF ENGINEERING/GC COSTS

A) Director DeFilippo presented 4 motions:

## RECORD OF PROCEEDING

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Motion 1: GWSD BOD authorizes and directs Directors Hurd and Russell and staff to finalize the construction contract with Zak Dirt for Reservoir No. 1 in order to add an additional 46-acre-feet of raw water ASAP.

- a. Directors Hurd and Russell and staff shall continue to make their best efforts possible in negotiating with Zak Dirt taking into consideration that the GW&SD currently has applied for but does not have the necessary US Army Corps of Engineering 404 has Jeffco grading permits.
- b. The bid submitted by Zak Dirt is time sensitive and price to the district will be affected by inflation.

Second: Director Corbett

-Discussion amongst the Board took place and a few residents spoke their opinions. One resident spoke in favor of option A and one against.

Votes: All

Motion passed unanimously

Motion 2: All non-mandated major projects will be put to a vote or a survey to the district's customers, whichever is appropriate.

Second: Director Hurd

-Director DeFilippo explained the motion and mentioned that he is fulfilling his campaign promise with this motion. Director Hurd opened to Board discussion and stated that this is something they promised to do and that legal counsel corrected them in that they could not put this issue out to a vote by Tabor. Mr. Woods stated that that is correct and corrected the statement that the reservoir is not a tabor issue. Mr. Woods also stated that it is not appropriate to delegate the general decision-making authority of the Board to the public. The Board can solicit public opinion via a survey, but it cannot be binding. The word mandate was also discussed in terms of what falls under that term. After much discussion, Mr. Woods said that the term "non-mandated major projects" is too general and open to interpretation from staff and future board members. He said it is a bad idea to engage in this type of direct democracy in a District situation. The residents vote on the directors every 2 years, and that is the primary mechanism for public participation, as well as public comments at meetings. They vote on the decision-makers; it is a representative government. Mr. Woods made it clear that he does not think this is a pragmatic approach to decision-making.

-Public comments were taken from residents, all against the motion.

-Director DeFilippo withdrew the motion and will table this motion until the next meeting.

Motion 3: To recover the losses to the reserves that the district has incurred and the funding of the district's financial needs, the board, over a 3-year budget period (2023 to 2025), will responsibly increase rates to reach a goal at year end of 2025 of \$1,500,000 in its cash reserves in non-government funds only.

Second: Director Hurd

Discussion opened to the Board. Director Russell requested the motion be tabled until October or November. Director DeFilippo stated that he made a compromise on Motion 1 and asked that Director Russell make a compromise as well on Motion 3. Many residents spoke up as well and asked many questions and clarifications on this topic. Mr. Woods stated that he does not see this motion as binding, but more of a concept.

Votes with the last sentence (from the document) removed: All

Motion passed unanimously

## RECORD OF PROCEEDING

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Motion 4: The GW&SD BOD authorizes and directs the board secretary to prepare a communication explaining the history and reasoning behind the Reservoir 1 and the district's financial situation:

- c. The communication shall be separately mailed to the district's customers
- d. Board members and staff shall review the document before mailing
- e. Outside assistance may be employed to reduce burden on the staff

Second: Director Corbett

Votes: All

Motion passed unanimously

### MANAGERS REPORT

- A) Water Withdrawn and Water Returned to Bear Creek & Stream Flow was reviewed and included in the board packet.

### SUPERINTENDENTS REPORT

- A) AWTF Monthly Operating Report is included in the board packet.
- B) We are helping Lookout Mountain with water once again.
- C) Thank you from the staff to the residents for your continued support and thank you to the staff for being awesome.

### ADMINISTRATION REPORT

- A) Financial statements were reviewed by Ms. Jantzel.
- B) Director DeFilippo mentioned the specific ownership taxes estimate/adjustment and will work with Manager Brownell and Ms. Jantzel.

### THIRD-PARTY FUELING AGREEMENT – JEFFERSON COUNTY

- A) Fueling agreement for GW&SD through Jefferson County. Fueling through Jeffco will start in 2023. Manager Brownell needed the Boards approval to sign the agreement.

Motion for the manager to sign the agreement – Director DeFilippo

Second: Director Russell

Votes: All

Motion passed unanimously

### FAMILY AND MEDICAL LEAVE INSURANCE (FAMLI) PROGRAM

- A) If the District is going to opt out, it needs to be done before the end of the year. The manager's recommendation is that we opt out as Genesee provides the benefits necessary.

Motion to opt out: Director DeFilippo

Second: Director Corbett

Votes: All

Motion passed unanimously

- B) Mr. Woods will prepare a resolution for opting out of FAMLI and will prepare the notice to employees

**DISTRICT BUSINESS:**

MINUTES

- A) Motion to approve minutes: Director Russell  
Second: Director Corbett  
Votes: 3, 1 abstain due to absence at last meeting  
Motion passed unanimously

LEGAL

- A) General Counsel - Dylan Woods: No update
- B) Water Rights Counsel - Moses, Wittenmeyer, et. Al. Nothing new to report.

OLD BUSINESS

NEW BUSINESS

- A) Park Point Property Discussion – tabled to next meeting

Motion to move into executive session pursuant to Sec. 24-6-402(4)(b) conference with legal counsel concerning contract negotiations for reservoir no. 1 – Director Hurd

Second – Director DeFilippo

Votes: all

Motion passed unanimously

Motion to exit executive session and move into regular session

**ADJOURN**

Motion: Thereupon, motion was made by Director DeFilippo and seconded by Director Russell to adjourn the meeting. The motion passed unanimously.

RECORD OF PROCEEDING

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Board of Directors Meeting – August 23rd, 2022

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Chris Brownell, District Mgr.

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Jim Hurd, President/Chairman

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Cynthia Corbett, 1<sup>st</sup> Vice President

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Frank DeFilippo, Secretary/Treasurer

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Branch Russell, Vice President