

PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF BEAR CREEK WATER AND SANITATION DISTRICT, CONVENING ON FEBRUARY 10, 2020 AT 7:00 PM. AT THE DISTRICT OFFICE, 2517 SOUTH FLOWER STREET, LAKEWOOD, CO, 80227-2912.

CALL TO ORDER

Presiding: Chairman Miller

ROLL CALL

Present:	Dale L. Miller	President and Chairman
	Neil A. Johnson	Vice-President and Vice-Chairman
	Barbara J. Coria	Treasurer, Formerly Vice-Chairman
	Charles W. "Charlie" Dwyer	Director, Formerly Treasurer
	Linda M. Larsson	Director

Also Present:	Jan C. Walker	District Manager/Board Secretary
	Barney J. Fix, PE, PMP, VP	District Engineer, Merrick & Company
	Russell W. Dykstra	Legal Counsel, Spencer Fane, LLP

Excused Absences: NONE

ACCEPTANCE OF MINUTES

R-20-007 RESOLVED, upon motion by Treasurer Dwyer seconded by Director Johnson and unanimously carried that the Minutes of the Regular Meeting of January 13, 2020 were approved.

CALL TO PUBLIC / PUBLIC PRESENTATIONS - None

DISTRICT ENGINEER'S REPORT

2020 Field Operations and Maintenance (O&M)

T-20-005 DISCUSSION. District Engineer Fix reported that the next O&M Board meeting with the Board of Directors and staff will be held Wednesday, February 19, 2020 at 11:00 a.m. District Engineer Fix also reported that the Bid Opening for the 2020 Westgate Sewer Rehabilitation Project is scheduled to be held on February 21, 2020 at 10:00 a.m. at the District office.

Morrison Road/Hodgson Park Waterline Project

T-20-006 DISCUSSION. The waterline project construction started on October 3, 2019. The construction has been completed through Hodgson Park. The District is moving the water line to the South side of Morrison Road since another communications line had been installed on the North side of Morrison Road. Both the City of Lakewood and Denver Water has stated that they will approve the construction change so the project can move forward.

PROCEEDINGS

MINUTES, FEBRUARY 10, 2020

PAGE 2

DISTRICT ENGINEER'S REPORT [CONTINUED FROM PAGE 1]

Hoyt / Wesley Water Line

T-20-007 DISCUSSION. This project is the extension of the Hodgson Park water line. The water line will go north in Hoyt Court to West Wesley Drive then east in Wesley Drive to South Hoyt Street, this project will also replace an 8-inch main in West Wesley Place that will run from the intersection of W. Wesley Place and Hoyt Court West for 200 feet. The design plans have been submitted to the City of Lakewood for review. After the District receives comments from the City of Lakewood, the District will submit the plans to Denver Water.

Acceptance of the District Engineer's Report

R-20-008 RESOLVED, upon motion by Treasurer Dwyer, seconded by Vice-Chairman Coria and unanimously carried, that the District Engineer's Report be accepted.

Preceding this action, the District Engineer's report of activities for January 2020 was presented. A copy is attached hereto and made a part of the record.

TREASURER'S REPORT

Approval of Payment of Invoices and Payroll

R-20-009 RESOLVED, upon motion by Treasurer Dwyer, seconded by Vice-Chairman Coria, and unanimously carried, the payment of invoices and payroll presented in the amount of \$99,554.82 was approved. A list is attached hereto and made a part of the record

Preceding this action, Treasurer Dwyer reported that upon review of the checks, Automated Clearing House (ACH) payments and payroll, that he and Vice-Chairman Coria found them to be in order, for approval by the Board.

Approval of Treasurer's Report

R-20-010 RESOLVED, upon motion by Director Johnson, seconded by Vice-Chairman Coria and unanimously carried, that the Treasurer's Report based on unaudited financial reports as of January 31, 2020 was accepted as presented. A copy is attached hereto and made a part of the record.

Authorize Barbara Coria to Sign Certificates of Deposits (CDs)

R-20-011 RESOLUTION. Resolved, upon motion by Treasurer Dwyer, seconded by Director Larsson that that Barbara J. Coria be designated as Board Treasurer and set up as an authorized signer for the purpose of placing, processing, trading and closing Certificates of Deposit in the name of Bear Creek Water and Sanitation District. The Treasurer may delegate other routine administrative investment activities to the District Manager, as provided for the District Manager in the Investment Policy

LEGAL COUNSEL'S REPORT

Legal Counsel Dykstra reported that there had been several articles in the Denver Post about Special Districts, including Metro Districts and their methods of financing infrastructure and services. There will most likely be legislation in 2020 that requires more disclosure by Metro

LEGAL COUNSEL’S REPORT [CONTINUED FROM PAGE 2]

Districts so that they will provide more information to persons purchasing properties within a Metro District.

Legal Counsel Dykstra also gave an overview of some of the 2020 Legislative bills that could impact Special Districts. The full description of the legislation is included and as follows:

SB20-148 Property Tax Exemption Value Adjustments - Under current law, 50% of the first \$200,000 of actual value of the owner-occupied primary residence of a qualifying senior or a qualifying disabled veteran is exempt from property taxation. The bill increases the \$200,000 to \$435,000 for the 2020 property tax year to account for the increase in the average actual value of residential real property, excluding new residential construction when initially constructed, in the state from January 1, 2020, when the exemption for qualifying seniors first took effect, through December 31, 2019. Thereafter, the bill annually increases or decreases the amount of actual value of which 50% is exempt by a percentage equal to the percentage change in the average actual value of residential real property, excluding new construction when initially constructed, in the state, as determined by the state property tax administrator.

HB20-1287 Colorado Rights Act - The bill allows a person who has a right, privilege, or immunity secured by the Colorado constitution that is infringed upon to bring a civil action for the violation. The attorney general can also bring an action under the same circumstances. A plaintiff who prevails in the lawsuit is entitled to reasonable attorney fees, and a defendant in an individual suit is entitled to reasonable attorney fees for defending any frivolous claims.

Qualified immunity and a defendant's good faith but erroneous belief in the lawfulness of his or her conduct are not defenses to the civil action. The civil action has a two-year statute of limitations. The bill requires a public entity to indemnify its public employees in a claim unless the employee is convicted of a crime related to the claim.

SB20-132 Short-Term Rentals Property Tax -- For purposes of the property tax, the bill classifies an improvement that is used to provide short-term stays, which is overnight lodging for less than 30 consecutive days in exchange for a monetary payment. A building or a portion of a building that is designed and used as a residency by a person, a family, or families and that is leased or available to be leased for short-term stays is a residential improvement and, therefore, it is classified as residential property.

A short-term rental unit is excluded from the definition of residential improvements and, therefore, it is classified as nonresidential property. A short-term rental unit is defined to mean a building or a portion of a building that is designed for use predominantly as a place of residency by a person, a family, or families, but that is leased or available to be leased for short-term stays during the property tax year and is occupied by the owner for less than 30 days in a year.

DISTRICT MANAGER'S REPORT

May 5, 2020 Board of Directors Election

T-20-008 DISCUSSION. District Manager Walker has received three self-nomination forms for the four Board positions to be elected. Persons interested in serving on the Board of Directors must submit a Self-Nomination Form to the District by February 28, 2020.

There will be four Board positions to be elected in 2020 as follows:

Two - 3-Year Terms 2020-2023 and

Two - 2-Year Terms 2020-2022

The District Manager's report of activities for January 2020 was presented, a copy of which is attached hereto and made part of the record.

DIRECTOR'S REPORT

Designation of 2020 Representatives and Alternates to Other Agencies

C-20-002 CONCURRENCE. The representatives and alternates to other agencies will be updated as shown on the chart, "2020 Designation of Representatives and Alternates to Other Agencies," which is attached hereto and made a part of the record.

Transition of Board Treasurer Position and Re- Distribution of Board of Directors Officers

R-20-012 RESOLVED, upon motion by Treasurer Dwyer, seconded by Director Johnson and unanimously carried, that Barbara Coria become Board Treasurer, Neil Johnson become Vice-President/Vice-Chairman and Director Larsson be designated as the Board member to back up the Treasurer when needed to review the District's invoices to be approved at monthly Board meetings.

Preceding this action Treasurer Dwyer announced that he will not be seeking re-election in 2020. The District will need to transition the Treasurer position. Barbara Coria has let the Board know that she is willing to assume the Treasurer position.

C-20-003 CONCURRENCE. Nothing further being presented to the Board, Chairman Miller declared that the meeting be adjourned.

Dale L. Miller, President and Chairman

ATTEST:

Jan C. Walker, Secretary, Board of Directors

SEAL

**Bear Creek Water and Sanitation District
2020 Designation of Representatives and Alternates to Other Agencies**

<p style="text-align: center;">OPERATORS IN RESPONSIBLE CHARGE</p> <p>1st District Engineer Fix, P.E., Merrick & Company 2nd Larry R. Larson, C&L Water Solutions, Inc.</p>	<p style="text-align: center;">EMERGENCY MANAGER</p> <p>1st District Manager Walker 2nd District Engineer Fix, P.E., Merrick & Co.</p>
<p style="text-align: center;">COLORADO SPECIAL DISTRICTS PROPERTY & LIABILITY POOL (CSDPLP)</p> <p>District Manager Walker, Representative District Accountant Barker, 1st Alternate Treasurer Coria, 2nd Alternate</p>	<p style="text-align: center;">CEBT/UMR GROUP INSURANCE PROGRAM</p> <p>District Manager Walker, Representative Chairman Miller, 1st Alternate District Accountant Barker, 2nd Alternate</p>
<p style="text-align: center;">DENVER DISTRIBUTOR FORUM LIAISONS (DFL)</p> <p>District Manager Walker, Representative Systems Administrator Weaver, 1st Alternate Admin. & Billing Administrator Eatherton, 2nd Alternate</p>	<p style="text-align: center;">DISTRIBUTORS RATES & FEES TECHNICAL ADVISORY COMMITTEE (TAC)</p> <p>District Manager Walker, Representative District Engineer Fix, Alternate</p>
<p style="text-align: center;">DISTRIBUTOR WATER CONSERVATION COMMITTEE</p> <p>Administrative & Billing Specialist Eatherton, Representative District Manager Walker, Alternate</p>	<p style="text-align: center;">COLORADO GOVERNMENT FINANCE OFFICERS ASSOCIATION (CGFOA)</p> <p>District Manager Walker, Representative District Accountant Barker, 1st Alternate Treasurer Coria, 2nd Alternate</p>
<p style="text-align: center;">COLORADO 811 – UTILITIES NOTIFICATION CENTER OF COLORADO (UNCC) AND DAMAGE PREVENTION COUNCIL AND COMMON GROUND ALLIANCE</p> <p>Systems Administrator Weaver, Representative District Manager Walker, Alternate</p>	<p style="text-align: center;">COLORADO RETIREMENT ASSOCIATION (CRA)</p> <p>District Manager Walker, Representative Director Larsson, 1st Alternate Chairman Miller, 2nd Alternate</p>