

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

**HELD**

Tuesday, February 28th, 2023  
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  
Wayne Forman – In Person

Also present in person were:

Chris Brownell, District Manager  
Bob Calley, Superintendent  
Erin Carriere, Director of Administration  
Katie Ostrander, Administrative Assistant  
Carl Osborne, District Operator  
Dylan Woods, Legal Counsel  
Gary Anderson, Resident  
Kevin Doyle, Resident  
Dan Hartman, Resident  
Nathan Van Schaik, Resident  
Marty Carriere, Resident

By Zoom video teleconference:

Approx 6 zoom accounts logged on zoom

**CALL TO ORDER**

President Hurd called the meeting to order. Director DeFilippo moved to remove the investigation update in light of the email that was sent to the Board stating the investigation is still underway. Second by Director Russell. Votes all. Motion passed unanimously.

Director Russell moved to enter into executive session pursuant to Sec 24-6-402 (d) (b) C.R.S. for conference with attorney for the District for the purpose of receiving legal advice on Reservoir No. 1 Expansion. Second Director DeFilippo. Votes All. Motion passed.

Director DeFilippo moved to enter public session. Second Director Corbett. Votes All. Meeting moved back into public session.

**DISTRICT BUSINESS:**

MINUTES

- A) Motion to approve January minutes as amended: Director DeFilippo  
Second: Director Russell  
Votes: 5  
Motion passed unanimously.

**ENTERPRISE BUSINESS:**

PUBLIC COMMENTS

- A) One resident spoke to the Board President regarding his time as president, and asked for his resignation.

UPDATE ON RESERVOIR NO. 1 PROJECT

- A) Due to issues with bed rock location, some re-engineering is underway for the spillway. The necessary changes appear at this point to be easier to construct and will likely add little additional cost to the project.

BOARD DISCUSSION ON CUSTOMER LETTER TO BE SENT IN MARCH

- A) Board president asked for the letter to be sent out in a separate mailing. Ms. Carriere mentioned to mail a letter separately will cost the District \$800.00 in postage alone. Therefore she requested that we put the letter on our website and put a link on each invoice whether they are mailed or emailed to our customers. That would keep District costs down. Director DeFilippo mentioned if someone would like a copy of the letter, they can call the office and request a letter be mailed. The Board majority agreed to have the link to the letter on each bill.

DEVELOP PROCESS FOR THE BOARD TO COMPLETE THE DISTRICT MANAGER'S ANNUAL REVIEW

- A) The parameters of the District Manager's annual review was discussed. Manager Brownell insisted his review is public, not held in executive session. Mr. Anderson, previous Board President was asked how he did the reviews in the past, and he mentioned the Board President and one other Board member would conduct the DMs review.
- B) The District does not have any bylaws regarding this issue. Legally, it would be a good idea for the Board to come up with some guidance on this issue for future reference.
- C) The Board discussed ideas on how to conduct a District Manager review.
- D) Director DeFilippo motioned to form a "personnel committee" consisting of 2 Board Members - Mr. Hurd and Mr. Russell to work on his review, set, goals, and anything else that needs to be done regarding this issue. Second Director Forman. Votes all. Motion passed unanimously.

UPDATE ON FORMAL INVESTIGATION OF THE DIRECTOR OF ADMINISTRATION'S FORMAL COMPLAINT REGARDING BOARD PRESIDENT BY LEGAL COUNSEL

## RECORD OF PROCEEDING

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- A) Mr. Woods read the email from Mr. Coaty regarding the investigation explaining the delay is due to the fact that further investigation is needed as there have been developments that require more investigation than previously thought. (attached)

### BOARD OF DIRECTORS POLICY/CODE OF CONDUCT PROPOSAL DISCUSSION

- A) There will be a working session and the policy will be finalized at the next meeting.

### DISCUSSION ON THE NEED TO UPDATE THE EMPLOYEE HANDBOOK

- A) Work needs to be done to update the employee handbook regulations, that will be done at a later date TBD.

### UPDATE ON WATER SALE FOR 1-70 CONSTRUCTION

- A) All is going well with the project, nothing to report.

### DISCUSSION OF REVISED PROPOSAL TO UPDATE 2007 SPRONK REPORT

- A) Director Forman is working to organize this report which at the current time is estimated to cost \$30,000.00. Staff recommendations agree the report is helpful, and suggested where the money might come from but it is still a question of where the money will come from. Manager Brownell asked if we need to include in the motion to move forward where the money will come from. President Hurd mentioned that we have \$700k in the bank, that we are well funded and that we will figure it out.
- B) Director Forman motioned to move forward and get a firm proposal which includes the work already done, and an evaluation of the wells, supply and demand component, not to exceed \$35,000, and authorize staff to sign and approve. Second Chairman Hurd. 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) Adopt a hydrant program through the fire department is on their website and we told them we would spread the word to get residents to adopt a hydrant.
- C) We need to work with the foundation about possibly closing the tennis courts while construction is going on due to safety concerns. A resident spoke and said the signs currently out are very small and not very obvious. Mr. Calley said he would correct that and make larger signs to make it more obvious.
- D) Chairman Hurd asked Mr. Calley if the operators break for lunch. Mr. Calley clarified that the operators always take their breaks.

### ADMINISTRATION REPORT

- A) Financial statements were reviewed by Ms. Carriere.
- B) Director DeFilippo asked for a checks and balances system to be put into place for electronic payments that we make when paying bills online. He would like to be able to approve the payments before they are made, like we do with physical checks.

**DISTRICT BUSINESS:**

LEGAL

- A) General Counsel –
  - a. King property lawyers have reached out to our counsel.
  - b. Election update – ballot has been approved. We will have two 4 year positions and one 2 year position up for election and we will have a contested election. Counsel will work with the DEO on anything necessary.
  
- B) Water Rights Counsel - Moses, Wittemyer, et. Al. Nothing new to report.

OLD BUSINESS

- A) Director Russell mentioned that he wants to ensure the King Investment Group understands very clearly that the Board wants to see the engineering that has to be done and cost estimates for water delivery and sewer return before we get too deep into legal fees. The King group needs to elicit an engineering study. Director DeFilippo agreed and stated that the District does not incur any costs, including legal fees from our legal counsel. That will need to be covered by the King Group. Mr. Brownell also explained briefly that there is a lot that will be required of the King Group before the next steps can be taken.
- B) Mr. Woods said that the Board will need to decide the Districts policy re: responsible parties incurring fees for the inclusion process, but does not need to be decided until they actually apply for inclusion.

NEW BUSINESS

- A) Board policy – Mr. Forman will wait for the investigation report as well as review of Director DeFilippo's comments and this will continue at the next meeting.

**ADJOURN**

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