

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
RURAL WATER AUTHORITY OF DOUGLAS COUNTY
HELD
JANUARY 26, 2011**

A regular meeting of the Board of Directors of the Rural Water Authority of Douglas County (RWADC) was held at 7:00 p.m. on January 26, 2011 at the Phillip S. Miller Building, 100 Third St., Castle Rock, CO 80104.

Attendance

In attendance were Directors:

Steve Boand (depart at 8:13)
Charles Bucknam
Barry Gager
Charlotte Mirabella
Priscilla Queen
Joe Rottman
Geoff Withers
Jack McCormick

Christine Hashimoto was absent whose absence was excused.

Also in attendance were:

Conner Shepherd, Circuit Rider of Colorado, LLC, Authority
Manager
Anita Littlewolf
George Allen
Rhett Everett, USGS
Dave Bauer
Brant Dennis

Call to Order

Director Withers called the meeting to order at 7:02 p.m. and declared a quorum. He asked if there were any conflicts of interest needed to be disclosed. There were none.

Public Comments

George Allen reported on the Oil and Gas meeting in Kiowa, CO. He reported that the meeting was jam-packed. Oil and gas representatives, in addressing concerns voiced by citizens, said they were prepared to minimize environmental impacts and maximize benefits to the community during mineral extraction known as fracking.

Approval of Agenda The Agenda was approved by acclamation.

**Approval of
December 15, 2010
Minutes**

Discussion followed regarding the minutes of December 15, 2010. Upon a motion duly made by Director Rottman with a second by Director Mirabella, the minutes of the regular meeting of December 15, 2010 minutes were approved as amended to reflect that Director Withers, not Director McCormick, made the motion to adjourn.

**Approval of
Minutes of
January 12, 2011**

Upon a motion duly made by Director Bucknam with a second Commissioner Board, the minutes of the Special Meeting of January 12, 2011 were approved as presented.

**Treasurer's
Report**

Director Gager presented the financial statements for the period ending January 17, 2011, reflecting the current claims in the amount of \$4,174.33. Director Mirabella asked why the printers costs weren't included. Mr. Allen asked how much the printing cost. Director Mirabella said about \$600. The postage and mailing was about \$1,961. Upon a motion by Director Mirabella with a second by Director Rottman, the Claims were approved as presented and the financial statements were accepted.

Chairman's Report Sedalia W&S District

Director Withers reported that he went with Jack McCormick and Barry Gager to the Sedalia Water and Sanitation District meeting. They voted to join the RWADC and be considered a small water provider member, pending their attorney's approval of the Creation Agreement.

Meeting Dates and Locations

Director Withers explained that there are conflicts for meeting space at the Phillip S. Miller Building. The next RWADC Board meeting will be February 23rd at the Castle Rock Fire Dep't. as are the September and October meetings.

Special Action

By-Laws

A memo was distributed from Robert Cole, the RWADC general counsel, re: By-Laws and Election rules. Two of his suggestions were discussed. [1] Who gets to vote? Let the individual well

owners decide who gets to vote for the well they own. The RWADC can use a provisional ballot for challenges where two or more owners cannot agree who should vote on their behalf. Without a challenge, the first person who requests a ballot gets it. But, there is only one vote per well. [2] Cole's second suggestion related to the Election Calendar. Director Withers said he and Ms. Shepherd figured out a calendar that appears to work better for write-in candidates. The new calendar maximizes the amount of time a write-in affidavit can be filed, with the goal of avoiding an appointment to fill a vacancy created when no candidate is elected, which, in turn, would only be for a two-year term. The Board needs to adopt the by-laws as presented tonight.

Director McCormick made the motion to approve the By-Laws on second reading as amended per the attorney. Director Bucknam seconded the motion. Discussion followed. Mr. Allen observed that there were pages missing. Director Withers explained that the only pages distributed for review were those where changes were recommended by the attorney. There were no changes to the final pages after page 8. Mr. Allen said he would like the complete document of the by-laws attached to the minutes. The documents that the Board approves at the meetings should be included in the minutes. Director Bucknam pointed out the whole of the by-laws are included in the packet distributed tonight. Commissioner Board made a suggestion for clarification. Put date of when action on a document took place on the version reviewed.

Director Withers called for the vote. The By-Laws as amended were adopted by unanimous vote on second reading.

Election Rules

Commissioner Board said there is broad concern among elected governing boards in Colorado that boards should be careful about acting on items added to the published agenda at a meeting. The RWADC is probably okay on this matter. The agenda references the item but should be more specific. Director McCormick noted that the Board asked for attorney review of the By-Laws for consideration of the attorney's comments tonight. Commissioner Board also said a document that will be considered should be available for public review. Director Mirabella said the election rules can be discussed at the February meeting. Director Withers agreed.

Report of Committees

Outreach

Community Meetings

Director Withers reminded the Board of community meetings scheduled for February 2, 9 and 13, and March 2. He said Director Hashimoto is out of town and may miss her own district meeting. Director Rottman asked who will be there to represent the Board of RWADC at each meeting. Director Withers said the director from the district where the meeting takes place would be the primary speaker with two other board members present to take notes. There could be follow-up meetings to answer questions that come up at the meetings. Director McCormick asked if the RWADC is going to have a Q&A on the website. Director Withers said the reason for meetings is to explain who we are. Director Withers will explain what we do, then solicit questions.

Fact Sheet

Director Mirabella asked the Board to review the fact sheet and send suggestions to her. There are problems being able to use pictures from various organizations who claim proprietary ownership of the illustrations. Discussion followed.

Letter to Small Water Providers (SWP's)

Director Gager distributed a letter to SWP's. He offered to reach out to Small Water Providers. As written, Director Rottman said he believes it should be written by him and not come from the Board. Director Bucknam agreed and both said it looked like a good approach.

Article for "YourHub" and other outlets

Director Withers directed the Board's attention to the press release included in the Board packet.

Elections

Authority Delegated to Conduct Election

In response to a request from the designated election official for a formal board action, Director Mirabella made the motion with a second by Director Queen to delegate the Board's authority to conduct the election to the Designated Election Official. The Board passed the motion unanimously.

Judges' Pay

Discussion followed regarding the appropriate amount to pay election judges. Upon a motion by Director Rottman with a second by Director Bucknam, the Board approved paying election judges up to \$100.

Number of ballots to print per district

Discussion followed regarding how many ballots should be printed. Director Withers reminded the Board that if there are no more candidates than positions to be filled in each district, there would not have to be any ballots printed for that district. He said Ms. Shepherd suggested printing ballots for 30% of the voters of each district. Discussion followed. Director Withers also noted that the RWADC has to retain all leftover ballots. Director Bucknam suggested getting a sense of public engagement in the process from public meetings. Director Rottman suggested waiting to print ballots until after community meetings.

Old Business

Well- Monitoring

Rhett Everett of the USGS was present to answer question about the well-monitoring program. A question was raised, "Who gets tested?" He said the people who are chosen to volunteer need to have drilling construction records. He added the well must be completed in one specific clearly defined aquifer. Drilling records will commonly state which formation the well is in. Mr. Everett said they will do water level measures every other month. Director Withers clarified the selection process. Once a well has been volunteered for testing, the decision re: representative sampling throughout county will be determined. Mr. Everett said about fifteen of the thirty monitoring sites will use transducers. Discussion followed. He then described how USGS would fix problems that might arise if testing messes up a well. The USGS would take responsibility. Director Mirabella suggested that he provide a Q&A for the community meetings. Mr. Everett said he will be back in February to do a board update.

IGA Committee

Director Withers said the committee is still expecting to do a feasibility study. The engineering firm URS has been selected to do the work. Director Mirabella said the committee followed the county purchasing process. DCWRA received a \$600,000 grant. The engineering firm asked for \$1.2 million. The whole scope of work has to change from what URS proposed. The next meeting is scheduled for February 2 at 1pm.

New Business

Work Plan - 2011

Director Withers said the Board approved a Work Plan for 2010. One should be developed for 2011.

Drafting a Participation Agreement

Discussion followed regarding the role of parties working within the organization, whether a participant, or a party. Director Withers suggested the need to draft an agreement. For example, how did Thunderbird join? Director Withers said he is looking for paperwork. There is some confusion regarding the difference between a participant and a party to the agreement. Generally, they have the same rights and responsibilities, but a governmental agency may choose to be a Party, where a private Small Water System Provider can only be a Participant. Director Mirabella suggested that all Board members send in ideas for a draft by next Board meeting. Director Gager suggested there also needs to be an outline for a methodology on how to join.

Public Comment

George Allen asked if there was a follow-up on the Murrell report. Director Withers said that there is a water usage report being developed by Commissioner Board, which was required by the Board of County Commissioners, but he had to leave the meeting. Mr. Allen also asked that documents that were approved within the minutes of a meeting be attached to the meeting minutes, once approved.

Adjournment

Upon a motion by Director McCormick with a second by Director Bucknam, the meeting was adjourned at 9:09 pm. The next regular meeting of the Rural Water Authority of Douglas County shall be held February 23, 2011 at the Castle Rock Fire Department.