

## RECORD OF PROCEEDINGS

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MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
HAVANA WATER & SANITATION DISTRICT (THE "DISTRICT")  
HELD  
SEPTEMBER 29, 2021

A special meeting of the Board of Directors of the Havana Water & Sanitation District (referred to hereafter as the "Board") was convened on Wednesday, September 29, 2021, at 5:00 p.m. at CliftonLarsonAllen LLP, 8390 E Crescent Pkwy., Ste. 300, Greenwood Village, CO 80111 and virtually via Microsoft Teams. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Bernard F. Gehris, President  
Howard Buchalter, Secretary  
Richard Keene, Vice-President  
Steve Hellman, Treasurer  
Mark Henning, Assistant Secretary

#### Also, In Attendance Were:

Lisa Johnson, Andrew Williams & Gigi Pangindian; CliftonLarsonAllen LLP  
Tamara Seaver; Icenogle Seaver Pogue, P.C.  
Greg Sekera; Kennedy/Jenks Consultants  
Feleg Haile and Fred Jacobus; Residents

### CALL TO ORDER

The meeting was called to order at 5:02 p.m.

### APPROVAL OF AGENDA

Upon a motion duly made by Director Hellman, seconded by Director Keene and, upon vote, unanimously carried, the Board approved the agenda as presented.

### PUBLIC COMMENTS

None.

### ADMINISTRATIVE ITEMS

**July 21, 2021 Special Meeting Minutes:** The Board reviewed the July 21, 2021 Special Meeting Minutes. Director Henning requested the minutes reflect the meeting was conducted virtually and in person. Upon a motion duly made by Director Hellman, seconded by Director Keene and, upon vote, unanimously carried, the Board approved the July 21, 2021 Special Meeting Minutes as amended.

**Public Hearing for Delinquent Accounts Qualifying for Certification:** Ms. Johnson opened the public hearing. Attorney Seaver presented the process that her office completed related to the notification of the public hearing. Ms. Haile

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addressed the Board and asked if her payment has been received. Attorney Seaver confirmed that payment was received on her account and her account will be removed from the final list attached to the resolution and sent to the County. She explained that payments will be accepted until the deadline stated in the letter sent to delinquent account holders. Director Gehris closed the public hearing.

**Resolution No. 2021-09-01, Certifying Delinquent Accounts to the Arapahoe County Treasurer Pursuant to Section 32-1-1101(1)(e), C.R.S.:**

Following review, upon a motion duly made by Director Buchalter, seconded by Director Henning and, upon vote, unanimously carried, the Board approved Resolution No. 2021-09-01, Certifying Delinquent Accounts to the Arapahoe County Treasurer Pursuant to Section 32-1-1101(1)(e), C.R.S. subject to removal of accounts that pay the delinquent amount by the deadline.

**Correspondence from resident regarding concerns with Billing Practices and Capital Projects Work:**

Mr. Jacobus addressed the Board regarding his letter as well as additional issues with sewer back-ups in his neighborhood. Director Henning asked if the residents are experiencing back-ups related to HWSO pipes or their service lines. Mr. Jacobus was unable to answer the question with certainty.

Mr. Jacobus asked if the District has ever considered consolidation of services with other sanitation districts. He then expressed a concern regarding the taxes paid by each homeowner and the fairness of the imposition. Director Gehris addressed the concern. He then discussed issues with Denver Water and the U.S. Postal Service.

### FINANCIAL ITEMS

**Prior Claims:** Ms. Pangindian presented the prior claims to the Board and reported that the total is \$198,654.45. Following review, and upon a motion duly made by Director Buchalter, seconded by Director Henning and, upon vote, unanimously carried, the Board approved the prior claims as presented.

**Directors' Fees:** Ms. Johnson reviewed the Directors' fees with the Board. Upon a motion duly made by Director Buchalter, seconded by Director Keene and, upon vote, unanimously carried, the Board approved the Directors' Fees as presented.

**July 31, 2021 Unaudited Financial Statements:** Ms. Pangindian presented the July 31, 2021 Unaudited Financial Statements to the Board. Upon a motion duly made by Director Buchalter, seconded by Director Henning and, upon vote, unanimously carried, the Board accepted the July 31, 2021 Unaudited Financial Statements as presented.

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### ENGINEERING MATTERS

**Update on Projects/Engineer Report:** Mr. Sekera presented his report to the Board. The Board discussed the CIP project at length. The work in Belleview will need to be delayed due to school being in session and permit issues with the City of Greenwood Village. The Board directed Mr. Sekera to work with Attorney Seaver on an amendment to the current contract. The Engineer's Report is attached hereto to the Minutes.

### MANAGER ITEMS

#### **Solid Waste Disposal Business Plan Updates:**

1. **Update on Service Plan Amendment:** Attorney Seaver provided an update to the Board on the Service Plan amendment process. She stated staff was recently contacted by the County notifying us that the District does need to present the amendment to the Planning Commission first in October, then to the Board of County Commissioners for approval on November 9<sup>th</sup>. She is working with CLA staff on the notification requirements, etc.

**Update of Draft Rate Study:** Ms. Johnson and Ms. Pangindian presented the need for a revenue forecasting report to be used in the finalization of the rate study and presented the addendum to the CLA engagement letter. Ms. Pangindian noted that the fees noted in the addendum would be lower than what was stated given that the District needs a revenue analysis only.. Following discussion, upon a motion duly made by Director Buchalter, seconded by Director Henning and, upon vote, unanimously carried the Board approved the addendum to the engagement letter with CLA for revenue forecasting and directed CLA to prepare alternative analysis based recent legislation and pending legislation.

Ms. Johnson provided an update on the research that she has conducted regarding an agreement with Castlewood Water and Sanitation District related to payment in lieu of taxes which was discussed at the July meeting. Her research determined that this agreement was not agreed to by Castlewood Water and Sanitation District, and therefore, is not in place.

### BOARD MEMBER ITEMS

**Other:** Director Henning commented on his satisfaction with the rate study process to-date and would like to see the Board review the rates and 10 year projections on an annual basis as part of the budget process.

### ATTORNEY ITEMS

**2021 Legislative Report:** Attorney Seaver presented her report to the Board. She reviewed Senate Bill 262 and the requirements for an election beginning May 2022. She stated she would like approval to request a proposal from Community Resource Services, Inc. for election services, should an election be needed. The Board was in support of her request.

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Director Henning asked some questions regarding the legislation related to email correspondence and meetings. Attorney Seaver addressed the concern.

**Other:** None.

### OTHER BUSINESS

**Quorum for Next Meeting – November 17, 2021 at 5:00 p.m.:** A quorum was confirmed, but Director Gehris noted he would not be available for this meeting.

### ADJOURNMENT

Upon a motion duly made by Director Buchalter, seconded by Director Hellman and, upon vote, unanimously carried, the Board adjourned the meeting at 7:29 p.m.

Respectfully submitted,

DocuSigned by:  
*Howard Buchalter*  
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Secretary for the Meeting