

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
HAVANA WATER & SANITATION DISTRICT (THE “DISTRICT”)
HELD
DECEMBER 1, 2021

A regular meeting of the Board of Directors of the Havana Water & Sanitation District (referred to hereafter as the “Board”) was convened on Wednesday, December 1, 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 Gehris, President
Howard Buchalter, Secretary
Richard Keene, Vice-President
Mark Henning, Assistant Secretary

The absence of Treasurer Hellman was noted and excused.

Also, In Attendance Were:

Lisa Johnson, Anna Jones, Nic Carlson, Shauna D’Amato & Gigi Pangindian;
CliftonLarsonAllen LLP
Tamara Seaver and Karlie Ogden; Icenogle Seaver Pogue, P.C.
Greg Sekera; Kennedy/Jenks Consultants (arrived at 6:00 p.m.)
Brad Cromer, Dave Mohrhaus and Jane Rieck; public residents

AMINISTRATIVE MATTERS

Call to Order and Approval of Agenda: Ms. Johnson called the meeting to order at 5:00 p.m.

Upon a motion duly made by Director Henning seconded by Director Gehris and, upon vote, unanimously carried, the Board approved the agenda as amended, and excused the absence of Treasurer Hellman.

Confirm Quorum, Location of Meeting and Posting of Meeting Notices: A quorum was confirmed, and the Board further noted that notice providing the time, date and video conference link information was duly posted and that no objections, or any requests that the means of hosting the meeting be changed by taxpaying electors within the District’s boundaries.

Executive Session pursuant to Colorado Open Meetings Law, Sections 24-6-402(4)(b) and 24-6-402(4)(e), C.R.S., for the purposes of receiving legal advice on specific legal questions and determining positions relative to

RECORD OF PROCEEDINGS

matters that may be subject to negotiations related to the provision of solid waste disposal services and the proposed First Amendment to the Service Plan: President Gehris called to adjourn into Executive Session at 5:11 p.m. Upon a motion duly made by President Gehris, seconded by Director Buchalter and, upon vote, unanimously carried, the Board adjourned out of Executive Session at 5:41 p.m. No action was taken. The Board resumed the regular meeting at 6:00 p.m.

Public Comments: President Gehris provided a report to the public regarding the Service Plan amendment, noting both individuals and HOA's can opt in. Those that do not opt in would not be assessed a fee.

Mr. Spencer commented that he was in support of the information President Gehris presented. He thanked the Board for their work on the revisions to the amendment.

Mr. Comer addressed the Board and asked how the opt in would work. President Gehris explained the process.

Mr. Mohrhaus asked how individuals would opt in. President Gehris explained the process.

OTHER MATTERS

Discuss Solid Waste Disposal Business Plan Updates:

- **Update on Service Plan Amendment:** Attorney Seaver and Ms. Ogden will work with the County Attorney and Planner on revisions to the First Amendment to the Service Plan. The next Board of County Commissioners (BOCC) meeting to consider this amendment is December 14, 2021.
- **Status of Survey:** There was no new update.

Approval of Third Amendment to Contractor's Agreement for Operations, Maintenance & Repair Services with Ramey Environmental Compliance, Inc.: Mr. Sekera presented the agreement to the Board. Following review, upon a motion duly made by President Gehris, seconded by Director Buchalter and, upon vote, unanimously carried, the Board approved the Third Amendment to Contractor's Agreement for Operations, Maintenance & Repair Services with Ramey Environmental Compliance, Inc.

Approval of First Amendment to First Amended and Restated Engineering Consulting Services Agreement with Kennedy/Jenks Consultants, Inc.: Mr. Sekera presented the agreement to the Board. Following review, upon a motion duly made by President Gehris, seconded by Director Keene and, upon vote, unanimously carried, the Board approved the

RECORD OF PROCEEDINGS

First Amendment to First Amended and Restated Engineering Consulting Services Agreement with Kennedy/Jenks Consultants, Inc.

Approval of Election Services Agreement with Community Resource Services of Colorado, LLC for 2022 Election Services: Upon a motion duly made by President Gehris, seconded by Director Buchalter and, upon vote, unanimously carried, the Board approved the Election Services Agreement with Community Resource Services of Colorado, LLC for 2022 Election Services.

Approval of Assignment, Assumption, and Amendment of District Acquisition of Improvement Agreement with UPD Inova II LLC and Stream Realty Partners - Denver L.P.: Attorney Seaver presented the agreement with the Board. Following review and discussion, upon a motion duly made by President Gehris, seconded by Director Buchalter and, upon vote, unanimously carried, the Board approved the Assignment, Assumption, and Amendment of District Acquisition of Improvement Agreement with UPD Inova II LLC and Stream Realty Partners – Denver L.P. At this time, execution of this document is pending final legal review and approval.

Fiscal Focus Partners LLC Engagement Letter to Prepare the 2021 Audit: Upon a motion duly made by President Gehris, seconded by Director Henning and, upon vote, unanimously carried, the Board approved the Fiscal Focus Partners LLC engagement letter to prepare the 2021 Audit.

ADJOURNMENT

Upon a motion duly made by President Gehris, seconded by Director Buchalter and, upon vote, unanimously carried, the Board adjourned the meeting at 6:30 p.m.

Respectfully submitted,

DocuSigned by:

Howard Buchalter

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Secretary for the Meeting