

# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

### OF THE

### WIDEFIELD WATER AND SANITATION DISTRICT

Held: Wednesday, November 15, 2017, at 12:00 p.m. at 8495 Fontaine Blvd., in Colorado Springs, Colorado, 80925.

#### Attendance

##### Directors in Attendance Were:

Mark Watson, President

Mark Dunsmoor, Vice President

Brian Huth, Secretary / Treasurer

Frank Watson, Assistant Secretary \*departure where noted

Marlene Buttle, Director

##### Directors Absent (Excused):

None.

##### Also in Attendance:

Steve Wilson, District Manager

Lucas Hale, Finance Director

Brendan Bernard, Water Manager

Rob Bannister, District Engineer

John McGinn, JDS Hydro Consultants, Inc.

Joe Norris, Collins Cockrel & Cole, P.C., General Counsel

Howard Kenison & Blaine Bengtson, Special Counsel

Members of the Public: Jean Smith

#### Call to Order

President Watson noted that a quorum of the Board was present and that the Directors had confirmed their continuing qualification to serve, and therefore called the regular meeting of the Board of Directors of the Widefield Water and Sanitation District to order at 12:05 p.m.

#### Notice

Steve Wilson stated that notice of the meeting had been properly posted as required by law. The notice also included the agenda items. Certification of such posting is attached hereto.

#### Disclosure Matters

Joe Norris reported that general conflict of interest statements had been received from all directors and previously filed with the Secretary of State at least 72 hours in advance of the meeting. Copies of the statements are on file with and available online from the Colorado Secretary of State.

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## Approval of Minutes

The Board reviewed the Minutes of the October 18, 2017 regular meeting. Upon motion duly made, seconded and unanimously carried, the Minutes of such meeting were approved as presented.

## Executive Session

Upon motion duly made by Director Huth, seconded by Director Buttle and unanimously carried, the Board entered into Executive Session at 12:07 p.m. pursuant to § 24-6-402(4)(b), C.R.S., for the purpose of receiving legal advice regarding options related to response to PFC contamination. At 1:30 p.m., the Board came out of executive session. No action was taken by the Board during executive session.

## Financial Matters

### - Monthly Financials:

Mr. Hale reviewed with the Board the District's draft financial report for the period ending September of 2017. Employee education/training expenses decreased due to the increase from August training sessions. The District's postage payment replenished in September. The District also issued 15 new water and 14 sewer taps and 8 water resource acquisition fees in the month.

### - Public Hearing on 2018 Budget and Proposed Rate Increase

Director Mark Watson opened for public comment, a hearing on the District's proposed budget for 2018, including the proposed rate increase contained in said proposed budget for 2018. There being no comments from the public, Director Watson closed the public hearing.

Mr. Hale presented the Board with the preliminary 2018 draft budget and noted that there are no changes to the budget since the last presentation to the Board. The proposed rate increase to the District's base rate of \$2.75 per month for a standard ¾ inch ta was also unchanged as presented in the 2018 draft budget and rate increase proposal.

Following further discussion on the proposed 2018 budget and upon motion by Director Dunsmoor, seconded by Director Huth, and unanimous vote, the Board approved the proposed budget, and approved the resolution adopting the 2018 budget and appropriating the funds, as presented.

## District Water Issues

President Watson discussed the District's trip to Washington D.C. and meetings with representatives of the Air Force and Congress. Pros to the trip included being well represented and having voiced the District's

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concerns clearly to Air Force. We were also able to get to know representatives of Fountain and Security better and will be able to share information and resources moving forward in response to PFC issues.

\* Director Frank Watson left the meeting at approximately 1:50 p.m.

President Watson continued his discussion of meetings with legislative staff which gave the District an opportunity to voice concerns with the EPA and the process by which the new health advisory regulations for PFCs went into effect. The Air Force also committed to increasing its communication efforts in response to all three entities expressing that they were receiving mixed messages and responses from the Air Force regarding reimbursement and funding available for treatment.

**Question from Director Buttle:** Heard the meeting was all orchestrated by Fountain. Is this true?

**Mr. Wilson:** This is somewhat true, the Mayor Pro-Term wrote a public letter and made the initial connection to arrange the trip through Congressman Lamborn's office. However, Fountain, Security, and Widefield were all equally represented and given an opportunity to participate in the meetings.

President Watson then noted cons of the District's trip to Washington D.C. Colonel Correll was very pointed in several comments: reimbursement will not happen; PFCs are currently unregulated contaminant, so they are not legally bound to any action or to cleanup; and the Air Force will not provide funding to treat to zero PFC but only the health advisor limit (70 ppt).

Mr. Wilson described the recent follow-up visit to the District's Southmoor plant from Senator Gardner, Fountain and Security on Veteran's Day.

### District Manager's Report

- Monthly Report: Regarding the status of the Venetucci Lease, there is an upcoming meeting scheduled to discuss payments. The lease has been impacted due to the water quality concerns of the well water relating to PFCs.

FVA: Looking ahead at the board makeup for FVA, the District plans to have Rob Bannister/Brandon Bernard attend and listen in upcoming year. Mr. Wilson will stay on as the District's representative for now as the five CSU Board Representatives are new appointees that have no historical knowledge of FVA.

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- VA: Mr. Wilson noted that the VA is now working on finalizing the service agreement proposal by the District for the VA Cemetery property.

**Engineer's Report** Mr. Banister reported that Phase 3A of west to east will begin soon. Bid openings are next week for the wastewater Regulation 85 project. Bids on the VA Cemetery connection will publish on November 22, 2017 and they are currently waiting on easements for the connection line.

**Question from President Watson:** Have the District or VA discussed the crossing of the SDS pipeline with CSU?

**Mr. Banister:** Yes, they have had discussions and are on track handling it.

**Attorney's Report** Mr. Norris presented to the Board the resolution amending the certification of delinquent accounts to remove 606 Bickley Street from accounts to be certified to the County for collection due to a timely payment on such delinquent account.

Upon further discussion and motion duly made, seconded and unanimously carried, the Resolution Amending the Certification of Delinquent Accounts was approved as presented.

**Public Comment** None.

**Other Business** Director Huth noted that he took a new job; he will be deployed the week of November 20, 2017 and will be gone for a least six months. He may be available to participate remotely, but his availability will be limited. Director Huth suggested that the roles of Secretary and Assistant Secretary between Directors Huth and Frank Watson be swapped.

Following discussion and upon motion made, seconded, and unanimously carried, the Board approved Director Frank Watson as Secretary/Treasurer and Director Huth as Assistant Secretary.

**Adjournment** There being no further business to come before the Board, the meeting was adjourned at approximately 2:48 p.m.



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Secretary

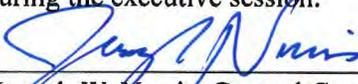
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## Attorney Statement

### REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Widefield Water and Sanitation District, I attended the executive session meeting of the Widefield Water and Sanitation District convened at approximately 12:07 p.m. on November 15, 2017 for the sole purpose of providing advice as the District's attorney regarding options related to response to PFC contamination. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S. The Board did not adopt any proposed policy, position, rule, regulation, or take any formal action during the executive session.

By:   
Joseph W. Norris, General Counsel

Dated: 12/15/17

By:   
Howard Kenison, Special Counsel

Dated: 12/15/17