

RECORD OF PROCEEDINGS

**MINUTES OF THE BOARD OF DIRECTORS OF  
THE FOREST HILLS METROPOLITAN DISTRICT**

October 21, 2020, 5:30 p.m.  
Held via conference/Zoom call.

**ATTENDEES** Directors present: Gary Carson, Mike Swartzlander, Michael Oakley, Yvett Green, and Craig Weinberg  
Others present: Nickie Holder, Gabby Begeman (ORC Water Professionals), and Nick Marcotte (Element Engineering).  
Residents present: Brenda Shular and Tony Creech

**QUORUM** Chairperson Carson called the meeting to order at 5:33 p.m., and noted a quorum was present.

**CONSENT AGENDA ITEMS**

a) ADMINISTRATIVE MATTERS

- a. Agenda: The Board accepted the October 21, 2020 agenda, with the following changes. Item b) Action Items, d) Water and Sewer Billing Issues iii. Reimbursement request for water damage at 22148 Red Hawk Lane will be taken off tonight's agenda and moved to the November board meeting, due to additional information. In addition, the Report from District Manager hiring committee item e) a), will be discussed at the end of the meeting during the executive session. "As needed" items that are currently on the agenda as a place holder, will be taken off future agendas unless there is an item to be discussed.
- b. Minutes: The Board accepted the September 16, 2020 regular meeting minutes, and the September 24, 2020 and October 14, 2020 special meeting minutes, as presented.

b) REPORTS

- a. Operator's Report: The Board accepted the Water & Wastewater Facility Operator Report, as presented.
  - I. Gabby Begeman discussed the new format of the Operator's Report with the Board and gave detail as to why the additional information was included. New monitoring system may need to be purchased for the wastewater treatment plant and the storage tank for a cost of \$2,000 for each location which will be discussed as part of the 2021 proposed budget. In addition, there are repairs that need to be performed to the wastewater collection system of approximately \$10,000, these will need to also be considered as part of the 2021 proposed budget. Hydrant flushing to take place in November.
- b. Engineer's Report: The Board accepted the District Engineer's Report, as presented.
  - I. Nick Marcotte presented the completed compliance report and schedule for bringing the wastewater treatment plant into compliance requirement (per the discharge permit). Minor engineering expenses to be budgeted for in 2021, Nick to provide District with 2021 Cost Memo. Booster Pump project loan was executed at the end of September 2020. January 4, 2021 will be the date of the Notice to Proceed. First pay application should be given to the District in May or June 2021 by the contractor. Director Oakley asked that Element put specific dates in the Notice to Proceed and then send to the Board members prior to the

- next meeting for review. ORC to follow up with an emergency sewer work locate that was done during the month, was the work supervised by ORC?
- c. **Manager's Report:** A Manager's report was not included as part of the Consent Agenda Items.
  - c) **FINANCIAL MATTERS:**
    - a. Claims: Through September 30, 2020. Submitted in the BOD packet for review
    - b. Financial Statements: Through September 30, 2020. Submitted in the BOD packet for review.

Director Oakley motioned to approve the consent agenda items. Director Swartzlander seconded; and the Board unanimously authorized payment of claims and approved all items, except as noted, as presented.

## REGULAR AGENDA ITEMS

- d) **PUBLIC COMMENTS** – No comments.
- e) **ACTION ITEMS**
  - a. Contracts – None.
  - b. Budget and Audit Committee Members – Going forward two Board members will be a part of the Budget and Audit Committees. Directors Green and Swartzlander will form the Budget Committee. Directors Green and Oakley will form the Audit Committee.
  - c. Water and Sewer Billing Issues
    - I. Current water billing, abatements, and approval process – Director Green discussed with the Board her findings about customer accounts beyond those that received abatement letters earlier this summer. Director Green sent ORC a list of those customer accounts that there may still be an issue with to research. **ACTION ITEM (November agenda):** Chairperson Carson and Director Green will work with the new District Manager and ORC to bring a list of customer account issues to the November board meeting with a proposed solution.
    - II. Proposed 2021 water abatement policy – There is currently an abatement policy in place, the policy may need to be updated for 2021. The Board needs to understand the current policy and it needs to be followed until updated, Board to work with District Manager regarding current delinquent accounts. **ACTION ITEM (November agenda):** N. Holder will email billing company to discuss the current process for collection of outstanding balances.
  - d. Ratify water rights issue cancellation – At the September 2020 board meeting the Board discussed a water rights issue that could negatively effect on the District, it was recommended that the District file a Statement of Opposition. Currently the District's water rights attorney is recommending that the Board move to cancel the Statement of Opposition and dismiss with prejudice. Director Oakley motioned to approve to ratify the water rights cancellation. Director Weinberg seconded; and the Board unanimously authorized the cancellation.
  - e. Ratification Outside of Meeting – None.
  - f) **RIVA CHASE CONDO HOA MATTERS** – None.
  - g) **RIVA CHASE HOA MATTERS** – None.
  - h) **OLD BUSINESS**
    - a. Report from District Manager hiring committee – see Executive Session

- b. Booster Pump Station – Loan Approval review and next steps – see Engineer’s Report under Consent Agenda Items.
  
- i) NEW BUSINESS
  - a. Revised District Bylaws – Director Oakley has made redline revisions to the current District Bylaws, he has sent them out to the Board for review and discussion at the November Board meeting (**November agenda item**).
  - b. Homeowner Communication – Homeowner communication is a top priority of the Board. The District website is out of date and needs attention. **ACTION ITEM (November agenda item)**: Director Weinberg will follow up with website company to find out more about costs and their ability to assist the District with an updated website that is more user friendly.

j) EXECUTIVE SESSION

- a. Upon motion by Director Weinberg, seconded by Director Swartzlander, and by unanimous vote, the Board, entered into an Executive Session , pursuant to Section 24-6-402(4)(f), C.R.S., for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators concerning personnel matters, related to PreValent Analytical, LLC termination. In addition to contract matters with the hiring of a new district manager at 7:35 p.m.

The Board came out of Executive Session at 8:24 p.m.

Director Swartzlander motioned to nominate Ronda Zivalich as the new District Manager. Seconded by Director Oakley; the Board unanimously approved the nomination. **ACTION ITEM**: The hiring committee will contact both candidates and inform them of the Board’s decision.

j) ADJOURNMENT

Upon motion by Director Weinberg, duly seconded by Director Green, and upon vote, unanimously carried, the Board approved adjournment of the meeting. There being no further business to come before the Board at this time the meeting was adjourned at 8:28 p.m. The next regular meeting is scheduled for November 18, 2020, via conference call beginning at 5:30 p.m.

THESE MINUTES APPROVED AS THE OFFICIAL OCTOBER 21, 2020 MINUTES OF THE FOREST HILLS METROPOLITAN DISTRICT AND ITS WATER ACTIVITY ENTERPRISE BY THE BOARD OF DIRECTORS SIGNING BELOW:

ATTEST:

Nickie M Holder  
Recording Secretary

APPROVED:

[Signature]  
Chairperson