

# RECORD OF PROCEEDINGS

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**MINUTES OF A REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF  
THE CHERRY CREEK VILLAGE WATER DISTRICT AND  
THE BOARD OF DIRECTORS OF ITS WATER UTILITY ENTERPRISE  
HELD  
NOVEMBER 13, 2012**

A regular meeting of the Board of Directors of the Cherry Creek Village Water District and the Board of Directors of its Water Utility Enterprise (referred to hereafter as "Board") was held on Tuesday, November 13, 2012 at 9:00 a.m., at the offices of Community Resource Services, 7995 E. Prentice Avenue, Suite 103E, Greenwood Village, Colorado. This meeting was open to the public.

**ATTENDANCE**

The regular meeting of the Board was called and held, as shown, in accordance with Colorado law. The following directors were present:

John Forney  
Lou Schroeder  
Joseph Ryan  
Phil Viseur  
Roger Baer (via telephone)

Also present were:

Cathy Noon; Community Resource Services (CRS)  
Tim Flynn, Esq.; Collins Cockrel & Cole P.C.  
Greg Sekera; Kennedy/Jenks Consultants

**CALL TO ORDER**

Director Forney called the meeting to order at 9:17 a.m.

**QUORUM/QUALIFICATIONS/& DISCLOSURES**

It was noted that a quorum was present. All of the Directors are qualified and there are no conflicts of interest disclosures required.

**ADMINISTRATIVE ITEMS**

Agenda: Upon review and discussion of the Agenda and a motion duly made, seconded and, upon vote, unanimously carried, the Board accepted the agenda as amended to include III, Item D – Improper Solicitations.

Minutes: The minutes of the October 10, 2012 Regular Board meeting were presented to the Board. Following review and discussion, upon a motion duly made, seconded and, upon vote, unanimously carried, the Board approved the October 10, 2012 minutes as presented.

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## FINANCIAL ITEMS

Review and Approve Payment of Claims – Ms. Noon reviewed the October 2012 claims totaling \$46,351.60, represented by check numbers 4581 – 4592. Following review and discussion, upon motion duly made, seconded and, upon vote, unanimously carried, the Board approved the October 2012 claims as presented.

Review Cash Position: Ms. Noon reviewed the cash position with the Board for the period ending November 7, 2012. Following review and discussion, the Board accepted the cash position as presented.

Review Financial Statements: Ms. Noon distributed the financial statements dated November 7, 2012. After review, the Board accepted the financial statements.

Reinvestment of First Citizens Bank CD – Ms. Noon presented rates from numerous institutions for the Board's consideration. Following discussion, upon a motion duly made, seconded and, upon vote, unanimously carried, the Board voted to **close out the CD with First Citizens Bank and to invest those funds in a CD with Colorado State Bank & Trust at a rate of .75% for a term of 17 months.**

Review Delinquent Account Report – Ms. Noon presented the report to the Board for their review.

Public Hearing to Approve the 2013 Budget, Appropriate Expenditures and Certify the Mill Levy – Director Forney opened the Public Hearing at 9:40 a.m. There being no public present, the Public Hearing was closed at 9:41 a.m. Ms. Noon presented the proposed 2013 budget to the Board and discussion ensued. It was noted that some expenditures in the 2013 budget vary slightly from the 2012 budget as the distribution of expenses has been re-categorized.

Upon a motion duly made, seconded and, upon vote, unanimously carried, the Board approved the 2013 budget subject to the final assessed valuation to be received from the County.

Upon a motion duly made, seconded and, upon vote, unanimously carried, the Board voted to appropriate funds for 2013.

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Upon a motion duly made, seconded and, upon vote, unanimously carried, the Board voted to certify the mill levy.

**Legal counsel was instructed to prepare appropriate resolutions and mill levy certification form to be signed by the Board once the final Certification of Assessed Valuation is received from Arapahoe County, Colorado.**

## DIRECTOR MATTERS

Discussion on Late Fees Assessed on Accounts with Payment Plans – Mr. Flynn informed the Board that a number of districts do not charge a late fee on accounts that have negotiated a payment plan because with an agreement/plan in effect, the account is not considered delinquent as long as the customer adheres to the payment plan. Upon motion duly made and seconded, the Board voted unanimously to assess monthly interest charges, but no monthly late fee, on accounts with a payment plan in place.

Review of Electronic/Social Media Materials from SDA – Mr. Flynn reviewed with the Board the open meeting law requirements and in particular the provision that provides that any discussion by three or more Board members involving official business via electronic media constitutes a “meeting” and is subject to the Open Records Act. He noted that if there was a need for a special meeting, his preference would be that the Board hold the special meeting by a conference call rather than using electronic media. In either event a Notice of a Special Meeting will need to be posted. **Mr. Flynn will bring a policy to the Board on this subject in the future.**

Notification Regarding Unauthorized Use on District Fire Hydrants – Following discussion, the Board directed **Mr. Sekera to check with C & L Water Solutions on the availability of a stencil for hydrant painting to identify CCVWD hydrants.**

Improper Solicitations - Director Viseur distributed a letter received by residents for the Board’s information. No action was taken.

## MANAGEMENT MATTERS

Review Consumption Report – Ms. Noon reviewed the Consumption Report with the Board.

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Discussion on Lead Plumbing Awareness Notification – Ms. Noon reviewed the information distributed by Denver Water in regard to lead plumbing awareness. **The Board directed staff to post the link from Denver Water to the District's website.**

Discussion on 2013 Insurance Renewal – Ms. Noon reviewed with the Board the savings options available for the 2013 property and liability insurance. Upon a motion duly made, seconded and, upon vote, unanimously carried, the Board voted to adjust their general liability coverage to reflect a \$500 deductible at a savings of 15%. **Staff will contact the District's insurance agent to process this change.**

## MAINTENANCE AND OPERATIONAL MATTERS

Engineering Report – Mr. Sekera reviewed his report with the Board. Mr. Sekera noted that Belleview Square notified him that they are putting backflow prevention assemblies in the fire services lines. Mr. Sekera indicated they will still need to install these assemblies in their other lines. **Mr. Flynn will review the letter drafted by Mr. Sekera in regard to this issue and advise staff of any changes.**

The Conveyance & Acceptance of Water Lines and Related Facilities for the Cherry Creek Schools Phase 3 Water Line Replacement were accepted by the District and the documents were executed by Director Forney.

## LEGAL

Update on Greenwood Village/Marina Water Tap – Mr. Flynn reported there has been no activity.

## ADJOURNMENT

There being no further business to come before the Board, upon a motion made, seconded and upon vote, unanimously carried, the meeting was adjourned at 11:10 a.m.

Respectfully submitted,



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Secretary for the Meeting