

**MINUTES OF THE
PUBLIC HEARINGS & REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
MT. CRESTED BUTTE WATER AND SANITATION DISTRICT
DECEMBER 13, 2022**

Public Hearings & Regular Meeting of the Mt. Crested Butte Water and Sanitation District (MCBWS) Board of Directors was held at 5:00 pm on Tuesday, **December 13, 2022**, via <https://zoom.us/my/mcbwsdboardmeeting>.

Members of the Board of Directors in attendance at the Public Hearings and Regular Board Meeting were as follows: Brian Brown - Chair, Jonathan Ferrell - Board Member, Nancy Grindlay - Interim Secretary, Nicholas Kempin - Treasurer Nancy Woolf - Vice Chair

Also present were:

Mike Fabbre - District Manager, Bryan Burks - Wastewater Supervisor, Tracy Davenport - Accounts Payable Coordinator, Kent Fulton – Finance Manager, Marcus Lock - District's Attorney, Kim Wisley - Recorder, Members of the public

Public Hearing Agenda

1. Call to Order

- The hearing to discuss 2023 Rates & Fees was called to order by Brown at 5:00 pm and a quorum was present.

2. 2023 Rates & Fees

- Notice of this hearing was published in the Crested Butte News, at the Mt Crested Butte Water & Sanitation District (MCBWS) Office and on the MCBWS website.
- Proposed rate and fee changes include a 6% increase to monthly User/quarterly Availability of Service Fees and a 9% increase to Tap Fees. The draft 2023 Rates & Fees were posted on the District website and were included in the November Board meeting packet. The 2023 budget includes these changes.

3. Public Comment Period

- No comments were made on the 2023 Rates & Fees increase and the Board will vote to approve the changes during the regular meeting.

4. Adjourn

- The hearing will be closed later in the regular Board meeting.

Public Hearing Agenda

5. Call to Order

- The hearing to discuss the 2023 Budget was called to order by Brown at 5:04 pm and a quorum was present.

6. 2023 Budget

- Notice of this hearing was published in the Crested Butte News, at the Mt Crested Butte Water & Sanitation District (MCBWS) Office and on the MCBWS website.
- The 2023 Draft Budget is included in the meeting packet and there have not been any material changes since it was presented in November.
- Highlights of the budget were reviewed and the District will be operating in a deficit in 2023.

7. Public Comment Period

- No comments were made on the 2023 Budget Draft and the Board will vote to approve it during the regular meeting.

8. Adjourn

- The hearing will be closed later in the regular Board meeting.

Board Meeting Agenda

9. Call to Order

- The regular meeting of the Board of Directors was called to order by Brown at 5:06 pm and a quorum was present.

10. Citizen Comment Period

- No citizens presented comments.

11. Approve Meeting Minutes

- November 8, 2022

MOTION by Kempin and seconded by Grindlay to approve the November 8, 2022 regular meeting minutes as submitted. Motion voted in favor.

12. Nominate Budget Officer – Resolution No. 2022-3

- Fulton is the nominee for the Budget Officer position, Resolution No. 2022-1, and he is in agreement.
- A correction was made changing the Resolution number as it was stated on the agenda from 2022-1 to 2022-3.

MOTION by Kempin and seconded by Woolf to approve Resolution No. 2022-3 as amended, naming Kent Fulton as the 2023 Budget Officer. Motion voted in favor.

13. Approve 2023 Final Budget, Rates & Fees – Resolution No. 2022-4

- A correction was made changing the Resolution number as it was stated on the agenda from 2022-2 to 2022-4.
- No material changes have been made to the Rates & Fees since the Draft Budget was presented in November.
- There was a change to the Mill Levy on the first line of the Draft Budget but it does not impact any of the calculations. Once the District received the final assessment from the county, the Mill Levy was entered. Further details of the Mill Levy will be discussed in item 14.

MOTION by Kempin and seconded by Grindlay to approve the 2023 Final Budget, Rates & Fees, Resolution No. 2022-4 as amended. Motion voted in favor.

14. Approve 2023 Mill Levy Rate – Resolution No. 2022-5

- Fulton reviewed the Mill Levy calculation worksheets to explain the 2023 rate of 8.960 mills and anticipated revenues of \$1,172,682.

MOTION by Kempin and seconded by Ferrell to approve the 2023 Mill Levy Rate, Resolution No. 2022-5. Motion voted in favor.

MOTION by Brown and seconded by Kempin at 5:21 pm to adjourn both Public Hearings to approve the 2023 Rates & Fees and the 2023 Final Budget. Motion voted in favor.

15. Family and Medical Leave Insurance (FAMLI) Program Review

- Resolution No. 2022-6 (Decline Employer)
- Resolution No. 2022-6 (Decline All)
- A correction was made changing the Resolution number as is was stated on the agenda from 2022-4 to 2022-6.
- There was discussion regarding the various program options. It was decided that the District will “Decline All” of the state operated FAMLI program and self-fund the benefit using the same pay scale and parameters that the state program will use. Employees will have the option to register independently with the state program if they choose. Employees may choose to participate in only one program, either independently with the state or as part of the District’s self-funded program. If participating in the District’s self-funded program, employees who have a qualifying life event will be eligible for up to 10 weeks of family leave benefits in 2023 and up to 12 weeks of Family leave benefits starting in 2024.

MOTION by Kempin and seconded by Woolf to “Decline All” participation in the Colorado State Family and Medical Leave Insurance (FAMLI) program, Resolution No. 2022-6, as amended, to direct staff to offer District funded coverage following the state of Colorado’s program layout for up to 10 weeks of family leave benefits in 2023 and up to 12 weeks of family leave benefits starting in 2024 and authorizing the District Manager to determine the eligibility of the events. Employees must choose to either participate in the Colorado program or the District program and in no case would an employee be able to take more than 10 weeks of family leave benefits in 2023 or more than 12 weeks of family leave benefits in 2024 or annually thereafter regardless of which program they participate in. Motion voted in favor.

16. District Manager Report

- Fabbre reviewed highlights of the report included in the agenda packet.
- The District is on track for year-end reporting requirements.
- The District’s official Certificate of Occupancy for the new WTP has been received so it is no longer operating under its temporary certificate. The expansion project has completed the Town of Mt Crested Butte’s requirements and the project is complete.

- The District will be working with the town over the next 1 – 2 years to receive back a \$187K deposit that is tied to revegetation and noxious weed mitigation.

17. November 2022 Financial Report

- This is the first Board meeting with the District’s new Financial Manager, Kent Fulton.
- All numbers for this month’s financials are tracking normally and are consistent with the elapsed year-to-date budget.
- Grindlay will continue as the interim secretary until a reorganization of the Board takes place.

MOTION by Woolf and seconded by Grindlay to approve the November 2022 Financial Report. Motion voted in favor.

18. Legals

- Lock stated that discussion about Meridian Lake Park Corporation (MLPC), Meridian Lake Meadows (MLM) and Pristine Point (PP) will take place during the Executive Session.
- Work is underway to get a cost reimbursement agreement in place with Prospect Ridge Development.
- Lock and Fabbre are working with developers that have picked up defunct projects at Upper Villas and Bridges of Columbine who are requesting District approval for infrastructure that was only partially installed by the previous developers.

19. New/Old Business Before the Board

- There wasn’t any new or old business to report.

20. Executive Session

Potential executive session for discussion of the Memorandum of Agreement, as amended, between the Mt. Crested Butte Water and Sanitation District and Meridian Lake Park Corporation and potential settlement agreement related thereto under and pursuant to C.R.S. Section 24-6402(4)(a), (b), and (e)(I), which concern respectively purchase or sale of property interests, conferences with the District’s attorney for the purpose of receiving legal advice on specific legal questions, and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.

MOTION by Brown and seconded by Woolf to enter into Executive Session at 6:21 pm with Fabbre and Fulton remaining for the discussion.

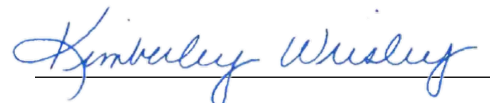
MOTION by Brown and seconded by Woolf to exit the Executive Session at 6:47 pm.

21. Meridian Lake Park Corporation Memorandum of Agreement Discussion with Potential Action

- The Board was reminded that a pro forma on the agreement needs to be completed.

11. Adjourn

MOTION by Brown and seconded by Kempin to adjourn the regular board meeting at 6:51 pm. Motion voted in favor.



Drafted by: Kimberley Wrisley



Submitted by: Kent Fulton