MINUTES
OF THE SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT
AUGUST 10, 2022
REGULAR MEETING AT 6:00 P.M.

Regular Board Meeting
A duly called Regular Meeting of the Board of Directors of the South Adams County Water and Sanitation District (the “District”) was held on August 10, 2022, at 6:00 p.m. in the District’s Aragon Boardroom at 6595 E. 70th Avenue, Commerce City, Colorado, in accordance with the applicable statutes of the State of Colorado. All Board members received the Agenda and meeting packet in advance of or at the meeting, and the non-confidential portions of those materials were incorporated by reference into the public portion of the meeting and these meeting minutes.

Board Members Present (thereby constituting a quorum):
Heidi McNeely, President
William Frew, Vice President
Vicki Ennis, Secretary
Becky To czykowski, Treasurer
René Bullock, Director

SACWSD Staff/Legal Present:
Abel Moreno, District Manager
Kipp Scott, Water Systems Manager
Byron Jefferson, Administrative Services Manager
Jeff Coufal, Distribution & Collections Manager
Gary Smith, Wastewater Systems Manager
James M. Mock, General Counsel
Dawn Fredette, District Clerk/Legal Assistant
Cheryl Layton, Human Resources
Greg Chol, Project Supervisor

Consultants/Others Present:
Glenn Hamilton, Muller Engineering Company
Dr. Janet Anderson, GSI Environmental (attended virtually)

CALL TO ORDER
President McNeely called the meeting to order at 6:00 p.m. and then led everyone in the
Pledge of Allegiance.
DISCLOSURES OF CONFLICTS OF INTEREST

Mr. Mock noted that the Board had received, and staff had filed with the Secretary of State’s office more than 72 hours prior to the meeting certain disclosures of potential conflicts of interest statements for the Directors indicating their conflicts or potential conflicts as shown below.

Director Frew has submitted a standing potential conflict of interest letter stating that he is an owner of Sunshine Plumbing Heating and Air. The company provides various plumbing, heating, and air conditioning services throughout the Metro Denver Area, including within the boundaries of the District. Director Frew is also a Board member of the Commerce City Chamber of Commerce.

Director Ennis is an employee of Brighton School District 27J, and from time to time the School District has business before the District.

Director Bullock has submitted a conflict of interest form that states he is the Executive Director of the Chamber of Commerce of the City of Commerce City. The Chamber states that it engages, educates and advocates for the business community and the residents of Commerce City, Colorado.

President McNeely asked if the Board members had any additional potential conflicts of interest to disclose. There were none.

AGENDA REVIEW

President McNeely asked if the Board would like to see any changes to the Agenda. No changes were made to the Agenda.

APPROVAL OF MINUTES

President McNeely asked the Board for any comments on the Minutes from the Regular Meeting held on July 13, 2022, and the Special Meeting held on July 26, 2022. It was noted for correction that President McNeely left the meeting early on July 26, 2022, and that Vice President Frew called for the Motion to adjourn.

President McNeely called for a MOTION to approve the Minutes from the Regular Meeting held on July 13, 2022, as presented. Director Bullock moved and Director Frew seconded. The MOTION passed unanimously.

President McNeely then called for a MOTION to approve the Minutes from the Special Meeting held on July 26, 2022, as corrected. Director Bullock moved and Director Toczyłowski seconded. The MOTION passed unanimously.

PUBLIC COMMENT

President McNeely called for public comments and stated that members of the public have three minutes to address the Board. There were no public comments.
CONSENT AGENDA

President McNeely inquired whether any Board member would like to discuss any particular Consent Agenda item. No Board member expressed a desire to discuss or move an item from the Consent Agenda and President McNeely then read the following Consent Agenda items:

1. Approve Final Pay Application to Vortex Services, LLC in the amount of $47,473.16 and authorize the release of retainage in the amount of $305,377.90 if there are no claims against the project.
2. Approve Partial Pay Request #2 to Vortex Services LLC in the amount of $346,921.66 for the Monaco Street 2022 Water System R&R Project.
3. Approve Partial Pay Request #2 to Insituform Technologies, LLC in the amount of $681,834.57 for the 2022 Wastewater Collection System Rehabilitation Project.
4. Approve Partial Pay Request #1 to Farner Enterprises, Inc. in the amount of $129,657.62 for the 85th and Quebec Water Line Looping Project.
5. Approve changing the September 2022 Regular Meeting from September 12 to September 7.
6. Approve Electronic Payments.
7. Approve the Bill Paying Process.

Director Bullock asked a question regarding payroll. Mr. Jefferson said he would research the matter and follow-up with Director Bullock.

President McNeely called for a MOTION to approve the Consent Agenda items. Director Frew moved and Director Ennis seconded. The MOTION passed unanimously.

ACTION ITEMS

ACTION ITEM 1 – Revised employee compensation grades and other compensation matters, and paid holidays for Martin Luther King, Jr. Day and Juneteenth

Ms. Layton addressed the Board. She first discussed staff’s research regarding Cesar Chavez Day and what other organizations are doing in recognition. The holiday is recognized by the State of Colorado as an optional holiday and a commemorative holiday by the federal government, and approximately only 2% of employers offer it as a paid day off. As a result, staff is not recommending the addition of Cesar Chavez Day to the District’s paid holiday schedule.

Ms. Layton then stated staff’s recommendations as follows:

- accept the compensation study from Employers Council as presented to the Board at the July 13, 2022 meeting, including the new salary/grade structure;
- authorize adjusting the current pay of employees who are beneath the newly adopted salary/grade structure to at least the minimum of their salary/grade range;
- authorize a $1.00 per hour pay increase to every District employee;
- authorize a two-tiered bilingual pay stipend for those with demonstrated skills as reviewed and approved by HR;
- authorize the addition of Martin Luther King, Jr. Day and Juneteenth as paid holidays starting in 2023;
- authorize sign-on pay for hard to fill positions, and where deemed necessary to hire the top candidate as determined by the Hiring Manager; and
- authorize the above payroll changes to take effect with the September 2, 2022 payroll.

Reference was made to the extensive discussion of the matter at the July Board meeting. There was additional discussion, including regarding a process to determine qualifications for determining bilingual pay compensation.

President McNeely called for a MOTION to approve the study by Employers Council, including adopting the new salary/grade structure, and all of the additional staff recommendations as listed above. Director Ennis moved and Director Bullock seconded. The MOTION passed unanimously.

**ACTION ITEM 2 – Hearing on the District opting completely out of the Colorado Paid Family and Medical Leave Insurance Program (FAMLI), and corresponding Resolution**

Ms. Layton explained that recently adopted regulations require a certain process around the Board determining to opt-out of FAMLI, that written notification was sent to employees regarding FAMLI and the hearing and that comments were solicited. The notification included a FAMLI poster and a link to additional information. She noted that one comment was received, which was added to the Board’s packet. The comment was opposed to enrolling in FAMLI.

President McNeely called for a MOTION to open the hearing. Director Ennis moved and Director Toczykowski seconded. The MOTION passed unanimously.

President McNeely called for public comments. There were no public comments.

President McNeely called for a MOTION to close the hearing. Director Ennis moved and Director Frew seconded. The MOTION passed unanimously.

The Board did not have any questions and there was no additional discussion.

President McNeely then called for a MOTION to approve opting completely out of the Colorado Paid Family and Medical Leave Insurance Program (FAMLI) and to approve the corresponding Resolution. Director Ennis moved and Director Toczykowski seconded. The MOTION passed unanimously.

**ACTION ITEM 3 – Construction Manager/General Contractor Contract Document forms for use in the Horizontal Collection Well (HCW) Pump Upgrades Project**

Mr. Mock discussed the Board’s previous approval of the Integrated Project Delivery (IPD) method for this project, noting that the IPD method uses different construction documents. Mr. Mock also noted that the Request for Proposals is being published tomorrow and that staff wanted to familiarize the Board with the types of construction documents that will be used. He added that the IPD method was used for the pellet softening four years ago. The IPD method is more complicated but also allows for more flexibility. Mr. Mock then explained some of the
significant differences between a CM-GC procurement and a more traditional Design-Bid-Build procurement.

The Board did not have any questions and there was no additional discussion.

President McNeely called for a **MOTION** to approve the form of Contract Documents as presented for the HCW pump upgrades project, and authorize the District's General Counsel, working with the District Manager and the District's consulting engineer, to make changes in the best interests of the District, including without limitation changes that will cultivate a healthy amount of interest from contractors. Director Ennis moved and Director Bullock seconded. The **MOTION** passed unanimously.

**ACTION ITEM 4 - Provide vendor a purchase order for 1,800 water meters, which stipulates that the purchase depends on 2023 budget appropriations to Core & Main for 1,800 water meters for a total of $520,830.00**

Mr. Coufal stated that by providing a purchase order for water meters now, the District would receive the meters next April or May. Mr. Moreno discussed that this would also be a 2023 Budget related item, but because of information received regarding lead time, staff felt it was appropriate to bring this matter to the Board at this time. He indicated it's better to get in the vendor's queue now but that the District doesn't pay for the water meters until receipt.

Discussion ensued regarding the timing of receiving the meters and having the proper funds.

President McNeely called for a **MOTION** to approve providing vendor a purchase order for 1,800 water meters, which stipulates that the purchase depends on 2023 budget appropriations for the required purchase amount to Core & Main for 1,800 water meters for a total of $520,830.00. Director Frew moved and Director Ennis seconded. The **MOTION** passed unanimously.

**ACTION ITEM 5 - Procurement of three Ford Maverick Hybrids from Ken Gaff Ford Greeley, totaling $80,958.00, and one Ford Escape PHEV from Sill-TerHar Motors for $37,760.00**

Mr. Coufal discussed the Board's previous vehicle purchase approval and the impact of supply chain issues on procuring vehicles, noting that staff has taken a fresh look at vehicle options due to increases in vehicle prices and the increased cost of gas. Mr. Coufal went on to discuss the vehicles that are now being considered for purchase.

Discussion ensued regarding the needs of the District and deciding to go with hybrids in lieu of other vehicles initially identified. Mr. Coufal also explained that the old vehicles will be retired and sold at auction. He further discussed the proposed hybrid vehicles and charging stations. There was additional discussion regarding the timing of delivery and next year's budget.

The Board thanked Mr. Coufal for the matrix evaluations included in his Board packet write-up.
President McNeely then called for a **MOTION** to approve the procurement of three Ford Maverick Hybrids from Ken Gaff Ford Greeley, totaling $80,958.00, and one Ford Escape PHEV from Silt-TerHar Motors for $37,760.00, for a total purchase amount not to exceed $118,718.00. Director Ennis moved and Director Toczyłowski seconded. The **MOTION** passed unanimously.

**DISCUSSION ITEMS**

**DISCUSSION ITEM 1 – PFAS Update** (Dr. Anderson joined the meeting virtually.)

Mr. Scott discussed that after the EPA’s Health Advisory Limit (HAL) was changed on June 15, 2022, the District implemented treatment process changes which have allowed the District to maintain a non-detect level in the finished water. Those changes included operational changes with the GAC treatment within the treatment plant and taking additional Denver Water. He also discussed getting close to expending the budgeted amount of Denver Water and the hope that new GAC contractors will help reduce the draw of Denver Water.

Mr. Moreno shared that Mr. Scott and his team have submitted a pre-qualification application to CDPane for the District to put in the queue for Bipartisan Infrastructure Law (BIL) funding. The hope is that this will facilitate conversations with CDPane and CWRPDA so the District can better understand what the funding looks like and how the funds will be distributed. In addition, the District has been making progress in reaching out to elected officials at the state and national level.

Mr. Mock then introduced Dr. Janet Anderson of GSI Environmental, a national and international environmental consulting firm. He explained that Dr. Anderson has been an important member of the District’s team even prior to PFAS, in that she was initially brought in to assist with 1,4-dioxane matters. He also referenced Dr. Anderson’s memo that was provided to the Board for the July regular meeting, in which she provided an analysis on the recent HAL changes.

Dr. Anderson discussed some of the highlights of her memo. She talked about the new Health Advisory Limit for PFAS being significantly lower than the previous advisory limits, noting that these advisory limits pertain to exposure over the course of a person’s lifetime, and that they assume exposure to PFAS from other sources other than drinking water.

Dr. Anderson reiterated that the June 15 health advisory changes are interim advisories, and that temporary Maximum Contaminant Level (MCL) goals are expected in Fall 2022, followed by permanent MCLs by the end of 2023. She noted that she has not yet heard of any updates from the EPA on finalizing the MCL goals.

In addition, Dr. Anderson talked about complaints and lawsuits being filed against the EPA challenging the scientific basis of the new advisory levels. She also indicated that there hasn’t been a lot of direction from the state yet other than some press releases and statements on their website.
Discussion ensued regarding the EPA setting an advisory level that can’t even be detected with current technology. Dr. Anderson indicated that technologies are improving, but she’s not sure what level of detection they’ll be able to achieve. She also remarked that the MCLs could end up being set at detectable levels.

There was additional discussion about the HALs pertaining to a lifetime of exposure and that 80 percent of exposure is not from drinking water. Also, President McNeely asked about the EPA and/or other agencies making recommendations to reduce exposure from other sources. Dr. Anderson further talked about a recent article regarding ways to reduce exposure, ongoing discussions regarding the testing of plastic bottles and other items, and health studies being conducted in impacted communities.

Dr. Anderson concluded by saying she will keep the District informed as more information becomes available. The Board thanked Dr. Anderson.

EXECUTIVE SESSION
The Board determined that an Executive Session was not needed.

In conclusion, the Board members did not have any additional comments on any matters.

Mr. Moreno mentioned the EUM update that was added to the Board’s packet and asked that the Board members review the update and provide comments to Mr. Ginley by September 2.

ADJOURNMENT
President McNeely called for a MOTION to adjourn at 6:52 p.m. Director Frew moved and Director Ennis seconded. The MOTION passed unanimously.

Respectfully submitted,

Vicki Ennis
Secretary