

**CHERRY HILLS HEIGHTS
WATER AND SANITATION DISTRICT
MEETING MINUTES**

Meeting Date: Monday, December 5, 2022

Time: 5:30–7:30 pm

Location: Jim King's home, 3455 S Columbine Circle

Board Members Present: Jonah Staller (Chairman/President), Jim King (At-Large), Cam Keshavarz (At-Large), Rich Miller (Secretary)

Board Members Absent: Melissa Grossman (Treasurer)

Residents/Audience: None

MEETING CALLED TO ORDER: Given the presence of a quorum of Board Members, Rich Miller called the meeting to order at 5:38 p.m.

REVIEW OF MINUTES: October 12, 2022 meeting minutes: Jim moved to approve the minutes as submitted. Jonah seconded the motion and there being no discussion the motion passed unanimously.

TREASURER'S REPORT:

In Melissa's absence Jonah provided a high-level review of recent bills.

OLD BUSINESS:

1. Discussion and Adoption of 2023 Budget.

- Legal counsel has reviewed the budget and suggestions have been incorporated.
- Upon completion of the debt and capital payments for the University Wall project and the sewer rehabilitation project, the district has a surplus in those funds of \$43,557. In order to return this money to the district, the Board of Directors has decided to implement a temporary mill levy reduction of \$14,519 each year for three years, beginning in 2023. The 2023 mill levy includes the district's projected operating expenses (\$34,000) plus a mandated 3% reserve amount (\$1,020) for a total of \$35,020. This will mean a mill levy of 7.201 before the reduction. The \$14,519 temporary reduction will bring down the required mills temporarily by 2.985, resulting in a real mill levy rate of 4.216. This is a 41.5% temporary reduction for 2023.
- Resolution/Ordinance to Adopt Budget: There being no comments or questions from the homeowners in advance of the Board meeting, Jim moved to adopt the resolution. Cam seconded the motion and there being no discussion the motion was unanimously approved. (Attachment I)
- Resolution/Ordinance for Budgetary Transfers: Jonah moved to adopt the resolution. Jim seconded the motion and there being no discussion the motion passed unanimously. (Attachment II)
- Resolution/Ordinance to Appropriate Sums of Money: Jonah moved to adopt the resolution. Jim seconded the motion and there being no discussion the motion passed unanimously. (Attachment III)
- Resolution/Ordinance to Set Mill Levies – Jonah moved to adopt the resolution. Jim seconded the motion and there being no discussion the motion passed unanimously. (Attachment IV)
- Melissa to execute the form to certify the budget by January 30, 2023.

2. Consideration of hiring a manager.

- Jim has contacted potential providers; one proposal has been received and a second is expected shortly. We may also request a third proposal from RG & Associates.

3. Hampden wall project.

- Cam to organize the list of tasks necessary to fully evaluate the cost and process for the initiative.

4. District insurance renewal

- On hold until the next Board meeting.

5. Change to sewer backup procedures.

- Jonah is working to complete this.

6. Consider refining process for responding to 811 locate requests. Consider alternatives to Board responsibility.

- Lacking cost effective alternatives, Board members will continue to manage this process for the foreseeable future.

7. Consider replacing shrubs near University and Floyd with shorter plants.

- On-hold.

8. Alternative uses for the entry park at University Blvd. & Floyd.

- Jim and Jonah to contact landscapers to provide proposals for modest enhancements and on-going maintenance.

NEW BUSINESS:

1. Temporary mill levy reduction.

- See "Discussion and Adoption of 2023 Budget" in Old Business above.
- Rich to send a communication to the homeowners.

2. Board succession planning.

- Jim and Rich are currently appointed to their positions so will need to be elected in May on their one-year anniversary. Melissa has announced her intention to leave the Board at the end of her term. Jonah will remain in position and Cam is at present undecided.
- Resolution Calling for the 2023 Regular District Election and Appointing a Designated Election Official: Jonah moved to adopt the resolution. Jim seconded the motion and there being no discussion the motion passed unanimously. (Attachment V)

3. Records retention policy.

- Resolution Adopting the Colorado Special District Records Management Manual: Jonah moved to adopt the resolution. Jim seconded the motion and there being no discussion the motion passed unanimously. (Attachment VI)

4. Upcoming Deadlines.

- Mill Levy Certification on December 15, 2022.
- Deadline to file current district map by January 1, 2023.
- File Transparency notice by January 15, 2023.
- File 2023 budget with the County and State by January 31, 2023.

5. **Visitor Comments/Remarks:** None.

6. **Other:** None.

ADJOURN: There being no further business before the Board, Jonah moved to adjourn and Jim seconded. The motion passed unanimously and the meeting was adjourned at 7:21pm.

Date of next board meeting: January 5, 2023, Jonah's house

Board meetings for 2023 are scheduled as follows:

February 27

May 1

July 31

October 2

December 4

RESOLUTION/ORDINANCE TO ADOPT BUDGET

(Pursuant to 29-1-108, C.R.S.)

A RESOLUTION/AN ORDINANCE SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE Cherry Hills Heights Water & Sanitation District and its Subdistrict A COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2023, AND ENDING ON THE LAST DAY OF DECEMBER, 2023.

WHEREAS, the Board of Directors of Cherry Hills Heights Water & Sanitation District has appointed Melissa Grossman, Treasurer to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, Melissa Grossman, Treasurer has submitted a proposed budget to this governing body on October 12, 2022, for its consideration, and;

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 5, 2022, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves/fund balances so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Directors of the Cherry Hills Heights Water & Sanitation District, Colorado:

Section 1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of the Cherry Hills Heights Water & Sanitation District for the year stated above.

1. That estimated expenditures for each fund that will expend funds in 2023 are as follows:

General Fund	\$34,000
Capital Mill Levy Fund (Sewer Capex #2)	<u>\$14,519</u>
TOTAL	\$48,519

2. That estimated revenues and funds available are as follows:

<u>General Fund</u>	
From year-end balance surpluses	\$116,670
From sources other than gen. property tax	\$2,550
From General Property Tax	\$34,000
From Capital Mill Levy Fund transfer	<u>\$14,519</u>
TOTAL	\$167,739

<u>Debt Service Fund CWRPDA Loan (Sewer)</u>	
From year end fund balance surpluses	\$12,941
From sources other than gen. property tax	\$0
From General Property Tax	<u>\$0</u>
TOTAL	\$12,941
<u>Perimeter Wall Debt Fund</u>	
From year end fund balance surpluses	\$1,741
From sources other than gen. property tax	\$0
From General Property Tax	<u>\$0</u>
TOTAL	\$1,741
<u>Perimeter Wall Debt Fund - Subdistrict A</u>	
From year end fund balance surpluses	\$91
From sources other than gen. property tax	\$0
From General Property Tax	<u>\$0</u>
TOTAL	\$91
<u>Capital Mill Levy Fund (Sewer Capex #2)</u>	
From year end fund balance surpluses	\$28,784
From sources other than gen. property tax	\$0
From General Property Tax	<u>\$0</u>
TOTAL	\$28,784

Section 2. That the budget hereby approved and adopted shall be signed by _____ the President and Secretary _____ and made a part of the public records of the County/City/Town/District.

ADOPTED, this 5 day of December, A.D., 2022

Attest:


Jonah Staller, President


Rich Miller, Secretary

RESOLUTION/ORDINANCE FOR BUDGETARY TRANSFERS

(Pursuant to Section 29-1-109, C.R.S.)

A RESOLUTION/ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE Cherry Hills Heights Water & Sanitation District, COLORADO.

WHEREAS,

1. There is a need to transfer budgeted and appropriated moneys from one fund to another fund in order to offset a temporary mill levy reduction;

AND WHEREAS,

1. Funds will be transferred from the Capital Mill Levy Fund (Sewer Capex #2) to the General Fund

NOW, THEREFORE, BE IT RESOLVED/ORDAINED BY THE Board of Directors OF THE Cherry Hills Heights Water & Sanitation District, COLORADO;

Section 1. That the sum of \$ 14,519 is hereby transferred from the Capital Mill Levy Fund to the General Fund.

Section 2. That the 2023 appropriation for the General Fund is hereby increased from \$ 34,000 to \$ 48,519 for the following purpose:

There will be a temporary mill levy reduction in the general fund's property tax revenue. The transferred sum from the Capital Mill Levy Fund's surpluses will offset the loss of funds from the temporary mill levy reduction.

ADOPTED, this 5 day of December, A.D., 2022.

Attest: Jonah Staller
Jonah Staller, President

Attest: Rich Miller
Rich Miller, Secretary

RESOLUTION/ORDINANCE TO APPROPRIATE SUMS OF MONEY

(Pursuant to Section 29-1-108, C.R.S.)

A RESOLUTION/AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE Cherry Hills Heights Water & Sanitation District, COLORADO, FOR THE 2023 BUDGET YEAR.

WHEREAS, the Board of Directors has adopted the annual budget in accordance with the Local Government Budget Law, on December 5, 2022, and;

WHEREAS, the Board of Directors has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues and reserves or fund balances provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the Cherry Hills Heights Water & Sanitation District.

NOW, THEREFORE, BE IT RESOLVED/ORDAINED BY THE Board of Directors OF THE Cherry Hills Heights Water & Sanitation District, COLORADO:

Section 1. That the following sums are hereby appropriated from the revenue of each fund, to each fund, for purposes stated:

GENERAL FUND:

Current Operating Expenses	\$ <u>\$48,519</u>
Capital Outlay	\$ <u>\$0</u>
Debt Service	\$ <u>\$0</u>
TOTAL GENERAL FUND	\$ <u>\$48,519</u>

(List all funds or spending agencies by name and give breakdown as shown above.)

ADOPTED THIS 5 day of December, A.D. 2022.

Attest: 
Jonah Staller, President

Attest: 
Rich Miller, Secretary

RESOLUTION/ORDINANCE TO SET MILL LEVIES

(Pursuant to 39-5-128, C.R.S. and 39-1-111, C.R.S.)

A RESOLUTION / AN ORDINANCE LEVYING PROPERTY TAXES FOR THE YEAR 2023, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE Cherry Hills Heights Water & Sanitation District,

COLORADO, FOR THE 2023 BUDGET YEAR.

WHEREAS, the Board of Directors of the Cherry Hills Heights Water & Sanitation District, has adopted the

annual budget in accordance with the Local Government Budget Law, on December 5, 2022 and;

WHEREAS, the amount of money necessary to balance the budget for **general operating** purposes from property tax revenue is \$ 35,020, and;

WHEREAS, the Cherry Hills Heights Water & Sanitation District finds that it is required to **temporarily** lower the

operating mill levy to render a refund for \$14,519, and:

WHEREAS, the amount of money necessary to balance the budget for **capital expenditure** purposes from property tax revenue approved by voters or at public hearing is \$ 0, and;

WHEREAS, the amount of money necessary to balance the budget for voter-approved **bonds and interest** is \$ 0, and;

WHEREAS, the 2022, valuation for assessment for the Cherry Hills Heights Water & San as certified by the County Assessor(s) is \$4,863,505.

NOW, THEREFORE, BE IT RESOLVED/ORDAINED BY THE Board of Directors

OF THE Cherry Hills Heights Water & Sanitation District, COLORADO:

Section 1. That for the purpose of meeting all **general operating** expenses of the Cherry Hills Heights Water & Sanitation District

during the 2023 budget year, there is hereby levied a tax of 7.201 mills upon each dollar of the total valuation for assessment of all taxable property within the Cherry Hills Heights Water & Sanitation District for the year 2023.

Section 2. That for the purpose of rendering a refund to its constituents during budget year 2023, there is hereby levied a **temporary tax credit/mill levy reduction** of 2.985 mills, for a total general

operating mill levy of 4.216 mills.

Section 3. That for the purpose of meeting all **capital expenditures** of the Cherry Hills Heights Water & Sanitation District Subdistrict A

during the 2023 budget year, there is hereby levied a tax of 0 mills upon each dollar of the total valuation for assessment of all taxable property within the Cherry Hills Heights Water & Sanitation District Subdistrict A for the year 2023.

Section 4. That for the purpose of meeting all payments for **bonds and interest** of the Cherry Hills Heights Water & Sanitation District Subdistrict A

during the 2023 budget year, there is hereby levied a tax of 0 mills upon each dollar of the total valuation for assessment of all taxable property within the County/City/Town/District for the year 2023.

Section 5. That the President is hereby authorized and directed to immediately


certify to the County Commissioners of Arapahoe County(s), Colorado, the mill levies for the Cherry Hills Heights Water & Sanitation District as hereinabove determined and set, or be authorized

and directed to certify to the County Commissioners of Arapahoe County(s), Colorado, the mill levies for the Cherry Hills Heights Water & Sanitation District Subdistrict A as hereinabove determined and set,

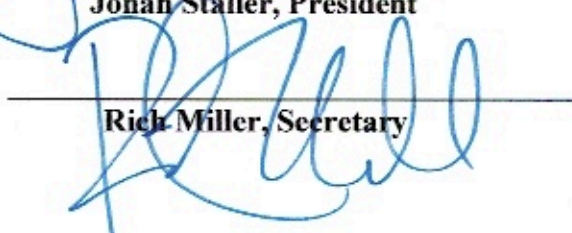
but as recalculated as needed upon receipt of the final (December) certification of valuation from the county(s) assessor(s) in order to comply with any applicable revenue and other budgetary limits.

ADOPTED this December 5 day of A.D. 2022.

Attest:



Jonah Staller, President



Rich Miller, Secretary

CHERRY HILLS HEIGHTS WATER AND SANITATION DISTRICT

A RESOLUTION CALLING FOR THE 2023 REGULAR DISTRICT ELECTION AND APPOINTING A DESIGNATED ELECTION OFFICIAL

WHEREAS, the Cherry Hills Heights Water and Sanitation District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, C.R.S.; and

WHEREAS, the terms of office of Directors Melissa Grossman, Jonah Staller, Cambyse Keshavarz, Richard Miller and James King shall expire after their successors are elected at the regular special district election to be held on May 2, 2023 (“**Election**”) and have taken office; and

WHEREAS, in accordance with the provisions of the Special District Act (the “**Act**”) and the Colorado Local Government Election Code (the “**Code**”) (the Act and the Code being referred to jointly as the “**Election Laws**”), the Election must be conducted to elect three (3) Directors to serve for a term of four (4) years and two (2) Directors to serve for a term of two (2) years.

NOW, THEREFORE, be it resolved by the Board of Directors of the Cherry Hills Heights Water and Sanitation District in the County of Arapahoe, State of Colorado that:

1. The regular election of the eligible electors of the District shall be held on May 2, 2023, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Election Laws, and other applicable laws. At that time, three (3) Directors will be elected to serve a four-year term and two (2) Directors to serve a two-year term.
2. The Election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Election Laws. The Designated Election Official shall prepare the Plan for conducting the mail ballot Election. There shall be no election precinct or polling place. All mail ballots shall be returned to the Designated Election Official at the address(es) designated in the Mail Ballot Plan.
3. The Board of Directors hereby designates Peggy Rupp as the Designated Election Official for the conduct of the Election on behalf of the District and she is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Election Laws or other applicable laws. Among other matters, the Designated Election Official shall publish the call for nominations, appoint election judges as necessary, appoint the Canvass Board, arrange for the required notices of election, printing of ballots, and direct that all other appropriate actions be accomplished.

4. Self-Nomination and Acceptance forms are available from the Designated Election Official at c/o Collins Cole Flynn Winn & Ulmer, PLLC, 165 S. Union Boulevard, Suite 785, Lakewood, Colorado, or email request to prupp@cogovlaw.com. All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no earlier than January 1, 2023, nor later than the close of business on Friday, February 24, 2023.

5. If the only matter before the electors is the election of Directors of the District and if, at the close of business on February 28, 2023, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent no later than February 27, 2023, the Designated Election Official shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with the Code.

6. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

7. Any and all actions previously taken by the Designated Election Official, the Secretary of the Board of Directors, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws, are hereby ratified and confirmed.

8. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

9. The provisions of this Resolution shall take effect immediately.

ADOPTED this 5th day of December, 2022.

CHERRY HILLS HEIGHTS WATER AND
SANITATION DISTRICT

By Jonah Staller
Jonah Staller, Chairman

ATTEST:

By Richard Miller
Richard Miller, Secretary

CHERRY HILLS HEIGHTS WATER AND SANITATION DISTRICT
RESOLUTION ADOPTING THE COLORADO SPECIAL DISTRICT
RECORDS MANAGEMENT MANUAL

WHEREAS, the Cherry Hills Heights Water and Sanitation District (the “**District**”), acting by and through its duly appointed Board of Directors (the “**Board**”) recognizes a need for a comprehensive records management manual for the District’s non-permanent records and the retention of those records that have long-term administrative, fiscal, and historical value; and

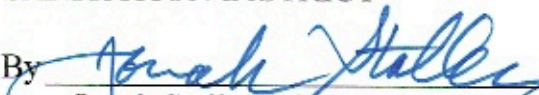
WHEREAS, the Colorado State Archives has developed a state-wide Records Management Manual in cooperation with the Colorado Special District Association, the Colorado Attorney General’s Office and the State Auditor’s Office for special districts to use and follow.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cherry Hills Heights Water and Sanitation District as follows:

1. The Board hereby adopts the Colorado Special Districts Records Management Manual (“**Manual**”) and all subsequent revisions.
2. The Board authorizes the District to submit a request to the Colorado State Archives to adopt the Manual. Approval from the State Archivist is legal authority for the destruction and preservation of District records.
3. All Resolutions of the Board inconsistent with this Resolution are hereby repealed to the extent of such inconsistency and all actions of the officers, agents and employees of the District which are in furtherance of or in conformance with the purposes and intent of this Resolution are hereby in all respects ratified, approved, and confirmed.

RESOLVED this 5th day of December, 2022.

CHERRY HILLS HEIGHTS WATER AND
SANITATION DISTRICT

By 
Jonah Staller, Chairman

ATTEST:

By 
Richard Miller, Secretary