

**MINUTES OF THE BOARD OF DIRECTORS MEETING
CLIFTON WATER DISTRICT
November 9, 2023**

BOARD MEMBERS PRESENT: Nick Genova, Mel Diffendaffer, Dan Mcelley & Michael Slauson.

ABSENT: Wesley Davis (*Excused*).

STAFF MEMBERS PRESENT: Jessica Isley, Jacob Lenihan, Eric Schoeny, Ty Jones, Michael Simpson, Jennifer Pettingill, Mark Dalley, Stephen Silva, Isaac Brown, Kyle Bishop, Brandon Edmonds & Stephen Silva.

GUESTS PRESENT: None.

PUBLIC HEARING:

Chairman Diffendaffer called to order the public hearing at 5:00pm to consider the Petition of Inclusion submitted by 552 34 Road, Clifton, CO 81520 by Sonya K. Rigg, Tax ID Number 2941-073-11-117. The Notice of Public Hearing was confirmed as published in the Grand Junction Daily Sentinel in accordance with §C.R.S. 32-1-401. Assistant Manager Lenihan reported that no comments or objections were received regarding this petition and no members of the public are present. Chairman Diffendaffer moved to accept the Petition of Inclusion for 522 34 Road, Clifton, CO 81520 by Sonya K. Rigg, seconded by Director Genova. Motion carried unanimously.

Chairman Diffendaffer moved to adopt Resolution 2023-04 to Include Private Property as submitted, and authorized staff to process the Certificate of Inclusion and all the necessary paperwork for the District's legal counsel to complete the inclusion process with the District Court. Seconded by Treasurer Slauson. Motion carried unanimously.

Chairman Diffendaffer & Secretary Davis (*on 11/10/23*) certified by signing the Certificate of Inclusion granted by Resolution 2023-04, Sonya K. Rigg Parcel Tax Schedule ID # 2941-073-

00-117 to be included within the boundaries of the Clifton Water District and was unanimously adopted by the Board of Directors.

REGULAR MEETING

Chairman Diffendaffer called the November 9th, 2023 Regular meeting to order at 5:09pm.

MINUTES OF OCTOBER 12, 2023, REGULAR MEETING:

Vice Chair Mcelley moved to approve the October 12th, 2023 Minutes, seconded by Director Genova. Motion passed unanimously.

FINANCIAL REPORT:

Treasurer Slauson moved to approve the Accounts Payable checks to the amount of \$211,729.31, seconded by Vice Chair Mcelley. Motion passed unanimously. Chairman Diffendaffer asked why the general ledger account list is included. He added that he would prefer to see a monthly, year-to-date expense report instead.

FINANCE DEPARTMENT REPORT:

GAAP Updates - Finance Manager Isley provided some feedback regarding recent updates to the Generally Accepted Accounting Principles (GAAP). She outlined details on three updates that will impact the District. GASB 96 (2023 implementation) deals with subscription-based information technology arrangements, GASB 100 (2024 implementation) deals with accounting changes and error corrections, and GASB 101 (2024 implementation) deals with compensated absences. These updated standards & guidance will affect how the District does their accounting and minimal impacts to financial statements. Isley plans on early implementation for GASB 100 and GASB 101 to avoid the potential for the 2023 financial statements to be redone. The Governmental Accounting Standards Board (GASB) governs state & local governments, including special districts, and is currently working on changes to government accounting as a whole. GASB will issue a final statement of changes in the spring of 2024.

Wire Transfer Authorization - Authorization for an upcoming insurance payment via wire transfer was requested as the District will qualify for a discount if payment is made by January 5th, 2024. Normally payment would be made by check, and as it exceeds the in-house limit of \$50k, a Director's signature would be needed. By doing a wire transfer, staff will not have to

wait for a Board meeting in order to obtain necessary signatures. Chairman Diffendaffer & Treasurer Slauson saw no issues with this, noting the payments are standard obligations. The Board reached consensus to allow this payment by wire or ACH transfer.

Clifton Sanitation Rates - Vice Chair Mcelley questioned the Clifton Sanitation billing and why the burden is on the District for fee collection. Discussion ensued with Director Genova asking staff to pursue a written agreement between the District & Clifton Sanitation as the last agreement dates back to 2006 and it was more a cost agreement. Vice Chair Mcelley noted that there had been shared equipment between the two parties and Assistant Manager Lenihan responded that the shared loader has been sold. Finance Manager Isley explained the proposal to increase the fee charged to Clifton Sanitation (for billing & collection of funds on their behalf). She presented a breakdown of the annual costs to the District for providing this service. A motion to accept the proposal to increase the fee to Clifton Sanitation from \$0.70 to \$0.80 (per bill) was made by Director Genova, seconded by Treasurer Slauson. Motion carried unanimously.

FY2022 Audit – Finance Manager Isley noted that the 2022 audit was late and discussed the findings as outlined in a letter from the auditing firm to the Board of Directors. These include the recording of the lease with Verizon, journal entries that were made after conclusion of auditing fieldwork, and misstatements on financial statements (estimates that could not be qualitatively verified). Other areas of concern include internal controls, timely reconciliation, and the option of consulting with an outside accounting firm for additional checks & balances and to serve as a possible ‘second opinion’. Finance Manager Isley noted that there would be a conflict of interest if such questions were directed to the firm that is performing the audit. The letter also listed a few recommendations, among them proper training of staff, development of stringent procedures, proper segregation of duties, and better communication regarding changes in procedures and software. Vice Chair Mcelley noted that there was some strong language in this letter. Finance Manager Isley noted that some of these findings, specifically the inventory adjustments, are clean-ups from prior years. Currently, the auditing team is being provided with a lot more information than years past which brings more questions and potential findings. Director Genova stated that we are putting a period on the past and plan to move forward. He questioned how these audit findings would affect the District’s future indebtedness or credit rating. Finance Manager Isley cautioned that these audit findings may affect future grant funding or loan applications.

Request for Proposal (RFP) FY2023-27 – Finance Manager Isley recommended awarding the FY2023-27 audit to Clifton Larson Allen LLP. She noted that they are one of the Nation’s leading firms dealing with government entities and have a methodical, proactive approach especially where communication is concerned. She added that Paul Niedermuller will be the lead auditor and that he has extensive experience with local city & state entities. The engagement timeline was reviewed, and it was pointed out that they plan to start in December whereas the previous firm came out in May. Finance Manager Isley stated that the costs involved will increase significantly, with a FY2023 cost expected at around \$32k and increasing every year up

to \$40k in FY2027. The fee structure was discussed, and it was noted that costs may increase should grant funding be obtained as it will trigger a single audit. Finance Manager Isley noted that there are fewer and fewer firms doing this type of auditing in addition to a nationwide shortage of government accountants. A motion to award the FY2023-27 auditing services to Clifton Larson Allen LLP was made by Director Genova, seconded by Chairman Diffendaffer. Motion carried unanimously. Chairman Diffendaffer commented that the new auditing firm should be made aware of all past issues and questioned the internal controls currently in place. Finance Manager Isley responded that approval is needed from either Manager Jones, HR Director Pettingill, or Assistant Manager Lenihan for any general journal entries posted by her and that the aim is to have an internal control policy drawn up for presentation to the Board.

Chairman Diffendaffer had a question regarding the 2024 budget, specifically the large variance in certain items from 2023 vs. 2024 and if that was due to the software change. Manager Jones offered to schedule a special finance meeting prior to the December meeting should the Board feel further review of the 2024 budget is needed.

HR DEPARTMENT REPORT:

Staff Training & New Hires – HR Director Pettingill provided some updates, including upcoming staff training in November covering trenching & shoring. Three new Customer Service Representatives were hired and they have all started work. The meter reader position was filled internally and interviews for the two Distribution Tech/Operator positions have been scheduled. These two positions should hopefully be filled by the next meeting, putting a halt to the hiring process for a time.

Department of Labor audit – The audit is still in progress with no updates to report.

Policy Updates – HR Director Pettingill requested the removal of two policies:

- *Vehicle Use Policy* – The newly updated Employee Handbook already has a Vehicle Use Policy and having a separate policy could cause confusion or be contradictory. A motion to remove the Vehicle Use Policy, adopted April 2022, due to being redundant was made by Director Genova. The motion was seconded by Chairman Diffendaffer and the motion carried unanimously.

- *Disciplinary Policy* – This policy was brought to the Board in March 2022 and HR Director Pettingill noted that the Employee Handbook includes a disciplinary policy. She added that any disciplinary policy should be tailored to the organization and if a stand-alone policy is needed, she would need more time to

formulate such a policy, along with collaborating with the management team in order to determine what would work for the District. A motion to remove the Disciplinary Policy, adopted March 2022, was made by Director Genova, seconded by Chairman Diffendaffer. Motion carried unanimously.

HR Director Pettingill noted that the Employee Handbook (formerly referred to as the Personnel Manual) has been completed and thanked Chairman Diffendaffer and Secretary Davis for their assistance during this process. She noted that there will be annual updates to the handbook, but these will be per Section, not the entire document. District employees will be responsible for reading the handbook and signing an acknowledgement that they have done so. She briefly outlined some of the updates to existing sections, and new sections that were added. The drug testing policy will go into effect January 2024 when testing has been set up with a vendor. A motion to accept the new Employee Handbook, as written, with notification that drug testing will start January 1st, 2024 for all safety & security employees was made by Chairman Diffendaffer. The motion was seconded by Director Genova. Motion carried unanimously.

ENGINEERING/CONSTRUCTION DEVELOPMENT REPORT:

Engineer Schoeny provided updates on the Mesa County projects.

E & 32½ Road and the D¾ Road - Both these projects are still in the design phase and are scheduled to go out to bid in December, with an estimated start date of April 2024.

E & 31 Road - This project was awarded to K & D Construction, the lowest bidder. A preconstruction meeting has been scheduled for November 14th with construction expected to start on November 27th.

Plant Control System, Effluent Pump and MCC Replacement project – As noted during the October meeting, the District received four Statements of Qualification (SQM). Following an independent review & rating by Engineer Schoeny, Treatment Plant Supervisor Brown, and Assistant Manager Lenihan, the highest ranking candidate was CDM Smith. The rating sheet was provided to the Board. Assistant Manager Lenihan stated that CDM Smith did a site visit and their overall SQM was impressive. Scoping for the project is underway and they discussed what improvements to the plant will be needed, addressing efficiency of the F4 pumps and a possible addition to the scope that will include the port-in pumps. The latter will not be added to the scope but reviewed in order to obtain a cost estimate. He added that there are multiple transformers that need to be looked at. The generators are fairly new but a general overhaul of all things electrical will be needed. The first phase will focus on design and hopefully the procurement of equipment. A \$1 million cost was included in the 2024 budget for this phase and it will run up to the end of

2025. Chairman Diffendaffer asked for an overall cost estimate and Assistant Manager Lenihan responded in the vicinity of \$4 million, but cautioned that this is a very rough guess. Engineer Schoeny noted that the goal was to have a contract with CDM Smith ready for Board Authorization at the December 14th meeting but since there have been multiple exchanges with the attorneys regarding the design, it will most likely be delayed.

Master Planning for the Water Treatment Plant site – SGM has finalized the floodplain modelling review and is currently in the process of completing the wetland delineation and endangered species valuation. The latter mainly involves the Yellow-billed cuckoo. Engineer Schoeny noted that there is a vast difference in doing work in a floodway vs. a floodplain. Part of SGM’s review included work to see if a no-rise certificate can be obtained which will prove the District will not raise the flood way. The area reviewed included the gravel pond, which is actually outside of the floodway due to the berm surrounding it. It appears that there is quite a bit of area to work with and the gravel pond is showing the most potential. Analysis is needed to determine how the pond is fed, water quality, and whether the water will be sufficient to serve as a water source for the plant. Depending on the outcome of this analysis, there will still be quite a few hoops to jump through as far as the permitting process is concerned. The alternative option of building a new pond and the costs attached was briefly noted with Director Genova adding that the idea of a pre-treatment pond appeals to him, especially since the pond is already there.

OPERATIONS:

Assistant Manager Lenihan reported that the retention pond cleaning has been completed and inspected, with no notable defects observed. The Grand Valley Irrigation Canal was shut down on October 30th and water is now being drawn from the River pump station.

The Desert Road pump station was discussed next with Assistant Manager Lenihan explaining that the discharge vs. consumption data was not adding up. Flow had not been metered on a daily basis but noted that it is now. Data up to March 2023 was provided to Black & Veatch and when compared to data collected from April 2023 to date, the same water loss issue was apparent. The Distribution team devised an idea for a planned outage where they would go from bow to bow and start testing. During normal operation, the Desert Road pump station should shut off when a certain flow is reached. The Distribution team observed that the pump was not shutting off when it should and proceeded to start going down the line, shutting valves on & off and finally determining that the problem is located in the Eagle Trail area. When the valve in this area was shut off, the pump kept running and it maintained a flow rate of 20 gal/min. which corresponded with the flow discrepancy observed. Distribution Supervisor Dalley noted that there are three houses on that service line. A portion of the line goes through a customer’s property and rerouting options along with the costs involved were discussed. Engineer Schoeny noted that the 2” line is on the older side, and it would be wiser to tie into the 6” line. It was noted that staff is pretty confident on the specific area of the leak, but if it cannot be found, rerouting this line will no longer be just optional.

Assistant Manager Lenihan informed the Board that he has received the draft model from Black & Veatch and as expected, it appears that the water lines are all undersized. He stated that a proposal will be ready for Board review at either the December or January meeting. The issue of getting service to Whitewater remains unresolved and further conversation will be needed to determine what the District will need to do to get water out there. The possibility of another treatment facility was mentioned, and Manager Jones stated that the City of Grand Junction recently received grant funding for a feasibility study for drawing water from the Gunnison River.

ADMIN/OFFICE:

The front office staff is continuing clean-up efforts from old data and the recent software conversion. Accounts that are still not being properly metered and/or billed continue to pop up and then corrected. The new software does provide excellent reporting options that greatly aid in locating such problematic accounts.

Fill station account applications continue to come in and a few contractors have also signed up. In order to make use of the fill station easier for our customers, the District is offering the option to use the same access code & pin at the District fill station as those provided by Ute and Grand Junction fill stations.

MANAGER'S REPORT:

Grand Valley Irrigation Company (GVIC) shares – Manager Jones explained that during the October 2023 meeting, the Board approved a modification to the current requirement of developers to provide one GVIC share for every ten lots in a new subdivision. Previously, the District would then purchase these shares from the developer. The modification approved by the Board made the transfer of ownership of these shares to the District, at no cost to the District, a requirement. He added that this would cover all developments requesting service from the District, not just those North of the Colorado River. Manager Jones clarified that this should have been presented to the Board along with the ask for a motion, instead of a general consensus. Discussion ensued with Vice Chair Mcelley asking what would happen if the developer does not have any water rights. Manager Jones responded that developers can always petition the Board for an exception, and these would be dealt with by the Board on a case-by-case basis. Assistant Manager Jones explained that in these developments, District water is being requested for irrigation and in return, we are requiring a share of their water rights. Vice Chair Mcelley noted that this should apply only to those developments in the GVIC service area. A motion to adopt the policy that will require the transfer of one GVIC share for every ten lots from the developer to the District, at no cost to the District, was made by Vice Chair Mcelley. The motion was seconded by Director Genova. Motion passed unanimously.

Out of District Customers:

- Tap Fee area designation – Tap fees were discussed and Manager Jones noted that the Whitewater area includes both In District and Out of District customers. Historically, the determination of In District vs. Out of District has not been consistent and staff is recommending that the entire area beyond the 32 Road pump station and storage tanks be referred to as the “Whitewater” area. With this change, all new taps in the Whitewater area will be charged tap fees at 1½ times the rate of those customers *not* being served by the 32 Road pump station. This higher rate is due to the infrastructure costs involved to supply water to this service area. *This area designation applies to tap fees only.* Director Genova made a motion to rename the Out of District area to the Whitewater area and as of January 1st, 2024, all new taps in the Whitewater area will be charged the Whitewater tap fee. The motion was seconded by Chairman Diffendaffer. Motion carried unanimously.
- Inclusion petitions process & fees – Staff would like to implement a procedural change to start having potential customers petition the Board to be served as In District properties. The Board would continue to have official hearings for each petition of inclusion and will retain the option to deny the request. This change is merely to provide direction to staff on the processing and classification of new tap requests.

Manager Jones noted that along with this procedural change, a discussion is needed on the fees that come with the inclusion process. Currently, the petitioning customer is required to pay all the costs incurred by the District as part of the inclusion process. These costs typically include advertising, attorney, court, and recording fees. Staff is recommending that a set fee of \$500 be charged to the petitioning customer, allowing the District to provide them with a specific, non-refundable amount before the petition process is started. Manager Jones noted that this fee would become a part of Exhibit A - Rates & Fees of the Policy Manual and would undergo the same amendment and approval process annually along with the rest of the rates & fees charged by the District. A motion to adopt a non-refundable fee of \$500 for any inclusion petition submitted after November 13th, 2023 was made by Director Genova, seconded by Vice Chair Mcelley. Motion carried unanimously.

- Availability of Service (AOS) fees – Manager Jones provided some history regarding this fee and noted the terminology is not in line with State guidance. The correct terminology is “Readiness to Serve” and moving forward, there will be a transition away from using AOS terminology.
- 2024 Rates & fees – The Board was presented with two fee options, listed as Option A and Option B. Discussion ensued on the Whitewater In District rate category vs. the Out

of District rate category. Vice Chair Mcelley noted everybody should be treated the same and prefers to have them both listed and charged at the Whitewater rate. Director Genova commented that there should be some incentive for the Out of District customers to petition to be included in the District. The need to be able to set District boundaries was noted and the incentive for inclusion would be the lower In District rates. Finance Manager Isley stated that communication with customers is essential and information regarding the inclusion petition process will be made available. Director Genova added that the District will need to clearly communicate what will be done with the money resulting from the rate increases. Further discussion ensued on the additional rate tier of Whitewater In District listed in Exhibit A. Director Genova commented that Option A is the better option and explained to Chairman Diffendaffer that the Whitewater area rates are higher as it costs more to provide quality service over that distance. Manager Jones noted that meeting to discuss Resolution 2023-5 Adoption of Exhibit A, Rates & Fees for 2024 has been advertised. The resolution is being presented to the Board now as the rate increase will start at first billing in January 2024, which would be for December 2023 usage. Staff wanted to provide customers with proper notification and ample time to possibly make adjustments in usage in light of these higher fees and rates. Chairman Diffendaffer made a motion to adopt Resolution 2023-5 Exhibit A - Rates & Fees for 2024, Option A (containing In District, Out of District, and Whitewater In District rate tiers), seconded by Director Genova. Motion carried unanimously.

ADJOURN MEETING:

Meeting Adjourned at 7:55PM

ATTEST:


Melvin Diffendaffer


Dan Mcelley


Michael Slauson

Absent
Wesley Davis


Nicholas Genova