

RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of Board
Of Directors
Of the
Woodmen Hills Metropolitan District
Held: Thursday, November 20, 2008 at 5:30 p.m. at
11720 Woodmen Hills Drive in Falcon, Colorado

Attendance The regular meeting of the Board of Directors of the Woodmen Hills Metropolitan District was called and held as shown above in accordance with the applicable statutes of the State of Colorado. The following Directors, having confirmed their continued qualification to serve on the Board were in attendance:

Jennifer Barber
David Haehn
Jan Pizzi
Ted Hanchett
Bob Sobota

Also present were Larry D. Bishop, Sr., District Manager, Woodmen Hills Metropolitan District, William P. Ankele, White, Bear and Ankele P.C., Connie Kalbach, Covenants Board, Kathy Wennen, Covenants Board, Lynne Bliss, Ranchland News, Debra Wright, Citizens Advisory Committee, Michelle Foulks, Budget Oversight Committee, Tina Bates, Citizen, Gene Wester, Citizen, Beth Wester, Citizen, Linda French, Citizen, Michael French, Citizen, Cristian Bohuszavski, Citizen, David Pitts, Citizen, Cathy Curry, Citizen, Bill Chin, Citizen, Frank J. Gonzales, Citizen, Salaria R. Jarmin, Citizen, Tony Di Censo, Citizen, Jodie Jordan, Citizen, Samson K. Pohins, Citizen, Ron Pace, Citizen, Istvan Kovars, Citizen, Brad Myers, Citizen, Tom Bergfield, Citizen, Diane DeJong, Citizen, Beth Moulton, Citizen, Angelica Rivera, Citizen, Chris Cockerhern, Citizen, Charles Krushensky, Citizen, Sean Boe, Citizen, April Johnson, Citizen, Terry Pickle, Citizen, Nyle and June Matzek, Citizens, Robert Lovato, Citizen, Anthony Baumhover, Citizen, Bob Leiher, Citizen, James Richards, Citizen, Marti Wallner, Citizen, Johnthan Johnson, Citizen, Hope Thompson, Citizen, Vern Regennitter, Filing 11, and Alex Donell, Falcon Fire Department.

Call To Order President Jennifer Barber called the meeting to order at approximately 5:35 p.m.

Declaration of Quorum President Barber noted that a quorum was present.

President's Welcome and Updates President Barber welcomed everyone to the meeting. President Barber stated that she had provided a handout that demonstrates the top ten attributes of leadership with a checklist to assess the board, themselves or anyone.

Approval to Engage White, Bear and Ankele as General Counsel President Barber requested a motion from the board to engage White, Bear and Ankele as General Counsel for the District. It was moved by Director Sobota and seconded by Director Pizzi and carried unanimously to engage White, Bear and Ankele as General Counsel for Woodmen Hills Metropolitan District.

President Barber then introduced William P. Ankele as the new General Counsel. Mr.

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Ankele then made some brief comments to those present.

Re-arrangement of the Agenda

President Barber requested a motion to shift Budget Oversight Committee presentation and Aquatics Director due to the people having to leave early.

It was moved by Director Pizzi to move Budget Oversight Committee and Aquatics Director to the front of the agenda seconded by Director Haehn and carried unanimously.

Budget Oversight Committee Report

Michele Foulks presented the Budget Oversight Committee report. Ms. Foulks recommended to the board that the District hold the 2008 budget for 2009 with no increases in expenses or revenues. Benefits were another issue the committee had discussion about. The committee recommends that the employee pay no more than fifty percent of health insurance coverage for themselves and one hundred percent of the premiums for family.

Mr. Bishop requested clarification on what the recommendation was for employees and employee family health care payment of premiums.

Question from a member of the public was, How much does that save?

Ms. Foulks stated that we do not know what that is at this time since we have not yet received quotes from the insurance broker as the open enrollment is not until February 2009 and the budget committee has asked that the District obtain quotes for several different plans.

Mr. Bishop informed the audience that based upon this year's budget that \$74,000.00 would be saved on insurance premiums for families and \$26,000.00 for the employees. A total of \$100,000.00 eliminated as an expense in the budget.

Ms. Foulks then discussed the contingency account and that the committee recommends Board approval before any of the contingency funds were expensed or spent.

Director Haehn stated that you have asked us to hold to the 2008 budget but that you have been working with the 2009 budget and those numbers are completely different. Which of those do you recommend that we use?

Ms. Foulks explained that if you use the 2008 budget then we can still go through the 2008 budget to see if there are any monies that can be moved into a contingency account. The recommendation is that you use the 2008 budget because the committee members are adamant that they do not want a 7.5% increase added on to their bills every month. We want to stay within our means and if that means closing the outdoor pool for the year to save money then that is the recommendation. We need to find monies by cutting services somewhere and cutting overtime.

Director Haehn pointed out that the 2008 budget does not accommodate some things that have to increase in 2009 such as our debt service and our interest payments. We can't adopt those numbers and default on our loans.

Ms. Foulks requested a meeting to discuss all these issues. The recommendation is delay the budget hearing until we can get through these issues. The request is for the Board and the Budget Advisory Committee meet to discuss these issues prior to the

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deadline date of approving the 2009 budget. The committee feels that it does not have information to recommend approval of this budget the way it is.

Discussion then followed with members of the public on the issue of voting now on the employee insurance. Ms. Foulks explained that was not the only issue on the budget and that the budget includes 7.5% increases in expenses and 7.5% increase in revenue. We do not want the increase for 2009. We do not want the increase in this budget. Ms. Foulks continue to explain that the Budget Committee is going through the budget line item by line item to come up with recommendations on cutting expenses.

Question from Robert was is this the budget hearing? Mr. Bishop informed Robert that the public hearing is scheduled later on the agenda. Robert continued that the way he sees it Mr. Bishop should have presented a budget to the board with recommendations on rate increases and salary increases, if any, and tonight you guys should be reviewing this with public.

President Barber stated that we had started this process back in August and we are as a board coming together with community to say what is cutting the budget look like.

Robert then informed the board that they had tasked their General Manager to come in with a budget two to five percent less than this year based upon economic conditions.

President Barber stated that this contingency stuff does not make sense to me and depending on where you look in the budget I saw fat but everybody does not view the budget through the same filter or see fat the same way and we are hearing from this community group let's look at all the fat. President Barber went on to say that she has asked board members to bring their calendars to schedule another meeting on the budget, it is not that we haven't been proactive but rather that we have philosophical differences on what a stripped budget looks like.

Mr. Bishop then explained the process for the public hearing, the appropriations of funds for 2009 and the approval of the 2009 budget and if the board decides not to do this tonight then we would republish and reset the budget hearing for a later date with the understanding that the 2009 budget must be approved prior to December 31st, 2008.

Mr. Chin informed the board that they had received a modified budget and that the modified budget is not acceptable to the committee.

President Barber stated that Mr. Bishop had sent an e-mail that the committee had reached consensus on the budget.

Director Haehn stated that at the meeting recommendations were made but the budget had not been rejected at that point.

Ms. Foulks agreed and informed those present that the committee had gotten together after that meeting and they were not feeling warm and fuzzy after those changes were made.

Further discussion ensued on the budget and the budget committee. Beth wants the budget committee to come up with questions prior to the next meeting in order to have a productive meeting. She stated that there has been some really hard

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work going on and it has been very difficult.

A member of public stated that Michele has done a wonderful job heading up the committee and we all as a committee stand behind her.

Michele stated that the committee is adamant that they want a meeting with the Board.

It was decided that December 4th, 2008 at 5:30 p.m. would be the date for the meeting. It was also decided to obtain a room from District 49 to hold the meeting.

Discussion followed on budgetary procedure.

Mr. Bishop informed those present of the 110% bond covenant requirement that must be accounted for in the 2009 budget. We must increase tolls, fees and rates to cover 110% of O & M expenses.

Discussion then ensued on the bond debt of the District to include the PFA leases for Guthrie water. Further discussion on paying off the debt and when the District would be able to pay off the debt.

Mr. Bishop informed those present that we are currently negotiating restructuring the bonds. Mr. Bishop continued to inform those present of the proposed 7.5% rate increase and how that affected the utility bills and presented a comparison of surrounding Districts on the same base amount of 7,500 gallons.

Tap fee discussion then followed on how tap fee income is to be utilized.

Aquatics Director

Director Pizzi introduced Shawn Underhill as the new aquatics director for Woodmen Hills Metropolitan District's Park and Recreation Enterprise.

Mr. Underhill made some comments and discussed his qualifications for the position of Aquatics Director.

Discussion then ensued on the District 49 swim team as well as initiating a swim team for Woodmen Hills.

Upon motion made, duly seconded and carried unanimously it was approved to hire Mr. Shawn Underhill as the Aquatics Director for Woodmen Hills Metropolitan District.

Re-Election of Board Officers

Director Haehn moved that all officer positions on the board be revisited. Director Hanchett seconded the motion.

President Barber stated that SDA did not understand the re-election of Board Officers as we just had an election in May.

Director Haehn informed the Board that there is no Statute, that the Board can elect its officers anytime.

Bill Ankele informed those present that under the statute you can change officers or elect officers at any time based upon a motion and a quorum of the Board and majority of the Board voting on that question.

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President Barber then queried each member of the Board on their tenure on the Board.

A question from the public was why is this being done now? Director Haehn responded that he thought it was in the best of the Board to be able to function better.

Further discussion ensued with Director Haehn that we as a Board determine how we are going to function and in his opinion the Board has failed in many areas. We have failed because we have not had adequate leadership and we need to re-elect officers.

Public comment was that Jennifer has done a great job in the position and if you all don't get along now what makes you think that you will function any better when you take her out of the position. At this point there was a loud demonstration in support of President Barber.

Roll call vote to proceed: Director Haehn, Aye, Director Pizzi, Nay, Director Barber, Nay, Director Sobota, Aye, and Director Hanchett, Aye.

After a comment from the public President Barber stated that if I have to give it up no problem. This position is a 24/7 position, I answer e-mails and telephone calls, Bob is on the road, Ted is on the road and Dave sometimes answers.

Director Sobota commented that he has known Jen for ten years and she truly has been a great leader and the only reason I am for this is that this is truly a divided Board.

Further discussion followed and the members of the public stated that if you cannot get along then we should recall you since you do work for us.

Other members of the public thought that this was a tactic to forestall a recall movement.

Bill Ankele informed those present that re-electing Board Officers does not affect the public's ability to conduct a recall.

President Barber stated that if this means that this board needs shaken up then let's go for it, I will serve you in whatever position, I have mediated, I have sent e-mails, I have cried, Jan and I have been trying for three weeks to get a meeting with this Board and the fellows have decided that we are not having one, let me make it clear there is great dissension going on with the Board, there have been two folks that have been very very active and if you check you will find that there is a vast difference in the amounts of time put into this organization.

More comments from the public and discussion followed. The meeting started to get out of control at this point.

Director Haehn nominated Director Sobota as President and Director Hanchett as Vice President.

After Mr. Ankele gave a legal opinion on how to proceed, President Barber then asked for a second for the nomination of President and Vice President. Director Sobota seconded.

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Roll call vote: Director Haehn, Aye, Director Pizzi, Nay, Director Barber, Nay, Director Sobota, Aye, and Director Hanchett, Aye.

Now discussion occurred on whether or not procedure was proper. Mr. Ankele recommended that the Board vote on one position at a time.

Director Haehn nominated Director Sobota for President seconded by Director Sobota and Director Pizzi nominated Director Barber for President, seconded by Director Barber and again a large outpouring of support for Director Barber was demonstrated by those of the public in attendance. President Barber called for any other nominations, there being none, nominations were closed.

Roll Call Vote: Director Haehn your choice for president, Bob Sobota, Director Pizzi your choice, Jennifer Barber, Director Barber your choice, Jennifer Barber, Director Sobota your choice, Bob Sobota, and Director Hanchett your choice, Bob Sobota. Director Sobota was elected President of the Board by a three to two vote.

Mr. Ankele then explained that President Sobota now would take over and request nominations for the other positions. Statute requires a President, Secretary and a Treasurer, the Secretary and the Treasurer can be the same person and other officer positions such as Vice President and Assistant Secretary are optional.

President Sobota called for nominations for Vice President. Director Hanchett nominated Director Barber. Director Barber declined the nomination.

Director Haehn nominated Director Hanchett for Vice President. Being there were no further nominations for Vice President, President Sobota declared nominations closed.

Roll Call Vote: Director Haehn your choice for Vice President, Director Hanchett, Director Pizzi yea or nay on Director Hanchett, Nay, Director Barber yea or nay on Director Hanchett, Nay, President Sobota, yea or nay on Director Hanchett, yea, and Director Hanchett yea or nay on yourself, Nay. Director Hanchett's nomination for Vice President failed by a three to two vote.

President Sobota then called for any other nominations for the office of Vice President. There were none.

President Sobota called for nominations for Secretary. Suggestion from the public was to combine the offices of Secretary and Treasurer. Mr. Ankele stated that Statute does permit this.

Discussion then ensued on taking of the minutes with public input to relieve your District Manager of that and get somebody to take the minutes.

President Sobota called for nominations for Secretary/Treasurer. Mr. Bishop informed those present that Director Haehn is the current Treasurer and Director Pizzi is the current Secretary. There were no nominations for Secretary/Treasurer.

President Sobota called for nominations for Treasurer. Director Hanchett moved that we retain the other current Board Officers. Director Haehn seconded the motion.

Director Pizzi declined the position as Secretary.

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Director Hanchett withdrew his motion and nominated Director Haehn for Treasurer. Director Haehn seconded.

More discussion from the public wondering why we wasted all this time for this issue. President Sobota stated that is a divisive Board and that he was caught in the middle. Director Barber stated that Bob is on the road ninety percent of the time.

The meeting then deteriorated into shouting from the public directed at Board members.

Roll Call Vote: Director Haehn for Director Haehn as Treasurer, Yea, Director Pizzi, Nay, Director Barber, Nay, Director Sobota, Yea, and Director Hanchett, Yea. Director Haehn was elected Treasurer by a three to two vote.

Mr. Ankele indicated that the Secretary position needs to be filled.

Director Hanchett asked Mr. Bishop if he would accept the position of Secretary if nominated. Mr. Bishop stated that he serves at the pleasure of the Board.

Director Hanchett nominated Mr. Bishop as Secretary to the Board. Director Haehn seconded the nomination.

Roll Call Vote: Director Haehn your vote for Mr. Bishop as Secretary, Yea, Director Pizzi, Nay, Director Barber, Nay, Director Sobota, Yea and Director Hanchett, Yea. Mr. Bishop was elected as Secretary to the Board by a three to two vote.

Again the public began to question Board Members on recall.

Ellen Robley commented that Director Barber now has the option to make a motion whereas she could not before. Ms. Robley was corrected; any Board Member can make a motion regardless of their position on the Board.

Mr. Ankele suggested that the Board adopt Robert's Rules otherwise the Board President runs the meeting and runs through the agenda as agreed upon by the Board.

Director Barber commented that as she leaves this position she was glad to see so many folks at the meeting and there are some particular motions that she wants the public to pay attention too as the meeting progresses.

Further discussion ensued over President Sobota's schedule and how that might affect conducting the business of the Board in light of there being no Vice President. Comments continued from the public with the possibility of President Sobota not being able to fulfill the position that he should resign.

Designate Point of
Contact for Directing
Legal Counsel

Mr. Bishop requested a point of contact to direct legal counsel to keep legal fees reasonable.

Mr. Ankele stated that usually you want to restrict the number of people who can call counsel in order to save money.

Discussion then followed on who would ordinarily contact counsel.

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Director Hanchett moved that Mr. Bishop, President Sobota and Director Pizzi be points of contact for directing Legal Counsel. Director Haehn seconded and the motion carried unanimously.

Recording of Minutes

Director Barber requested that there be more detail in the minutes. Mr. Bishop stated that his preference would be that the Attorney record the minutes of the meetings.

Mr. Ankele informed the Board that typically the type of minutes that the Attorney would do, would not be as detailed as the board may desire to have. Mr. Ankele suggested that the Manager draft the minutes and the Attorney would then review.

Mr. Bishop asked about the liability of very detailed minutes.

Mr. Ankele stated that it is the Board's discretion on how much detail they want to go in to the minutes. Minutes are typically not intended to be a transcript. Minutes are a record of the action that was taken at the meeting.

More discussion then followed on the taking of the minutes.

Mr. Bishop then proposed to continue to do the minutes with increased detail in the minutes and that he would send the draft minutes to the Board as well as the Attorney as soon as the draft was completed giving the Board Members ample opportunity to question and suggest corrections to the minutes.

More discussion then followed on the minutes to include streamlining on the internet as well as videotaping the meetings.

Director Haehn moved that Mr. Bishop take the minutes. Director Hanchett seconded and the motion carried three to two with Directors Barber and Pizzi not voting.

Question from a member of the public concerning when the Attorney would attend Board meetings. President Sobota explained that the Attorney will be present at each of the regularly scheduled monthly meetings and at any special meeting if his presence is required due to legal matters.

President Sobota then explained the function of the advisory committee.

Director Barber commented that earlier we had the Monday work sessions prior to the Thursday Board meetings and Mr. Bishop recommended that we combined the two that is why we are now having Board meetings three to four hours long, previously on Monday it was just you and us and then at the Thursday meeting we were in and out in forty-five minutes to an hour. Director Haehn reminded everyone that the entire Board voted on combining the meetings. Director Barber stated that she clearly had reservations but was willing to go along with it because that is what you guys wanted.

Comment from the public was a recommendation that the Board adopt Robert's Rules to conduct meetings.

Citizens Advisory Council

President Sobota informed those present that the Citizens Advisory Council had met and discussed water, wastewater, Parks and Rec., street lighting and speed bumps. We are trying to re-constitute the advisory Board. The next meeting is December 8th at

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5:30 p.m. at Rec. Center West. Mr. Bishop will have Jeremy Baker discuss water infrastructure.

Debra Wright informed those present that they want to streamline the board meetings by having the Citizens Advisory Council submit suggestions and questions prior to the Thursday meeting so we are not here until ten thirty, eleven o'clock at night.

Community Input/ Public Comment

Mr. Jarmin asked Mr. Bishop if he had come to any conclusion to what he had requested in his office the other day.

Mr. Bishop told Mr. Jarmin that he thought he had given him the answer and that the situation was outside Mr. Bishop's authority.

Mr. Jarmin then informed those present of an incident that occurred two years ago involving a stolen bike and Mr. Jarmin being accused of pulling a gun on someone. When the bike was found, Mr. Jarmin was given an apology and as far as he was concerned the issue was dead. Mr. Jarmin stated that the incident was brought up again, recently, because he had applied for a position with the District and we were not going to hire him because he pulled a gun on somebody. Mr. Jarmin demanded a public open apology and he didn't get it. Mr. Jarmin requested that this individual resign since no one on the Board would go to this individual and make him apologize and make this a done deal. Mr. Jarmin stated that the individual was Eddie Avedikian.

Mr. Avedikian stated that he was never told that this was brought up again.

Mr. Bishop clarified that Mr. Avedikian does not fall under his authority but answers directly to the Board.

Mr. Avedikian apologized to Mr. Jarmin in the public meeting.

Mr. Jarmin wanted to know why Director Pizzi brought up this issue again. Mr. Jarmin stated that was why he was not hired.

Director Pizzi commented that was not why you were not hired and you never came back to me.

Mr. Ankele advised the Board that we are talking about an employment matter and this is not the forum to deal with employment issues.

Director Pizzi stated that Mr. Jarmin had applied for a job and in the process the lady who interviewed said that he wasn't qualified for the position.

Mr. Ankele stated that this is an employment matter and there are rights that he has and there are rights that the Board has. I think that you ought to consider an investigation and some sort of inquiry where the facts can be brought out rather than in a public Board meeting where no one has the facts.

Mr. Avedikian then apologized again. Mr. Jarmin stated that he appreciated that. Mr. Jarmin accepted the apology and stated that is all he needed and all that he wanted.

Mr. Robert Lovato informed the Board that he had attended the recall meeting the

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night before. You the Board knew this meeting was going on and you should have offered up this facility for that meeting.

President Sobota stated that he was personally threatened and the school was threatened with a riot and that he has the e-mail if Mr. Lovato would care to see it. The Board had nothing to do with the school refusing access to the building for the recall meeting. President Sobota stated that originally an e-mail was sent stating that Board members could attend the recall meeting and then later an e-mail was sent that not only you can't come but I will personally escort you out in front of everybody. I am going to start a riot and I have all these people over here and they are going to escort you out and you are going to be embarrassed. President Sobota called Monty and told him that he was going to have meeting at your school and it may be a tough meeting.

Mr. Lovato stated that you as a Board new about it and you interfered with the freedom of us to get together and we are taxpayers of this community and we should be able to get into a school or a Rec. Center that we pay for. You the Board don't realize how many people there had not made up their mind and you lost an opportunity. I have a lot of experience on Boards and you guys are very dysfunctional right now. I commend you on getting a new lawyer. Mr. Lovato recommended that the attorney assist the Board President in parliamentary procedure. General Manager, Mr. Bishop, was hired not too long ago and there are lot of disgruntled people over that whole action especially the salary. The salary seems to be out of bed. Nothing against Mr. Bishop he does have a lot of experience; you do a disservice to your community and to your employees when you do not hold a medium in salary range. If you are at the top percentile then you are doing a disservice to your rate payers and if you are at the bottom then you are doing a disservice to your employees. Mr. Lovato then presented a salary survey and stated that manager's salary is out of line.

Mr. Lovato questioned the purchase of the Vac-Truck. Then discussion ensued over a divided Board and recalls that have been initiated since May of this year. Mr. Lovato mentioned Executive Session violations and recommended heeding the advice of the attorney concerning Executive Sessions. Personal attacks on Mr. Pace by Director Sobota were raised. President Sobota admitted that he was out of line. Disabuse of power by making decisions outside of Board meetings. This is number one thing that should not be happening. I see a lot of things that this Board is doing and I think that you have not let the reins go to this General Manager, this General Manager needs to manage and needs to be held accountable and needs to be held responsible, there should not be any decision made outside of a Board meeting by Board members. We need water and wastewater people, bear with the General Manager and let him set the salaries. We need these people.

We really need to understand these bonds and I do not understand how this bond issue fits in.

Amount of water is an issue. Mr. Bishop explained that we currently have in our portfolio 1388 acre feet of which 439 acre feet is renewable water and falls under the one hundred year rule the other 949 falls under the three hundred year rule and that is not developed water and is paper water. I have been actively engaged in acquiring additional water. I am engaged in the Pikes Peak Water Authority looking at projects on how we obtain affordable renewable water.

Mr. Lovato continued to discuss water issues and that we are facing significant water

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concerns at build out. Larry needs a top water lawyer on staff to get water.

Mr. Lovato raised the question as to why Park and Rec. does not fall under the General Manager.

Director Barber commented that when Tim Hunker left us she helped steer the Board into making the decision on not to hire for six months. Rusty had been in charge forever. We had wastewater, water and Parks and Rec. issues we wanted Larry to look at. Larry readily admitted that Parks and Rec. and Trails wasn't his forte. This turn over from RCE has a lot to do with this decision, I don't think that we are being lead or managed very well and I am asking for a forty percent reduction in Larry's salary because we did take Parks and Rec. and Trails away and I did do an evaluation that does not mirror what the fellows had. So part of this repositioning was to shut me down and now that I have a greater voice I will continue to speak up. When his evaluation was done I participated and when Mr. Haehn brought it forward he left my signature off. That gave me an avenue, according to SDA, do your own eval. Discussion among Board members about the opportunity to sign Larry's eval ensued. Larry was appearing to lobby on part of the Rec. Center, no matter what I asked for I couldn't get it, I couldn't get reports, I couldn't get numbers, we were paying the Y almost 42 grand a month and we couldn't afford it. With a stroke of luck the Y got enough pressure that they bailed. We decided to give it to Eddie who lived and breathed it and then since we took that away from Larry I saw no reason to continue to pay him 130 grand and reduce his salary by 40% I was told we couldn't do that so part of this repositioning tonight is to save that salary for that position. Cutting the budget means to me cut to the chase. Get rid of fat, paying three percent on employees on a match when the employees pay nothing how is that a match, five percent raise and bonus help me out. Let me make it clear that I have been a voice making some noise which has caused this repositioning. My eval was very differently very different than the Boards, pay cut was critical. When we had the joint meeting with Meridian when I responded boys thanks for helping out a member of the public went off and called everybody MF's and a board member decided to respond and yet Bob can call Ron Pace wacko and everything else stupid and nobody responds and this is a gender issue.

Mr. Pace commented that he was going to defend Mrs. Barber right to the end of the show. I will always say that this is about the men versus girls. Mr. Pace continued to inform those present that Mrs. Barber was supposed to come here tonight and out Bob Sobota for what he has done to me and my family. Folks this has gone on for about two years. I have two board members to step down because of the attacks against me. This infighting and bickering has gone on long enough. Mr. Pace then informed those present about an incident that took place at the Y. Mr. Pace stated that he had a copy of the minutes of an executive session on Pete Susemihl's letter head by accident that talks about giving Ron a settlement.

Mr. Lovato commented that he does not want to see Woodmen Hills drug through the mud maybe some Board members should consider resigning.

Director Barber stated that we have a couple of standards; if we try to call a meeting it's called a dictatorship. We are going to struggle now it is a three to two Board.

Mr. Lovato stated that when this community spoke up as loud as they did you should have left things alone and tried to fix it. Board President's job is to run that meeting and they are the deciding vote and they have no more power than anybody else on the

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Board.

The meeting started to deteriorate again at this point. Mr. Lovato commented that this is not in best interest of this community. Director Haehn stated that it was. Mr. Lovato encouraged the Board to vote how you really feel. If you vote no get it on record. As far as recall guys it's in your hands now, you have damage control to do. Start working with the General Manager and do damage control.

Comment from the public was that the lady was at the Meridian Ranch meeting and she was appalled at the lack of respect given to these two ladies on this Board.

Comment from the Public, I went to a recall meeting last night basically because I was a judge at the May election and I was appalled at the turn out we had about 102 votes cast to elect this Board and that is not representative of this community. One reason I favor a recall is that I would like to get out there and put up billboards and go around with a bull horn and tell people there is going to be an election. Let's get some people out here that is going to represent the entire community. At this point there was a show of support from those present.

Female member of the public stated we have been here ten years and I don't like what is going on up here and that is why I quit coming to the meetings and the way these ladies are being treated it's disgusting.

More discussion followed on people being left out of the building for the recall committee meeting. Again the meeting started to get out of control. Shouting from the public at Board members continued for some time.

Mr. Pace stated that he had received a phone call stating that his meeting had been cancelled. Mr. Pace then explained that he went to District 49 to discover the reason for the cancellation. Mr. Pace informed those present that he was told that there was an issue and that there might be a riot. Mr. Pace then stated that he had asked the Board members not come and Director Hanchett stated that Ron had threatened him and I have that on my e-mail. Mr. Pace asked where the information came from and he was told Bob Sobota. Mr. Pace stated that he would give up the recall because what was supposed to come out came out here tonight. There some people on this Board that won't step down because of ego issues.

Mr. Ankele stated that there is some very strong feelings from folks in this room and could we can get on into the agenda and try to get some business done and it is obvious that we will have to come back to these issues in the future.

Mr. Lovato suggested that we get a spokesman for Mr. Pace and let's get on with the meeting because tonight was out of control.

Director Barber commented that there is work to be done and as long as we have a three to two vote the District is going to struggle. Let's not bury that under we got to move on and let's abandon this meeting we have traditionally put the shoe under the rug when we come to the meetings and that was part of mantra if we are going to communicate then I have to hear what you have got to say and if we have to shut it down to start another meeting then I think we need to do that. Please do not lose your focus and yes were are at loggerheads right now salaries, bonuses budget August was when the budget was supposed to be done choices were made to say the budget looks

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great not until you guys got involved so please if nothing else stay engaged, stay involved and keep an open eye on what we are doing.

Falcon Fire Protection District

Alex Donell from the Falcon Fire Protection District spoke to the Board on the plans for a new Fire Station at the Southwest corner of Stapleton and Meridian Ranch Boulevard. There was five acres set aside for a new Fire Station and Sheriff's substation and since Lowes has backed out we are beginning to move forward on that property. Stage one is going to begin shortly with surveying and then stage two will be design and discussion on what will really fit on the property.

Director Barber raised the question on financing. Mr. Donell said that financing is still out there but if we do it in increments we believe it can be done.

Question from the public, What happen to the option of moving it to the North side trying to do a land swap?

Woodmen Hills Metro District was to work with Meridian Ranch Metro District to do the land swap. At the last meeting Meridian really had no Metro District Property to swap with.

Discussion ensued on re-opening the discussions with Meridian to facilitate a land swap.

Mr. Bishop informed Mr. Donell that he would have Meridian's answer at the next regular Board meeting on December 18th.

Covenants Update

Mrs. Wennen informed the Board that in their December meeting they will be taking on new members for the advisory board and there will be just a couple changes and we got four applications back three of which are currently on the Board.

Director Barber commented on the exchange about the case and the attorney and the case that is currently going on and did you get the answers you need.

Mrs. Wennen stated that no she has not gotten any answers and will not get any answers unless she goes through Jan Pizzi to the attorney as she has not gotten answers from David Haehn.

Director Haehn wanted to know what more she needed to know.

Mrs. Wennen wanted to know if the District is going to stay joined in the law suit. Are you taking this with this attorney or are you leaving it with the other attorney.

Director Haehn stated that his response was we as a board decided to change attorneys and we had a general understanding that we were not going to change attorneys for covenants issues but that we had made no formal decision. Those are pretty much my exact words.

Mrs. Kalbach stated that is not what we are asking we are asking on this lawsuit if it's a joint thing are you taking it with these lawyers or are you taking it with the old lawyers because if it splits up then we have to start all over again. If we have to start over again then it's going to cost more money.

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Mr. Bishop informed the Board that he has had this conversation with both firms White, Bear and Ankele and with Susemihl, McDermott and Cowan and the direction that was given by me to Susemihl, McDermott and Cowan is that they will remain the attorneys throughout this entire law suit to its completion and after that is over, if the Covenants Board decides they want to change law firms or continue with Susemihl that's fine whatever you all decide to do. I did send email to Kathy probably while she was undergoing surgery and she may not have seen it yet.

Mrs. Wennen stated that I believe your comment was that we as a Covenant Board could make that decision.

Mr. Bishop commented that was the first e-mail that I sent you then I sent you a follow up e-mail and clarified it when you were asking Director Haehn for clarification.

Mrs. Wennen then wanted to know if we knew this how is it that Director Haehn did not know this.

Director Haehn stated that he had seen those e-mails and that he does not have ability to bind the Board on my own. We make a decision by voting, I do not have that ability. So I can't sit here and say that yes they are going to stay.

Filing 11 Update

The President, Vern Reginitter, of filing 11 updated the Board on the yard of the month program in filing 11. This program is in place to get people to work harder and to improve their yards. We are having a Christmas lighting contest this year. We have a committee to welcome new homeowners. We had a movie night last August. We had good reports about that. We had about a hundred or so to show up. We have a committee that is re-writing the covenants so that homeowners can then vote for members of the Board and we expect that to be completed by next July. Our annual meeting is December 3rd at the Falcon High School and is an informational meeting. We do take homeowners to court and make exceptions for those that are having a hard time. Our dues are \$125.00 per year. Last year they were \$150.00 we dropped them for this year and they are going to stay at \$125.00 for the next year. A lot of people do not pay their bills and that puts a burden on the rest of the people. Meetings are currently held at the Rec. Center East on the third Wednesday at 5:30 p.m. but in January the meetings will move to Rec. Center West on the fourth Wednesday at 5:30 p.m. We have informational meetings that will accept input from homeowners on the re-write of the covenants in filing 11 and these covenants will have to be voted on by the homeowners and passed by a super majority, I believe a super majority is two thirds but don't hold me to that. Discussion then ensued over what influence the golf course has over the re-write of the covenants.

Park and Rec. Committee Update

Director Pizzi informed the Board that we are moving right along on the transition at Rec. Center East and that we are taking over at 5:00 p.m. on November 26th. The 27th is Thanksgiving and the building is closed. On the 28th, 29th and 30th the building will remain closed for us to move in there and for us to get our staff to get in and do lifeguard training. On December 8th and 10th we are going to be holding open houses. On the 8th it is for commercial accounts to see if we can barter something like sponsoring some soccer teams and stuff like this. On the 10th we want to open it up to the community so that everyone can come see that we haven't changed anything, we still have as many classes, we still have the water aerobics, we still have everything in place better lifeguards and better safety. And on another note I would like to revisit the stipulation on Eddie's job. He has accelerated and I would like to take off remove the

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120 days stay and give him the job and especially after what he did tonight apologizing to Bubba like that I think Eddie ought to be the Park and Rec. Manager and I would like to make a motion that he gets the job and that we go on from there.

President Sobota asked for a second to the motion. Director Barber seconded. The motion carried four to one with Director Haehn voting Nay.

Director Pizzi then discussed Scott as the programs director, he has a Bachelors Degree in Kinesiology and I think that he would definitely be an asset for our organization. I would like to recommend hiring him.

Director Hanchett asked for more specifics, salary and what he is going to be doing.

Director Pizzi stated that he is going to be in charge of programs and events and watching over the aerobics instructors, all outdoor activities, soccer, flag football and anything like that he has to direct that and he has to think of other ideas on what we are going to do in the future. His salary will be \$30,000.00 per year.

Director Barber moved to hire Scott as the Programs Director, Director Pizzi seconded. The motion carried unanimously.

Veronica presented the Board a sample financial report. This is a daily report in conjunction with the daily cash that is deposited at the bank.

Director Haehn asked if the person that is doing the cash report is the same person that is collecting the cash.

Jody stated that the person sitting at the desk will collect the cash under her supervision. At the end of the day the cash collected will be placed in an envelope and then placed in the safe. The next morning I will do a tally, I will do a report and I will do a deposit.

Director Haehn commented that answers my question, you will have a separate person doing the report other than the person collecting the cash.

Director Haehn stated that his only other question was in regards to the purchase orders, with your new system you have the ability to issue purchase orders out of there and also have the ability to issue purchase orders out of the main office.

Jody stated that will remain the same, purchase orders will come out of the main office.

Further discussion ensued on purchase orders.

Discussion the followed on getting Eddie a credit card with limits to purchase incidentals.

Question from the public on taking inventory. Director Pizzi informed everyone that an inventory has been taken but things are walking out of the Rec. Center East.

Director Barber inquired as to whether or not Eddie was going to be requesting a credit card and vehicle.

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Director Barber asked if they were going to request a vehicle for 09 or do you have a plan for that now.

Discussion then followed on the type and use of vehicle needed.

Mr. Bishop gave up his District vehicle to Park and Rec. and stated that he would drive his personal vehicle back and forth to work.

Mr. Bishop recommended to the Board that they approve a credit card for Eddie with the same restrictions that he has with a not to exceed \$2,000.00 per month without prior Board approval.

Director Barber wanted to know if American Express is better than a Visa or Master Card because some folks do not take American Express.

Mr. Bishop informed the Board that he had not encountered the problem of vendors refusing the American Express card.

Further discussion then followed on what type of credit card to obtain for Manager Eddie Avedikian.

Discussion ensued on start up expenses.

Director Barber moved to obtain a Visa or Master Card for Eddie Avedikian with a \$2,000.00 monthly limit without prior Board approval. Director Pizzi seconded. The motion carried unanimously.

Rec. Centers Update

Mr. Avedikian informed the Board that he had submitted his report by e-mail and that he had been working on landscaping maintenance and repairs and working on all of the monument lights.

Landscaping bid will go out to bid December 1st.

Repairs of Rec. Center East have been taken care of.

Rec. Center West we had a vandal breaking in for the past two months to get into the Pepsi machine. He has been caught and is in jail.

Transition Update

Mr. Avedikian stated that Jan and Jennifer have been supportive on this whole transition. I want to recognize Jan for spending countless hours on this transition. Our staff, Stan, Jody and Amy stepped right up to the task.

Mr. Avedikian presented a number of policies and procedures to the Board and asked the Board to look at each one of them.

We met with Meridian Ranch today and we are honoring the same resident fee. Residents will be able to purchase punch cards at both places, Woodmen and Meridian.

Discussion followed on how Woodmen residents could utilize Meridian facilities. Woodmen residents may only utilize Meridian facilities for special classes.

Mr. Avedikian thanked Crystal for all her hard work in getting the new employees into

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the system.

Mr. Avedikian informed everyone that we have hired thirty eight part time employees with 75% coming from the YMCA.

Mr. Avedikian requested that an e-mail blast be sent out for registrations. Mr. Bishop stated bring it over and we will do it.

Mr. Avedikian informed the Board that we are decorating. Santa Claus will be here December 6th and we are doing a toy drive.

Jody has done a great job with the front desk staff and training will start. We are really happy that we got Shawn; he is going to be a great addition to our staff.

Staff name badges are purchased and house staff shirts have been ordered.

Registration forms will be available for residents at both Rec. Centers.

Jody received a hand for all her hard work.

Director Barber stated that I certainly would like to see all you guys come out, Mr. President, Mr. Vice President, Mr. Treasurer and make a stop that shows support and for the record I am asking each of you to please come out show your support even if it is just for five minutes. Our support has been a critical component to these guys and what they have done so I ask you to get involved, just come out and wave and show some support for the staff. I work long hours so I understand having a job but if you could just come out for a little while and show some support for the staff and this will provide some impetus for the staff to keep on going.

Mr. Nick Zurun wanted to know what happened with the survey that was done in 2007 and what were the results.

Mr. Avedikian responded that the top result was a playground. Other questions included fees and the utilization of our Park and Rec. facilities by non-residents. We on the Park and Rec. committee want everyone to be a part of that and come with a master plan and put these items that were on the survey on the master plan. Funding will obviously be an issue.

Discussion then ensued on other items on the survey and what the results were. Further discussion followed on sharing facilities with Meridian Ranch such as the Gym.

Director Barber reminded everyone that we have use of D-49 gym and tennis courts in exchange for their swim team using our pool.

More discussion followed on community needs as the community continues to grow.

Director Barber advocated for the website to be used to fill out surveys electronically and that may be a better way to provide service.

Discussion then ensued on how to get to the website.

Approval of Rate

Mr. Bishop brought the Board up to date on the previously approved rate resolution

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Resolution 08-11

and explained that the current resolution up for approval rescinds the earlier resolution and maintains the current 7,500 gallon base making it a true 7.5% rate increase. Mr. Bishop informed the Board that we need to maintain enough revenue to comply with our bond covenants and that we are currently working on restructuring our bonds and that he is optimistic that we will get it done. Mr. Bishop informed the Board that if they do not pass this resolution the one that was approved in September is still in effect.

Director Barber wanted to know if the purpose in this resolution is because of input from budget committee.

Mr. Bishop stated that purpose for the adjustment is that when we did the first rate resolution is that the base for 7500 gallons was actually a 41.2% rate increase based on what we attempted to do was put in a fixed fee because most of our costs are fixed.

Director Haehn explained that if we have the same climate next year then we would come out fine but if consumption is down we would not therefore we threw another \$5.00 into the base rate in order to insulate us from that.

Mr. Bishop stated that where we are now is \$25.48 base rate for 7500 gallons and what I am proposing for 2009 is \$27.39 for the same 7500 gallons.

Discussion then followed on the cost to residents that do not use the total 7500 gallons.

Mr. Bishop explained that everyone would get the same bill of \$27.39 for 7500 gallons whether they use 7500 gallons or not just like it is for this year you are paying \$25.48 this year for 7500 gallons whether you use 7500 gallons or not.

Further discussion then followed on the minimum bill that would be paid in 2009.

Discussion then ensued on what the minimum bill was two years ago and where it is today.

Public comment wants meters read on a thirty day cycle not thirty three or thirty four days. Mr. Bishop assured everyone that he would look into the problem.

Director Barber then raised an issue with the current bill showing two months worth of billing.

Mr. Bishop will investigate the issue and find out what happened.

Question from the public was can you roll over the water that you do not use under the base rate in the winter to the summer months to avoid being charged for something that you didn't use.

Mr. Bishop stated that this has always been a contention since his arrival and that he attempted to charge for actual usage down to 100 gallons. Mr. Bishop has promised that he will get there on billing on actual usage.

Mr. Bishop then further informed everyone that the resident using the full 7500 gallons under the current approved rate increase actually is being charged a 41% rate increase and that is unfair and we cannot discriminate against customers. Then we looked at reducing the water rate per 1000 gallons to make it a true 7.5% rate increase our revenue dropped so significantly we could not meet our expenses and we would be in

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violation of our bond covenants for 09.

Ellen Robley commented that his question is more a budget billing question and most of the software does not provide that and as a local water provider producing water at peak demand is more expensive so you should be paying more for the water that you use in the summer.

Question from the public on clarification on what is owed on the bonds and that we have a four million dollar cushion and could we not pay off the bonds and then make that money back.

Mr. Bishop informed everyone that we have 15 million in bond debt. There is a misunderstanding about that 4 million bucks. Some of that money is in escrow to upgrade our water filter plant when Bentgrass begins to develop. We were under the understanding that we were going to be able to participate with Meridian Ranch with Cherokee Metro in a new wastewater treatment facility at no cost to this District. In April we received a letter from Meridian that denied participation in the new wastewater treatment facility based upon capacity issues which leaves us with a lagoon system with increased stream standards from the State that we cannot meet and as a consequence we are looking at building a new wastewater treatment facility with an estimated engineering cost of about 11 million dollars so we are already 7 million dollars shy of getting there. We are currently negotiating with other folks that will help us build a wastewater plant and then we will be able to recoup that money in the future. So the 4 million bucks really does not exist it is gone. Director Haehn and I will be renegotiating with the bond holders to restructure our debt service to lower our interest payments to give us some present value upfront and that will give us some wriggle room.

Question from the public are you a bond specialist that you can negotiate bonds and why is it you two and not the six of you.

Discussion then followed on who should negotiate bonds and how that should occur with Mr. Ankele talking about how the process works. Boards of Directors depend on their consultants to tell them what is reasonable and what is feasible.

Director Barber stated that in the past we had Rusty leading this effort and we kind of chased him away.

Director Haehn stated that Rusty is still involved in these negotiations and we just recently were successful in deferring the interest and payments on some the debt and Rusty was instrumental in getting that accomplished and he does have a personal relationship with the bond holders that can be to our benefit. There times when it is of mutual benefit to both of us, the developer and the community, to work together on these things. If we can keep our interest rates down and keep our fees down it helps the developer sell houses too. So it is a win win for everybody. The bond market has not been the best lately and Rusty has been in poor health and these are things that we run up against. If you look at the bond structure itself bondholders have told us that we can't pay off the bonds until 2014 and we would have to pay a premium of 103%.

Mr. Ankele commented that you just can't get out from under your bond covenants without persuading your bondholders that is in their interest to do so. One of the advantages that you have is that the number of bondholders here is about twenty.

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That's huge, you can set down with a confined group and have a better chance of gaining their understanding or persuading them to your point of view.

Director Barber stated that we need a financial planner to guide us and we don't. We have done things helter skelter and even when we had a CFO we were paying she never really did that for us so we really need that piece to help guide and direct our focus and our energies at least that's from my perspective.

Director Haehn commented that we go back to our 15 year plan the 15 year plan was provided by the developer. That's the one that's being presented to the bondholders that's the one everybody is measuring things by and quite frankly it needs updated. That plan includes some assumptions in the market that are not going to happen.

Director Barber commented that's the piece we are missing someone just to handle that piece of our business.

Mr. Bishop added that this discussion began in January when I first came on board and I had one of the premiere bond attorney firms in the nation thoroughly examine those bonds with the idea of can we now defease them and re-finance at a lower rate and that was Sherman and Howard also had a premiere underwriter and marketing specialist look at them and that was D.A. Davidson and we all got the same answer we just got there is no legal way unless you get the bondholders permission so we are working that area now.

Further discussion followed on how the process should be approached.

Question from Sergeant Johnson was what action is the Board going to take on the rate increase, budget hearing and adoption of the budget which are future items on the agenda. Basically I just want to know what I am going to be looking for my water bill next year. Am I going to be looking at \$150.00 next year? Am I looking at basically a two dollar increase? Yes that is what is currently planned. This is my first Board meeting and it is very disheartening from what I saw earlier and I think there is a potential to pull together and Mr. Haehn you are going to need the most work, bud. If it was my decision right now I would say sir you need to step down right now. It was a waste of time to do all that.

Director Haehn thanked Sergeant Johnson for his input.

The Board decided to table approval of Rate Resolution 08-11.

Budget Public Hearing

The Board tabled the Budget Public Hearing and re-scheduled the Public Hearing for December 18, 2008.

Approval Resolution 08-09 Adopting A Budget for 2009

The Board tabled the approval of Resolution 08-09 Adopting a budget for 2009.

Approval Resolution 08-10 Appropriation of Funds for 2009

The Board tabled approval of Resolution 08-10 Appropriation of Funds for 2009.

Approval of Workers Comp Insurance

Mr. Bishop presented the proposal for Workers Comp Insurance with the Special District Association demonstrating a savings of \$9,000.00 per year over the current

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Resolution 08-12	carrier. Director Haehn moved to adopt Resolution 08-12 approving Workers Comp Insurance with SDA. Director Pizzi seconded and the motion carried unanimously.
Approval of Temporary Construction Easement	After lengthy discussion and public participation, the Board of Directors tabled approval of the temporary construction easement requested by Meridian Ranch.
Signature of Termination of Services Policy	After lengthy discussion and public participation, President Sobota was requested to come by the office and sign the termination of services policy that had been approved at the previous Board meeting.
Consent Calendar	<p>After discussion, the approval of the consent calendar was moved by Director Haehn and seconded by Director Hanchett.</p> <p>Director Barber question the attendance of the October 31, 2008 Board minutes and stated as Board Chair I was not aware that Dave and Ted were excused and the other piece is that you duly noted that Jan and I followed Bob into the kitchen, we were trying to keep a quorum to approve an attorney, so I guess I am back to the detail in the minutes making it look like that was something planned or schemed or going on in the office again we were trying to get five minutes so that we could have hired this attorney a month ago, so I am back to the minutes again if somebody reads it when the interview ended, Director Sobota stated that he had to leave and went into the kitchen to leave his coffee cup we immediately followed, that's the kind of stuff when people read it are wondering what the heck are we doing in the kitchen we were trying to get him to stay so that we had a quorum so I guess I'm back to minutes again. I guess my recommendation is that I don't recall that Dave Haehn was excused because if he was you certainly didn't share that with us because again we were waiting for either Ted or Dave to appear at the end of the day, so again in the delay in getting these minutes in writing you seem to somehow shift them to reflect what you need them to reflect and I have a big, big concern about that. We did not know that we were not going to have a quorum to hire the attorney and so yes I would like the minutes to be a lot more clear in exactly what went on, we did not follow him in the kitchen we got up to say can you give us five minutes.</p> <p>Question from the public was can we record these meetings since they are public meetings.</p> <p>Mr. Ankele responded yes you can.</p> <p>Follow up question from Mr. Pace, does that include committee meetings.</p> <p>Mr. Ankele responded yes any public meeting.</p> <p>Director Barber commented again I was just not aware that Dave was excused and again maybe it's just the timing that we have to wait three and half weeks before we get to see them and put you get them in place.</p> <p>Mr. Bishop stated that we are going to change the timing issue; you will get them as soon as he has finished typing them.</p>

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Director Barber said Ok that will be helpful.

Director Pizzi had a question on the draw request. I want the YMCA check for November to be reduced by \$3,300.00 they are out on the 26th and we are not going to pay them for the last three days.

Director Haehn had a question on AM West for \$28,000.00 to replace the pump and motor at A-1.

Mr. Bishop explained that is a well pump and motor Aprahoe 1 the motor burned up.

Director Haehn moved to approve the consent calendar with the exceptions noted, Director Hanchett seconded and motion carried unanimously approving the consent calendar: Regular Board Minutes October 16, 2008, Special Board Minutes, October 31, 2008, Special Board Minutes November 3, 2008, October 08 Financials and Draw Request.

Approval to Pay Certain
Vendors Early

Mr. Bishop presented the Board a list of certain vendors for early payment prior to regularly scheduled Board meetings to save late fees and interest fees for the District.

Director Hanchett moved approval of early payment to the listed vendors, Director Pizzi seconded and motion carried unanimously.

Identity Theft
Prevention Policy

Mr. Bishop presented the FACT Act Identity Theft Policy to the Board and informed everyone present that as customers contact the office for any reason we are asking for passwords on their billing accounts, we then place the password on the account so that when a customer calls we can have some assurance that they are authorized access to the information on the account.

Round Up Policy

President Sobota wanted to explore the possibility of a round up policy similar to the one that Mountain View Electric utilizes to assist customers with their utility bills. President Sobota explained that this would be a little bit of money where we could help those that have hardships. I don't know how to fund it and I don't have all the answers as far as who you accept into that type of policy and how do you define that type of policy, all I know is that with the economy where it's at right now that there are a lot of people that are hurting right now and probably need help in some way.

Question from the public, is that something we can find out from Mountain View how they do that and how they handle those funds and I am assuming that they have a committee who determines who gets them but as part of the budget committee my concerns would be where these funds are going to go, who is going to audit the funds, those kinds of items.

Mr. Pace wanted to know if we are talking about funds that we can help people with their water bills.

Director Barber commented that she had brought up to the Board that we had already given discretion to the manager to do this.

Mr. Pace commented that if you had lost your job or fifty percent of your income

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actually what I was suggesting was the money that we give you guys, throw that into a fund and when somebody falls on hard times you could just give them a loan.

Director Barber commented that this came up because a gentleman that rented property had some water run, he had an exorbitant bill and yes he was asking for some help and I think we put him on a payment plan, that when there is someone in this case where the owner is asking the renter to take care of it, the renter was unaware that the water was running, exorbitant bill, I was asking are there, because Tim used to forgive some of it and I was asking and I was told no. If there was a huge accident he would forgive some of it.

President Sobota commented due to the sensitivity of the budget and that we may be running out of money right now, this seemed like a way we could put a little money in an escrow account.

Mr. Bishop asked the attorney if he had seen this typically in other water providers.

Mr. Ankele commented that he was not sure that he had seen it before.

Director Pizzi commented that maybe we should have somebody look into it.

Mr. Pace commented that in 24 hours he would have an answer. Mr. Pace stated that he would call Mountain View tomorrow.

Director Barber commented that it would not be hard to call city utilities just to see, they have got COPE and we would have to set some criteria, it is just for hardships, and we have to work some of the details out and maybe ask you guys how does it look, but I think if we can find out what utilities does and find out what Mountain View does maybe we'll get some ideas.

Mr. Pace commented that they have an energy assistance program with an application where you can fill it out.

Comment from the public was if they put in and round up then that becomes a tax deductible item and you would have to issue a form showing the amount donated.

Discussion/Approval of usage of District Vehicles

Mr. Bishop presented a spread sheet to the Board on vehicle usage and explained that even though he was driving a District vehicle back and forth to work there is an IRS requirement that has to be met and I was meeting that requirement by paying \$780.00 per year to the District for the personal use of the vehicle. The spread sheet demonstrates the cost of gasoline at various price ranges to show the cost of gasoline to the District with vehicles going home. Mr. Bishop further presented the mileage for each employee that has a District vehicle. There are two benefits with the vehicles going home, we are right next door to an elementary school and we could experience significant vandalism and if there is an emergency staff can react quickly to that emergency.

Director Barber stated Larry the perception was that the vehicles were being seen around the community, that's the complaints that I was getting, I was getting times and locations where our trucks were seen so I am not sure of this perception, I guess I heard it more and more in the community and I think it's a perception issue, you're right, as times gets harder and why are they using those vehicles and I know you said that they

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only stop at the grocery store on the way home so I guess it's a perception issue, can they be vandalized by the school, sure, do you know for sure who is using what vehicle for what purpose, Larry, I would go to my grave saying that none of us knows exactly cause unless we're riding and watching them we don't know that. Again I got a description of our vehicle on Platte at seven in the morning with a kid in the vehicle. So I don't know what business we do on Platte at seven in the morning. How do we resolve it I don't know. I am not sure I have a great issue with them taking them home as long as we're keeping mileage and personal but if the personal usage exceeds what you think it is how would you begin checking that, what's the quality assurance that you are using to know, are we tracking mileage every day, every week, every month are we doing any of that. You keep saying you would know, vehicle was on Platte, I was told, with a child inside at seven in morning, I hear we're at Safeway, Wal-Mart are we conducting business, while you may be saying it is perception, community is saying Jen what are we doing we're broke why are the vehicles out there. I think that's the bigger issue more than the two dollars, the three dollars or five dollars and Gene has a garage I don't know that he has to get out and do all that stuff you just described. You were parking them a month ago you said but we didn't have a meeting to vote to park them.

Question from the public, does our insurance company cover these vehicles going home. Yes the insurance does cover the vehicles.

More discussion followed on whether or not employees should pay for gas.

Director Barber stated that every company vehicle that she had she had to report personal mileage and I got a form at the end and we do not do that from what I understand.

Again more discussion followed on vehicle usage. With back and forth discussion between members of the public and Board members.

Comment from the public was employees should pay for all the gas for the vehicle since we are doing all the maintenance, repairs and everything and insurance or they can use their own personal car that they have to keep up.

Comment from the public, this seems to be taking a real simple situation and making it complicated about taking a company car home since it is not very far to drive home they don't need to take them home and then they do not get to deduct gas for driving their own personal car to work nobody gets to deduct gas for driving to work, that is very basic. They might as well use their own vehicle anyway and realistically the odds of getting vandalized the cost of that versus the cost of getting sued because of an accident because they are driving district vehicles if there is a child in the vehicle and if there is an accident and the child gets hurt doesn't this open the District to a law suit at this point.

Director Hanchett inquired as to the policy on employees using District vehicles.

Mr. Bishop explained that his policy is the use of that vehicle is from work to the house and from the house back to work and what I am hearing is, I don't know how long ago in the past or how recent, those vehicles have been seen either prior to or after work hours in places that they shouldn't be.

President Sobota asked the attorney about policy in other Districts.

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Mr. Ankele stated that there aren't that many Districts that allow their employees or enough of a fleet to be an issue so I can't tell there is one right way to do it. I think that you approach it with policies of what permitted use is if you are going to allow it and if they are determined to violate that policy there is a process that where Larry went through that process.

Director Hanchett stated that he thought that Mr. Bishop needs to reiterate the policy to the employees and if any citizen sees someone where they shouldn't be report it to Larry.

Comment from the public, I would be in favor of a policy that says if you have a legitimate activity between home and work then you can take it home and if you don't whether you live ten miles away or one mile away you don't take the car home. That saves the District money.

Mr. Bishop then commented so what I'm hearing is that the person who is on call gets to take the vehicle home. There was general agreement from those present.

Further discussion followed with Director Barber stating that we need to address the security issues, if we park them and they are vandalized, then what kind of community are we living in and what can we do about it.

Comment from the public, the chances of a vehicle being vandalized in a driveway is a lot less because the person doing the vandalism does not know if the person is home or not while they know the office is empty after hours and this is the time that people are going to vandalize

President Sobota stated that there are two ways to go we can either have it if there is legitimate business purposes those are the guys that take the cars home everybody else parks them, the other way is that we continue to let them take the vehicles home, however; personal miles we need to come with a mileage sheet. I do it with my company car and my personal miles get written down.

More discussion followed on vehicle usage.

President Sobota called for a motion to permit the employees take the vehicles home and pay for their personal mileage. No motion was made.

President Sobota called for a motion to only permit the on-call personnel take a vehicle home and to park all the rest of the vehicles. No motion was made.

Director Haehn stated that they are taking them home and they are going less than a mile the problem with letting them report personal usage is that you are almost saying at this point in time you can start using it for personal use. If you tell them this, yes you can take it home if you live within a mile of the District office it's not to be seen for personal use at all. Basically the policy we have now. The one where he is going twelve miles but he is stopping at the halfway mark to check our pump station is not a problem but he is under the same rules that once he takes it home he doesn't drive it anymore. It's to home and back to work just the way it is now. No personal use of the vehicles somebody out there sees them using it for personal use call Larry, I hate to leave them at the District office, if you have had to replace glass in a vehicle, the windshield is the

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cheapest part. They can do three four thousand dollars damage to a vehicle by knocking the glass a couple of kids with rocks and sling shots and I hate to leave them there where they are subjected to that plus the fact that if the guys have to go out if the vehicle is there they can go right to the site, so it's going to make your response time much faster and what are we talking about taking them home less than a mile.

Director Haehn moved that we maintain the current vehicle usage policy and make sure it is enforced. Director Hanchett seconded.

Director Barber inquired on how this was going to be enforced, by community watching them.

Further discussion then ensued on how to control and enforce the policy it was suggested that they log the mileage when they get in and when they get out.

Director Hanchett asked Mr. Bishop if he could enforce the policy.

Mr. Bishop stated that he can enforce a policy that is enforceable and reasonable, I cannot control the District 24/7 when looking at vehicle usage, I can't do that it is not possible.

Director Barber asked about tracking mileage.

Discussion followed then on the type of mileage report and tracking that should be done. Beginning miles on Monday and ending miles on Friday should be all that it takes. Community should not be responsible for enforcing personal usage of vehicles.

The original motion made by Director Haehn and seconded by Director Hanchett died to a lack of vote after discussion.

Director Hanchett moved that the current policy of letting employees take the vehicles home remain in place with each of the employees required to fill out a weekly mileage report. Director Barber seconded and the motion passed unanimously.

Director Barber stated that she was curious and wondered if we have to report personal mileage to the government every year and we have never done that so how do we get by, by not doing it.

Director Haehn stated that because the tax law says if it is a company vehicle and has a company logo on it subject to being on call it is not considered personal mileage when you take it to and from work.

Director Pizzi pointed out that all of the vehicles are not on call.

Director Haehn responded but if they are subject to being called out and it has the company logo that's the main thing. If you are driving a car like the one that Larry is driving then it's commuting miles but if you take a truck you have different issues especially if it has a logo on it and possibly has equipment on it and so on because then you are taking it home for the benefit of the employer, look at the guy that is taking it out there and stopping and checking the well that's for the benefit of the employer and it's pretty clear that is not considered personal miles in those cases and it is one of the few cases where the employer can actually provide a vehicle and it's non-taxable to the

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employee.

More discussion followed between the public and members of the Board.

Discussion of Bulk Mailing of Bills

Mr. Bishop informed the Board that this subject was brought up at the last Board meeting and I think that Michele was part of that discussion. In your packet you will see a spread sheet comparison between the way we do our bills now and bulk mailing and we are about \$200.00 cheaper.

Director Pizzi pointed out the annual accounts and fees for bulk mailing indicating that you can't really compare.

Mr. Bishop explained that if you look very closely the difference is in the postage rate it is \$.394 per piece for bulk mailing and it's \$.34 for the way we do it now so it is \$.05 difference per bill for two thousand bills every month on postage alone.

Ellen Robley commented that she thought that you could not do that unless it was an identical piece for each in bulk mailing and a water bill is not that, I've looked into that and I used to do bulk mails in previous lives, I don't know how you can even be considering that on your water bills.

DM Update

Mr. Bishop directed the Board's attention to his report in their packets and asked for any questions on his written report.

Director Barber stated the only question that I have I know that we did insert into the water bill and I would like us to do something other than give a freebee to a for profit organization that you would consider putting into place some kind of tab on this, I mean we gave them a freebee on an insert on our bill and I kind of chatted with you and I am talking about the free dinner given at the golf course.

Mr. Bishop stated that they have been invoiced for the price of that insert.

Director Barber stated for twenty five bucks is what you said, but that was free marketing and advertising and I would think that there ought to be some kind of fee associated with that we are paying for these bills and you gave them a freebee and I guess I'm thinking shouldn't there have been some revenue generated, Parks and Rec. could have used something.

President Sobota asked if we had a fee or rate established for stuff like this.

Director Barber stated no we have never been advertising as far as I know.

President Sobota stated that we need to come up with a fee structure for something like that is that something we will disallow for stuff like this until we can have a discussion sometime later.

Director Barber stated Ok. and again this is the first time we have done right Larry so again a for profit, they are making money, shouldn't we be charging them for something other than twenty five bucks for using our bills to advertise, to advertise to our community.

Mr. Bishop stated Jennifer was kind enough to remind him of a July document that we

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had received from Mr. Green and in your packet is the document with my answers in red on where we are with those issues. Also in your packet is our pump stats, recall the question I had earlier about water, how much water do we have, we have 1388.07 acre feet of water in our portfolio if you see where we are through October we have already used over a thousand acre feet of that water. The only thing that saved us in 08 was this Board's innovation in changing the water conservation, water restriction policies by spreading that load over those odd and even days we were able to meet our peak demands the other thing that helped us was instituting with Cherokee demanding the total 350 acre feet that we own, this is the first year since this District has owned that water that we have used and will use the entire 350 acre feet, that helps us base load and helps us to peak off that base load.

Jennifer also asked for an After Action Report from the joint meeting with Meridian it is also in your packet and I sent that out earlier by e-mail.

Director Barber stated that she had an attorney question on that one, there was a complaint that came as a result of the meeting a Board member opted to send a letter on his own letterhead give us some idea how we handle, so again I was moving some chairs and said thanks for the help guys, this guy said I was incompetent and needed not have public contact a board member supported that saying that my arrogance and sarcasm set him off, I opted to sit on a not respond letter, a Board member decided yep I was incompetent and sarcastic and originally was going to respond on District letterhead and I said whoa don't we have to have Board input because this wasn't a dictatorship and a Board member has not opted, at least at last I saw, has opted to respond on letterhead supporting this community person who doesn't live here, he said MF probably five or six times on his way out but that was never addressed it was my sarcastic remark, thanks for the help guys, as I was trying to move tables.

Director Haehn stated that this was a dispute between Jennifer and a member of another community at our joint meeting with Meridian, this gentleman was offended and wrote a letter and I responded to his letter and the question is the use of District letterhead inappropriate.

Mr. Ankele responded that I think that Board members as individuals have the right to exercise their rights of free speech in response to actions as long as it's clear that in that instance that's what it is representing their personal points of view, individual points of view and not as the position of the Board and as if it was approved by the Board.

Members of the public now at this point became involved in the discussion.

Director Barber stated that she would have apologized if this guy would have apologized for saying MF on his way out the door but obviously my colleague believed her sarcastic enough and truly I was not being cute because I was trying to move tables and chairs for a meeting and I have a colleague that piece I gave you on participating and I was just looking for some help and said thanks guys, never knew who the guy was, he walked out screaming MF and didn't even know who he was, so it was interesting to me that my colleagues.

Director Haehn interrupted at this point and stated that was not quite accurate and I don't want to go into details, but there were letters written and essentially it was my decision that he deserved a response. Again public became involved with this discussion with several people trying to talk at the same time.

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Director Pizzi stated that you sent out that letter and you made a dig at Jennifer and that was wrong.

Mr. Ankele responded that as a Board that you want to communicate publicly in a manner that reflects the majority views of the Board that is how you act, you act by majority positions. There is nothing that prevents you as individuals from expressing your opinions that is part of what being Board members is all about, I think you need to have some direction and least some common rules of engagement on how you are going to go about doing it otherwise the potential is for misunderstanding and conflict

Director Barber stated and again I bring that to the table because I got residents that I respond to regularly and I am chastised that I shouldn't be responding so much you were dealing with a stranger from another development and again I asked Larry what would you do and he said well you can do nothing or you can respond so I was truly still processing saying to the gentleman I may have been sarcastic and out of the way and I will apologize if you will apologize for the language that used on the way out, instead that language was never addressed and that language was to me much more offensive to everyone in the room because I didn't use any cuss words. I said thanks for your help guys and there were lots of folks on that side of the room besides you Dave you were not the only one on that side of the room, the contention that I get or the report that I get is not matching yours that I set him off.

Director Haehn stated obviously we don't agree on the facts bottom line is I thought he deserved a response.

Again members of the public became involved in the discussion and the meeting once more got out of control with raised voices and shouting. Director Haehn stated that is a stupid question now isn't it and then he was threatened with if you want to call me stupid then let's take it outside, let's go. Director Haehn was told he was a target for a recall and that he was a scumbag.

Comment public, we are all adults here and don't you guys have procedures on communications to the public as directed from the Board.

Again more discussion with everyone trying to talk at once.

Comment from the public, my experience with other Boards was that typically the only voice that could be used for the public comes down to the President, the president has that authority to act on his or her own in situations where they feel they need to do that otherwise when other Board members get in situations like this they may act against the Board or what some other Board members may feel what is in the best interest of that Board. That what causes this.

President Barber said that offense was against me and so for him to take that piece on was painful.

President Sobota asked if any Board members objected to him responding to requests.

Director Barber responded that as long as you are on the road Bob and responding, you haven't responded to an e-mail in two weeks, as long as you are responding I'm cool.

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Further discussion followed.

Director Hanchett suggested that when Board members receive an e-mail from the community forward to the President and let the President respond that sure would make it a lot easier on me.

President Sobota then stated that for right now all correspondence go through me.

Director Barber then asked if he would get some input as to opposed to letting one person drive what the response is going to be.

Director Pizzi added and you won't throw another Board member under the bus.

Again discussion with members of the public ensued.

President Sobota suggested that he would copy every Board member on every piece of correspondence that he sends out.

Mr. Ankele responded the other option is not to conduct your business on a daily basis through e-mail and rather conduct your communications with the community through your Board meetings.

President Sobota stated that he wanted to set up the Advisory Board as another forum for the community as well as that Monday work session. Further discussion then followed.

Mr. Ankele stated that he was not sure that e-mail was the way to go especially in this environment.

Mr. Bishop suggested that we get together as a Board, Manager and Counsel and have a workshop and sit down and work out all these issues with Mr. Ankele as the facilitator.

Director Baber stated and I would say at three something an hour we could get some free folks that are facilitators, there some folks that are local that deal with this, there are local folks that are not for profit that will do it for free or very little or nothing. I certainly agree that Bill has the talent and experience but if cost is an issue then I would think that we would look at local folks. There are many local folks that can do this.

President Sobota asked the manager to contact some of those folks that Jen just mentioned.

Director Pizzi suggested that we could do that earlier on December 4th so that when we have this budget meeting we all get along.

Mr. Bishop stated that it is a scheduling issue and we want to make sure everyone is present and we don't want to leave any one out. Mr. Bishop clarified that at 5:30 p.m. on the 4th was a get together with the community on the budget.

Director Barber inquired as to whether this was a public session or executive session.

Mr. Ankele explained any quorum of the Board is a public meeting.

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Mr. Bishop stated that even though this would be a public meeting it is strictly for the purpose of the Board to work through their issues and that public input if any should be strictly limited.

Mr. Ankele commented the Board, notwithstanding it's a public meeting, can establish a rule that there is no public comment at this meeting, you see that in study sessions that city councils have, public is not allowed to participate in certain segments of the meeting and it is structured.

Mr. Bishop informed the Board that we have a total of \$814,243 in 2008 on interest on our bonds and \$40,000.00 on principle for a grand total of \$854,243.

Engineer's Report

Mr. Bishop submitted the Engineer's report to the Board.

Mr. Bishop updated the Board on an additional payment request for utility relocations in Woodmen Road and our total cost was over \$60,000 and that was split three ways, Woodmen Hills Metropolitan District, Woodmen Road Metropolitan District and El Paso County.

Tamlin relocation is at a standstill for now, that is a Banning Lewis project, where they have to relocate our Tamlin line to accommodate their development.

Mr. Bishop then briefed the Board on the rest of the Engineer's report.

Board Members Comments

There were no Board member comments.

Attorney's Update

Mr. Ankele stated that any update that I have had to give you has occurred through the course of the meeting.

Other Business

President Sobota asked Mrs. Debra Wright if she was willing to spearhead the Citizens Advisory Council.

Mrs. Wright commented sure and in fact she would start with a questionnaire page, questions/comments that we were talking about.

President Sobota stated on the attorney side of things I will be very candid with you I have attended other meetings that have been much more orderly as far as Robert's Rules of Order and I think that is something that we clearly need to look at participating in if you feel that is the typical way that these meetings are conducted.

Mr. Ankele stated that I would say that you could benefit from more structure in the conduct of your meetings and I would be happy to suggest ways in which you could do that.

President Barber stated that there are only five people left and that she was elated that so many folks showed up, normally there are only five, six or seven who show up.

Director Barber stated that she would like to make a recommendation about the order of the meetings, when Larry recommended combining them, I had some concerns and I am wondering if this suggestion might help, what if we had public input or our

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community part of the meeting, let's say from five thirty to seven or seven fifteen and then the Board meeting immediately following, right now we are interspersing decisions on this Board with community input being in the middle and I think that is adding to the congestion and the frustration of don't wanna shut you down but we gotta take a vote because of the Board, is it possible to consider, I don't how we would do it on the front end, I don't how that would affect your schedule, you get the agenda and you get the chance to go through that agenda and you get the ninety minutes or whatever time we have, to comment and once we finish that, we move straight into the Board piece of the meeting, right now they are so overwhelmingly connected that I am not sure sometimes whether we're voting based on community input or whether that's the Board voting, that is my first one, second piece, Larry, for the agenda we talked about meeting with Paint Brush and Falcon Highlands, I requested that this summer and it has not appeared on the agenda and the year is almost up, I know we talked about doing face to face with Board members and with managers so that we could have a better feel a better relationship some call it micromanaging, Jan and I found the meeting with Meridian Ranch was phenomenal just to sit and talk with them, to hear and to dispel some rumors that were some myths that we've carrying all along that just were absolutely not true and then the third we need to schedule end of year evaluation for the manager, we've not scheduled that, we were three or four months late doing the last one, I would push that we would have a calendar in place because I know that we have rolling schedules and I know this once a month is what works in most of your heads and the peoples' business can't always wait for once a month so we gotta have some provisions, when she needs checks signed because she is going into a transition, or she needs equipment or we find there is equipment missing, once a month, I know it sounds great, but that's what you elected to get into sometimes once a month doesn't always work, so I'd like to know what the contingency plans are that we've been voted out three meetings in a row, that we tried cause you guys kind of teamed up, the peoples' business still needs to be taken care or, so I will request that we put Larry's eval on the schedule for December, I know Dave said he can wait until January, if 08 ends in December, I recommend that we do his eval in December not in January.

Director Haehn commented that Larry started in January so after you have completed one year then we should do the review, you need the full year we don't do an eleven month review, we don't do an eleven and half month review.

President Sobota requested from counsel what is typical.

Mr. Ankele stated that is not really a legal issue, it's done at any time that Board determines it wants to do so.

Director Barber stated and my recommendation is, it's the end of the year, we do budgets at the end of the year, we do all evals at the end of the year, the recommendation is not to wait until January and decide if we are giving bonuses, the world I come from is either you are on October to September or you are on January to December.

President Sobota requested when in December.

Director Barber stated I don't know, that is why I asked you guys to bring your calendars, because we have these schedules that we can't seem to get together on, the December Board meeting, the end of the Board meeting.

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Director Hanchett commented that he didn't see it makes much difference.

Director Haehn stated if you push it out to late December that is fine.

Director Barber stated the December 18th Board meeting the last meeting of the year.

Director Haehn stated that is fine we thought that you were calling for it much earlier than that.

Director Barber commented that she was calling for a calendar to get it on the calendar.

President Sobota stated that if we can agree for the December 18th Board meeting to go ahead and conduct Larry's eval.

Director Barber commented and I ask Larry if he is going to have staff's done as well.

President Sobota asked if you are good with that and is everyone good with that, ok. Larry.

Mr. Bishop informed the Board that he wanted to address Jen's concerns about the joint Board meetings. When we first came up with this, there was a decision made to push it because of scheduling, to push the Meridian Board meeting to late October early November that happened. Ellen and I have exchanged e-mails and discussion.

Ms. Robley stated yes we kind of did that too and just with the budget and stuff on our plate.

Mr. Bishop stated that we are now looking at January for Paint Brush, and I will be honest with you I did not approach Falcon Highlands that is my mistake and I will correct that tomorrow.

Director Barber stated and again the reason I am looking for dates is that the calendar keeps rolling, it will be next July if we don't find a date.

Ms. Robley stated keep in mind that I am essentially a one woman show over there.

Public Comment

Comment from the public, I have a direct question to Dave, my concept here tonight, you are not very well liked from what I gather, my own personal opinion, I don't care for your attitude and I just think you are a liability to this Board why is your desire so strong your will so strong to stay on this Board. Is it an ego thing, because you are not very well perceived here from the community and some of the Board members. So I would just like an answer. I am talking to Dave and he is ignoring me of course just as rude as ever.

Director Haehn stated that he was listening to you and I elect not to answer the question.

Comment from the public was sounds like he is on top of what is going on especially the financial stuff and I think he is competent but definitely very abrasive.

Director Barber commented so can we try to shift what talked about next month so that we don't have our attorney sitting here for five hours, we will wait next month so

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we can talk about it for January.

President Sobota stated he says there are some ways we could facilitate our meetings a little better if that's an idea that you think might work.

Mr. Ankele stated I agree with you, I think that this meeting has been conducted in a much different way than most meetings are with public officials and specifically the dialogue that's occurring which is great but you guys need to make some decisions, we need to create some space so that the public has the opportunity to comment in an orderly fashion fully and completely and with complete information and then you accept that input from the public and process that along with the information that you have in front of you and then proceed to make your decision and then I think that both the public and the public entity have to resist the temptation to have this ongoing dialogue and you are going to have to establish some parameters as a Board on how you are going to operate so the balancing of the public input and the ability to make the decisions in an efficient manner occur and it's going to be tough to do because of the emotional environment that we're dealing with it's going to take some patience on the part of both the public and your part.

Director Barber then commented so separating it may be an option do ninety minutes of community and then our Board because again in the past Monday afternoon was this, then Board meeting was Thursday so we got the input we had two days to process it then we did a Board meeting rarely lasted more than forty five minutes to an hour.

Mr. Ankele stated that most public bodies will have a public input section and the public input, the dialogue if any, the back and forth between the public and the Board is restricted to that space, now whether that's thirty minutes, three minutes per person, ten minutes per person ninety minutes in total that's for the Board to weigh, but the other opportunity where there is public input is in the context of some kind of public hearing where there is a requirement for a public hearing or the Board calls for a public hearing on an issue that warrants special public input, the budget being the obvious example where there is a form of public hearing which is another time where typically the public will come and make comments and the Board or the council may or may not have follow up questions and where there may or may not be exchanges but it's either in the context of a formal public comments sections which has rules about it and how it is conducted and public hearings and if you want to have separate meetings with discussions and debates with public input of course that is fine, I think though when you are meeting to make decisions, like we had here tonight with an agenda and formal Board action, you need to structure the opportunity for public input and everybody's got to agree to those boundaries and let you then conduct your business based upon the input that has been received and that's my sort of global recommendation.

President Sobota inquired if Bill was going to get back to us either myself or Larry offline, because the next meeting has to go better.

Mr. Ankele commented that a lot of it is going to be the President who conducts the meeting has the heavy lifting to do in terms of managing the meeting but he has got to have the support of the rest of the Board and the endorsement of the rest of the Board on what those rules of engagement are going to be and you have to honor the rules, everybody has to play by the rules.

Comment from the Public, one of the things that we came up with when we met as the

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Citizens Advisory Council was we may be able to help you streamline at lot of this and we are planning on meeting ten days before the Board meeting and the idea is if people can fill out this comment sheet question sheet with their e-mails on the bottom, then we really discuss these and get to know these then we just have a bullet on the agenda and maybe keep it to a certain time limit and the rest that we're not able to get at I hand them to the Board and that way they are heard and you can respond to them it's a beeline kind of approach and anyone else who may have outstanding questions you may restrict them to a certain time limit but our idea is to help support the Board by weaning some of this down.

Director Barber stated that the piece that I am truly concerned about again is that we have a culture of shutting you down and when I came on board the notion was open it up so what I don't want to see is that we are going to shut it down now, I just beg that there is a balance, we've asked the community to come out, we've got them out now we are going to give you two minutes and thirty seconds and I really don't want to see us, we're lucky to have five or six people but this is unusual because of this recall stuff that is going on, but I think this number of folks came out I'm elated but normally it's the same five or six that are here. So I would hate to see us shut people down, I saw his e-mail limit it to three minutes there has got to be a balance and we don't have an awful lot of time that we collect information so I value your time, if you have taken the time to come I want to hear directly from you and that's just the world according to a director now, I really want to hear what you have to say, typically we used to shut you guys down, times up, and nobody came, I'm glad that we are here, just a balance is what I am looking for.

Comment from the public, exactly and the other thing is that people at least get their answers and that's why we wanted the e-mails on the bottom.

President Sobota commented so how does this sound, how about the advisory board you go ahead write down the questions and we can reserve that first hour or whatever that number is for these Board meetings without counsel there so we can go ahead and get through those issues and then when counsel shows up we got planned an hour for just the Board meeting.

Director Barber stated that would work.

Question from the public, I have one question in regards to the number the maximum number of members who can sit on the Board because right now I see a five groups, and it's three against two does their by-laws say that maximum can be seven then the Board doesn't have to be a maximum of five and I don't know if that's the attorney.

Mr. Ankele stated yes I can answer that, you would have to amend first of all the service plan for the District to allow for what we call Director positions, you can have up to seven Board members, you are not authorized and organized to have more than five right now, if you do change to the Director district approach then there is a sort of a population requirement within each district to insure an universal or consistent representation across the community, so it's a process that would involve the Board of County Commissioner approval of a service plan and then some implementation afterwards. So it can't be done automatically.

Comment from the public, I just didn't know if there was a process, because that's something that Board might want to look into because you could get a Board that it's

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four against one, but if you have more members, I've sat on Boards where there were ten people, eleven people who sat on this Board, there is more dialogue and it works a lot smoother than when there is five people or if there is three people and I mean that it seems to be so much dissension in the ranks and that's what everybody here has seen and if it's a matter of taking the time in figuring out how we need to go about doing this, right it's not going to happen overnight, maybe within a year it might be something to increase not that I am volunteering to be a Board member, I mean it is just something that if you have more, your ranks might change.

Director Barber stated that my guess is that if you had to vote for that right now you would have a three, two vote.

Comment from the public, I would suggest if you go to this new format that you put the agenda out earlier so we can compare the minutes from the last meeting, I brought up this notification of third party for disconnect and nothing ever happened with that not in your meeting minutes and it is not in your resolution. I think it should be or in your policy or something, as a landlord I want to know if my tenants going to go two months without paying because I am going to be responsible for it .

More discussion followed on this issue with back and forth between the public and Board members.

Director Hanchett stated that the attorney advised us that the law prohibits us from notifying the landlords.

Comment from the public, that's not true because Colorado Springs Utilities does it for me.

Mr. Bishop stated that it is a privacy act issue releasing financial information to third party without the permission of the account holder.

Mr. Ankele stated that sounds correct to me.

More discussion followed to include making it part of the lease.

Director Hanchett stated that problem is that realtors fail to notify landlords that if you rent this house out be sure that you get permission from the renter to receive the information from us.

Mr. Bishop stated that is one way of working it, is that if you are a property owner renting out your property, and part of your lease agreement is that prior to your renter taking possession of your property they must agree and sign an agreement that says that we can release that information to you and then that becomes part of their service file in our District so that we can then know that we can notify you but we cannot violate the privacy act.

Ms. Robley stated that this a lienable charge, so I notify the landlords and I let the landlord know when I am sending a disconnect notice and usually that gets them to pay at least enough to negotiate with me but since it's lienable against the property the landlord has a right to know.

Director Barber stated because in the end she has got to pick that tab up, because if I'm

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a renter and don't pay.

Mr. Ankele stated that the policy that we've adopted was discussed earlier are we looking at changing that.

Mr. Bishop commented I think that we are looking for legal advice on what Ellen just stated that she was doing, I am not saying that what she is doing is illegal, I am uncomfortable as a manager releasing financial information on a renter to a landlord when I do not have that renter's permission.

Mr. Ankele promised to look at that specific issue and I will report back to you.

Mr. Bishop stated and if it comes back that way, certainly I would have no problem doing it.

Comment from the public, having draft minutes would resolve some of these issues.

Mr. Bishop inquired of legal about having draft product of the District going to the public.

Mr. Ankele commented that my suggestion would be that the draft minutes not be distributed, they are not required to be distributed and you need to have the opportunity to approve them as your official record.
You as the public will get a chance to read the minutes and there is nothing that prevents the Board from correcting minutes at any time that they become aware that there is a error or omission.

Director Barber stated that she was aware the conversation did happen and there is nothing there, and I wondering if it is the time, its four weeks before we get to it and unless we've kept good notes it may be lost.

Mr. Bishop stated that hopefully we can rectify that by getting those minutes out to you earlier, remember now we have been here six hours and it will take me three days to listen to that tape and get the minutes out assuming I am doing nothing else for those three days.

Mr. Ankele requested some time to look at past minutes and see what styles they were drafted in and different levels of details and it is a function of what you guys are comfortable with and what is possible to do short of a transcript and normally I don't do a full detailed set of minutes that records what everybody said at every turn of the agenda.

Director Pizzi stated that what I think has happened tonight is very sad and I want to say on my behalf I appreciate Jennifer for all that she has done for this District, for all the work that she has done, sticking up for everyone making sure everything was going wonderfully and I feel too bad that some people felt that it was necessary to get rid of her and they went behind our backs.

Director Barber stated by the way this was predetermined, we didn't know about it, we saw it on the agenda.

Adjournment

Upon motion made, duly seconded and carried unanimously the meeting adjourned at

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approximately 11:30 p.m.

Larry D. Bishop, Sr.
Secretary
To the Board