

TRIVIEW METROPOLITAN DISTRICT BOARD OF DIRECTORS

Regular Board Meeting Agenda

Thursday September 15, 2022

Triview Metropolitan District Office
16055 Old Forest Point Suite 302 Monument, CO 80132 5:30 p.m. – 8:00 p.m.

AGENDA

1. Call to Order
2. Declaration of a Quorum, Notice of Posting
3. Approval of Agenda
4. Disclosure of Conflicts if any
5. Public Comment
6. Approval of Consent Agenda
 - a. Prior Meeting Minutes
 - August 18, 2022, Regular Board Meeting (enclosure)
 - b. August, 2022, Billing Summary Rate Code Report (enclosure)
 - c. Taps for August 2022 (enclosure)
 - d. Tax Transfer from Monument (enclosure)
7. Operations Reports
 - a. District Manager Monthly Report (enclosure)
 - b. Public Works and Parks and Open Space Updates (Matt Rayno)
 - c. Utilities Department Updates (Shawn Sexton)
8. Board Member Updates and Comments

9. Action Items:

- a. Review and Consider approval of Resolution 2022-10, a Resolution of the Triview Metropolitan District Board of Directors Recognizing the commitments by the Triview metropolitan District as Detailed Pueblo County Board of County Commissioners Resolution Number P&D22-030. (enclosure)
- b. Review and Consider Approval of Resolution No. 2022 -11, a Resolution of the Triview Metropolitan District Board of Directors Amending and Replacing the District's Prior Records Request Policy Approved on August 14, 2012. (enclosure)

10. Legal Matters:

- a. Famli Medical Leave Act Discussion (enclosure)

11. Review and Consider approval or ratification of the Triview Metropolitan District Financials and Payables.

- a. Checks of \$5,000.00 or more (enclosure)
- b. August 2022 Financials (enclosure)

12. Update Board on Public Relation activities.

13. Executive Session §24-6-402(4) (a), (b), (e), Acquisitions, Legal Advice, and Negotiations, regarding the following general topics, if needed.

- i. Negotiation regarding Northern Delivery System CMGC Services
- ii. Water Litigation Matters 2022
- iii. Property Transactions and instruction to negotiators.

14. Review and consider Award of Construction Manager General Contractor Services for the Northern Delivery System Project AKA NDS Pipeline to Kiewit Infrastructure Company.

15. Adjournment

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TRIVIEW METROPOLITAN DISTRICT AND THE BOARD OF DIRECTORS OF THE WATER ACTIVITY ENTERPRISE HELD

August 18, 2022

A meeting of the Board of Directors of the Triview Metropolitan District was held on Thursday, August 18, 2022, beginning at 5:30 p.m. The meeting was conducted via Zoom and in person. This meeting was open to the public. The meeting was called to order at 5:30 p.m.

ATTENDANCE

In attendance were Directors:

President	Mark Melville, present
Vice President	Anthony Sexton, present
Director	James Barnhart, present
Director	James Otis, Zoom
Director	Marco Fiorito, present

Also, in attendance were on roll call:

James McGrady, District Manager
Joyce Levad, District Administrator
George Rowley, District Legal Counsel
Chris Cummins, District Water Attorney
Shawn Sexton, Water Superintendent
Rob Lewis, Distribution and Collection Manager
Matt Rayno, Parks, and Open Space Superintendent
Natalie Barszcz, Our Community News
Cathy Fromm, District Accountant
Christine McLeod, Haynie and Company
Barrett Edwards, resident

ADMINISTRATIVE MATTERS

Agenda – Mr. McGrady distributed, for the Board's approval, the proposed agenda. A motion was made by Director Sexton to approve the agenda. Upon a second by Director Fiorito. A vote was taken, and the motion carried unanimously.

RECORD OF PROCEEDINGS

DISCLOSURE OF CONFLICTS IF ANY:

None.

PUBLIC COMMENT:

Natalie Barszcz commented on how wonderful the District looks compared to years ago. She thanked everyone in the District for all their hard work. She is very impressed.

PUBLIC HEARING ON REVISIONS TO THE 2021 BUDGET:

Public hearing opened at 5:33

Public present totaled two. No comments given for the revisions of the 2021 Budget.

Public hearing closed at 5:33

PRESENTATION BY HAYNIE AND COMPANY; TRIVIEW METROPOLITAN DISTRICT 2021 FINANCIAL AUDIT:

Christine McLeod, of Haynie and Company presented the 2021 Audit. Christine reported there were no unusual accounting policies this year with no audit adjustments. The audit was unmodified. Please see attached presentation.

Consent Agenda

- a) Prior Meeting Minutes
 - July 20, 2022, Regular Board Meeting
 - July 28, 2022, Work Session Meeting
- b) July 2022, Billing Summary Rate Code Report
- c) Taps for July 2022
- d) Tax Transfer from Monument

A motion was made by Director Fiorito to approve the consent agenda. The motion was duly seconded by Director Barnhart. A vote was taken, and the motion carried unanimously.

RECORD OF PROCEEDINGS

OPERATIONS REPORT

District Manager Report (enclosure)

- Mr. McGrady stated the third 1041 permit application will be submitted next week for the Northern Delivery System.
- The project manager at K.R. Swerdfeger informed Mr. McGrady he will have all the material ready by the end of September to complete the construction of Segment C of the NDS.
- The 1041 permit application, for storage in Pueblo Reservoir, will be presented to Pueblo County August 23, 2022. Triview is in the process of finalizing the presentation for Pueblo County Commissioners.
- The South Reservoir Construction is almost finished except for the valve house and the VFD.
- Triview received the design agreement for the NMCI from CSU. The goal is to have this approved no later than September 15, 2022. This will enable CSU to go out and get bids from the design contractors for 2023 and for construction to start in 2024.

Public Works and Parks and Open Space Updates (Matt Rayno)

- Mr. Rayno stated the crews are staying busy in the District. Summer crews are back in school.
- HA5 warranty work will start Monday August 29, 2022. The work will be done in Promontory Pointe and Remington Hills.
- Director Melville questioned the smart controllers. Mr. Rayno explained how the sensors operate in the irrigation system.
- The crews have been doing weed control throughout the District.

Utilities Department Update (Shawn Sexton)

- Pumpage for month of July 2022 was 41.031 Mg
- All wells are available, currently using A&, D7, A9, D9, A4 and D4.
- A, B and C plants are running normally.
- District Bacti sampling completed on August 3, 2022.
- Testing results for radium are complete and being compiled by JDS Hydro.
- A repair was done on Leather Chaps and Lyons Tail for a water leak.

Forest Lakes Update:

- Mr. Sexton stated that the Sanitary Survey, with the State, has been completed. There were no violations. The State did give some suggestions for record keeping in the future.

RECORD OF PROCEEDINGS

BOARD MEMBER UPDATES AND COMMENTS:

The Board asked Mr. McGrady, when the NDS is completed, will the District need more manpower to manage the new system. Mr. McGrady thought we wouldn't need extra manpower for this process. He did mention in the future Triview might need a person to manage the water accounting.

There was a discussion about Well A-9. The motor failed and it will be replaced in the next month or so under the current warranty.

Mr. McGrady met with Classic to discuss the plans for Sanctuary Park. There will be installation of synthetic turf, a pavilion stage, and paths. Triview is in discussion for a cost share, in the future, with Classic.

Director Fiorito wanted to pass on to the Board a thank you from his wife, Ann Marie, all the support she got from Triview for the National Night Out at the Train Park.

ACTION ITEMS:

- a) Review and Consider approval of Resolution 2022-08, a Resolution of the Triview Metropolitan District Board of Directors Amending the 2021 Budget.

A motion was made by Director Barnhart to approve Resolution 2022-08 concerning amending the 2021 Budget. The motion was duly seconded by Director Sexton. A vote was taken, and the motion carried unanimously.

- b) Review and Consider approval of the Triview Metropolitan District's Audited Financial Statements.

A motion was made by Director Barnhart to approve the Triview Metropolitan District's Audited Financial Statements. The motion was duly seconded by Director Fiorito. A vote was taken, and the motion carried unanimously.

- c) Review and Consider approval of Resolution 2022-09, a resolution of the Triview Metropolitan District Board of Directors authorizing District Manager James McGrady to sign closing documents related to the repurchase of 80 acres of property by Quarter Circle 2 Ranches, LLC, from the Triview Metropolitan District and documents forgoing the repurchase option for the remaining property, previously owned by Quarter Circle 2 Ranches, LLC.

RECORD OF PROCEEDINGS

A motion was made by Director Barnhart to authorize the District Manager, James McGrady to sign closing documents related to the repurchase of 80 acres of property by Quarter Circle 2 Ranches, LLC from Triview Metropolitan District. The motion was duly seconded by Director Fiorito. A vote was taken, and the motion carried unanimously.

- d) Review and Consider authorizing the purchase of the Sewer Cleaning Equipment consisting of a 900-ECO 12 yard Truck Mounted Combination Sewer Cleaner Mounted on a Western Star Tandem Axle Chassis in a not to exceed amount of \$560,000 payable in tow payments of \$180,000 down payment and the balance of \$380,000 to be paid in 2023 at the time of delivery.

A motion was made by Director Fiorito to authorize the purchase of the Sewer Cleaning Equipment consisting of a 900-ECO 12 yard Truck Mounted Combination Sewer Cleaner Mounted on a Western Star Tandem Axle Chassis. The motion was duly seconded by Director Barnhart. A vote was taken, and the motion carried unanimously.

LEGAL MATTERS:

Chris Cummins suggested the Board discuss the design agreement for the NMCI project in executive session then come out and take public discussion on it.

FINANCIALS AND PAYABLES

Approve and Ratify Checks over \$5,000 – The Board reviewed the payment of claims over \$5,000. A motion to approve the checks greater than \$5,000 was made by Director Barnhart. The motion was duly seconded by Director Fiorito. A vote was taken, and the motion carried unanimously.

Monthly Cash Position and Unaudited Financial Statements – The Board reviewed the July 2022 unaudited Financial Statements as presented. A motion to approve the District's July 2022 Financial Statements was made by Director Barnhart. The motion was duly seconded by Director Fiorito. A vote was taken, and the motion carried unanimously.

RECORD OF PROCEEDINGS

PUBLIC RELATIONS:

There will be a public meeting at the Tri-Lakes Chamber of Commerce on August 25, 2022 concerning the Boring being done on the tract by the northern houses next to a trail in Sanctuary Pointe.

BOARD BREAK

A motion was made by Director Fiorito for the Board to take a 10 minute break before entering Executive Session.

EXECUTIVE SESSION:

Executive Session pursuant to C.R.S. Section 24-6-402(4) (b), (e) (f) Acquisitions, Legal Advice, Negotiations, and Personnel regarding the following general topics, if needed.

- Negotiation regarding Northern Delivery System.
- Water Litigation Matters 2022-2024 update.
- Property Transactions and instruction to negotiators.
- Discussion on the NMCI project design contract.

A motion was made by Director Fiorito for the Board to enter Executive Session pursuant to C.R.S. Section 24-6-402(4) (b), (e), (f) Legal Advice and Negotiations. The motion was duly seconded by Director Sexton. A vote was taken, and the motion carried unanimously. Executive Session was entered into at 7:58 p.m.

- The Board came out of Executive Session after a discussion on the NMCI design contract at 9:27 p.m.

Following the discussion, a motion was made by Director Fiorito to approve the NMCI project design services cost agreement and direct Mr. Jim McGrady to sign the agreement on behalf of Triview once the typos are corrected in the contract. The motion was duly seconded by Director Sexton . A vote was taken, and the motion carried unanimously

ADJOURN

There being no further business to come before the Board, a motion to adjourn the meeting was made by Director Fiorito The motion was duly seconded by Director Sexton. A vote was taken, and the motion carried unanimously. The meeting was adjourned at 9:32 p.m.

Respectfully Submitted

James C. McGrady
Secretary for the Meeting



Triview Metropolitan District

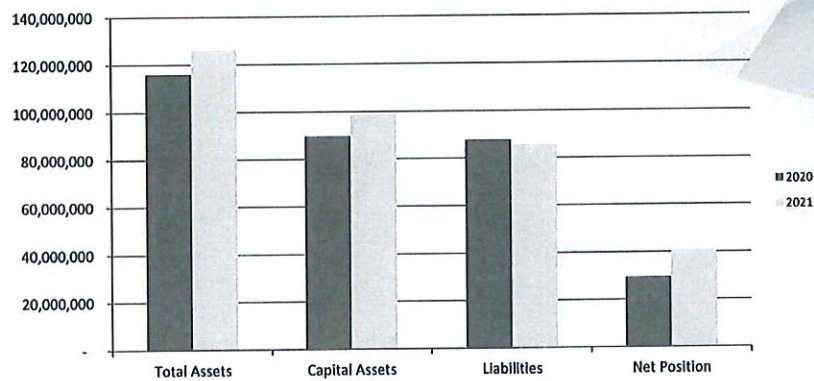
2021 Audit

Audit Results and Required Communications

- ▶ Unmodified opinion on financial statements
- ▶ Required communications
 - New or unusual accounting policies – none
 - Significant accounting estimates
 - Depreciable lives
 - Audit adjustments
 - Disagreements with management – none
 - Other findings or issues – none



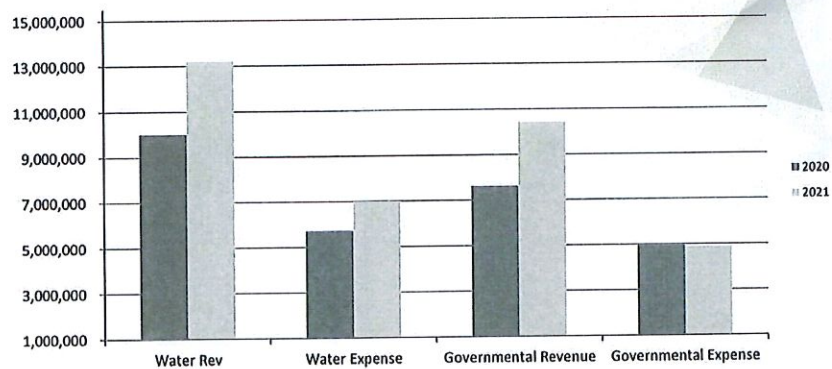
Financial Highlights



	<u>Total Assets</u>	<u>Capital Assets</u>	<u>Liabilities</u>	<u>Net Position</u>
2020	115,847,423	89,748,489	87,619,670	29,382,462
2021	126,004,177	98,652,338	85,682,988	41,101,880



Financial Highlights (continued)



	Water Rev	Water Expense	Governmental Revenue	Governmental Expense
2020	9,999,424	5,721,927	7,619,739	4,966,868
2021	13,203,458	7,013,349	10,428,448	4,899,139



Significant Notes and Supplemental Info

- Capital Assets note (Note 9, pg. 28)
- Long-term obligations (Note 10, pg. 29–31)
- Budget to actual (pg. 35 & 36)





Ameriflex
PO Box 871655
Kansas City, MO 64187-1655
TEL: 844.423.4636

INVOICE

Date	Invoice Number
09/07/2022	INV557867

Bill To

Triview Metropolitan District
Attn: Wendy Brown
P.O. Box 849
Monument, CO 80132

Amount Remitted: _____

* Balance due will be debited from your bank account
within the next 10 business days.

----- Please return upper portion with your remittance -----

Invoice Number	Date	Customer No.	Payment Terms	Page
INV557867	09/07/2022	AMFTRIMET	EFT	1 of 1

Description	Quantity	Rate	Amount
AMFTRIMET - Triview Metropolitan District : FSA Admin Fee for 7 participants - min value used	1	\$80.00	\$80.00
Current Total			\$80.00

Total Balance Due

\$80.00

Triview Metropolitan District 8/1 to 8/31/2022
Summary Financial Information - Board Packet

Sales	Amount	Transactions
Rate Code 01 Triview Metro - Res Sewer Base Rate	\$98,881.41	2093
Rate Code 01 Triview Metro - Res Sewer Use Rate	\$38,927.61	2080
Rate Code 01 Triview Metro - Res Water Base Rate	\$59,422.50	2089
Rate Code 01 Triview Metro - Res Water Use Rate Tier1	\$88,135.43	2072
Rate Code 01 Triview Metro - Res Water Use Rate Tier2	\$76,547.47	1384
Rate Code 01 Triview Metro - Res Water Use Rate Tier3	\$16,256.94	213
Rate Code 01 Triview Metro - Res Water Use Rate Tier4	\$4,765.70	38
Rate Code 01 Triview Metro - Res Water Use Rate Tier5	\$1,528.51	15
Rate Code 02 Triview Metro - Com Sewer Base Rate 1"	\$2,478.84	26
Rate Code 02 Triview Metro - Com Water Base Rate 1"	\$1,482.00	26
Rate Code 04 Triview Metro - Com Sewer Base Rate 1.5"	\$5,720.40	30
Rate Code 04 Triview Metro - Com Water Base Rate 1.5"	\$3,534.00	31
Rate Code 07 Triview Metro - Com Sewer Base Rate 2"	\$4,194.96	11
Rate Code 07 Triview Metro - Com Water Base Rate 2"	\$2,508.00	11
Rate Code 09 Triview Metro - Com Sewer Base Rate 3"	\$2,288.16	3
Rate Code 09 Triview Metro - Com Water Base Rate 3"	\$1,368.00	3
Usage Fee Triview Metro - Com Sewer Use Rate	\$16,328.15	68
Usage Fee Triview Metro - Com Water Use Rate	\$24,317.68	69
Rate Code 03 Triview Metro - Com Irr Water Base 1"	\$1,311.00	23
Rate Code 11 Triview Metro - Com Irr Water Base 1.5"	\$1,710.00	15
Rate Code 10 Triview Metro - Com Irr Water Base 2"	\$3,876.00	17
Usage Fee Triview Metro - Com Irr Water Use	\$37,087.26	56
Triview Metro - Quik Way Sewer	\$73.40	1
Triview Metro - Metering & Billing Fee	\$9,895.50	2199
Title Prep Fee Triview Metro - Title Request Fee	\$450.00	9
Triview Metro - 5% Late Fee	\$2,487.10	256
Special Impact Triview Metro - Special Impact Fee	\$2,450.00	246
Triview Metro - Disconnect Fee	\$150.00	1
Triview Metro - NSF Fee	\$50.00	2
Total Accounts	\$508,226.02	13087

Rate Code Breakout of Billed Accounts	# Units
Rate Code 01 - Residential 5/8"	2088
Rate Code 02 - Commercial Account 1"	26
Rate Code 03 - Irrigation Account 1"	22
Rate Code 04 - Commercial Account 1 1/2"	34
Rate Code 06 - Transition Account (Quik Way)	1
Rate Code 07 - Commercial Account 2"	11
Rate Code 08 - Triview No Charge	2
Rate Code 09 - Commercial Account 3"	3
Rate Code 10 - Irrigation Account 2"	17
Rate Code 11 - Irrigation Account 1 1/2"	12
Rate Code 12 - Permitted	
Total Accounts	2216

Aging Report	Amount
Amount Past Due 1-30 Days	\$ 54,998.45
Amount Past Due 31-60 Days	\$ (3,120.05)
Amount Past Due 61-90 Days	\$ 9,483.07
Amount Past Due 91-120 Days	\$ 729.37
Amount Past Due 120+ Days	\$ (6,231.26)
Total AR	\$55,859.58

Receipts	Amount	Items
Payment - ACH		
Payment - ACH Key Bank	\$296,144.34	1380
Payment - Check Key Bank	\$174,294.89	655
Payment - On Site	\$92,690.86	206
Refund CREDIT	(\$6,868.22)	36
REVERSE Payment	(\$1,528.98)	5
Transfer CREDIT In		
Transfer CREDIT Out		
REVERSE Payment - NSF	(\$372.48)	2
Total Receipts	\$554,360.41	2284
Checks versus Online Payments	38.42% Checks	61.58% ACH's

Water	Gallons	Accounts
Gallons sold 7-1 to 7-31-2022 =	32,314,361	2206
Gallons sold 8-1 to 8-31-2022 =	35,603,608	2213

Usage Breakout in Gallons for Residential	# of Accounts	Combined Use	% of Usage
Over 50,000	5	285,452	0.88%
40,001 - 50,000	8	341,622	1.06%
30,001 - 40,000	25	835,937	2.59%
20,001 - 30,000	174	4,089,051	12.65%
10,001 - 20,000	884	12,282,165	38.01%
8,001 - 10,000	289	2,609,681	8.08%
6,001 - 8,000	222	1,552,097	4.80%
4,001 - 6,000	179	901,049	2.79%
2,001 - 4,000	184	553,766	1.71%
1 - 2,000	100	125,155	0.39%
Zero Usage	11	0	0.00%
Total Meters	2081	23,575,975	72.96%

Usage Breakout in Gallons for Commercial	# of Accounts	Combined Use	% of Usage
Over 50,000	24	2,955,546	9.15%
40,001 - 50,000	12	535,018	1.66%
30,001 - 40,000	8	285,767	0.88%
20,001 - 30,000	6	157,229	0.49%
10,001 - 20,000	6	89,708	0.28%
8,001 - 10,000	1	8,684	0.03%
6,001 - 8,000	4	27,428	0.08%
4,001 - 6,000	4	19,509	0.06%
2,001 - 4,000	2	5,415	0.02%
1 - 2,000	6	4,663	0.01%
Zero Usage	1	0	0.00%
Total Meters	74	4,088,967	12.65%

Usage Breakout in Gallons for Irrigation	# of Accounts	Combined Use	% of Usage
Over 50,000	23	4,124,180	12.76%
40,001 - 50,000	2	90,981	0.28%
30,001 - 40,000	5	177,300	0.55%
20,001 - 30,000	5	133,821	0.41%
10,001 - 20,000	5	78,525	0.24%
8,001 - 10,000	1	9,366	0.03%
6,001 - 8,000	3	20,472	0.06%
4,001 - 6,000	2	9,453	0.03%
2,001 - 4,000	2	4,815	0.01%
1 - 2,000	1	506	0.00%
Zero Usage	2	0	0.00%

SANCTUARY POINTE				
NO.	ADDRESS	PAYEE	DATE	TOTAL FEES PAID TO TMD
16270	Sunset Splendor Lane	Saddletree Homes	08/23/22	\$46,577.70
			Total:	\$46,577.70

JACKSON CREEK NORTH (CREEKSIDE)				
NO.	ADDRESS	PAYEE	DATE	TOTAL FEES PAID TO TMD
16831	New Autumn Dr.	Classic Homes	08/23/22	\$44,688.26
			Total:	\$44,688.26

The Town Tax letter will be sent as soon as it is received.

Jim McGrady

From: Scott Anderson <ScottAnderson@elpasoco.com>
Sent: Monday, September 12, 2022 12:19 PM
Subject: Water & Wastewater Media Event - Invitation
Attachments: ARPA WaterWastewater Media Event.png

Happy Monday –

Please see below (and attached) for the official invite for our upcoming Water & Wastewater Media Event recognizing projects receiving grants through American Rescue Plan Act (ARPA) funding.

We would love to have you and your teams attend the event to help share the importance of these projects with the County. Please come prepared to have at least one person from your team available for media interviews/comments once the program is over.

If you could please RSVP letting me know if you will be coming and how many people from your team will be in attendance, I would greatly appreciate it. Feel free to reach out to me if you have any questions or need more information.

Thank you and hope to see you at the event!



JOIN US FOR THE
AMERICAN RESCUE PLAN ACT FUNDING

Water & Wastewater Media Event

**MONDAY, SEPTEMBER 26
1:00 PM - 2:00 PM**

**CENTENNIAL HALL AUDITORIUM
200 SOUTH CASCADE AVENUE
COLORADO SPRINGS, CO 80903**

QUESTIONS OR MORE INFORMATION
CONTACT: SCOTT ANDERSON
SCOTTANDERSON@ELPASOCO.COM | 719.520.6356



Scott Anderson

Communications & Public Relations Manager
El Paso County Communications Department
719.520.6356 (Office) | 719.500.9533 (Cell)
www.ElPasoCo.com



Triview Metro Public Works September 2022 Report

List of September Projects:

- District concrete repair projects to start 9-9-2022
- Fall aeration and over seed
- Weekly/Daily: Daily trash pick-up around the District and weekly cleaning of trash cans and doggie pot stations
- Complete A Yard retaining wall.
- Fall Fertilization to be completed end of month.
- Continued Irrigation repairs. Leaks on system Venison creek park, Leather Chaps, Bobs Pond.
- Traffic control lights issues on Leatherchaps and Higby. Getting quotes to needed repairs.
- weed control around district
- Snow prep and equipment set up.
- Replacement of non-check valve irrigation heads.
- Irrigation winterization schedule TBD
- Fleet maintenance

Focus for October:

- Probe Fall fertilizer new and existing trees
- Winter water new plant material



- Turn all playground mulch and top dress where needed.
- Winterize the irrigation systems TBD end of month.
- Irrigation projects and improvements Kitchener, Lyons Tail.
- Ice-melt buckets placed at large mailbox kiosk
- Detention Pond cutback and all native final mow.
- Ice slicer delivery.
- Fencing repairs where needed.



Triview Metro Water Department

Water Operations Report for August 2022

Pumpage for month of August 2022 –

Total to Production	40.79 Mg
Total to Production August/2021	47.27 Mg
Net water impounded in District ground storage tanks	106687 Gal
Total District Irrigation	8.15 Mg
Total Sold	35.604 Mg
Total Sold August/2021	41.73 Mg
Total District flow to WWTP for August 2022	12.158 Mg

Reported activity for Month of August 2022

Wellfield-

- All wells are running normally and available as needed, A8 available, A9 OOS
- Well A8 is being flushed so it can be used if needed
- Well A9 OOS for warranty work to pump/motor

Water Plants A/B, C Plant Pump Station-

- A Plant is running normally; effluent pumps had air relief valves installed to address filter backwash issue with air in lines
- B Plant is running normally; sludge samples and finish water samples sent to ACZ and Rad Pros for analysis, filter media and clarifier media replacement coming up soon
- C Plant Pump Station is running normally; booster pump replacement to be scheduled soon
- Sodium hypochlorite deliveries are occurring without delay to both A and B plants; we have additional totes (600 gal total) on site in anticipation of delivery issues (none anticipated at this time)
- District Bacti sampling completed on second week of September (we currently have no compliance issues with state regulations)

Additional Accomplishments-

- Numerous locates were completed throughout the district during this month
- PRV vault maintenance- staff continues to maintain vaults by pumping out any ground water intrusion, inspecting plumbing, looking for leaks and repairing, recording vault high and low side pressures for monitoring purposes.
- District backflow inspection program is nearing completion (Sept 15)
- FOG compliance ongoing
- Sampling was completed by LRE associates from well A7 for ASR study/Modeling

Future projects-

- Valve repair on Leather Chaps between Kitchener and Lyons Tail is being scheduled; anticipate top of valve bolt replacement.
- Continue fire hydrant maintenance/valve can cleaning and exercising

Well Flows (In GPM)												
	A7	D7	A8	A9	D9	A4	D4	A1	D1	WellTotal		
Mar-22	4,613,972	2,354,024	0	217,674	3,880,640	282,992	1,424,000	0	0	12,773,302		
			0									
Apr-22	4,332,264	369,804	0	2,805,988	4,383,120	3,812,000	2,000	270,032	0	15,975,208		
			0									
May-22	5,783,360	2,783,176	0	4,151,162	6,468,696	6,183,111	1,610,928	4,694,331	10,000	31,674,764		
			0									
Jun-22	13,862,656	4,313,684	0	5,696,048	6,738,112	6,161,064	2,751,980	9,110,088	28,000	48,633,632		
			0									
Jul-22	7,093,037	3,868,040	0	2,787,664	6,565,520	5,551,008	2,720,000	9,844,672	0	38,429,941		
Aug-22	7,762,656	4,625,320	0	0	7,708,600	7,134,576	3,182,416	10,293,073	0	40,706,641		
Master Meter	Clearwell Prod.	B Filter 1	B Filter 2	B Filter 3	B Filter 4	B Filter 5	A Filter 1	A Filter 2	All Plant filter total	Clearwell Prod. + Well A1	Water Sold \$	
0	11,927,926	2,479,929	2,573,259	2,614,566	2,587,453	2,545,252	0	0	12,800,459	11,927,926	10,431,000	Mar-22
0	17,456,290	3,236,237	4,540,100	4,545,139	3,238,132	3,156,224	37	44	18,715,913	17,726,322	13,611,000	Apr-22
0	30,614,925	6,437,188	6,401,905	6,508,446	6,572,639	6,823,690	2,501,511	2,358,151	37,603,531	35,309,256	30,983,000	May-22
0	33,674,961	6,689,689	7,634,959	7,813,469	6,805,431	6,856,325	4,801,433	4,568,124	45,169,430	42,785,049	36,995,000	Jun-22
0	30,827,020	6,289,030	6,470,172	6,550,654	6,461,157	7,035,031	5,195,899	4,921,152	42,923,096	40,671,692	32,314,000	Jul-22
0	29,905,976	6,114,537	6,317,840	6,675,041	4,904,514	7,941,051	5,377,540	5,177,568	42,508,097	40,199,049	35,604,000	Aug-22

Flow comparison for well pumpage to filter flows- results were 4.24% difference, well pumpage to Clearwell B plant + well A1 was- 1.25% difference.

RESOLUTION 2022-10

Resolution of the Triview Metropolitan District Concerning Acknowledgement and Acceptance of Terms, Conditions, Requirements and Entitlements under the 1041 Permit Approved by the Board of County Commissioners for Pueblo County, Colorado Concerning the use of Pueblo Reservoir, and the North Outlet Works

WHEREAS: Triview has acquired certain renewable water rights pending change to the District's municipal purposes on Fountain Creek and the Arkansas River, both above and below Pueblo Reservoir, the use of which by Triview will require the use of storage capacity in Pueblo Reservoir, and delivery therefrom through the North Outlet Works (NOW) and into Colorado Springs Utilities' (Utilities) Southern Delivery System (SDS); and,

WHEREAS: Triview has completed an Environmental Assessment (EA) concerning the impacts of Triview's use and delivery of its water rights, including through Pueblo Reservoir and the SDS, and on the basis of such EA the United States Bureau of Reclamation has contracted with Triview for a "long-term" storage account in Pueblo Reservoir for a term of 40 years, allowing the use of Pueblo Reservoir and the NOW for the storage at any one time of up to 999 acre feet of water, and for delivery of the same into SDS via the NOW; and,

WHEREAS: Pueblo Reservoir and the NOW being wholly within the boundaries of Pueblo County, Colorado, and Triview's use of Pueblo Reservoir and the NOW being part of a municipal water project, Triview's use of Pueblo Reservoir and the NOW is therefore further subject to the regulatory and permitting requirements of Pueblo County Code, Title 17, concerning regulations for "activities of state and local interests (1041 Regulations); and,

WHEREAS: Triview did submit to Pueblo County an application for 1041 Permit approval, and following consultations with Pueblo County staff and consultants, the Pueblo County Board of County Commissioners (BoCC) did, during a hearing on August 23, 2022 vote to approve "House Bill No. 1041 2022-002, by BoCC Resolution No. P&D 22-030, approve Triview's 1041 Permit application as concerns the use of Pueblo Reservoir and the NOW; and,

WHEREAS: Said BoCC Resolution contains a specific requirement that the Triview Board of Directors, as the governing board of the Triview Metropolitan District, take formal action to recognize the commitments contained in the BoCC Resolution prior to Pueblo County's final issuance of the 1041 Permit approved therein.

NOW THEREFORE BE IT RESOLVED: The Triview Metropolitan District, by this Resolution of its Board of Directors, formally approves the 1041 Permit approved by the Pueblo County BoCC, and further acknowledges and recognizes all commitments and requirements contained in the Pueblo County BoCC Resolution as requirements and

obligations of Triview for the use and operation of its contractual storage space in Pueblo Reservoir, including the use of the North Outlet Works.

Dated this 15th day of September, 2022.

Mark Melville, President
Triview Metropolitan District

Memorandum

Caitlin S. Quander
Attorney at Law
303.223.1233 direct
cquander@bhfs.com

DATE: September 8, 2022
TO: Jim McGrady, Triview Metropolitan District ("**Triview**")
FROM: Caitlin Quander, Brownstein Hyatt Farber Schreck, LLP
RE: Pueblo County 1041 Permit Resolution Action Items

I. INTRODUCTION

This Memorandum summarizes continuing action items under Resolution No. P&D 22-030 ("**Resolution**"), approved by the Pueblo County ("**County**") Board of County Commissioners on August 23, 2022. The Resolution grants H.B. 1041 Permit No. 2022-002 ("**Permit**"), approving the project wherein Triview will deliver water to the Triview Metropolitan District through the Southern Delivery System ("**SDS**") Pipeline ("**Project**").

The Permit defines the first phase of the Project (which is the subject of the Permit), as Triview being able to store up to 999 acre-feet of water at any given time in Pueblo Reservoir when excess storage space is available via the storage contract with the Bureau of Reclamation. Water available under this contract can then be delivered through the SDS Pipeline to the Triview Metropolitan District pursuant to a contract with the City of Colorado Springs. The second phase of the Project (not covered by this Permit and the subject of Triview's second 1041 application), involves water being delivered to Pueblo Reservoir by appropriative rights of exchange on both the mainstem of the Arkansas River and on Fountain Creek. The second phase of the Project also involves storage of water in Pueblo Reservoir and delivery through the Pueblo Reservoir North Outlet Works and the SDS Pipeline. In short, water and land use counsel are of the opinion that the first phase of the Project which is the subject of the Permit does not currently include appropriative rights of exchange. This Project is subject to additional terms and conditions set forth in the Permit.

II. CONTINUING OBLIGATIONS

There are additional steps Triview will need to complete in order to comply with the Permit. The following is a summary of Triview's required actions as stated in the Resolution.

1. Target Flows – Comply with target flows established in the Pueblo Flow Management Program ("**PFMP**") by ceasing exchanges when exchanges by other participants in the PFMP are required to cease.
2. Delivery Contracts – Triview must obtain any approvals and contracts from the SDS Pipeline owner(s) (i.e., Colorado Springs Utilities) that are necessary to use the SDS Pipeline. Triview must

provide this contract to the County. In this contract, Triview is required to comply with Condition No. 5.2 of the SDS 1041 Permit, which includes taking the following actions:

- a. Clearly acknowledge support for and commit to participate in financing the Fountain Creek Watershed Flood Control and Greenway District (which is met by complying with the mitigation payment to Fountain Creek District below).
 - b. Clearly and irrevocably commit not to serve property outside of the natural drainage of the Arkansas River.
 - c. If Triview obtains the legal authority to regulate stormwater within its district boundaries¹ must comply with Stormwater Management requirement below at #4.
 - d. Agreement to accept and comply with the PFMP and the Pueblo Recreational In-channel Diversion Decree both impacting the Arkansas River between Pueblo Dam and its confluence with Fountain Creek, in any application for a change of water rights or exchange implicating that reach of the river.
 - e. Participate pro rata in any water quality monitoring or studies that occur pursuant to the SDS 1041 Permit.
 - f. Support any studies of flood control dams on Fountain Creek.
3. Monetary Mitigation for Fountain Creek Impacts – Triview must take the following actions in order to mitigate the impacts of the Project on Fountain Creek:
- a. By **September 21, 2022**, pay \$285,000 to the County to fund one or more projects in the Fountain Creek watershed.
 - b. By **November 20, 2022**, pay \$11,500 to Fountain Creek District.
 - c. On **January 15, 2023** and on January 15 of each year thereafter, pay an additional \$11,500 to Fountain Creek District. These annual payments will also increase by 3% each year.
 - d. Contribute a pro rata 0.3% share, at a minimum, to Fountain Creek District or one or more of the SDS Participants, conducting regional water quality monitoring in the Fountain Creek watershed.
 - e. Contribute a pro rata 0.3% share, at a minimum, to the cost of any studies of flood control dams on Fountain Creek conducted or financed by the Fountain Creek District.
4. Stormwater Management – By **February 22, 2023**, Triview must provide the County with documentation of the adoption and maintenance of a financing mechanism similar to the Colorado Springs Stormwater Enterprise, as well as documentation showing proof of regulations and ordinances requiring stormwater detention, retention, and management no less strict than those in place in the City of Colorado Springs.
- a. Client Team: Jim McGrady to modify Triview budget to reflect stormwater line item and related funding and expenses. Then, Caitlin Quander to prepare cover letter using information from powerpoint at BOCC hearing presentation to demonstrate compliance

¹ Note: Triview already has this legal authority so reference to stormwater management should be included in the Colorado Springs Utilities contract.

with this condition. Plan to submit to County end of year 2022 or early 2023 depending on Triview budget timing.

5. Annual Report – Triview must submit an annual report to the County that summarizes Triview's activities related to the Project and Permit. This report must address Triview's compliance with the terms and conditions of the Permit.
 - a. Client Team: After Jim McGrady deliver's Triview Board Resolution and \$285,000 check on September 16, 2022, Caitlin Quander to send confirming email to Carmen Howard and Marci Day taking position annual report is due end of February for the prior year of January 1 – December 31.
6. Formal Approval – Triview's governing board must take formal action to recognize the commitments set forth in the Permit before the County will deliver a final issuance of the Permit.
 - a. Client Team: After Jim McGrady deliver's Triview Board Resolution and \$285,000 check on September 16, 2022, Caitlin Quander to send confirming email to Carmen Howard and Marci Day that in providing the formal approval the Permit and Resolution is now final and issued.

III. FUTURE MODIFICATIONS OR AMENDMENT

Once approved by the Water Court, Triview is interested in including water exchanges within the scope of the first phase of the Project.

Per the Resolution, the Permit may be amended if there is a material change to the Project. The Resolution contemplates a material change being one which significantly changes the nature of impacts addressed by the Permit. The approval of exchanges would not cause additional impacts. Therefore, Triview should be judicious in how it describes and seeks an amendment to clarify the scope of the first phase of the Project in the Permit. Triview should be clear that there are no additional impacts related to the change and no additional mitigation needs to be imposed by the County as impacts associated with the exchanges and Fountain Creek were already accounted for in the initial Permit approval.

Per the Resolution, if Triview desires to amend the Permit, Triview shall notify the County of the material change and the County will determine whether an amendment or new permit is required.

Pursuant to Chapter 17.172.200 of the Pueblo Code (1041 Regulations), the amendment is processed in accordance with and subject to the same procedures and requirements that exist for a new permit. This would mean a public hearing before the Board of County Commissioners.

Resolution No. 2022 - 11

**TRIVIEW METROPOLITAN DISTRICT
PUBLIC RECORDS REQUEST POLICY
Adopted September 15, 2022**

I. Purposes of the District's Public Records Request Policy

This Public Records Request Policy of the Triview Metropolitan District (the “**District**”) shall be applied and interpreted with the following purposes in mind:

- a. To adopt a Public Records Request Policy pursuant to § 24-72-203(1), C.R.S.;
- b. To provide access to and the protection and integrity of Public Records in the custody of the District;
- c. To prevent unnecessary interference with the regular discharge of the duties of the District and its manager in compliance with the Colorado Open Records Act, §§ 24-72-200.1 to 24-72-206, C.R.S. (“**CORA**”);
- d. To establish reasonable and standardized fees for producing copies of and information from records maintained by the District as authorized by CORA; and
- e. To set forth a general procedure for providing consistent, prompt, and equitable service to those requesting access to Public Records.

II. Public Records Requests

A. Applicability

This Public Records Request Policy applies to requests submitted to the District for the inspection of Public Records pursuant to CORA, and shall supersede any previously adopted CORA policies of the District.

B. Definitions

1. “**Custodian**”: Except as otherwise provided in this policy, the term “Custodian” shall mean general counsel, or any successor that has been designated by the Board of the District to oversee the collection, retention, and retrieval of Public Records of the District.

2. “**Public Records**”: As defined in § 24-72-202(6), C.R.S.

C. Submission of Requests

1. Requests for inspection of Public Records are to be submitted in writing on an official request form to the Custodian and must be sufficiently specific as to enable the Custodian to locate the information requested with reasonable effort. The official request form is attached hereto as **Exhibit A** and incorporated herein by this reference, as may be modified from

time to time by the District. The District has determined that the use of an official request form is necessary for the efficient handling of Public Records requests.

2. Requests may be submitted by mail, fax, e-mail, or hand-delivery.
3. A request shall be considered made when the request is actually received by the Custodian:
 - a. A letter is received when it is opened in the usual course of business by the recipient or a person authorized to open the recipient's mail;
 - b. A fax is received when it is printed during regular business hours, or, if received after hours, at 8:30 a.m. on the following business day; and
 - c. An e-mail is received when it is received and opened during regular business hours, or, if received after hours, at 8:30 a.m. on the following business day.
4. If a deposit is required, the request is not considered received until the deposit is paid.

D. Inspection

1. The Custodian or the Custodian's designee shall make the requested Public Records available for inspection during regular business hours, deemed to be from 8:30 a.m. to 4:30 p.m., Monday through Friday, except for times the Custodian's office is closed. During the inspection of Public Records, the Custodian may ask that the requestor follow certain procedures to protect the integrity of the Public Records.
2. If a Public Record is not immediately or readily available for inspection, the Custodian or the Custodian's designee shall make an appointment or other arrangements with the applicant concerning the time at which the requested record will be available. The Public Records shall be made available for inspection within a reasonable time, which is presumed to be three (3) working days or less from the date of receipt of the request. Such three (3)-day period may be extended by an additional seven (7) working days if extenuating circumstances, as described in § 24-72-203(3)(b), C.R.S., exist. Responding to applications for inspection of Public Records need not take priority over the previously scheduled work activities of the Custodian or the Custodian's designee.
3. All Public Records to which the request applies shall be preserved from the date of the request until such time as set forth in the District's records maintenance, retention, or deletion policy or practices utilized by the Custodian.
4. No one shall remove a Public Record from the Custodian's offices without the permission of the Custodian. Public Records may be removed from file folders or places of storage for photocopying by the Custodian or the Custodian's designee. The Custodian may allow a person to use his or her own portable electronic equipment to make copies of Public Records.

5. As a general practice, in response to a Public Records request:

a. Public Records will be made available for inspection in the format in which they are stored. If the Custodian is unable to produce the Public Record in its stored format for any reason set forth in § 24-72-203(3.5)(b) C.R.S., an alternate format may be produced or a denial issued under § 24-72-204, C.R.S.

b. The person making the request shall not be allowed to access the Custodian's computer or any other computer for purposes of inspecting any Public Records;

c. Any portion of a Public Record containing non-public information that is not subject to inspection may be redacted by the Custodian prior to making the record available for inspection. The Custodian is not required to redact information from a writing that is not a Public Record in order to make the writing available for inspection. *Denver Publishing Co. v. Bd. of County Comm'rs of the County of Arapahoe*, 121 P.3d 190 (Colo. 2005); *Colorado Republican Party v. Benefield, et al.*, Court of Appeals No. 07CA1216, Oct. 23, 2008 (Unpublished).

d. The Custodian, in consultation with the District's general counsel, will determine which information is no longer considered "work-in-progress" subject to the deliberative process or work product privilege and therefore eligible for release.

e. Altering an existing Public Record, or excising fields of information that the Custodian is either required or permitted to withhold does not constitute the creation of a new Public Record. § 24-72-203(3.5)(d), C.R.S.

f. A document will not ordinarily be created in order to respond to a request.

6. Where a request seeks in excess of 25 electronically stored Public Records, the following procedure shall apply in responding to such a request:

a. The Custodian shall solicit the comments of the requestor regarding any search terms to be used to locate and extract such records, and, in doing so, will seek to have the request refined so that it does not result in an inordinate number of irrelevant or duplicative documents, it being understood that the Custodian will make the final determination regarding search terms;

b. The Custodian shall designate an employee or another person with experience in performing electronic searches to locate and extract responsive records;

c. The person who is designated to perform the searches shall consult, as appropriate, with legal counsel to identify privileged records that should not be produced; and

d. Where appropriate, legal counsel shall conduct a final review to identify and withhold privileged records.

7. The Custodian or the Custodian's designee shall deny the inspection of the records if such inspection would be contrary to federal or state law or regulation or would violate a court order. In special circumstances, a Custodian shall deny inspection of the Public Records if such inspection would cause substantial injury to the public interest. Such a denial shall be made in writing by the Custodian to the person making the request and shall set forth with specificity the grounds of the denial. It is not necessary to state a ground for denial of access for each document if a specific ground is applicable to a group of documents.

8. If the Public Records requested are not in the custody or control of the Custodian, the Custodian shall notify the requestor of this fact in writing. In such notification, the Custodian shall state in detail to the best of his/her knowledge and belief the reason for the absence of the Public Records, the location of the Public Records, and what person then has custody or control of the Public Records.

9. All Public Records, regardless of storage format, will be administered in accordance with approved retention schedules. The District reserves the right to adopt the records retention policy that has been promulgated by the Custodian.

E. Fees for All Record Requests

1. **Fees for standard reproductions.** The Custodian or the Custodian's designee shall charge a fee not to exceed twenty-five cents per page for any photocopies or printed copies of electronic records that are required to make a Public Record available. Other reproductions of Public Records shall be provided at a cost not to exceed the actual cost of the reproduction. Such fees shall be paid by the applicant prior to the receipt of copies of any Public Records. Requests expected to exceed a total charge of \$10.00 or more must be accompanied by a deposit equal to the reasonably-estimated reproduction costs. This deposit will be credited toward the total fee, and the total fee shall be paid prior to release of the requested records. In the event the deposit amount exceeds the actual costs, the balance will be refunded.

2. **Transmission fees.** No fees related to transmission shall be charged for transmitting public records via electronic mail. Within the period specified in § 24-72-203, C.R.S., the Custodian shall notify the record requester that a copy of the record is available but will only be sent to the requester once the custodian receives payment for postage if the copy is transmitted by United States mail, or payment for the cost of delivery if the copy is transmitted other than by United States mail, and payment for any other supplies used in the mailing, delivery, or transmission of the record and for all other costs associated with producing the record. Upon receiving such payment, the custodian shall send the record to the requester as soon as practicable but no more than three business days after receipt of such payment.

3. **Fees for search, retrieval, and legal review:**

a. In the case of any request requiring more than one hour of time for search, retrieval, supervision of inspection, copying, manipulation, redaction, or legal counsel review to identify and withhold privileged records, the Custodian or the Custodian's designee may charge an hourly fee not to exceed the amount allowed under § 24-72-205(6)(a), C.R.S. Prior to performing any services necessary to respond to a request, the Custodian or the Custodian's designee shall require the applicant to pay a deposit equal to the reasonably estimated fees that will be charged by the Custodian for

such staff time. Before receiving any records, the applicant shall also pay the amount by which the cost of any open records services exceeds the deposit. The District shall promptly refund the amount by which the deposit exceeds the cost of any open records services.

b. To the extent possible, the Custodian shall utilize administrative or clerical staff for search and retrieval of Public Records who are ordinarily responsible for such duties to ensure that the fees charged for staff time in connection with the request represent costs incurred in the ordinary course of business and not extraordinary charges, but in any case, such charges shall be consistent with § 24-72-205(6), C.R.S.

Remainder of Page Intentionally Left Blank. Signature page follows.

ADOPTED THIS 15th DAY OF SEPTEMBER 2022.

TRIVIEW METROPOLITAN DISTRICT

Officer of District

ATTEST:

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

Signature Page to Public Records Request Policy

EXHIBIT A
OFFICIAL REQUEST FORM

TRIVIEW METROPOLITAN DISTRICT

Request for Inspection/Copy of Public Records

For Internal Use Only

Date of Request: _____

Time of Request: _____ AM/PM

Applicant Name: _____

Applicant Address: _____

City/State: _____ Zip: _____

Daytime Phone #:() _____ Alt./Cell: () _____

Email: _____

Detailed description of the records requested: (Please use additional sheets if necessary)

Select a preferred format for the materials: Hard Copies _____ Electronic _____ View Hard Copy Only _____

I request the records described and agree to pay all charges incurred in processing this request at or before the time the records are made available. If over \$10, I understand I must provide a deposit to pay for the cost incurred to obtain the records. I understand that the Estimated Charges are estimates only, and that the actual cost may vary. This request will be considered received when this form is complete and received by the Custodian and any required deposit is paid.

Signature: _____ Date: _____

Submit Request Form To:
Triview Metropolitan District
16055 Old Forest Point, Suite 302
Post Office Box 849
Monument, CO 80132

If the records are available pursuant to §§ 24-72-201, *et seq.*, C.R.S., the records shall be made available for viewing within three (3) working days. The date of receipt is not included in calculating the response date. If extenuating circumstances exist so that the Custodian cannot reasonably gather the records within the three (3)-day period, the Custodian may extend the period by up to seven (7) working days. The requestor shall be notified of the extension within the three (3)-day period. Public records shall be viewed at the District's offices during regular business days at prearranged times.

For Internal Use Only	
Estimated Charges	
Number of Pages _____ at \$0.25/page _____	Research & Retrieval _____ Hours at \$33.58/Hr. See § 24-72-205(6), C.R.S. for hourly fee
Postage/Delivery Costs: \$ _____	Research & Retrieval Total: \$ _____
Deposit Required: \$ _____	Total Estimate Cost: \$ _____
Note: Non-standard and special requests will be billed at cost and charged in addition to any other fees	
Administrative Matters	
Date Request Completed: _____	Amount Prepaid: \$ _____
Approved: _____ Denied: _____	Balance Due Before Release: \$ _____
If Denied, Provide Reason(s): _____	Total Amount Paid: \$ _____

FAMLI Program FAQ, with Example Resolution and Notification Letter:

July 25, 2022

These two Q&A sections below address some general questions about the Colorado Family Medical Leave Insurance (FAMLI) Program and overview local government employer options. Also, below are examples of a Resolution to Opt-Out of the FAMLI Program and a companion Notification to Employees of the opt-out action.

This information is provided as an SDA Member service; it is not intended as legal advice. If you have questions or need assistance, please reach out to your district's legal counsel, human resource professionals, or use CSD Pool resources if your district is a Pool Member.

If your District elects to opt-out of the FAMLI Program, your District Board **must take action** to notify the Division of Family Medical Leave Insurance (the "Division") **before January 1, 2023** to avoid automatic enrollment and premium payment obligation.

I. General information about FAMLI

Question	Answer
What is FAMLI?	The Colorado Family Medical Leave Insurance (FAMLI) Program was approved at the 2020 statewide election and generally requires payment of payroll premiums starting <u>January 1, 2023</u> , to provide up to twelve (12) weeks of paid FAMLI leave beginning <u>January 1, 2024</u> .
What agency is administering this program?	The Division of Family Medical Leave Insurance (the "Division") in the Colorado Department of Labor and Employment is administering the FAMLI Program. The Division has an active webpage , with training and information.
To which employers does this apply?	Unlike the federal Family and Medical Leave Act (FMLA), the new Colorado FAMLI requirement applies to employers of any size, public or private. There are exceptions from participating for: <ul style="list-style-type: none">• employers providing leave through a private plan that meets or exceeds the requirements of FAMLI, or• local government employers declining to participate. <i>See below.</i>
How are premiums collected and benefits paid?	In general, employers and employees will both pay premiums, which is similar to unemployment benefits (UI). <ul style="list-style-type: none">• Employers with 10 or more employees will pay a premium of 0.45% of wages.

	<ul style="list-style-type: none"> • Employers with fewer than 10 employees will not pay an employer premium. • Employees will pay a premium of 0.45% of wages. <p>Employers will collect and remit employee premiums, unless the employer has been granted a waiver or is a local government employer that has opted-out entirely.</p>
How do employees get paid?	Similar to UI, employees make a claim to the Division for FAMLI benefits and will be paid through the FAMLI Program during their leave (rather than being paid by the employer.)
How does leave under FAMLI differ from other types of paid leave?	<p>The Division has information and training on this issue. The March 31, 2022 Division webinar may be viewed at this link, the slides are available at this link, and the FAQs are here.</p> <p>The Division FAQ document responds to a lot of questions on how leave benefits under FAMLI may differ or interact with federal FMLA and other types of paid sick leave or paid time off.</p> <p>Materials from the March 31, 2022 webinar indicate that additional information, including a matrix describing how leave programs may interact, will be published in 2023.</p>

II. Local government employer options

The Division has a page dedicated to Local Governments [here](#), which provides an overview of timelines, [FAQs](#), a [Fact Sheet](#), and other information. *[July Update: the Division's Local Government FAQ is updated continuously, so if you have a question that was not previously addressed, check the FAQ link for new information – and feel free to send the Division any additional questions that are not yet on the FAQ page and consider cc'ing your SDA colleagues.]*

The Division conducted a “FAMLI and Local Governments” webinar on April 29, 2022. A recording of that webinar is available [here](#), the slides are available [here](#), and the Division guidance document, “Preparing for FAMLI – Local Governments,” is available at this [link](#).

The Division conducted a training for the Special Districts Association of Colorado on June 17, 2022, a recording of this webinar is available at the SDA website [here](#).

Earlier this year, the Division adopted the [Local Government Opt-Out rule](#) that provides direction to local government employers, including special districts, that choose to participate or decline to participate in the FAMLI Program.

Question	Answer
<p>What options does a local government employer have?</p>	<ol style="list-style-type: none"> 1. Participate in FAMLI 2. Decline participation in FAMLI 3. Decline employer participation in FAMLI <p><i>See below for more information on each option.</i></p> <p><i>Please also note that employers providing the same or better benefits may apply for a waiver; however, as of the publication of this FAQ, the Division has not yet provided specific guidance on waivers but has indicated that rulemaking on this process will occur between May and June.</i></p>
<p>Option 1: how does a local government employer participate?</p>	<p>A local government employer which does not notify the Division by January 1, 2023 will be identified by the Division as participants.</p> <p>Premiums starting on January 1, 2023 will be due on April 1, 2023, along with wage data reporting.</p>
<p>Option 2: how does a local government employer decline to participate entirely?</p>	<ul style="list-style-type: none"> • The Board of Directors of the special district must vote (official action, public meeting) to opt-out; and • Before January 1, 2023, notify the Division of the vote by uploading into the Division's online system a letter on special district letterhead, reporting: <ul style="list-style-type: none"> ○ the date of the vote, ○ the result, and ○ that the special district is opting-out of the employer obligation, including collecting and remitting employee premiums. <p><i>The Division's online system will not be available until fall of 2022. If your district chooses to opt-out earlier than the fall, please note the requirement 30 days' notice to employees of the vote below.</i></p>
<p>Option 2: how does a local government employer decline to participate by paying the employer premium, but agreeing to collect and remit the employee premium?</p>	<ul style="list-style-type: none"> • The Board of Directors of the special district must vote (official action, public meeting) to opt-out; and • Notify the Division of the vote by uploading into the Division's online system a letter on special district letterhead, reporting: <ul style="list-style-type: none"> ○ the date of the vote, ○ the result, and ○ that the special district is opting-out of the employer obligation, but will be collecting and remitting employee premiums for employees wishing to participate. <p><i>The Division's online system will not be available until fall of 2022. If your district chooses to opt-out earlier than the fall, please note the requirement 30 days' notice to employees of the vote below.</i></p>

<p>What time frames apply for local government employers?</p>	<ul style="list-style-type: none"> • An official action to exercise opt-out in the near term can occur at any time in 2022. • A local government proposing to opt-out must provide notice of the public meeting <u>and</u> give written notice to employees prior to the meeting with information regarding the vote process and the opportunity to submit comments through a public process to the governing body. <i>See “Discussion – Advance Notice to Employees of the Public Meeting” below for further explanation and see § 2.6.A.2. of the Local Government Opt-Out Rule.</i> • A local government employer must provide notice of the Board’s decision to the opt-out of the FAMLI program to its employees within 30 days after the vote on the resolution. This notice should be posted; however, if the local government employer does not maintain a physical workspace, or an employee teleworks, electronic mail or web-based notification may be substituted. Written notice must: (1) explain the differences between benefits offered by the FAMLI program and leave plans of the employer; (2) state which employees, if any, are eligible for federal FMLA; (3) provide information regarding the right of employees to voluntarily opt into the FAMLI program with contact information for the Division. <i>Additional information and procedures are further explained in the below Post-Vote Employee Notification Example and see §§ 2.6.A.3. and 2.6.A.4. of the Local Government Opt-Out Rule.</i> • The opt-out action of a local government employer may last for up to eight (8) years. • A local government that participates must stay in the FAMLI Program for at least three (3) years. • An opt-out action in 2022 does not require advanced notice to employees. But, after benefits begin in 2024, a local government employer must give 180 days’ advance notice to employee before any change. • When a local government employer participating in the FAMLI Program (again, minimum 3 years) decides later to opt-out, it must give the Division 90 days’ advance notice.
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Discussion – Advance Notice to Employees of the Public Meeting

This is a discussion of the required written, advanced notice to employees of a public meeting at which a resolution to decline participation in the FAMLII Program [declining any and all participation; or declining but willing to facilitate the collection and remittance of employee-premiums] is under consideration for a vote. This discussion is provided as a member service; any drafting or legal questions should be referred to your District's general counsel.

Please note that, of the date of the publication of this document, the Division has not provided additional guidance on this written, advanced notice to employees other than the text of the Local Government Opt-Out Rule.

What Advanced Notice to Employees Is Required?

See § 2.6.A.2. of the Local Government Opt-Out Rule, [7 CCR 1107-2](#), which sets forth that notice of the public meeting at which a resolution is under consideration should be provided under the District's notice procedures, as well as providing written notice to employees in advance of the public meeting with information regarding the vote process and the opportunity to submit comments through a public process to the governing body.

Method of Written Notice?

§ 2.6.A.2. of the Local Government Opt-Out Rule does not specify if written, advanced notice must be in hard copy or if it may be made by e-mail. It may be reasonable to follow the same method of communication for this notice as your District would typically use to communicate other employment or benefits information to employees.

From Whom Is Notice Sent?

§ 2.6.A.2. of the Local Government Opt-Out Rule does not specify from whom the written, advanced notice should be sent. It may be reasonable to direct the District employee or official who would typically employment or benefits information employees to send this notice.

Some Districts considering a proposal to decline participation in the FAMLII Program may choose to send notice well in advance and/or to send the information out more than one time.

What Information Is Required?

§ 2.6.A.2. of the Local Government Opt-Out Rule only specifies that the required written, advanced notice must include information regarding the vote process and the opportunity to submit comments through a public process.

Some Districts considering a proposal to decline participation in the FAMLII Program may choose to provide similar information to employees as would be included in the post-vote notice, as well as a copy of the proposed resolution, and an explanation of procedures adopted or used by the District Board of Directors to take public comment.

Example – Post-Vote Notification to Employees

This is an example provided as a member service; any drafting or legal questions should be referred to your District's general counsel.

See §§ 2.6.A.3. and 2.6.A.4. of the Local Government Opt-Out Rule, [7 CCR 1107-2](#), for the provisions related to this post-vote notice requirement.

§2.6.A.4. of the Local Government Opt-Out Rule indicates that the Division will create and make available posters and notices to meet the post-vote notice to employees requirement; however, as of the date of the publication of this document, no such posters or notices have been published.

The Division has indicated that it will publish a leave chart which illustrates how other types of paid leave will interact with FAMLI leave (does other leave run concurrently with FAMLI Leave) in the fall of 2022. That information may be useful to include, when available, in the individualized post-vote notification to employees.

Declining All Participation or Willing to Facilitate Employee Premiums?

In the below, please note that the notification should indicate whether the local government employer is declining all participation in the FAMLI Program or whether it is declining to participate as an employer (no employer contribution), but willing to facilitate the collection and remittance of the employee-premiums of its employees choosing to participate.

When, How, and What Notice to Employees Is Required?

A local government employer must provide notice of the Board's decision to the opt-out of the FAMLI program to its employees within 30 days after the vote on the resolution.

The Local Government Opt-Out Rule requires that this post-vote notice must be provided to employees individually as well as being posted in a conspicuous and accessible place in each establishment where employees are employed. However, if the local government employer does not maintain a physical workspace, or an employee teleworks, electronic mail or web-based notification may be substituted. Notice will be in English and in any language representing the first language spoken by at least 5% of employees.

Written notice must:

- (1) inform the employee of the vote and explain the differences between benefits offered by the FAMLI program and leave plans of the employer;*
- (2) state which employees, if any, are eligible for federal FMLA; and*
- (3) provide information regarding the right of employees to voluntarily opt into the FAMLI program with contact information for the Division.*

NOTICE TO EMPLOYEES OF THE DECISION TO DECLINE PARTICIPATION IN THE FAMILY AND MEDICAL LEAVE INSURANCE (FAMLI) PROGRAM, AND THE RIGHT TO VOLUNTARILY OPT INTO THE FAMLI PROGRAM

Notice is hereby given to District Employees that a vote on Resolution No. _____ was held on _____, 2022, in which the Board of Directors *[declined participation or declined participation, but will facilitate withholding and remittance of the premiums of individual employees opting in]* in the Family and Medical Leave Insurance ("FAMLI") Program. This notice explains how the vote affects employees' rights and benefits.

I. LEAVE COMPARISON: FAMLI PROGRAM, DISTRICT'S LEAVE PROGRAM

The FAMLI Program

Under the FAMLI Program, covered individuals may take up to 12 weeks of paid aggregate family/medical leave (up to 16 weeks for pregnancy complications) in a 12-month period for:

- Birth, adoption, placement, care of a new child during first year after birth, adoption or foster care;
- Care for a family member with a "serious health condition" (including pregnancy);
- An employee's own serious health condition;
- Exigency leave (active duty military; post deployment or death); or
- Safe leave (employee or employee's family member is the victim of domestic abuse, stalking or sexual assault/abuse)

Employers participating in FAMLI Program must submit insurance premiums to the state starting on January 1, 2023 through a payroll premium split between employers and employees. Paid leave benefits start no sooner than January 1, 2024. Paid leave is a partial income replacement as follows: 90% of an employee's average weekly wage for the portion of their wages equal to or less than 50% of the state average weekly wage; and 50% of the portion of their wages that exceeds the state average weekly wage. The maximum weekly benefit is \$1,100. For more information, see the FAMLI Premium and Benefits Calculator: <https://famli.colorado.gov/individuals-and-families/premium-and-benefits-calculator>.

The District has *[declined participation or declined participation, but will facilitate withholding and remittance of the premiums of individual employees opting in. If declining all participation, consider inserting this statement: "The District is not responsible for deducting an employee's premium or to forward the premium to the FAMLI Division." If declining participation, but willing to facilitate employee premiums, consider inserting this statement: "The District has declined to participate in the FAMLI Program as an employer; however, if an employee wishes to opt in to the FAMLI Program individually, the District is willing to facilitate the collection of the employee's individual premium and to remit it to the Division on behalf of the employee."]*

District Employee Benefit Program

Paid Holidays of the District are:

- ...
- ...
- ...

The Paid Sick/Personal Leave Policy of the District is:

[Explanation of District's Paid Sick/Personal or Paid Leave Program – how many hours annually by FTE, when can leave be used, can the leave be carried over]

The Paid Vacation Leave Policy of the District is:

[Explanation of District's Vacation Leave Program – how many hours annually by FTE, when can leave be used, can the leave be carried over]

Short-Term Disability Coverage:

[Explanation of any short-term disability coverage, and eligibility therefore, that the District has in place]

Long-Term Disability Coverage:

[Explanation of any long-term disability coverage, and eligibility therefore, that the District has in place]

Workers' Compensation:

[Explanation of the Workers' Compensation program]

Federal Family Medical Leave Act (FMLA):

[Indicate whether your District is subject to FMLA, and provide a description of the program]

[If your District has other employee benefits, list and provide a description]

[It may be helpful to refer to other, more detailed policies of the District, with a statement such as: "District employees should refer to the District's Personnel Guidelines/Employment Manual for more details."]

II. EMPLOYEE'S RIGHT TO VOLUNTARILY OPT-IN AS AN INDIVIDUAL PARTICIPANT

Even though the District has declined participation in the FAMLI Program, a District employee may individually opt into the program by contacting the FAMLI Division at [CDLE FAMLI info@state.co.us](mailto:CDLE_FAMLI_info@state.co.us).

[If the District is not going to facilitate the collection and remittance to the state of the premiums of individually opting-in employees, consider including the following statement: "PLEASE NOTE: Any District employee voluntarily opting into the program as an

individual will be responsible to remit premiums directly to the State of Colorado. The District will not be deducting the premium from paychecks nor will it remit any premium payments on your behalf to the State.”]



TRIVIEW METROPOLITAN DISTRICT
16055 Old Forest Point
Suite 302
P.O. Box 849
Monument, CO 80132
(719) 488-6868 Fax: (719) 488-6565

DISBURSEMENTS OVER \$5,000
September 15, 2022

Paid Invoices Over \$5,000

- 1. Donala Water & Sanitation District \$65,795.56**
Enterprise Fund –Wastewater Operations -Wastewater-System-Wastewater –
TF/Donala/IGA
- 2. Pueblo County \$285,000.00**
Capital Project – Enterprise – Water Improvements – Pueblo Reservoir –
Excess Capacity Leasing & Permitting
- 3. Monson, Cummins & Shohet, LLC \$15,545.50**
Enterprise Fund – Professional Services -Legal Fees/Monson, Cummins & Shohet
- 4. Timber Line Electric & Control \$5,125.00**
Capital Project -Enterprise – Water Improvements – South Reservoir-Improvements
- 5. Timber Line Electric & Control \$28,493.00**
Capital Project -Enterprise – Water Improvements – South Reservoir-Improvements
- 6. JDS Hydro Consultants \$59,175.00**
Capital Project –Enterprise – Water Improvements – Regional Water/Wastewater
Design & Permitting – Northern Delivery System
- 7. All Water Supply LLC \$5,063.46**
Enterprise Fund - Water System – Operating Supplies

- 8. Haynie & Company** **\$16,000.00**
General/Enterprise Fund – Administrative – Audit Fees
- 9. Ary Brothers Trucking** **\$6,033.45**
Capital Project–Enterprise –Water Improvements– South Reservoir – Improvements
- 10. LRE Water** **\$12,788.50**
Capital Project – Enterprise – Water Improvements – Pueblo Reservoir –
Excess Capacity Leasing & Permitting
- 11. Badger Meter** **\$16,445.54**
Enterprise Fund – Water System – Equipment Meter Supplies/Meter Kits
- 12. Kimley Horn** **\$14,040.00**
Capital Project –General – Other Financing Sources – Higby Road- Developer
Contribution - Escrow
- 13. Kiewit Infrastructure Co.** **\$8,820.00**
Capital Project -Enterprise – Water Improvements – Northern Delivery System

Total Over \$5,000.00 = \$538,325.01

The Financials will be sent as soon as they are received.