

LOMA LINDA METROPOLITAN DISTRICT
BOARD MEETING
PAGOSA SPRINGS, CO 81147
September 14, 2016

CALL TO ORDER

President John Porco called the meeting to order at 7:00 p.m. Other Board members present were Bill Trimarco, Farrell Trask and Mike McCann. Tonya McCann, administration contractor, attended and took minutes. Board Member David Parker was absent. Also present was Lisa Jensen and Sandy Sanford

MINUTES

Bill Trimarco moved; Mike McCann seconded a motion to approve the minutes of the regular board meeting held July 13, 2016 with corrections. Motion carried unanimously.

Bill Trimarco moved; Mike McCann seconded a motion to approve the minutes of the special board meeting held August 22, 2016 with corrections. Motion carried unanimously.

TREASURER'S REPORT AND PAYMENT OF BILLS

Mike McCann presented the Treasurer's report for July 31 – August 31, 2016. The August 31, 2016 Balance Sheet shows a total bank balance of \$151,331.06 with \$5,428.14 in the Conservation Trust Fund account. \$203,415.49 Current Assets, Taxes Receivable are \$51,583.13. Total fixed assets are unchanged at \$18,000 (grader). Total assets \$221,415.49. Equity Fund Balance is \$169,832.36; Net Income \$52,181.40.

The Profit & Loss Budget vs. Actual YTD for August 2016 shows actual YTD Total Income of \$73,092.09; Total Income is \$17,360.33 over budgeted. Road Maintenance Actual YTD is \$16,282.50 compared with \$65,399.92 budgeted. Total Expenses are \$20,910.69 compared with \$76,766.00 budgeted. Net Ordinary Income actual YTD - \$52,181.40 compared with budget -\$21,034.24.

Cash disbursements for July and August 2016: \$168.75 Southwest Rocky Mountain Services for administration services, \$183.39 Wilson, Rea, Beckel for accounting services, \$70 United Mini Storage for rent, \$452.50 Upper San Juan Weed and Pest for weed control services, and \$2,400 to Honda Hauls for road maintenance.

No bills to be paid were presented.

Bill Trimarco moved; Farrell Trask seconded a motion to approve the Treasurer's Report as presented. Motion carried unanimously.

OLD BUSINESS

- **Summer Road Maintenance Update:** John Porco stated that the contract with Strohecker has been signed. The contract is only through the end of the calendar year (2016). Strohecker hasn't been able to get to Loma Linda until the end of September, first of October. The contractor is finishing work on Trujillo Rado and starting work on Cloud; when they are finished with the County projects they will schedule Loma Linda.

John asked Bill to contact GMCO; Bill talked with GMCO for materials and was informed there needs to be 4 inch of mag chloride penetration in the roads, once the ground is frozen sets in mag chloride should not be applied on the roads. Lisa Jensen asked if mag chloride is effective on the roads. Bill responded by stating that mag chloride is also a hardener and should be good, actually better than earlier in the year.

John said that he talked to the County Public Works director and 8 Mile Mesa will be done the end of September and that the road was actually graded today.

Tonya McCann informed the Board that she also talked to the County Public Works director regarding the intersection of Saddleback and 8 Mile Mesa. The director and the County Planner looked at the intersection and possibly build it up. They won't be able to completely fill it in due to drainage but will make it so that somebody will be able to drive out of the shoulder if they slide into the ditch in bad weather.

- ***Review and Action Items of August 4, 2016 Incident and Special Meeting:*** Bill expressed his concerns about the Board decision that no action would be taken at the Special Meeting, it set a precedent and future violators will not be charged with breaking the law. Bill has spoken to the SDA and some lawyers and with extremely strong advice the Board should invoice the violator, if not it is setting a precedent.

John disagreed, he stated at the Special Meeting that the Board would not allow this and asked Bill what should be done.

Bill stated that it is a criminal action and it should be stated in the minutes, website or a newsletter to the homeowners. Sheriff Deputies and lawyers he talked to stated that it is criminal per C.R.S. 43-5-301 Obstruction of Roads; the work left grooves in the roads and water was taking material down the road.

John disagreed, it is not a criminal action it is a civil action. He sat down with Sheriff Valdez and Sergeant Bishop and they stated that it is a civil matter and the Sheriff's office will not do anything.

Bill responded that there are a lot of questions about John allowing/condoning calling the Sheriff. He stated that C.R.S 18-8-115, criminal act, duty to act and report. Board doesn't have authority to knock on doors; the roads are not owned by individuals and it's the Boards duty to act and make decisions regarding the roads. At the special meeting John had asked David Parker about altering the report and David didn't respond. Altering a public document is against the law, fraud or deceit is a felony and doesn't know if the DA will prosecute. Government Immunity is null and void if the Board doesn't condone actions.

Lisa Jensen asked if John stated that he condoned the actions.

John responded that he made a statement that not condoning the actions but it would be handled by the law enforcement in the future.

Bill said that the grading caused damage to the road and that is a criminal action. If possible illegal action being done by a Board member, the rest of the Board can also be held responsible. Actions of the Board is very concerning. He felt the Board should be education on how it should be ran, the SDA offered to do a free workshop on how the should conduct business.

Sandy Sanford asked how SDA knows what happened in Loma Linda.

Bill called them for advice because we are members of the SDA and they handle the Bonding and Insurance for the Board and Metro District.

Sandy asked if David altered a document and Bill responded that David gave John the police report with only 2 pages not the 6 pages and the missing pages made it an altered document.

Lisa Jensen stated that she would give the Board the Board Member Manuals from the SDA and felt the workshop would be better. She was concerned that more than one Board member met with Strohecker when the contract was signed.

John rebutted by stating he was authorized to sign and he invited other members, it was not a meeting, no decisions were made, just a document was signed. He stated that nobody wants to break the law.

Sandy Sanford stated that he believes there is another report from the Sheriff's office. John said he would contact the Sheriff's office to see if there was another report.

Farrell Trask said it boils down to a civil or criminal case. John stated he would like to talk to the Metro District Board's attorney before anything else is done and before the SDA comes down to do a workshop. Mike and Farrell agreed with John. Bill concerns are accepted, Bill to provide the Board members points

of legal and criminal concerns in writing and John will contact the attorney. After a legal letter from the attorney, the Board will decide if they want the SDA to come train the Board.

Bill wants a notice on the website regarding the laws that govern roads. The Board cannot enforce the law but can bill individuals for damage. If there isn't a precedent regarding the roads there will be a precedent how the Board is ran.

Bill made a Motion supporting clarification of the Board following the law. No second, Motion failed.

John stated he would contact the attorney and the Board would go from there.

NEW BUSINESS

- ***Appoint Budget Officer.*** Mike McCann volunteered to be the budget officer since he was the Treasurer. Bill, John and Farrell agreed and thanked him for volunteering.
- ***Review 2017 Draft Budget:***
Mike McCann stated that he kept the numbers the same as last year. He did want to increase the Rent-Grader Space to reflect what is being billed. Mike asked what the mileage reimbursement was for; it is for members who go to SDA trainings. Discussions regarding hiring a road grader operator and the budget would have to be modified to include, insurance, workman's comp insurance, salary and taxes. Discussion regarding increasing the capital outlay number to \$800 to put the road signs to the required 8 foot height. Bill would like to see the ending fund balance increased to \$86,000.
- ***2016 Winter Road Work.*** Strohecker's contract does not include snow. Bill had talked to Strohecker and explained that Honda Hauls rented our grader and Strohecker may be interested. John believes that the contractor should use the Metro District's grader. John would like to put RFQ in the newspaper for two weeks, adjust the summer road maintenance RFQ to fit snow plowing.

Bill made a motion authorizing John to put a RFQ for snow plowing in the newspaper, Mike seconded the motion; Motion passed

Bill reminded the Board that Honda Hauls took care of all the maintenance of the grader. Board agreed that maintenance needs to continue and they should hire a local mechanic to look at the grader. Mike made a motion authorizing Bill to call a local contractor to do annual service on the grader. Farrell seconded the motion; Motion passed.

- ***2017 Summer Road Maintenance:*** Discussions regarding summer road maintenance, options to extend the current contract to Strohecker or put a new RFQ in the newspaper next year. Mike suggested the RFQ to be advertised in February, not wait so long next year.
- ***Compliance Deadlines and Administrative Work Plan:*** Tonya went over the Special District Compliance Calendar regarding end of year items and budget.
- ***SDA Annual Conference:*** Tonya reminded the Board that the SDA Annual Conference is September 21-23 in Keystone. John, Farrell and Mike are unable to attend. Bill was sure.

OPEN DISCUSSION

No further discussions

ADJOURNMENT

Bill made a motion to adjourn the meeting, Mike seconded the motion. John Porco adjourned the meeting at 9:06 p.m.