

RECORD OF PROCEEDINGS

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
HOLLY HILLS WATER AND SANITATION DISTRICT
AND THE BOARD OF DIRECTORS OF THE
WATER UTILITY ENTERPRISE
HELD
MARCH 20, 2019**

A Regular Meeting of the Board of Directors of the Holly Hills Water and Sanitation District and the Board of Directors of the Water Activity Enterprise (referred to hereafter as "Board") was convened on Wednesday, the 20th day of March, 2019, at 7:00 p.m., at the Skyline Firehouse, 6000 E. Yale Avenue, Denver, Colorado 80222. The meeting was open to the public.

Directors In Attendance Were:

Raymond V. Henney
Marie Sullivan
Scott Kemmeries

Following discussion, upon motion duly made by Director Kemmeries, seconded by Director Sullivan and, upon vote, unanimously carried, the absences of Director Bovee and Director Thomasson were excused.

Also In Attendance Were:

Steve Beck; Special District Management Services, Inc.

Timothy J. Flynn, Esq.; Collins Cockrel and Cole, P.C.

Will Raatz; W2 Engineers, LLC.

**ADMINISTRATIVE
MATTERS**

19.033 Agenda: Mr. Beck reviewed the proposed Agenda.

Following discussion, upon motion duly made by Director Henney, seconded by Director Kemmeries and, upon vote, unanimously carried, the Agenda was approved as presented.

19.034 Minutes: The Board discussed the minutes of the February 20, 2019 Regular Meeting.

Following discussion, upon motion duly made by Director Henney, seconded by Director Sullivan and, upon vote, unanimously carried, the minutes of the February 20, 2019 meeting were approved as presented.

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PUBLIC COMMENT **19.035 Public Comment:** There were no public comments.

LEGAL MATTERS **19.036 OCCT/Denver Water Update:** Attorney Flynn reported that Denver Water has performed a successful study that shows a limited reduction in the use of orthophosphate can still achieve desired results with an adjustment to the water pH and an aggressive and accelerated replacement program of the lead service pipes in homes. Cost studies indicate that the replacement program will be more cost effective than the use of ortho-phosphate as proposed and the related future continuing costs and capital expenditures. Denver Water is preparing a variance request to be presented to the CDPHE and EPA. Denver Water will provide information to the District regarding any homes that may require lead pipe replacement.

19.037 Resolution 2019-3-1 Adopting a Consumer Data Privacy Policy: Attorney Flynn provided a memo that was discussed regarding the Privacy Act passed during the 2018 legislative session.

Following discussion, upon motion duly made by Director Kemmeries, seconded by Director Sullivan, and, upon vote, unanimously carried, the Board adopted Resolution 2019-03-1; Adopting a Consumer Data Privacy Policy for the Holly Hills Water and Sanitation District.

FINANCIAL MATTERS

19.038 Approval of Claims: Mr. Beck reviewed with the Board the claims for the period ending March 20, 2019 as follows:

| | |
|------------------------|----------------------------|
| General Fund: | \$ 8,622.06 |
| Capital Projects Fund: | \$ 0.00 |
| Enterprise Fund: | \$ 9,815.12 |
| Total: | <u>\$ 18,437.18</u> |

Following discussion, upon motion duly made by Director Kemmeries, seconded by Director Henney and, upon vote, unanimously carried, the claims for the period ending March 20, 2019 with the exception of Check 1592 to Arapahoe County Public Works, were approved. Mr. Beck was directed to research this payment and discuss it with Mr. Carroll with DRC Construction to determine if this is an actual District liability.

19.039 Unaudited Financial Statements: Mr. Beck reviewed the unaudited financial statements for the period ending February 28, 2019, and the cash position statement dated as of February 28, 2019.

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Following discussion, upon motion duly made by Director Kemmeries, seconded by Director Sullivan and, upon vote, unanimously carried, the unaudited financial statements for the period ending February 28, 2019, and the cash position statement dated as of February 28, 2019, were approved.

19.040 Consider Approval of 2018 Audit Exemption: Mr. Beck reviewed with the Board the Application for Exemption from Audit for 2018.

Following discussion, upon motion duly made by Director Henney, seconded by Director Kemmeries and, upon vote, unanimously carried, the Board approved the execution and filing of the Application for Exemption from Audit for 2018.

OPERATIONS

19.041 Grease Trap Inspections and Operations: Mr. Beck reported that there was not a grease trap report for the month but that DRC had completed videoing a large section of pipe and had provided the videos for review. Mr. Raatz has been provided with the videos for engineering review.

CAPITAL PROJECTS

19.042 2019 Capital Projects: Mr. Raatz reported that C&L will not be able to do the project that they originally quoted, and that to date he has been unable to get any company that will perform the work. Following discussion, it was determined that the project can be delayed to 2020.

19.043 Manholes and Options for Repair and/or Replacement: The replacement of pipe and drop-manholes on the section from Jersey to Yale was discussed in lieu of the planned lining project. Mr. Raatz was authorized to engage a surveyor to survey the line for a cost not to exceed \$6,000.00 to determine slope and feasibility of replacement.

EXECUTIVE SESSION

19.044 Executive Session: Not required.

OTHER BUSINESS

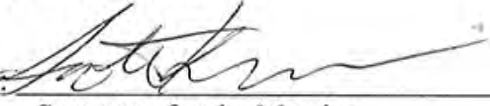
19.045 Other: None.

ADJOURNMENT

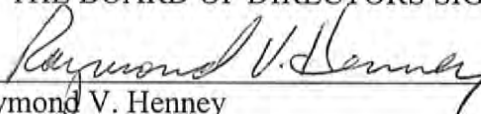
There being no further business to come before the Board at this time, upon motion duly made by Director Kemmeries, seconded by Director Sullivan and, upon vote, unanimously carried, the meeting was adjourned.

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Respectfully submitted,

By: 
Secretary for the Meeting


THESE MINUTES ARE APPROVED AS THE OFFICIAL MARCH 20, 2019
MINUTES OF THE HOLLY HILLS WATER AND SANITATION DISTRICT
BY THE BOARD OF DIRECTORS SIGNING BELOW:


Raymond V. Henney

Irina Bovee

Marie E. Sullivan


Scott K. Kemmeries


Thomas E. Thomasson

RESOLUTION NO. 2019-3-1

HOLLY HILLS WATER AND SANITATION DISTRICT
ARAPAHOE AND DENVER COUNTIES, COLORADO

A RESOLUTION OF THE HOLLY HILLS WATER AND SANITATION DISTRICT ADOPTING A CONSUMER DATA PRIVACY POLICY

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

WHEREAS, Article 73, Title 24, of C.R.S. regarding security breaches and personal information enacted by H.B. 18-1128, the “Protections for Consumer Data Privacy” Act (the “Act”), requires governmental entities to: (i) develop a written policy for the destruction and proper disposal of paper and electronic documents that contain personal identifying information; (ii) maintain reasonable security procedures for personal identifying information; and (iii) notify Colorado residents following a security breach; and

WHEREAS, the Board of Directors (“Board”) of the District hereby finds that, in the course of its business, the District from time-to-time maintains “personal identifying information” or “personal information” as defined by the Act and is therefore subject to the requirements of the Act; and

WHEREAS, the Board hereby finds and determines that adopting a consumer data privacy policy (“Policy”) in compliance with the Act is appropriate and necessary to the function and operation of the District.

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

Section 1. Preambles Incorporated. The preambles to this Resolution are hereby incorporated into this Resolution as if set out fully herein.

Section 2. Consumer Data Privacy Policy.

(a) **Definitions:**

(i) “Personal Identifying Information” means a social security number; a person identification number; a password; a pass code; an official state or government-issued driver’s license or identification card number; a government passport number; biometric data as defined in C.R.S. § 24-73-103(1)(a); an employer, student, or

military identification number; or a financial transaction device as defined in C.R.S. § 18-5-710(3).

(ii) “Personal Information” means information, including Personal Identifying Information, associated with a Colorado resident as defined and limited by C.R.S. § 27-73-103(1)(g)(I) and (II).

(iii) “Third-Party Service Provider” means a third-party entity, contractor, subcontractor, or other person that has been contracted to maintain, store, dispose of, destroy, or process Personal Identifying Information or Personal Information or both on behalf of the District.

(b) **Destruction/Disposal Policy**: Unless required by State or Federal law or regulation, the District and the District’s Third-Party Service Providers are required to destroy or arrange for the destruction of such paper and electronic documents within its custody or control that contain Personal Identifying Information when no longer needed by shredding, erasing, or otherwise modifying the Personal Identifying Information in the paper or electronic documents to make the Personal Identifying Information unreadable or indecipherable through any means. The District may rely upon the State Archivist’s Records Management Manual for purposes of determining when a document is no longer needed and may be destroyed pursuant to this Policy.

(c) **Security Measures**: The District shall protect Personal Identifying Information from unauthorized access, use, modification, disclosure, or destruction by implementing reasonable security procedures and practices, including, but not limited to, the following:

(i) limiting individual access to Personal Identifying Information to the minimum level necessary to accomplish their responsibilities;

(ii) modifying or terminating an individual’s access to Personal Identifying Information when the individual’s job responsibilities change, new or upgraded application software allows greater control of application access, or the individual’s association with the District has been terminated;

(iii) monitoring system logins, file access, and security incidents associated with Personal Identifying Information stored on or transmitted by the District’s computer systems; and

(iv) ensuring that reasonable and appropriate education procedures are in place for all individuals with access to Personal Identifying Information in accordance with the District’s policies and applicable laws and regulations.

(d) **Third Party Service Providers**: All existing, prospective, and future Third-Party Service Providers of the District are hereby notified of this Policy and shall be subject to the terms thereof. By providing services or continuing to provide

services on behalf of the District, any Third-Party Service Provider acknowledges and affirms that it implements and maintains reasonable security procedures and a written policy for destruction of Personal Identifying Information and Personal Information as required by this Policy as a legislative measure of the Board and by the Act, whether codified in Title 24 or Title 6, C.R.S.

(e) **Notification of Security Breach:**

(i) If the District becomes aware that a security breach of Personal Information about a resident of Colorado may have occurred, the District shall conduct in good faith a prompt investigation in accordance with C.R.S. § 24-73-103(2) to determine the likelihood that such Personal Information has been or will be misused.

(ii) Unless the District's investigation determines that the misuse of Public Information about a resident of Colorado has not occurred and is not reasonably likely to occur, the District shall give notice to the affected Colorado residents in accordance with the procedures, timing, and method of notice as required by C.R.S. § 24-73-103(2).

Section 3. Records Management Manual/Open Records. The purpose of this Policy is to supplement and not replace the State Archivist's Records Management Manual, as amended from time-to-time, or any other Resolution of the Board

Section 4. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution or Policy is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 5. Effective Date. This Resolution and Policy shall take effect and be enforced immediately upon its approval by the Board and be implemented and administered to conform with the Act, as may be amended from time to time.

APPROVED and ADOPTED this 20th day of March, 2019.

HOLLY HILLS WATER AND
SANITATION DISTRICT

By: Raymond V. Henney
Raymond V. Henney, Chairman

Attest:

Marie E. Sullivan
Marie E. Sullivan, Secretary/Treasurer