

RECORD OF PROCEEDINGS

FOOTHILLS PARK & RECREATION DISTRICT REGULAR BOARD OF DIRECTORS MEETING

May 26, 2020

The meeting was held as a Zoom webinar. There were 46 registrants and 40 attendees.

You are invited to a Zoom webinar.

When: May 26, 2020 06:00 PM Mountain Time (US and Canada)

Topic: Board Meeting 5/26/2020 Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_7zsHGc4IQ0e4sHM-YywQWQ

After registering, you will receive a confirmation email containing information about joining the webinar.

- I. CALL TO ORDER: Director Bosanko called the regular meeting to order at 6:05pm.
- II. PLEDGE OF ALLEGIANCE: Director Bosanko led those in attendance in the Pledge of Allegiance to the Flag of the United States of America.
- III. ROLL CALL:

Director Bielkiewicz:	Present
Director Butman:	Present
Director James:	Present
Director Meyer:	Present
Director Bosanko:	Present

ALSO IN ATTENDANCE: Paul Rufien, District Counsel; Ronald Hopp, Executive Director; Dennis Weiner, Director of Finance and Administrative Services; Derek Eberhardt, Director of Operations; Barb Butler, Director of Recreation Programs; Colin Insley, Director of Parks, Planning and Construction; Richelle Riley, Recording Secretary; other Foothills staff and members of the public.

Potential conflicts of interest were disclosed pursuant to Colorado Revised Statutes 18-8-308(2), 24-18-109(3)(a), 24-18-110, and 32-1-902(3).

IV. APPROVAL OF AGENDA:

MOTION: Director Meyer moved that the Foothills Board of Directors amend the agenda to add to Executive Session the discussion of Contract Matters and moved that the Foothills Board of Directors move the Decision Item A, Election of Officers, to the last item on the agenda prior to the Executive Session. Director Butman seconded the motion. Poll of the Board: Director Bielkiewicz, aye; Director Butman, aye; Director James, aye; Director Meyer, aye; Director Bosanko, aye. The motion was approved.

V. APPROVAL OF APRIL 28, 2020 MINUTES:

Director Bosanko noted that Director Farrar was able to review and provide comments on the minutes prior to this evening.

MOTION: Director Meyer moved that the Foothills Board of Directors approve the minutes of the April 28, 2020 board meeting as submitted. Director James seconded the motion. Poll of the Board: Director Bielkiewicz, abstain; Director Butman, aye; Director James, aye; Director Meyer, aye; Director Bosanko, aye. The motion was approved.

VI. DIRECTOR FARRAR RECOGNITION

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Director Bosanko said Director Farrar is no longer on the Board pursuant to the election as she did not run for another term, and acknowledged Director Farrar's great service to the community. This board is sometimes more time consuming than they anticipate and Director Farrar was certainly one to really represent her constituents and be out there making sure to listen and hear them. Director Bosanko expressed thanks from the Board to Director Farrar for her service and wished her well moving forward.

Ronald Hopp thanked Director Farrar for her four years of outstanding service, and highlighted some of the District's accomplishments during her tenure. Mr. Hopp recognized that Director Farrar has been a good advocate for employees of the District and has been kind and thoughtful. On behalf of staff of the District, Mr. Hopp thanked Director Farrar for her outstanding service to the District, and showed a plaque that staff will deliver, as well as a gift. He recognized Director Farrar was not present for the meeting, but staff wanted to thank her publicly for her contribution to the District.

VII. DECISION ITEMS:

A. Newly Elected Board Members/Election of Officers

Director Bosanko confirmed the Election of Officers will be moved on the agenda to take place before Executive Session.

Director Bosanko introduced new board member, Michael Bielkiewicz, recognizing he has served on the Board before. Director Bosanko said the Oaths of Office were presented to her, Director Bielkiewicz, and Director Meyer last week due to the awkwardness of the Zoom meeting. She recognized Director Bielkiewicz is officially a director of the Board. Director Bielkiewicz expressed he is happy to serve again.

B. Board Signature Authorities

Mr. Hopp mentioned this item would need to come after the Board Election of Officers.

MOTION: Director Meyer moved that the Foothills Board of Directors further amend the agenda to move Decision Item B, Board Signature Authorities, to the last item before the Executive Session. Director Bielkiewicz seconded the motion. Poll of the Board: Director Bielkiewicz, aye; Director Butman, aye; Director James, aye; Director Meyer, aye; Director Bosanko, aye. The motion was approved.

C. SB-35 Application

Referring to information in the packet, Colin Insley discussed staff is recommending applying to Jefferson County with a request for previously deposited Fees-in-Lieu of Land Dedication funds for purposes of supplementing the District's capital budget for projects. Mr. Insley indicated the request is for a total of \$1,145,275 in funds plus interest which are available to the District from the account, and would be used to assist with funding for capital projects. Mr. Insley detailed the project list provided and the funds being requested, including the locations.

In order to collect the fees, Mr. Insley discussed a resolution from the Board requesting distribution of the funds is required.

Director Bielkiewicz asked if there is a stipulation that says that the funds have to be used for certain things like capital projects or can funds be used for anything that is District related. Mr. Insley said he has previously clarified that with Jefferson County, and the funds do have to be earmarked for capital projects.

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In answer to Directors Bosanko and Meyer, there was discussion about how much will be left in the SB-35 funds after these funds are accessed, and if there are any other projects earmarked for the leftover dollars at this point. Mr. Insley answered about \$800,000 will be left and nothing earmarked specifically at this point. Mr. Hopp submitted there are funds from Bowles Crossing remaining, that is across the street from Clement Park, and Clement Park would be a likely location for those. There are funds from the development adjacent to our campus, so they could be used for a project for Easton Regional Park. They can be used anywhere.

In answer to Director James, Mr. Insley indicated staff have not received any requests from the neighborhood near Green Gables for any parks or improvements from Foothills at this point in time.

MOTION: Director James moved that the Foothills Board of Directors approve Resolution No. 20-008 authorizing the application to Jefferson County for disbursement of Fees-in-Lieu of Park Land Dedication funds in the total amount of \$1,145,275 plus interest for improvements to parks and facilities, and further authorize the Executive Director to prepare and submit the required application forms. Director Bielkiewicz seconded the motion. Poll of the Board: Director Bielkiewicz, aye; Director Butman, aye; Director James, aye; Director Meyer, aye; Director Bosanko, aye. The motion was approved.

VIII. EXECUTIVE DIRECTOR'S REPORT:

Highlighting the report provided, Mr. Hopp said staff have had a lot of COVID-19 related meetings. A lot of it has to do with trying to get further clarification related to state orders, effects on special districts, effects on local governments, trying to get Jefferson County Health Department to issue clearer orders, etc.

Mr. Hopp pointed out information with the Governor's designation of \$1.6 billion in relief funds to various governmental entities. Of that order, \$270 million was earmarked for local governments. Through help with the Special District Association who continue to be engaged with that overall process, and talking with DOLA, they earmarked 10 percent of that money specifically for special districts, Mr. Hopp explained. Mr. Hopp indicated he set up a meeting for tomorrow with all of the park and recreation directors in Jefferson County to meet with representatives from Jefferson County Open Space and potentially Jefferson County Health Department to discuss guidelines to potentially provide the opportunity to provide some additional services and programs to the community.

Mr. Hopp indicated he met with Gary Fuller, president of the Foothills Foundation. He pointed out there was a 401K meeting. Mr. Hopp talked about the Jason Jennings field project at Schaefer Athletic Complex.

Kevin Wilks, Regional Parks Supervisor, was nominated for the Colorado Special Districts Property and Liability Pool's quarterly safety hero award., and he was awarded that for quarter two of 2020. Kevin spearheaded a confined spaces policy for the whole District, Mr. Hopp discussed and congratulated Kevin.

Director Butman recognized we had mentioned maybe opening one outdoor pool, have we looked into the viability for opening other outdoor pools sometime over the summer. Mr. Hopp confirmed that is a discussion item during his COVID-19 presentation.

In answer to Director James, Mr. Hopp provided an update on Hine Lake and a FEMA grant that was applied for and received through Bergen. He indicated it is federal money that the state is administering, the process may be slow. Mr. Hopp added, in the meantime, the lake is filling to the restricted level, which is four feet below full. It should be ready for irrigation purposes throughout the season.

IX. DISCUSSION ITEMS:

A. 2019 Audit Report

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Dennis Weiner discussed staff have worked through and completed the 2019 financial statement audit between January and early May. The audited financial statements were provided to the Board by email earlier today. Paul Kane and Kim Higgins, with the District's audit firm, Eide Bailey, were in attendance to speak to the Board about the results of the audit process and the financial statements.

Screen sharing the audit report, Ms. Higgins discussed the opinion from page one of the financial statements. She said the District has gotten a clean opinion this year for December 31, 2019. Ms. Higgins went through the Independent Auditor's Report, and reiterated the District has received a clean opinion, the best it can get, on the December 31, 2019 and 2018 financial statements. She went through the Management's Discussion and Analysis and the audited financial statements. Ms. Higgins pointed out footnotes, and concluded with their Letter to Governance.

As Treasurer, Director James expressed thanks for a job well done, and said all of his questions were answered. Director Bosanko thanked Ms. Higgins and commended Mr. Weiner and his team.

B. Finance Update

Screen sharing the finance update report, Dennis Weiner discussed the financial update through April 30, 2020. He explained the major common theme throughout the update is going to be that in March and in April, the District experienced facility closures throughout the District related to COVID-19. That has had a significant impact on the District's financial performance throughout the start of the year.

Mr. Weiner discussed the information according the report provided. The total District year-to-date operating revenues were lower than planned, and the total year-to-date operating expenditures were lower than planned; Mr. Weiner outlined those factors. Net operating loss was unfavorable to plan from operations driven by COVID-19. Mr. Weiner discussed net non-operating revenue was favorable to the plan.

As a result of all activity through April 30, 2020, net revenue was unfavorable to the budget, Mr. Weiner reported.

C. COVID-19 Update

Screen sharing the presentation, Mr. Hopp gave an overview of things the District has been doing, jurisdictional orders, and scenarios. He noted there are a few things staff are seeking board direction on such as swimming pools.

Mr. Hopp talked about the jurisdictional orders, state-wide and county. He recalled the District closed facilities initially on March 14th, that was ahead of any state-wide order which came very shortly after. Mr. Hopp talked about the orders from the state. Jefferson County Health Department is primarily driving the orders related to what is happening in Jefferson County, Mr. Hopp discussed. Mr. Hopp reiterated he has a conference call tomorrow with the county. He spoke about the Cares Act funding; staff are awaiting details of the application process. Staff will continue to assess all orders moving forward to try to bring services back on line as quickly as possible as long as they conform to state and local orders, and we deem them to be safe practices for our employees.

Mr. Hopp discussed that it was put out and asked for employees in areas other than Golf, Parks, and Facility Maintenance to help at golf courses and parks. They have done some shifts with golf maintenance and have helped with park maintenance, and have done painting and aquatics maintenance. There is a total of about 433 hours and about 75 shifts where, rather than have part-time employees come in, we have shifted full-time employees to do those sorts of things.

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Mr. Hopp discussed the status of program and facility areas, and highlighted what is open and closed currently. He said based upon the projection of when larger groups of people would be allowed, it doesn't appear that there will be the allowance for very large groups of people any time in the near future, as a result of that, we have canceled Red, White & You, which was scheduled to be on July 3rd. Shakespeare in the Park has been canceled, and concerts in Clement Park have been canceled through July 16th.

In answer to Director Bielkiewicz, Mr. Hopp explained why batting cages are closed, and said it is one of the things being evaluated.

Mr. Hopp outlined three scenarios: A, B, and worst case scenario, explaining that staff are looking at all of those different variables and factors, and want to make sure it is part of the equation. He suggested with the trends that are happening and some of the guidelines that we are seeing that are being relaxed, staff feel like it is probably within scenario B.

In answer to Director Meyer regarding a forecast for what could happen with tax revenue going forward, Mr. Hopp outlined a couple of factors. If property values go down as a result of a recession/depression, that would have an impact on the District's tax base. Secondly, there is a possible reduction in Gallagher. Mr. Weiner said estimates are between 5.88 percent for the residential assessment rate to 6.15 percent for the new level for that rate. Right now that rate is 7.15. Mr. Weiner explained if valuations are equal to what they are now, that one percent drop could be more than a million dollars in reduction in property tax revenues for the District in future years. That could happen if we don't see value growth within the District. Mr. Hopp added the District has had some Gallagher impacts in the recent past as well, but the assessed valuations have offset those. We are hopeful that the District's assessed valuations may continue to offset any Gallagher reduction. He indicated right now it appears the market in assessed valuation of homes has not been impacted and we don't expect that there will be any reduction in tax revenue collections in 2020, but they could be impacted in 2021 and beyond.

Mr. Hopp indicated staff are seeking Board direction on four items. He suggested staff are under the assumption that as long as we are offering programs and facility utilization within the guidelines, that the Board is okay with that direction. He acknowledged there are probably jurisdictions out there that are taking a more conservative stance.

Mr. Hopp discussed outdoor pools – state and local jurisdictions have not allowed pools to open, there are a lot of factors, Mr. Hopp discussed. A lot of the factors have led staff to believe that it's going to be more and more challenging as time goes on, to open any of our outdoor pools. He talked about holding out the possibility of opening one outdoor pool and suggested Weaver Hollow pool.

Staff are still tracking towards the 2020 capital projects – Alpers Farm Park, Eagle Meadows Park, Woodmar Square Park, and several trail projects, Mr. Hopp discussed. The SB-35 funds help insure that these projects can continue. He reminded these were projects that were outlined as part of the mill levy to be performed in 2020. Tomorrow, staff are presenting to the Planning Commission before Jefferson County, and will hopefully get their approval to proceed with those, Mr. Hopp discussed.

Mr. Hopp indicated the local health jurisdiction would say whether masks are required or not depending on particular utilization. We have the ability as an organization to require a more stringent requirement on that, Mr. Hopp discussed. Mr. Hopp suggested we would want to do the guidelines related to mask requirement but if we want to be more stringent on that, we have that ability.

There was Board discussion on the pools and questions were answered. Derek Eberhardt talked about what it would take to get Weaver Hollow pool up and running if we got the okay to open. There was discussion about

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preregistration and a reservation system. Mr. Hopp suggested if staff knew today that we could open up all of the pools, it may take till the end of June in order to get them ready to go, get them staffed and get them on line. He proposed if we have the opportunity to open Weaver Hollow, we will do that. It's probably the least amount of time to prepare and it's the most centralized location and maybe offers the best opportunities for the community. Mr. Hopp explained trying to open all four pools would be difficult. He asked if that was a fair assessment to make the decision not to open the three pools but keep options open on Weaver Hollow and then try to look at the indoor pools if we are allowed by the jurisdictions to focus on that as well.

Director Bosanko agreed and suggested even if we have six to eight weeks left in the summer and restrictions are lifted for pools somewhat and we have a swimming pool that we could open, it would be a good service to open it. She wondered if it is possible to limit that to District residents to limit the number of people that could be there, it is a District amenity that is mostly paid for by tax dollars. Director Bosanko proposed the same as far as programs and facilities, as soon as we get the okay and we have good safety precautions in place. She agreed we need to protect our employees and in order to do that, we should require masks.

Director James agreed with Director Bosanko's comments about keeping it for in-district residents. His ideas about opening golf courses were to stay in line with the stay local orders by Governor Polis. Director James advised if we open the outdoor pools, restrict that to at least having one person in the party be a District resident.

Director Bosanko made clear it's just keeping that option open at this point, we have no idea if that restriction is going to be lifted. If possible, her thought is to open them, and open the one at least.

Mr. Hopp indicated if that's the concurrence from the Board, we can start asking employees to see if there is a possibility if they would be interested in recall. We will open Weaver Hollow pool if the jurisdictions and the guidelines allow us to open. Assuming we have staffing to be able to do that, we can make sure that it is properly prepared, decide not to open those other three, and focus efforts on Weaver Hollow and potentially indoor pools if we get guidelines lifted to allow for that as well.

Mr. Hopp reiterated with the guidelines for programs and facility utilization, the suggestion was that we would require masks, which may be a more stringent requirement than what Jefferson County Health Department may require. There was discussion about mask requirements in the facilities. Mr. Hopp said staff will monitor the guidelines on that.

The Board agreed staff can continue with the 2020 capital projects.

Director Bosanko recognized with what would have been Community Comments, she should have reminded everyone that they can reach out to the Board by email. The information is on the website, www.ifoohills.org.

Regarding the Foothills Hockey Association, Director Bosanko said there is a timeline and FAQs on the website that refer to that information. Referring to the Executive Director's report, she said several meetings have occurred and an offer has been presented, the District is waiting for a response. Mr. Hopp added that the timeline and FAQs on the website outline all of the information related to the decision that was made, and also has some frequently asked questions that the District has heard a lot from various constituents and tried to consolidate those into questions and answers.

X. DECISION ITEMS

A. Newly Elected Board Members/Election of Officers

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Mr. Hopp discussed that Director Bosanko, Director Meyer, and Director Bielkiewicz all ran unopposed elections and, therefore, were elected onto the Board. The Oaths of Office have already been conducted, and the Board now has the election of officers. Typically, it is the Chair of the Board, First Vice Chair, Second Vice Chair, Treasurer and Secretary.

Director Bosanko asked for a motion for slate of officers.

Director Meyer suggested that Director James would be a great Chair. There was discussion, Director James nominated Director Meyer for Chair.

MOTION: Director Bosanko moved that the Foothills Board of Directors elect the following slate of officers: Timothy W. James, Chair; Kyle Butman, First Vice Chair; Michael J. Bielkiewicz, Second Vice Chair; William Meyer, Treasurer; Lori J. Bosanko, Secretary. Director Butman seconded the motion. Poll of the Board: Director Bielkiewicz, aye; Director Butman, aye; Director James, aye; Director Meyer, aye; Director Bosanko, aye. The motion was approved.

B. Board Signature Authorities

Mr. Weiner explained with the election of new officers, our resolution for designation of individuals for signature authorities as it relates to the District's financial activities needs to be updated, along with applicable signature cards. The designated signature authorities are that of the Board Chair, Board Treasurer, Executive Director, and Director of Finance and Administrative Services.

MOTION: Director Bielkiewicz moved that the Foothills Board of Directors approve Resolution No. 20-007 to designate the current Board Chair, Board Treasurer, Executive Director, and Director of Finance and Administrative Services as the official signors as it relates to the financial activities for the District. Director Bosanko seconded the motion. Poll of the Board: Director Butman, aye; Director Bielkiewicz, aye; Director Meyer, aye; Director Bosanko, aye; Director James, aye. The motion was approved.

XI. EXECUTIVE SESSION:

- A. Personnel Matters related to COVID-19 per 24-6-402(4)(f), C.R.S.
- B. Contract Negotiations per 24-6-402(4)(e), C.R.S.

MOTION: Director Meyer moved that the Foothills Board of Directors move into Executive Session to discuss Personnel Matters related to COVID-19 per 24-6-402(4)(f) of the Colorado Revised Statutes and also to discuss Contract Negotiations per 24-6-402(4)(e) of the Colorado Revised Statutes. Director Bosanko seconded the motion. Poll of the Board: Director Butman, aye; Director Bielkiewicz, aye; Director Meyer, aye; Director Bosanko, aye; Director James, aye. The motion was approved.

Director James said if the participants would like to stay on, the Board will be coming back into the public side of the meeting at the end of the Executive Session and will most likely be adjourning at that point in time. He thanked everyone for their participation and their interest. Director James expressed appreciation for all of the feedback the Board has gotten throughout the last month, the Board does read all of the emails. He said hopefully they will be able to respond in a more timely manner in the near future, and hopefully we have some sort of final closure to the FHA/LHA/Edge negotiations. However, the silence on behalf of FHA does not lead the Board to have any encouragement for a future situation that we will be signing or agreeing to. Director James suggested to reach out to FHA leadership for comments or concerns for those with FHA ties and we look forward to getting back on the ice as soon as possible for our kids and our adult programming at the Edge.

The regular meeting adjourned at 8:19pm.

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Executive Session started at 8:23pm and ended at 9:24pm.

The regular meeting reconvened at 9:25pm.

XII. ADJOURNMENT:

MOTION: Director Bosanko moved that the Foothills Board of Directors adjourn the May 26, 2020 board meeting. Director Meyer seconded the motion. Poll of the Board: Director Butman, aye; Director Bielkiewicz, aye; Director Meyer, aye; Director Bosanko, aye; Director James, aye. The motion was approved.

The regular meeting was adjourned at 9:26pm. The next regular board meeting will be held at 6pm on Tuesday, June 23, 2020.

Submitted by:

Richelle Riley, Recording Secretary

Richelle Riley

From: Nancy Werkmeister [REDACTED]
Sent: Monday, May 25, 2020 8:26 PM
To: Richelle Riley
Subject: Questions for Board Meeting

Good evening Richelle,

My questions/comments are:

1. After listening to the last board meeting and wanting to come up with a procedure for when the Board should be included in contract negotiating or decision making, I am making the following suggestions:

- a. If it involves displacement of current residents and current program in place,
- b. The current program supervisors/managers should be included in the discussion before a decision is made to change their program status,
- c. Public comment should be afforded to explain the situation, why the current program is being displaced,
- d. What are the financial repercussions for both the short and long term and how will these financial decisions effect the planning for future projects. In other words, if this decision is going to make resident tax payers mad, will they not support your requests for future monies, i.e. Passing of a bond.

2. My second comment has to do with the minutes of your meetings. For the public to wait two months to see minutes is not positive communication to your constituents and to persons interested in the direction of the district. It appears, in today's use of technology, the minutes from the current meeting could be sent to the directors within 2 weeks and those minutes could be approved thru email and then posted to your website. This would enable the public to read them and address any concerns at the next board meeting the following month. I strongly suggest this process is looked into for a more efficiently run district and to promote a more open environment to your constituents.

Thank you for your time
Nancy Werkmeister

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