



CHEROKEE METROPOLITAN DISTRICT

6250 Palmer Park Blvd., Colorado Springs, CO 80915-2842

Telephone: (719) 597-5080 Fax: (719) 597-5145

Our mission is to exceed our customer's needs by providing safe and uninterrupted water and sewer services, high quality water supply, well-maintained parks and open spaces, and well-lit streets. We are committed in continually striving to attain the highest quality services at the lowest reasonable costs and to prepare for the anticipated needs and requirements of current and future customers through the allocation of technical, financial, operational, planning, and managerial resources necessary to ensure our service goals and expectations are met in a safe, responsible, and professional manner.

REGULAR MEETING OF THE BOARD OF DIRECTORS

PLEASE SILENCE ALL PHONES FOR THE DURATION OF THE MEETING– THANK YOU

AGENDA

Board of Directors

Steve Hasbrouck, President
Walt Herrley, Vice President
Dennis Daniels, Secretary
Linda Keleher, Treasurer
Michelle Marie Kinney, Director

Term Expires

May 2025
May 2023
May 2023
May 2025
May 2025

DATE: May 16, 2023

TIME: 10:00 a.m.

LOCATION: Cherokee Metropolitan District – Board Room
6250 Palmer Park Blvd., Colorado Springs, Colorado 80915

1. Call to Order

- A. Pledge of Allegiance
- B. Roll Call of the Board of Directors/Declaration of Quorum
- C. Director Qualifications and Disclosures

2. Reception Honoring Outgoing Board Members

- A. Staff Comments and Farewells
- B. Resolution of Appreciation 2023-07 Director Dennis Daniels
- C. Resolution of Appreciation 2023-08 Director Walt Herrley
- D. In Memoriam of Larry Keleher

3. **Review and Approval of the Agenda**

- A. Addendums
- B. Amendments
- C. Approval Motion

4. **Consent Agenda**

The Consent Agenda consists of matters that occur in the normal course of business. The following items are summarized and are approved and enacted at this time by the Board of Directors in one motion.

- A. Approval of Minutes for the April 18, 2023 Regular Board Meeting
- B. Directors Signatures

5. **Induction of New Board Members**

- A. Oaths of Office
- B. Roll Call of the Board of Directors
- C. Voting of Board Positions

6. **Attorney Items**

- A. Attorney Report Items
- B. Brief Introduction to Title 32
 - a. Coordination of Board Retreat

7. **Directors Items**

8. **Finance and Accounting-Cathy Fromm**

- A. April Monthly Financials
- B. Presentation on Governmental Accounting Principles and Audit

9. **Action Item Requests and Staff Reports**

- A. Presentation on Pretreatment Program
- B. Presentation on Replacement Plan
- C. RO Open House – Tentatively July 18, 2023 in place of Regular Board Meeting
- D. New Board Member Field Orientation Planning
- E. Questions of Staff Reports

10. **Public Comment**

The Board and District staff value the public's input. Please respect the following when making formal comments to the Board of Directors:

- **You must sign in when you arrive prior to making public comment or at the time of making your comments.**

- Your name, address and whether you reside within Cherokee Metropolitan District will be required to be disclosed before addressing the Board.
- **Please keep comments restricted to the topics of the District and its business, and limit time to a maximum of three (3) minutes. A timer will be provided for your convenience.**
- **Please keep comments respectful of others and organized for understanding. It is further requested that civility is maintained when addressing the Board, District staff, news media, law enforcement, and the public.**
- **For the respect of all attendees, interrupting and/or interjecting comments without first adhering to the above rules AND being recognized by the President is not allowed.**
- **Board action cannot be taken on items not published on the agenda.**

11. Executive Session

- A. In accordance with the Colorado Open Meetings Act, the Board, in Open Session, is to determine whether it will hold an Executive Session pursuant to 1.) §24-6-402(4)(b), C.R.S., Conferences with the District’s attorney regarding legal advice on specific legal questions:

The Chair shall poll the Board members, and upon affirmative vote of two-thirds of the members present, may hold a Closed Executive Session. If a two-thirds affirmative vote for the Executive Session is not received, the item may be discussed in Open Session or withdrawn from consideration. No formal action or voting will take place in Executive Session.

1. Replacement Plan Future Commitments

12. Other Business

13. Other Meetings of Importance to the Cherokee Metropolitan District

Meridian Ranch Metropolitan District, first Wednesday of each month, 10 a.m.
 Cimarron Hills Fire Department Board Meeting, third Wednesday of each month, 5:30 p.m.
 Woodmen Hills Metropolitan District Board Meeting, fourth Thursday of each month, 5:30 p.m.
 UBSCGW Meeting, Calhan, Colorado, first Tuesday of each month, 6 p.m.
 Colorado Springs City Council Meetings 2nd and 4th Tuesday of each month, at 10 a.m.

14. Adjournment

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

May 16, 2023

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, May 16, 2023, at 10:00 a.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

Board of Directors Present: Steve Hasbrouck, Walt Herrley, Dennis Daniels, Linda Keleher, Michelle Marie Kinney, Dan Wall, Tracey Ferguson

CMD Staff Present: Amy Lathen, Julie Wells, Connie Hughes, Kevin Brown, Tyler Drennan, Jeff Munger, Joshua Watkins, Cathy Fromm, Brian Beaudette

Others Present: Paul Rufien, Pete Johnson, Bob Lathen, Roger Stolz, Rene Sintas, Rob Adams, Dave Mattes, Rene Sintas, Sheridan Flowers, Elke Drayton, Michael Neal, Allen Drayton, Robert Hernandez; Virtual: Tim Bouma, Robert, Bonnie Hunter, Mike, RS, Noah Vogel, Heather A, Krystal, TM, jc, Jeff Bandy, Roberta

ITEM 1: Call to Order

The meeting was called to order by President Steve Hasbrouck at 10:00 a.m. Those in attendance were asked to stand and recite the Pledge of Allegiance. Mr. Hasbrouck asked for a roll call from the Directors. All were present. There were no Directors' qualifications or disclosures.

Mr. Hasbrouck recessed the meeting to proceed with a reception honoring outgoing Board Directors Walt Herrley and Dennis Daniels.

ITEM 2: Reception Honoring Outgoing Board Members

Outgoing Board Directors Walt Herrley and Dennis Daniels were honored with a farewell reception. Staff thanked them for their service and provided farewells. Mr. Daniels read Resolutions 2023-07 and 2023-08 which recognized both Directors for their service and dedicated service to Cherokee.

MOTION: DIRECTOR KELEHER MOVED, SECONDED BY PRESIDENT HASBROUCK, TO APPROVE RESOLUTIONS 2023-07 AND 2023-08

RECOGNIZING DIRECTOR HERRLEY AND DIRECTOR DANIELS FOR THEIR SERVICE. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-ABSTAIN. STEVE HASBROUCK-YES. MOTION PASSED (4-1-0).

Larry Keleher, former Director, passed on May 5, 2023. A Memoriam was read by Amy Lathen, and staff gave their respects to Linda Keleher. Mr. Keleher served 12 years in various positions on the Cherokee Board.

President Hasbrouck suspended the meeting at 10:27 a.m., stating that due to circumstances beyond his control regarding improprieties in the campaign and election process and his concerns of campaign malfeasance, he was suspending this meeting indefinitely. He asked all those in attendance, if they were not staff or management, to exit the building. All non-staff persons exited the Board room. The General Manager asked a staff member to go to the lobby and ask people not to leave.

Discussion ensued as to how to proceed and which Board members should approve the meeting minutes from the previous month's meeting. Legal Counsel Paul Rufien suggested the Oaths of Office for the two new Board Members should proceed as he was unaware of any ongoing illegal activities and no challenge was filed and that the new Board could approve the previous minutes. Director Kinney stated that the discussion was a violation of the Open Meeting Act. The General Manager asked a staff member to request that people re-enter the Board room, including the Board members-elect. The meeting continued at 10:37 a.m. No one called the meeting back to order. Mr. Rufien allowed Agenda Items to be re-arranged so the Oaths of Office to the new Board Members could proceed.

ITEM 3: Review and Approval of the Agenda

This item was not called.

ITEM 5: Induction of New Board Members

Mrs. Hughes asked Dan Wall and Tracey Ferguson to stand and recite the Oaths of Office. Both positions are for a four-year term ending May 2027. Documents and paperwork were acknowledged and signed by the two Directors. Directors Wall and Ferguson took their seats.

There was a roll call for the new Board of Directors. All were present. There were no Director's qualifications or disclosures. Voting of offices took place.

MOTION: DIRECTOR WALL MADE A MOTION, SECONDED BY DIRECTOR FERGERSON, TO NOMINATE DIRECTOR KINNEY AS PRESIDENT OF THE UPCOMING TERM. STEVE HASBROUCK-ABSTAIN. DAN WALL-YES. TRACEY FERGERSON-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. MOTION PASSED (4-1-0).

Director Kinney took her seat as President.

MOTION: PRESIDENT KINNEY MADE A MOTION, SECONDED BY DIRECTOR FERGERSON, TO NOMINATE DIRECTOR WALL AS VICE-PRESIDENT FOR THE UPCOMING TERM. DAN WALL-YES. TRACEY FERGERSON-YES. LINDA KELEHER-YES. STEVE HASBROUCK-ABSTAIN. MICHELLE MARIE KINNEY-YES. MOTION PASSED (4-1-0).

MOTION: VICE-PRESIDENT WALL MOTIONED, SECONDED BY DIRECTOR KELEHER, TO NOMINATE DIRECTOR FERGERSON AS THE SECRETARY FOR THE UPCOMING TERM. TRACEY FERGERSON-YES. DAN WALL-YES. LINDA KELEHER-YES. STEVE HASBROUCK-ABSTAIN. MICHELLE MARIE KINNEY-YES. MOTIONED PASSED (4-1-0).

MOTION: VICE-PRESIDENT WALL MOTIONED, SECONDED BY DIRECTOR KELEHER, TO NOMINATE TRACEY FERGERSON AS TREASURER FOR THE UPCOMING TERM. DAN WALL-YES. TRACEY FERGERSON-YES. LINDA KELEHER-YES. STEVE HASBROUCK-ABSTAIN. MICHELLE MARIE KINNEY-YES. MOTION PASSED (4-1-0).

ITEM 4: Consent Agenda

The following were reviewed for approval: Minutes for the April 18, 2023 Regular Board Meeting.

MOTION: VICE-PRESIDENT WALL MOVED, SECONDED BY DIRECTOR KELEHER, TO APPROVE THE MINUTES FOR THE APRIL 18, 2023 REGULAR BOARD MEETING. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 6: Attorney's Items

Mr. Rufien stated that there are statutes governing Special Districts. He is actively involved in general legal concerns in the District, whereas Pete Johnson, who introduced himself to the Board, concentrates on projects focusing on water rights and litigation.

Mr. Rufien stated that usually his brief introduction about Special Districts to new elected officials takes place at a Board retreat and lasts about a half hour. He suggested that he hoped there would be a retreat to get to know everyone and he would save his ½ presentation for that less formal setting. At the same time, Mrs. Lathen asked the two new Board Members for dates that would work for the field orientation. It was the consensus of the group to have the Board Retreat June 9th, beginning at 10 a.m. and the field orientation on June 12.

ITEM 7: Directors' Items

Director Wall led the discussion on repealing the District's Bylaws. It was pointed out that no item had been published or noticed and that it is not legal to vote on items that have not been noticed. Director Wall said that he could add anything he wanted.

**MOTION: VICE-PRESIDENT WALL MOVED, SECONDED BY SECRETARY/-
TREASURER FERGERSON, TO REPEAL THE DISTRICT'S BYLAWS.**

The Motion was open for discussion. Legal counsel suggested to defer the discussion on abolishing the Bylaws to another meeting, possibly to be reviewed again at the upcoming retreat. Director Wall agreed to do so.

VICE-PRESIDENT WALL WITHDREW HIS MOTION.

Mr. Wall stated he doesn't like those long meetings in the evening and explained why.

**MOTION: VICE-PRESIDENT WALL MOVED, SECONDED BY SECRETARY/-
TREASURER FERGERSON, TO MOVE THE MEETINGS BACK TO 5:30
P.M. EVERY THIRD TUESDAY OF THE MONTH.**

Discussion ensued. To change the time of meetings from 10:00 a.m. to 5:30 p.m. would be a violation of the Bylaws. Director Wall stated that he hadn't been given a redline version of the Bylaws in the previous month when he was in the audience and that because some of the provisions of the Bylaws had not been followed in the past, that they were all suspended. He further stated that the Bylaws that had been voted in previously were not valid.

Director Kinney asked for comments about the meeting times. Several staff members and legal counsel requested the meetings remain at 10 a.m. It was pointed out by an audience member that attendance during business hours was historically higher than evening meetings.

VICE-PRESIDENT WALL WITHDREW HIS MOTION.

**MOTION: VICE-PRESIDENT WALL MOVED, SECONDED BY SECRETARY/-
TREASURER FERGERSON, TO REPEAL THE DISTRICT'S BYLAWS.**

Opened for discussion. Staff pointed out that SDA strongly recommends that all Special District Boards have Bylaws.

**DAN WALL, TRACEY FERGERSON, MICHELLE MARIE KINNEY-IN
FAVOR; LINDA KELEHER, STEVE HASBROUCK-OPPOSED.**

**MOTION: VICE-PRESIDENT WALL MOVED, SECONDED BY SECRETARY/-
TREASURER FERGERSON, TO CHANGE THE MEETING TIME FROM
10:00 A.M. TO 5:30 P.M.**

Opened for discussion.

DAN WALL, TRACEY FERGERSON, MICHELLE MARIE KINNEY-IN FAVOR; LINDA KELEHER, STEVE HASBROUCK-OPPOSED.

MOTION: VICE-PRESIDENT WALL MOVED, SECONDED BY SECRETARY/-TREASURER FERGERSON, TO PROVIDE THE OPTION FOR BOARD MEMBERS TO EITHER RECEIVE BOARD PACKETS ELECTRONICALLY OR IN NOTEBOOK FORM (HARD COPY).

Opened for discussion.

DAN WALL, TRACEY FERGERSON, LINDA KELEHER, MICHELLE MARIE KINNEY-IN FAVOR; STEVE HASBROUCK-OPPOSED.

MOTION: VICE-PRESIDENT WALL MOVED, SECONDED BY SECRETARY/-TREASURER FERGERSON, TO POST THE BOARD PACKET, WHICH IS PREPARED FOR UPCOMING BOARD MEETINGS, TO THE WEBSITE.

Opened for discussion.

The Board Agenda is currently posted on the company's website at www.cherokeemetro.org, which is, in accordance with HB 19-1087, Local Government Meeting Notices via Websites, linked with the Division of Local Government, www.colorado.gov/pacific/dola/division-local-government.

Staff commented some of the paperwork provided in the Board packets are categorized as attorney/client privileged work product and consists of unaudited financials.

VICE-PRESIDENT WALL WITHDREW HIS MOTION.

ITEM 8: Finance and Accounting

Mrs. Fromm provided a presentation on governmental accounting principles and audit and then summarized the April monthly Financial Report.

ITEM 9: General Manager Report

The General Manager's Report began with a presentation by Tyler Drennan regarding the pretreatment program. Mr. Drennan oversees approximately 500 commercial businesses' work product that is released into the District's sewers. There are six significant industrial users (SIUs) whose discharge is closely monitored. A good deal of his job is educating the District customers.

Two significant elicited discharges have occurred over the past couple of years – one was a diesel spill and the other was an excessive chlorine discharge.

Pete Johnson provided a report on the replacement plan and updated the new Directors with the historical events of the replacement plan leading up to the current status.

Mrs. Lathen stated the RO Open House is currently slated for July 18, 2023. The contractor is helping put the event together.

ITEM 8: Public Comment

Someone from the audience said he came into Cherokee to vote on election day but was told he lives in a section of Feathergrass which is considered part of Cherokee's service district but is not defined as being in the District's legal boundaries; however, the County identifies some property boundaries differently which sometimes happens in the early stages of developers' filings with the County.

ITEM 11: Adjournment

The General Manager stated that there was a request for an Executive Session. Director Kinney said that she knew that but that she wanted people to be able to leave. The General Manager stated that a 2/3 majority vote was required to go into Executive Session and that no vote may be taken outside of a public meeting. Director Kinney said that it's a "stand alone" Executive Session and has been done before. The General Manager asked legal counsel for assistance. There was no response. The General Manager stated again that no votes are legal outside of a public meeting.

MOTION: PRESIDENT KINNEY MADE A MOTION TO ADJOURN, SECONDED BY DIRECTOR FERGERSON.

The meeting was adjourned at 1:23 p.m.

Recording ended when the President adjourned the meeting. Afterwards, the President called for a vote to go into Executive Session. No citation was provided. The seconder is unknown. Director Wall had left the Board room. No 2/3 majority had been reached. The General Manager asked Director Hasbrouck to cast a vote.

TRACEY FERGERSON, LINDA KELEHER, MICHELLE MARIE KINNEY, STEVE HASBROUCK-IN FAVOR

After the conclusion of the Executive Session, the Board voted to come out of Executive Session. Unknown maker of motion and seconder.




Tracey Ferguson, Secretary/Treasurer

Board Members

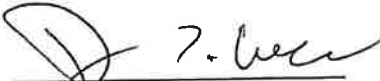
Michelle Marie Kinney, President
Dan Wall, Vice-President
Tracey Ferguson, Secretary/Treasurer
Steve Hasbrouck, Director
Linda Keleher, Director


Michelle Marie Kinney, President


Steve Hasbrouck, Director

Term Expires

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Dan Wall, Vice-President


Linda Keleher, Director