

**GREEN MOUNTAIN WATER AND SANITATION DISTRICT
BY-LAWS**

Section 1. Authority. Green Mountain Water and Sanitation District is a governmental subdivision of the State of Colorado and a body corporate with those powers of a public or quasi-municipal corporation which are specifically authorized by, and in compliance with, Section 32-1-101 et seq., C.R.S.

Section 2. Purpose. It is hereby declared that the By-Laws hereinafter set forth will serve a public purpose.

Section 3. Policies of the Board. It shall be the policy of Green Mountain Water and Sanitation District Board of Directors, consistent with the availability of revenues, personnel, and equipment, to use its best efforts to provide water and sewer systems for public use which are necessary to insure and protect the health, safety, prosperity, security and general welfare of the inhabitants of the Green Mountain Water and Sanitation District.

Section 4. Board of Directors. All powers, privileges and duties vested in, or imposed upon, Green Mountain Water and Sanitation District (hereinafter referred to as "District") by law shall be exercised and performed by and through the Board of Directors (hereinafter referred to as "Board"), whether set forth specifically or impliedly in these By-Laws. The Board may delegate to officers and employees of District any or all administrative and ministerial powers.

Without restricting the general powers conferred by these By-Laws, it is hereby expressly declared that the Board shall have the following powers and duties:

- a. To confer upon the appointed Administrator/Manager of the District those powers delineated in Section 5.
- b. To determine and designate, except as otherwise provided by law or these By-Laws, who shall be authorized to make purchases, negotiate leases for office space, and sign receipts, endorsements, checks, releases and other documents.
- c. To create standing or special committees and to delegate such power and authority thereto as the Board deems necessary and proper for the performance of such committee's functions and obligations.
- d. To prepare financial reports, other than the statutory audit, covering each year's fiscal activities; and said reports, if requested, shall be submitted to the Board, and made available for inspection by the public.

Section 5. Administrator/Manager of the District

a. District Employees. The Board may appoint a Manager to serve for such term and upon such conditions, including salary, as the Board may establish. The Manager is hereby authorized to take the following actions in connection with employees of the District:

- 1) hire, terminate, direct and supervise employees of the District, subject to review and approval of the Board;
- 2) to promulgate and apply personnel policies with respect to personnel and employment matters as well as the manner of the District's operations all consistent with applicable District rules and regulations and local, state and federal laws, subject to review and approval of the Board;
- 3) to enroll employees of the District in group health and life insurance plans, as well as enrolling the District in property and liability plans, and;
- 4) to act as the administrator of any and all District retirement plans and benefits programs and delegate an administrator to act in his/her stead.

b. Operating Costs. The Manager shall pay the operating costs as approved by the Board.

c. District Contracts. District contracts will be reviewed and approved by the Board. Certain types of contracts may be executed by the Manager at the direction of the Board on a contract-by-contract basis with the Manager presenting the proposal to the Board for prior approval.

d. Surety Bond: The Manager shall obtain, at District expense, a surety coverage policy to cover all Board Members.

e. Real Property. The Board may direct the Manager to take action on an issue-by-issue basis regarding real property, but only with the prior review and approval by the Board.

f. Land Use Approvals. Approval of plats, land use documents, design drawings and proposed developments must be approved by the Board and signed by the President of the Board. In absence of the President, the Vice President can sign the documents as appropriate.

g. Settlement of Claims. The Manager is hereby authorized to settle claims or disputes, in the name of the District, with customers of the District and/or owners of property within the District regarding alleged injury to person or property, with the prior approval from the Board.

h. Emergencies. Emergencies may arise involving potential loss of life, significant natural or man-made disasters, terrorism or other unanticipated emergency events which necessitate immediate action or decisions such that it would cause or threaten harm to

the District's real or personal property or the public health, safety, or welfare to seek Board approval before taking action or making decision ("Exigent Circumstances"). In the event of Exigent Circumstances, the Manager may, without the prior approval of the Board President or the Board President-designated Board Member, take action to protect the public and the District without limitations on required expenditures and shall report to the Board in writing the Exigent Circumstances and all actions taken to respond thereto as soon as is practicable. Special board meetings and briefings shall be scheduled as needed as time permits.

i. Reporting. The Manager shall report monthly to the Board on all expenditures. The report by the Manager shall reference the budget and whether or not the expenditures are consistent with meeting the budgeted amounts.

j. Reservation of Powers. Except with regard to the authority specifically delegated in the most recent version of the Bylaws, Section 5, the Board retains all other powers and authority.

Section 6. Office.

a. Business Office. The principal business office of District shall be at 13919 W. Utah Avenue, Lakewood, Colorado, unless otherwise designated by the Board.

b. Establishing Other Offices and Relocation. The Board, by resolution, may from time to time, designate, locate, and relocate its executive and business office and such other offices as, in its judgment, are necessary to conduct the business of District.

Section 7. Meetings.

a. Regular Meetings. Regular meetings of the Board shall be held on the second Tuesday of each month at 6:00 p.m. at 13919 W. Utah Avenue, Lakewood, Colorado, unless otherwise noticed and posted.

b. Meetings being open to the Public. All meetings of the Board, other than executive sessions, shall be open to the public, pursuant to Section 24-6-402(2)(c), C.R.S., all public meetings shall be held only after full and timely notice to the public, with such notice to include specific agenda information where possible

c. Notice of Meetings. Section 7.a. shall constitute formal notice of regular meetings to Board members, and no other notice shall be required to be given to the Board, other than the permanent posting. Written waivers of notice by Board members are not necessary.

d. Special Meetings. Special meetings of the Board may be called upon twenty-four (24) hours written notice, which shall be posted on the District website.

e. No Informal Board Action During Executive Sessions. All official business of the Board shall be conducted at regular or special meetings. Executive Sessions may be called at regular or special meetings, and conducted according to the following guidelines:

(1) Calling the Executive Session. The topic for discussion in the Executive Session shall be announced in a motion, and the specific statute that authorizes the Executive Session shall be cited. The matter to be discussed shall be described in as much detail as possible without compromising the purpose of being in Executive Session. An affirmative vote of two-thirds (2/3) of the quorum present shall be required to go into Executive Session.

(2) Conducting the Executive Session. No formal Board action shall take place in an Executive Session. The discussion in Executive Sessions shall be limited to the reasons for which the Executive Session was called. A record of the actual contents of the discussion in the Executive Session, using the same manner and media as are used to record minutes of Open Meetings shall be used, and a record kept in accordance with §24-6-402(4), C.R.S., in the main office of the Green Mountain Water and Sanitation District. If handwritten notes of the Executive Session are kept, Minutes of the Executive Session shall be created and shall contain a signed statement by the Chairman of the Executive Session that the Minutes substantially reflect the substance of the discussion during the Executive Session. If, in the opinion of the District's attorney who is present at such session, all or a portion of the discussion constitutes attorney-client privileged communications, then no record is necessary. Nonetheless, if Minutes are electronically recorded, the attorney shall state on the record that the discussion constituted privileged attorney client communication. If written Minutes are kept, then the attorney shall sign a statement to the same effect.

(3) After Executive Session. The record of any Executive Session shall be retained by the District for ninety days and then destroyed or erased, in accordance with §24-6-402(4), C.R.S. If, during the 90 days, the record of the Executive Session is requested, a judge will privately listen to the tape or review the Minutes and make a determination as to whether it was a proper Executive Session. Minutes or recordings of Executive Sessions shall not be released to the general public for review under any circumstances other than those described.

f. Adjournment and Continuance of Meetings. When a regular or special meeting is for any reason continued to another time and place, notice need not be given of the continued meeting if the time and place thereof are announced at the meeting at which the continuance is taken, other than as required by law. At the continued meeting, any business may be transacted which might have been transacted at the original meeting.

Section 8. Conduct of Business.

a. Quorum. "Quorum" means more than one-half of the number of directors serving on the board of a special district. All official business of the Board shall be transacted at a regular or special meeting at which a quorum of the Directors shall be present,

except as otherwise provided in Section 8.b.

b. Vote Requirements. Any action of the Board shall require the affirmative vote of a majority of the Directors present and voting. Any action of the Board which shall have the effect of establishing, increasing, or expanding extra-territorial service shall require the affirmative vote of four directors. When special or emergency circumstances affecting the affairs of District and the health and safety of District residents so dictate, then those Directors available at the time may undertake whatever action is considered necessary and may so instruct District's employees. A voice vote may also be taken via telephone or electronically through online means over the internet. All emergency actions shall be approved at the next Board meeting by a vote of the quorum.

c. Order of Business. The business of all regular meetings of the Board shall be transacted, as far as practicable, in the following order:

- i) Call to Order, Declaration of Quorum;
- ii) Director's Matters, Disclosures;
- iii) Approval of/ Additions to/Deletions from the Agenda ;
- iv) Public Comments;
- v) Reading and approval, or approval as submitted, of the minutes of the previous meeting;
- vi) Approval of bills and appropriations;
- vii) Reports of officers, committees and professional consultants;
- viii) Unfinished business;
- ix) New business and special orders; and
- x) Adjournment

d. Agenda Compilation.

- (1) The Manager shall compile the agenda at the direction of the Board and shall provide the agenda to the Board at least one week prior to the meeting.
- (2) Any Director may suggest an addition to the agenda prior to a meeting by notifying the Manager.

- (3) Any Director may suggest an addition, removal, or modification to the agenda during a meeting by making a motion for a Board vote.
- (4) Any matter resulting in a change of policy must be on the original agenda, as posted with 24-hour notice. Late additions to the agenda made during the meeting may be discussed, with a formal vote on the policy to take place no sooner than the next Board meeting.
- (5) Any Director may make or second a motion to approve, amend, table, or continue any matter before the Board.

e. Motions and Resolutions. Each and every action of the Board necessary for the governing and management of the affairs of District, for the execution of the powers vested in District, and for carrying into effect the provisions of Article 1 of Title 32, C.R.S., shall be taken by the passage of motions or resolutions.

f. Record of Minutes. Within a reasonable time after passage, all resolutions and motions and all minutes of Board meetings shall be recorded in a book kept for that purpose and shall be attested by the secretary. Minutes of regular sessions shall be available for public review as soon as practicable following acceptance of the minutes by adoption of a motion therefore by the Board. Minutes of executive sessions shall be recorded in the manner regular session minutes are recorded and as described in Section 7(e) of these Bylaws. Executive session minutes shall be kept separate from minutes of the regular session minute book and shall not be open to the public, except as described in Section 7(e) of these Bylaws. Executive session minutes shall be retained for ninety (90) days and then destroyed

g. Board Packet. A packet of information regarding the details of each Board meeting, shall be assembled and distributed and/or made available to Board members.

(1) The Board Packet shall be reviewed by the Manager for accuracy and consistency prior to each Board meeting with the knowledge that it will be available for public dissemination.

(2) The Financial Report shall include unaudited Operating Expenses and Capital Expenditure reports as well as unaudited Financial and Investment Reports which shall be compiled the Friday immediately preceding the regular Tuesday Board Meeting. Sensitive information such as employee names or account numbers and confidential or privileged will be removed from the general Board Packet and/or moved to an Executive Board Packet if needed.

(3) The Engineer Report shall contain the Engineers/Project Summary Report, and Development Summary Reports, and the Construction Project Status Report. Drawings, designs, and contracts under revision or negotiation will be available under and subject to CORA policy and regulations.

(4) The Legal Representative of the District shall provide a written summary of work that shall be included in the Legal Matters section, including material relating to current litigation where applicable and excluding all material deemed privileged and confidential.

(5) The Board Packet shall be available as electronic copy, with no fee attached, with the agenda no later than 3 business days before each meeting, typically the Friday before a regular Tuesday meeting.

(6) Any documents outside the regular monthly information may be included as separate documents in OneDrive for the Board, available through the CORA process after the meeting. Manager will notify the Board when documents are available.

(7) Any documents requiring signatures must be available for legal review, and emailed to District legal representation, no later than seven days before each meeting. Any documents not meeting this deadline will not be placed on the agenda. Documents in this category may be subject to CORA policy and regulations.

h. Electronic Signature. In any written communication in which a signature is required or used (to include Minutes kept of Board meetings), any party to the communication may affix a signature by use of an electronic signature. The use or acceptance of an electronic signature shall be at the option of the parties. Nothing in this section shall require any person to use an electronic signature, in accordance with §24-71-101, C.R.S.

Section 9. Directors, Officers and Personnel.

a. Director Qualifications and Terms. Directors shall be electors of District. The term of each Director shall be determined by relevant statutory provisions with elections held in even numbered years and conducted in the manner prescribed by Articles 1 through 13, Title 1, and Part 8, Article 1, Title 32, C.R.S. Each Director shall sign an oath of office and, at the expense of District, furnish a faithful performance surety bond by acknowledging the surety coverage policy maintained by the District.

b. Director's Performance of Duties. A Director of District shall perform duties as a Director, including duties as a member of any committee of the Board upon which the Director may serve, in good faith, in a manner in which the Director reasonably believes in the best interest of District, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. In performing the Director's duties, the Director shall be entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, in each case prepared or presented by persons and groups listed in subparagraphs 1, 2 and 3 of this subsection b; but the Director shall not be considered to be acting in good faith if he has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A person who so performs the Director's duties shall not have any liability by reason of being or having been a Director of District. Those programs and groups upon whose information, opinions, reports, and statements a Director is entitled to rely

on are:

- (1) One or more officers or employees of District whom the Director reasonably believes to be reliable and competent in the matters presented;
- (2) Counsel, public accountants, or other persons as to matters which the Director reasonably believes to be within such persons' professional or expert competence; and
- (3) A committee of the Board upon which the Director does not serve, duly designated in accordance with the provisions of the By-Laws, as to matters within its designated authority, which committee the Director reasonably believes to merit confidence.
- (4) A Director, while considering an opinion or a testimony, be it written or oral, is not bound by that opinion or a testimony and should only act in the interest of performing their fiduciary duties to the Public when making a final decision on the matters put forth before the Board.

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c. Oath of Office. Each member of the Board, before assuming the responsibilities of his office, shall take and subscribe an oath of office in the following form, to-wit:

OATH OF OFFICE

I, _____, will faithfully support the Constitution of the United States and the State of Colorado, and the laws made pursuant thereto, and will faithfully perform the duties of office of Director of Green Mountain Water and Sanitation District, upon which I am about to enter.

Signature

Subscribed and sworn to before me this_ day of _____,20 _.

(SEAL)

Person authorized to administer oaths
(County Clerk and Recorder, Clerk of the
Court, Notary Public, any other persons
authorized to administer oaths or Chairman
of the Board of Directors.)

d. Election of Officers. The Board of Directors shall elect from its membership a President, a Vice President, a Secretary and a Treasurer, who shall be the Officers of the Board of Directors and of the District. The officers shall be elected by a majority of the Directors voting at said election. The election of the officers shall be conducted biennially at the first regular meeting of the Board following the regular biennial election of the Directors . Each officer so elected shall serve for a term of up to two years, which term shall expire upon the election of their successor or upon their reelection to that office.

e. Call for New Officer Elections. If, at any meeting, a majority of the quorum of the Directors present vote to hold a new election for Officers, then the Directors shall nominate or self-nominate for each Officer position and vote to elect new Officers, which election to offices shall be effective immediately.

f. Vacancies. Any vacancy occurring shall be filled by an affirmative vote of a majority of the remaining Directors, as prescribed by statute (§32-1-905, C.R.S.). The appointed individual must meet the statutorily prescribed qualifications for Directors and comply with C.R.S. §§ 32-1-901, 24-12-101, and 24-12-103 and these Bylaws, and shall serve until the next regular election.

g. Resignation and Removal. Directors may be removed from office only

by recall provisions prescribed by statute (§32-1-906, C.R.S.) Any Director may resign at any time by giving written notice to the Board, and acceptance of such resignation shall not be necessary to make it effective unless the notice so provides.

h. President and Chairman. The President shall be the Chairman of the Board and preside at all meetings; the President shall also be the chief executive officer of the District. Except as otherwise authorized, the President shall sign all contracts, deeds, notes, debentures, warrants and other instruments on behalf of District, unless he/she designates an alternate signatory. The President carries no additional power in setting the board Agenda, nor does the President command any additional ability to direct the Legal Counsel or any other contractor or an employee of the District.

i. Vice President. The Vice President shall exercise the functions of the President during the Presidents temporary absence, during the President's inability to act, or at the request of the President.

j. Secretary. The Secretary shall be responsible for the records of the District; may act as Secretary at meetings of the Board and record all votes; shall be responsible for keeping in a visual text format that may be transmitted electronically a record of all the Board's proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts, which shall be open to inspection of all electors, as well as to all other interested parties. The Secretary shall be custodian of the seal of District, as described in Section 11, and shall have the power to affix such seal to and attest all contracts and instruments authorized to be executed by the Board.

k. Treasurer. The Treasurer shall be chairman of the Budget Committee and of the Audit Committee. The Treasurer shall keep or cause to be kept strict and accurate accounts of all money received by and disbursed for and on behalf of District in permanent records. The Treasurer shall ensure the District holds liability insurance, at the expense of District, conditioned on the faithful performance of the duties of the Directors, to meet conditions set in §32-1-901, C.R.S.

l. Recording Secretary. The Board shall have the authority to appoint a recording secretary who need not be a member of the Board of Directors, and who shall be responsible for recording all votes and keeping in a visual text format that may be transmitted electronically a record of all the Board's proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts, which shall be open to inspection of all electors, as well as to all other interested parties. The recording secretary shall not be required to take an oath of office, nor shall the recording secretary be required to post a performance bond.

m. Additional Duties. The officers of the Board shall perform such other duties and functions as may from time to time be required by the Board, by the By-Laws or rules and regulations of District, or by special exigencies, which shall later be ratified by the Board.

m. Personnel Selection and Tenure. The selection of agents, employees, engineers, accountants, special consultants, and attorneys of District by the Board will be based upon the relative qualifications and capabilities of the applicants and shall not be based on political services or affiliations. Agents and employees shall hold their offices at the pleasure of the Board. Contracts for professional services of engineers, accountants, special consultants, and attorneys may be entered into on such terms and conditions as may seem reasonable and proper to the Board.

Section 10. Financial Administration.

1) Fiscal Year. The fiscal year of the District shall commence on January 1 of each year and end on December 31.

2) Budget Committee. The Board may establish a committee, known as the Budget Committee, composed of the Treasurer, a member of the Board appointed by the President, and the administrator/manager, which shall be responsible for preparation of the annual budget of District and such other matters as may be assigned to it by the President or the Board.

3) Budget. On or before October 15th of each year, the administrator/manager shall prepare and submit to the Board a proposed budget for the ensuing fiscal year. Such proposed budget shall be accompanied by a statement which shall describe the important features of the budget plan and by a general summary wherein shall be set forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income or other means of financing the proposed budget for the ensuing fiscal year, as contrasted with the corresponding figures for the last completed fiscal year and the current fiscal year. It shall be supported by explanatory schedules or statements classifying the expenditures contained therein by services, subjects, and funds. The anticipated income of District shall be classified according to the nature of receipts.

4) Notice of Budget. Upon receipt of such proposed budget, the Board shall cause to be published a notice that the proposed budget is open for inspection by the public at the business office; that the Board will consider the adoption of the proposed budget on a certain date; and that any interested elector may inspect the proposed budget and file or register any objections thereto at any time prior to its final adoption. Notice shall be posted or published in substantial compliance with Section 29-1-106, C.R.S.

5) Adoption of Budget. On the day set for consideration of such proposed budget, the Board shall review the proposed budget and revise, alter, increase, or decrease the items as it deems necessary in view of the needs of District and the probable income of District. The Board shall then adopt a budget setting forth the expenditures to be made in the ensuing fiscal year. The Board shall provide for sufficient revenues to finance budget expenditures with special consideration given to the proposed ad valorem tax levy

6) Levy and Collection of Taxes. On or before December 15th of each year,

unless an election for an increased operating levy is held, the Board shall certify to the Board of County Commissioners of the county in which District was formed the mill levy established for the ensuing fiscal year, in order that, at the time and in the manner required by law for the levying of taxes, such Commissioners shall levy such tax upon the assessed valuation of all taxable property within District.

7) Filing of Budget. On or before January 31st of each year, the Board shall cause a certified copy of such budget to be filed with the Division of Local Government in the Colorado State Department of Local Affairs.

8) Appropriating Resolution.

a) At the time of adoption of the budget, the Board shall enact a resolution making appropriations for the ensuing fiscal year. The amounts appropriated thereunder shall not exceed the amounts fixed therefore in the budget adopted pursuant to Section 10.e.

b) The income of the District, as estimated in the budget and as provided for in the tax levy resolution and other revenue and borrowing resolutions, shall be allocated in the amounts and according to the funds specified in the budget for the purpose of meeting the expenditures authorized by the appropriation resolution.

c) The Board may make an appropriation to and for a contingent fund to be used in cases of emergency or other unforeseen contingencies.

9) No Contract to Exceed Appropriation. The Board shall have no authority to enter into any contract, or otherwise bind or obligate District to any liability for payment of money for any purposes, for which provision is not made in appropriation resolution, including any legally authorized amendment thereto, in excess of the amounts of such appropriation for that fiscal year. Any contract, verbal or written, contrary to the terms of this sub-section shall be void ab initio, and no District funds shall be expended in payment of such contracts, except as provided in the following sub-section.

a) Contingencies.

i) In cases of emergency caused by a natural disaster, public enemy, or some contingency which could not reasonable have been foreseen at the time of the adoption of the budget, the Board may authorize the expenditure of funds in excess of the budget by resolution duly adopted by a two-thirds vote of the entire membership of the Board. Such resolution shall set forth in full the facts concerning the emergency and shall be included in the minutes of that meeting.

ii) If so enacted, a copy of the resolution authorizing additional expenditures shall be filed with the Division of Local Government in the Colorado State Department of Local Affairs and shall be published in compliance with statutory requirements.

b) Payment of Contingencies.

i) If there is unexpended or uncommitted money in funds other than those to which the emergency relates, the Board shall transfer such available money to the fund from which the emergency expenditure is to be paid.

ii) To the extent that transferable funds are insufficient to meet the emergency appropriation, the Board may borrow money through (a) the issuance of tax anticipation warrants, to the extent that the mill levy authority of the District is available as specified under Section 29-1-115, C.R.S., or (b) the issuance of bond anticipation notes payable from future bond proceeds or operating revenue, or (c) any other lawful and approved method.

10) Annual Audit.

The Board shall cause an annual audit to be made at the end of the fiscal year of all financial affairs of District through December 31st of such fiscal year. In all events, the audit report must be submitted to District within six months of the close of such fiscal year. Such audit shall be conducted in accordance with generally accepted auditing standards by a registered or certified public accountant, who has not maintained the books, records, and accounts of District during the subject fiscal year. The auditor shall prepare, and certify as to its accuracy, an audit report, including a financial statement and short form balance sheet based on such audit, an unqualified opinion or qualified opinion with explanations, and a full disclosure of violations of State law, pursuant to statutory requirements.

a) A copy of the audit report shall be maintained by District as a public record for a public inspection at all reasonable times.

b) The Treasurer shall forward a copy of the audit report to the State Auditor or other relevant State official, pursuant to statutory requirements.

Section 11. Corporate Seal.

The seal of District shall be a circle containing the name of the District, as shown below, and shall be used on all documents and in such manner as seals generally are used by public and private corporations. The Secretary shall have custody of the seal and shall be responsible for its safe keeping and care.



Section 12. Disclosure of Conflict of Interest. Any Board member's potential conflict of interest shall be disclosed in accordance with Colorado law, particularly Article 18 of Title 24, C.R.S. and Sections 32-1-902(3) and 18-8-308, C.R.S. Directors shall abstain from participating in consideration of any item involving a legally prohibited conflict of interest. Unless such a conflict exists, however, Directors should not abstain from the Board's decision-making responsibilities, including voting on all action items.

Section 13. Compensation. Each Director may receive compensation as prescribed by statute. No Director shall receive compensation as an employee of District, except as may be provided by statute.

Section 14. Indemnification of Directors and Employees. District shall defend, hold harmless and indemnify any Director, officer, agent, or employee, whether elective or appointive, against any tort or liability, claim or demand, whether groundless or otherwise, arising out of any alleged act or omission occurring during the performance of duty, as more fully defined by an Indemnification Resolution. The provisions of this Section 14 shall be subject to and, to the extent of any inconsistency therewith, shall be modified by the Governmental Immunity Act, 24-10-101, et seq., C.R.S.

Section 15. Bidding and Contracting Procedures. Except in cases in which District will receive aid from a government agency, a notice shall be published for bids on all construction contracts for work or material, or both, involving an expense of \$60,000 or more. District may reject any and all bids, and if it appears that District can perform the work or secure material for less than the lowest bid, it may proceed to do so in accordance with Section 32-1-100l(d), C.R.S.

A Notice or Invitation to Bid shall be prepared and published in accordance with statutory directive §24-92-103, C.R.S. The Manager shall post the proposed contract to bid on at least three of the following sites for public review, as well as the Jeffco Transcript or other legal paper of record, such sites to be amended according to recommendations by the Manager:

Colorado Plan room (<https://www.constructionreporter.com/colorado.html>)

Dodge Plan room (<https://www.construction.com/products/dodge-planroom>)

Quest CDN (<https://www.questcdn.com/>)
Bidnet (<https://www.bidnet.com/>)

The District shall receive at least three bids for all construction projects exceeding \$60,000 in total costs. Receipt of bid postings shall be recorded and available for documentation by way of receipts of postings and/or log of bid posting with image and time stamp, for a period of five years after project completion. Projects operating under emergency circumstances (i.e., main breaks) shall not require any bids if the Manager deems time is essential. Projects that do not receive enough bids will be evaluated by the Board and shall be continued, reposted, postponed or terminated at Board's discretion.

The Board retains the right, in its sole discretion, to reject any or all proposals; determine the proposal and subcontractors that will serve the best interests of District; and determine the proposal and sub-contractor which is most responsible to perform the work.

Bids must be accompanied by an acceptable bidder's bond, or a certified check payable to District, in an amount equal to 5% of the bid. If, within the time designated in the Notice of Award, the Contract is not executed, and, if required, a Payment and Performance Bond and Certificates of Insurance are not provided, District shall keep the bid bond as liquidated damages, and assess such other damages as District may determine.

A Payment and Performance Bond is required for Contracts over \$50,000 and are discretionary with the Board under that amount. Sections 38-26-105 and 106, C.R.S.

For any construction contract exceeding \$150,000, the District shall make monthly payments, up to 95% of the contracted amount, with the remainder due upon completion of the work. The contractor may deposit acceptable securities in lieu of such retained amounts in accordance with law and specifically Section 24-91-103, C.R.S.

Section 16. Modification of By-Laws. These By-Laws may be altered, amended or repealed at any regular meeting or at any special meeting of the Board called for that purpose.

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