

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE FLORISSANT WATER
AND SANITATION DISTRICT CONCERNING PAYMENT OF THE CLARE
JUDGMENT**

RESOLUTION NO. 2019-04

WHEREAS, the Florissant Water and Sanitation District (“the District”) is organized pursuant to Colorado Revised Statutes, § 32-1-101 *et seq.*; and

WHEREAS, a judgment was entered in favor of Harold “Gene” Clare, and against the District, in Case No. 93CV24, El Paso County District Court, on June 8, 1995, in the amount of \$123,000 plus interest; and

WHEREAS, interest on the judgment has been accruing since the order of judgment was entered, and

WHEREAS, the District passed resolutions (Nos. 2005-04 and 2006-01) to credit water bills for 196 Mesa Drive in addition to a separate mill levy to help pay the judgment; and

WHEREAS, 196 Mesa Drive has benefitted by the District’s crediting of the water bills; and

WHEREAS, the Court in Case No. 93CV24 entered an order dated May 15, 2008, reviving the Clare judgment in the amount of \$211,398.00; and

WHEREAS, since the order reviving judgment, payments toward the Clare judgment have been made through collection of the mill levy and crediting of water bills for 196 Mesa; and

WHEREAS, the Board has determined that, as of the date of this Resolution, the combination of mill levy collections and crediting of water bills has overpaid the revived judgment; and

WHEREAS, the Board understands that the attorney for Clare may dispute that the judgment has been paid in full and, specifically, that the water bill credits are applicable toward payment of the judgment; and

WHEREAS, the Board is mindful of the costs and risks of continued litigation, and believes it is the best interest of the District and its customers to fully and finally resolve this matter as expeditiously as possible, and to avoid further litigation, if possible, in order to achieve final resolution of this case; and

WHEREAS, the District Board of Directors is authorized to take action by resolution for the efficient management of the District;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Board of Directors of the District hereby determines that it is in the best interest of the District and its customers to have Clare promptly acknowledge full payment of the judgment

in order to avoid further collection efforts, and, to that end, to direct counsel to settle this matter as follows:

- The District is willing to forego collection of overpayment of the judgment in exchange for the prompt filing of a satisfaction of judgment by Clare or Clare's attorney in Case No. 93CV24.
- If the satisfaction of judgment is filed by August 28, 2019, the District shall not seek collection of any overpayments.
- If the satisfaction of judgment is not filed by August 28, 2019, then the District may seek a ruling from the Court in Case No. 93CV24:
 - (1) that the judgment has been fully paid; and
 - (2) that Clare should return any overpayments to the District so that the benefits of the returned overpayments may be used for the benefit of the District's customers.

The Board of Directors of the District hereby directs its attorneys to proceed in a manner that is consistent with this Resolution.

The foregoing is a true copy of a resolution adopted by the Board of Directors of the Florissant Water and Sanitation District by unanimous vote at a public meeting on the 13 day of August, 2019.

The roll having been called, the vote was as follows:

Director – Catherine Valdez
Director - Barbara Faux
Director – Paul E. Kennedy
Director – Ginger R. Bruvold
Director – Robert L. Faux

[Handwritten signatures and initials for each director, including "Agent" written next to Ginger R. Bruvold's signature]

ADOPTED this 13 day of August, 2019

ATTEST:

Paul E. Kennedy
President/Chairman of the Board

Barbara L. Faux
Secretary