

**REGULAR MEETING
of the
BOARD OF DIRECTORS**

MINUTES

Thursday, 9:00 a.m.

November 19, 2009

Called to order at 9:02 a.m.

The meeting of the Boxelder Sanitation District Board of Directors was held at the Boxelder Sanitation District administrative office located at 3201 E. Mulberry, #Q, Fort Collins, CO 80524. Mr. Les Gelvin acting as the Chairman with Mr. Fred Walker acting as Secretary, called the meeting to order.

Prior notice of the meeting was given in accord with §32-1-903 CRS.

1. Roll Call:

Directors Present: Mr. Les Gelvin, Chairman
Mr. Scott Taylor, Vice-Chairman
Mr. Gordon Woelfle
Mr. Dennis Gatlin

Staff Present: Mr. Fred Walker, Secretary, General Manager
Ms. Pat Mathena, Assistant Manager and Controller
Mr. Randy Siddens, District Engineer, 9:02 am – 11:05 am,
12:14 pm – 12:33 pm, 12:42 – 1:35 pm
Mr. Andre Rowlett, Wastewater Treatment Operator/Assistant
Industrial Pretreatment Coordinator, 12:02 pm – 12:33 pm
Ms. Sue Lowe, Administrative Coordinator, 1:35 pm – 1:45 pm

Public Present: Mr. Rick Zier, District legal counsel, 9:02 am – 11:05 am

Director Absent: Mr. Stephen Pink, Treasurer

Roll was called and it was determined that a quorum was present.

2. Public comment: None

3. Mr. Woelfle moved to approve the minutes of the October 15, 2009 regular meeting as presented. Motion seconded. Minutes approved unanimously [4-0-0].

4. Mr. Taylor moved to amend the agenda to include discussion of the Timnath Reservoir lift station and add the action item regarding special district regular election. Motion seconded. Motion passed unanimously [4-0-0].

5. The board discussed the status and possible resolutions of the dry well at the Timnath Reservoir lift station.

A short break was taken and Messrs. Zier and Siddens left the meeting.

6. Mr. Taylor moved to adopt *Resolution to Adopt Budget for FY 2010*. Motion seconded. Motion passed unanimously [4-0-0].
7. Mr. Woelfle moved to adopt *Resolution to Appropriate Sums of Money for FY 2010*. Motion seconded. Motion passed unanimously [4-0-0].
8. Mr. Gatlin moved to adopt the monthly billing rate structure, to be effective January 1, 2010, as reflected below:

Base Monthly Charge:

- Continue to have the base monthly charge (aka facility charge) for all residential and non-residential customers.
- All non-residential property/building owners that have multi-units will be subject to a base monthly charge (facility charge) that would be phased-in over the five year transition period. Eliminate the base monthly facility charge for all units within each non-residential building over the five year transition period.
- Non-residential single unit customers (building owners) with water meters greater than 5/8" to be transitioned over the five year period from a base monthly charge based on the water meter size to a base monthly charge (facility) independent of the size of the water meter.
- At the start of the fifth year of the transition period, all residential customers and all non-residential property/building customers would have the same base monthly facility charge per residence or non-residential building.

Flow Surcharge:

- The monthly billing structure will continue to surcharge consumption in excess of the flow allowance.
- Non-residential single unit customers (building owners) with water meters greater than 5/8" to be transitioned over the five year period from a flow surcharge based on the water meter size to a flow charge based upon a flow allowance independent of the size of the water meter.

IPP Charge:

- All non-residential customers with access to a discharge point will be billed an Industrial Pretreatment Program (IPP) Charge.
 - The single meter single-user customer will have a phased-in IPP charge over five years.
 - All non-residential multi-unit customers (occupants of the building) will be transitioned over five years from the existing \$31.77 base monthly charge billing to an industrial pretreatment program charge (IPP).
- All non-residential customers with access to a discharge point will continue to be subject to the existing additional Industrial Pretreatment Program Charges (e.g., pretreatment permit fees, excess loading surcharges and FOG labor, as appropriate).

Flow Allowance:

- At the start of the fifth year of the transition period, all residential customers and all non-residential property/building customers would have the same flow allowance per residence or non-residential building.
- Change the flow allowances for the first year of transition to the proposed flow allowances reflected in the table below.

Meter Size or Unit	2009 Flow Allowance	2010 Flow Allowance
Residential: per unit	7 kgal	5 kgal
Non-Residential: Single meter multi-unit	6 kgal	6 kgal
Non-Residential: 0.625" water meter	6 kgal	6 kgal
Non-Residential: 0.75" water meter	8 kgal	7 kgal
Non-Residential: 1.0" water meter	10 kgal	7 kgal
Non-Residential: 1.5" water meter	20 kgal	8 kgal
Non-Residential: 2.0" water meter	32 kgal	8 kgal
Non-Residential: 3.0" water meter	64 kgal	25 kgal

Motion seconded. Motion passed unanimously [4-0-0].

9. Mr. Gatlin moved to adopt the revenue rates and charges, to be effective January 1, 2010, as reflected below:

Operating Charges:

Rate	2010 Rate
Basic Residential Service: (per unit)	\$31.77
<u>Commercial Service:</u>	
* single meter multi unit (SMMU) building owner	\$5.60
* 5/8" water meter	\$31.77
* 3/4" water meter	\$46.41
* 1" water meter	\$64.86
* 1.5" water meter	\$96.22
* 2" water meter	\$126.91
* 3" water meter	\$275.20
* Basic Commercial unit in a SMMU-part treatment, part IPP	\$27.52
* Industrial Pretreatment Program (IPP) for Single Meter Single User	\$3.00
Rate per kgal over flow allowance	\$2.85
Standby WDR	\$2.60

System Development Charge:

Description	Water meter size	**Rate	Comment
Commercial Service System Development Charge for purchase of Wastewater Discharge Right	5/8"	\$5,333	** May have additional basin charges due at time of payment
	1"	\$13,333	
	1.5"	\$26,665	
	2"	\$42,664	
	3"	\$79,995	
Residential Service System Development Charge for purchase of Wastewater Discharge Right	N/A	\$5,333	Per single family dwelling unit ** May have additional basin charges due at time of payment

Operating Charges:

Permits and Connections	Charge	Other
Public use drive-up R.V. dump permit	\$50.00 monthly	Plus monthly basic service charge
Set up Charge (when control of discharge point changes)	\$25.00	Residential and Non-Residential Customer
Permanent system disconnection, without a disconnect valve	\$350.00	Labor, equipment and materials plus 15%; \$350 minimum
Permanent system disconnection, with installed disconnect valve	\$100.00	Labor, equipment and materials plus 15%; \$100 minimum

Miscellaneous Charges	Charge
Bad Check	\$15 each
Lien Filing	\$20 each
Late fee 4-12 weeks for charges unpaid by the following bill date	\$2/month
Administrative Charge (over 8 weeks, plus \$2.00 late fee) for charges unpaid ~60 days after bill date	\$15/month
Mileage Reimbursement Rate per IRS standard business rate in effect when mileage driven (4/17/08 board action)	Floating
WDR Extension Fee	\$100 per WDR
WDR Refund Charge	\$25 per WDR
Administration labor	\$45/hour
Field labor	\$45/Hour
Camera & Videotaping (staffed)	\$150/hr 2 hour minimum
Backhoe w/operator	\$100/hour 2 hour minimum
Dump Truck w/operator	\$85/hour 2 hour minimum
Jetter truck (staffed)	\$150/hour 2 hour minimum
Water truck (staffed)	\$85/hour 2 hour minimum
Repairs & Remediation	Time & Materials plus 15%

Miscellaneous Charges	Charge
Sewer main cut/saddle install, residential and non-residential	\$350 minimum Labor, equip., materials + 15%
New construction lateral inspection, residential and non-residential	\$50/each
Weekend inspection of laterals	\$200 each
Weekend inspection of developer subdivision infrastructure installation	\$150/hr 3 hr minimum
Election judge training	\$20/session
Election day judge fee	\$150/day
Election judge pay: provisional ballots and canvassers	\$10/hour
Payment to property owner in the event of SSO but cause is unclear whether main or lateral line (Board action 4/12/04).	\$150 each

Industrial Pretreatment Program Charges	Charge	Unit	Other
Wastewater Discharge Permit Application Fee	\$500	Minimum Each user	Applies to the WW Discharge Permit Fee
Wastewater Discharge Permit Fee	Not to exceed \$2,000 for permit renewals & \$3000 for new permits. Board may set higher amount at their discretion based on the work required by Boxelder.		
Annual Pretreatment Fee-Zero Discharge	\$300	Each user	Annual
Annual Pretreatment Fee	\$1,000	Each user	Annual
Excess loading surcharge BOD	\$0.192	Per pound	
Excess loading surcharge COD	\$0.128	Per pound	
Excess loading surcharge TSS	\$0.186	Per pound	
Fats, Oil & Grease (FOG) labor	\$45.00	Per hour	

Development Charges	Project Size	Rate	Other
Petition for Inclusion	N/A	\$250.00	Each Property
Petition for Exclusion	N/A	\$500 plus all non-staff costs associated with exclusion	Each Property
Residential development	≤ 10 lots	\$50 + \$25/lot	Up to three reviews. Additional review: actual time/costs plus 15%.
	11 through 100 lots	\$300 + \$15/lot (in excess of 10 lots)	
	101 lots and above	\$1800 + \$10/lot (in excess of 100 lots)	
Commercial development	Per acre	\$300	Up to three reviews. Additional review: actual time/costs plus 15%.
Commercial buildings			
Single user/occupant buildings	For lots ≤ 1 acre	\$100/lot	
Single user/occupant buildings	For lots > 1 acre	\$200/lot + \$50/acre	
Multi-user/occupant user	N/A	\$150 + (\$25 x # units)	

Plan Review / Development Review Charges	Rate
Off-site construction:	
Gravity sanitary sewer lines	\$750/mile
Pressure sanitary sewer lines	\$750/mile
Site application for pump stations	\$3,000
Site application for gravity line only	\$2,000

- Motion seconded. Motion passed unanimously [4-0-0].
10. Mr. Woelfle moved to discontinue the current surcharging of pump station users for operational and maintenance costs, effective January 1, 2010. Motion seconded. Motion passed unanimously [4-0-0].
 11. Mr. Taylor moved to set the Boxelder Sanitation District tax levy for the tax year 2009 (2010 budget year) to zero mills for Larimer and Weld Counties. Motion seconded. Motion passed unanimously [4-0-0].
 12. Mr. Gatlin moved to approve the following changes to the District Rules and Regulations Section 607, effective January 1, 2010, such that Section 607 states in its entirety:

607: RATES AND CHARGES; BASIS FOR: Adopted & revised 4-4-2002, 01-01-2010

The owner, and their successors and assigns, obtain a property right to discharge to the sanitary sewer system upon the purchase of the WASTEWATER DISCHARGE RIGHT. Owner is subject to all rules and regulations of the district. This WASTEWATER DISCHARGE RIGHT transfers with the property upon sale of the property. Completion of the *Permit to Discharge Pollutant Wastes* is required, but failure to complete the applicable permit does not invalidate owner responsibilities in regard to the sanitary sewer service and payment of applicable charges.

Revised 4-12-2004

Owners that rent or lease property with discharge rights to tenants still retain the rights and responsibilities of discharge ownership. The rights and responsibilities of the discharge ownership include, but are not limited to, timely payment of all applicable rates, charges, fees, service charges and penalty charges of the District, as approved by the Board of Directors of the District. If not paid, the referenced premises will be subject to termination of service.

A commercial tenant of the owner assumes a secondary position to the owner. The District will bill the tenant for service (sanitary sewer service, blend of sanitary sewer service and Industrial Pretreatment Program (IPP) charge, or IPP charge only) as a courtesy to the owner but if payment is not received from the tenant, the owner assumes the tenant's position in regards to District charges.

Revised 11-13-2003, 01-01-2010

A. WASTEWATER TREATMENT CHARGES FOR QUANTITY FLOWS:

1. RESIDENTIAL USER CHARGES:

Basic charge for quantified flows per month.

- a. A base monthly charge (aka facility charge) for the treatment of pollutant wastes and for flow surcharge above specified maximums (see current

Costs and Charges schedule) will be billed monthly for all residential family homes, each duplex unit, each townhouse or townhouse unit, and each recreational vehicle space or mobile home space, occupied or unoccupied. Revised 01-01-2010

- b. A monthly surcharge for metered water use (in 1,000 gallon increments) exceeding the flow allowance will be charged (see current Costs and Charges schedule). Revised 01-01-2010
- c. A Special Summer Schedule rate charge, based upon the average winter water consumption for the months December, January and February, shall be implemented each year for the 9-month period of March through November. This nine-month summer schedule rate during the spring, summer and early fall precludes charging residential customers for lawn watering. Revised 4-12-04

2. COMMERCIAL/INDUSTRIAL USER CHARGES:

There are two classifications of non-residential facilities: single unit/single use and multiple space/multiple use. The following are monthly charges applicable to each classification.

a. SINGLE UNIT/SINGLE USE SITE:

1. Minimum base monthly charges (aka facility charge) will be billed, based on the water meter size, and will be surcharged for metered water use (in 1,000 gallons increments) exceeding the flow allowance for the meter size (see current Costs and Charges schedule). Revised 01-01-2010
2. A monthly Industrial Pretreatment Program (IPP) Charge will be billed (see current Costs and Charges schedule). Adopted 01-01-2010

b. MULTIPLE SPACE/MULTIPLE USE:

1. The property owner will be surcharged for metered water use (in 1,000 gallon increments) exceeding the flow allowance for the building (see current Costs and Charges schedule). Revised 01-01-2010
2. The property owner will be billed a minimum base monthly charge (aka facility charge) per building (see current Costs and Charges schedule). Adopted 01-01-2010
3. A monthly flat rate charge for treatment of pollutant wastewater will be billed for all non-residential users with a controlled discharge point (aka unit). This flat rate will be assessed by unit for multiple space/multiple use conditions. The flat charge will be transitioned (over a five year period) and reclassified as the Industrial Pretreatment Program (IPP) Charge. Revised 01-01-2010
4. Up to two vacancies per multiple space/multiple use site are billable to the property owner. Revised 01-01-2010

c. IRRIGATION METER FOR COMMERCIAL/INDUSTRIAL USERS:

Boxelder Sanitation District will provide one irrigation meter per non-residential building, upon request from the non-residential user building, for the measurement of the non-wastewater flows for the nine-month period of March through November. The irrigation allowance shall apply only to customers with 1,000 sq. ft. or more of irrigated property. The irrigation submeter will be installed at the owner's expense. The irrigation allowance shall be based on monthly metered usage as measured by the difference between primary service water meter and the irrigation submeter reading. District will adjust flow surcharges based on the said metered non-wastewater flows from the non-residential building for the nine-month period of March through November to preclude charging for non-wastewater application of water (i.e. irrigation of landscape).

Revised 5-10-2004

Motion seconded. Motion passed unanimously [4-0-0].

Messrs. Rowlett and Siddens joined and left the meeting during the lunch break.

13. The action item regarding the 2010 and 2011 calendar was tabled until the December board meeting.

Mr. Siddens joined the meeting.

14. Mr. Gatlin moved to authorize staff to enter into an agreement with a provider that will remove sludge from the District lagoons at a cost not to exceed \$100,000. Motion seconded. Motion passed unanimously [4-0-0].

15. Operations: Information on the treatment plant, industrial pretreatment program, wastewater collection system, and administration operations for October 2009 was presented.

Mr. Siddens left the meeting and Ms. Lowe joined the meeting.

16. Mr. Gatlin moved to adopt Resolution 2009-11-19 *Appointing a Designated Election Official and Authorizing Designated Election Official to Conduct Polling Place Election*. This resolution also instructs the Designated Election Official to cancel the election if there are not more candidates than offices to be filled. Motion seconded. Motion passed unanimously [4-0-0]. The oath of Designated Election Official was taken by Ms. Lowe.

Ms. Lowe left the meeting.

17. Financial Information:
Presented to the board was information on financial status, inflow and outflow of funds, and growth in customer base:

- Cash and Cash Equivalents as of October 31, 2009;
\$3,319,093.38 Ending Cash, September 30, 2009
210,369.46 October Receipts
-163,031.34 October Cash Disbursements
\$3,366,431.50 Ending Cash, October 31, 2009

- Details of revenues, including components of cash received monthly, monthly sewer billings and # of sewer accounts, current monthly charges – comparison by user class, fee revenues, and WDR receipts were presented. Delinquent billings and delinquency statistics were not presented.
- Details of outflow of funds were presented; including contract status, contingent commitments, purchase orders, cash disbursement listing, and credit card detail for the month ended October 31, 2009.
- Unaudited draft financial statements for the eight months ended September 30, 2009 were presented at the meeting. Total net assets (graph), total current assets (graph), and financial ratios were presented.

18. Information Transfer

- Report on City of Greeley vs 22-27 Limited Partnership, et.al. stipulation.
- District project update

19. New Business: None

20. Mr. Gatlin moved to adjourn the meeting. Motion seconded. Motion approved unanimously [4-0-0].

Meeting adjourned at 2:16 pm.

These minutes were approved on the 17th day of December, 2009 by an action of the Board of Directors.

/s/ Scott Taylor
Vice Chairman of the Board

/s/ Fred E. Walker
Secretary

RESOLUTION TO ADOPT BUDGET FOR FY 2010

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE BOXELDER SANITATION DISTRICT, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2010 AND ENDING ON THE LAST DAY OF DECEMBER, 2010.

WHEREAS, the Board of Directors of the Boxelder Sanitation District has appointed Steve Pink Treasurer of the Board of Directors to prepare and submit a proposed budget to said governing body at the proper time, and

WHEREAS, Steve Pink, Treasurer of the Board of Directors, submitted a proposed budget to this governing body on October 15, 2009 for its consideration, and;

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 19, 2009, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BOXELDER SANITATION DISTRICT, COLORADO:

Section 1. That estimated expenditures for each fund are as follows:

General Fund	\$2,189,055
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Section 2: That estimated revenues for each fund are as follows:

<u>General Fund</u> From Unappropriated surpluses	\$2,189,055
From Sources other than general property tax	\$ -0-
From the general property tax levy	<u>\$ -0-</u>
 Total General Fund	 <u>\$2,189,055</u>

Section 3: That the budget as submitted, amended and herein above summarized by fund, be, and the same hereby is, approved and adopted as the budget of the Boxelder Sanitation District for the year stated above.

Section 4: That the budget hereby approved and adopted shall be signed by the President of the Board of Directors and the Secretary and made a part of the public records of the District.

ADOPTED, this 19th day of November, A.D., 2009

/s/ Les Gelvin, Chairman of the Boxelder Sanitation District Board of Directors

/s/ Fred E. Walker, Secretary of the Boxelder Sanitation District

RESOLUTION TO APPROPRIATE SUMS OF MONEY FOR FY 2010

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE BOXELDER SANITATION DISTRICT, COLORADO, FOR THE 2010 BUDGET YEAR.

WHEREAS, the Board of Directors has adopted the annual budget in accordance with the Local Government Budget Law, on November 19, 2009, and;

WHEREAS, the Board of Directors has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, so as not to impair the operations of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BOXELDER SANITATION DISTRICT, COLORADO;

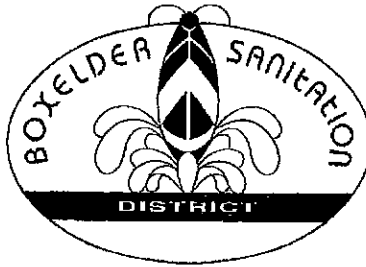
That the following sums are hereby appropriated from the revenue of each fund, to each fund, for purposes stated;

General Enterprise Fund	<u>\$2,189,055.00</u>
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ADOPTED THIS 19TH DAY OF NOVEMBER, A.D. 2009

/s/ Les Gelvin, Chairman of the Boxelder Sanitation District Board of Directors

/s/ Fred E. Walker, Secretary to the Boxelder Sanitation District



RESOLUTION 2009-11- 14
APPOINTING A DESIGNATED ELECTION OFFICIAL AND AUTHORIZING
DESIGNATED ELECTION OFFICIAL TO CONDUCT POLLING PLACE ELECTION

§32-1-804, 1-1-111(2), 1-5-208(1.5), C.R.S.

WHEREAS, the term of office of Directors Woelfle, Pink and Gatlin shall expire after their successors are elected at the Regular Special District election to be held on May 4, 2010 ("Election") and take office; and

WHEREAS, in accordance with the provisions of the Special District Act ("Act") and the Uniform Election Code of 1992 ("Code"), an election must be conducted to elect three (3) Directors, each to serve for a term of **four** years; and

WHEREAS, pursuant to §1-1-111(2) C.R.S., the Board of Directors of the Boxelder Sanitation District (Board) is authorized to designate an election official to exercise authority of the Board in conducting an election, and

WHEREAS, pursuant to §1-5-208, C.R.S., the Board can authorize the Designated Election Official to cancel the election upon certain conditions; and

NOW, THEREFORE, be it resolved by the Board of Directors of the Boxelder Sanitation District ("District") in Larimer and Weld Counties, State of Colorado that:

(1) The regular election of the eligible electors of the Boxelder Sanitation District (District) shall be held on May 4, 2010, between the hours of 7:00 A.M. and 7:00 P.M. pursuant to and in accordance with the Act, Code, and other applicable laws. At that time three Directors will be elected and each will serve a **four-year** term.

(2) Susan Lowe shall be appointed as the Designated Election Official on behalf of the District and is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Act, Code, or other applicable laws. The Election shall be conducted in accordance with the Act, Code and other applicable laws. Among other matters, the Designated Election Official shall appoint election judges as necessary, appoint the Board of Canvassers, arrange for the required notices of election (either by mail or publication) and printing of ballots, and direct that all other appropriate actions be accomplished. The appointed person shall be appointed by the board and swear or affirm an oath of office. This document will be submitted to the board as an official part of the election record. *Exhibit A*.

(3) District shall consist of one election precinct for the convenience of the eligible electors of District, the boundaries of which are identical to the boundaries of the District, and there shall be one polling place at the following location:

Boxelder Sanitation District Administration Office
3201 E. Mulberry, Unit Q
Fort Collins, CO 80524

situated in Larimer County, State of Colorado.

(4) Applications for mail-in or absent voter's ballots may be filed with the Designated Election Official at 3201 E. Mulberry, Unit Q, Fort Collins, CO 80524, not earlier than **January 1, 2010, nor later than 5:00 P.M. on April 30, 2010.**

(5) Self-Nomination and Acceptance petitions will be available at the Designated Election Official's office located at the above address. All candidates must file a nomination petition with the Designated Election Official no later than 4:30 P.M. on **February 26, 2010.** A person who misses this deadline, but wishes to be a write-in candidate for office, shall file an affidavit of intent with the Designated Election Official no later than 4:30 P.M. on **March 1, 2010.**

(6) If the only matter before the electors is the election of persons to office, and if at the close of business on **March 2, 2010,** there are not more candidates than offices to be filled at the Election, including candidates filing affidavits of intent to be a write-in, the Designated Election Official shall cancel the Election and by Resolution declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with the Code.

(7) **Severability.** If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

(8) **Repealer.** All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

(9) **Effective Date.** The provisions of this Resolution shall take effect immediately.

Adopted and approved this 19th day of November 2009 by the Board of Directors of the Boxelder Sanitation District.

/s/ Les Gelvin, Chairman of the Board

/s/ Fred E. Walker, Secretary of the Board