
RECORD OF PROCEEDINGS

**MINUTES OF THE BOARD OF DIRECTORS OF
THE ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY**

HELD: January 12, 2022

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Doyle Tinkey and Geri Santos-Rach. Present via Zoom video conferencing were Directors Tom Wood, Perry Deeds, Brad Cromer, Derek Killebrew, and Nancy Sharpe and Legal Counsel Ron Fano. Director Jeff Baker was absent and excused. Also in attendance in person were Steve Witter, Matt Vigil, Tony Campbell, Kevin McBrien, Patty Pratt; via Zoom were Sandor Rebek, Sam Waxlax, and Savana Dumler. The guest in attendance via Zoom was Alan Leak, of Respec.

CALL TO ORDER:

Director Tinkey called the meeting to order at 9:01 a.m. The Pledge of Allegiance was recited.

ADOPTION OF THE AGENDA:

Director Santos-Rach made a motion to adopt the Agenda as presented. The motion was seconded by Director Tinkey and passed 6 to 0, as follows:

Doyle Tinkey – Yes
Geri Santos-Rach – Yes
Nancy Sharpe - Yes
Perry Deeds – Yes
Derek Killebrew – Yes
Tom Wood – Yes

PUBLIC FORUM

No one came forward to address the Board.

CONSENT AGENDA:

Director Santos-Rach made a motion to approve the Consent Agenda as presented. The motion was seconded by Director Tinkey and passed 6 to 0, as follows:

Doyle Tinkey – Yes
Geri Santos-Rach – Yes
Nancy Sharpe - Yes
Perry Deeds – Yes
Derek Killebrew – Yes
Tom Wood – Yes

The Consent Agenda consisted of the following:

1. Request for Approval of Minutes of the Board of Directors of the Arapahoe County Water and Wastewater Authority - from December 8, 2021
2. Request for Approval of Payment Register for December 2021
3. Request for Approval of ACWWA Flow Engineering Services (Brown & Caldwell) First Half 2022

GENERAL BUSINESS ACTION ITEMS

ITEM No. 4 – Discussion and Possible Action Regarding 2022 Board Officers

Director Santos-Rach reported that neither she nor Director Cromer had reached out to any of the Board members regarding the nomination of directors to various official positions on ACWWA's Board of Directors and she suggested that the current slate of officers remain.

Director Cromer joined the meeting at 9:05 a.m.

Director Cromer concurred with the recommendation that the current slate of officers remain the same unless others had a different opinion. With no other suggestion being made and no further discussion necessary, Director Santos-Rach moved to approve the slate of officers for the 2022 calendar year as presented:

President – Doyle Tinkey
Vice President – Tom Wood
Treasurer – Brad Cromer
Secretary – Geri Santos-Rach

The motion was seconded by Director Sharpe and passed 7 to 0, as follows:

Doyle Tinkey – Yes
Geri Santos-Rach – Yes
Nancy Sharpe - Yes
Perry Deeds – Yes
Derek Killebrew – Yes
Tom Wood – Yes
Brad Cromer - Yes

ITEM No. 5 – Discussion and Possible Action Regarding 2022 Committee Members

Director Tinkey asked if everyone was happy with their current committee assignments. All of the Directors stated they were happy. Director Killebrew confirmed that he currently was not on any committee and volunteered to serve on the Planning Water Resources and Capital Projects Committee.

ITEM No. 6 – Discussion and Possible Action Regarding the Valley Country Club (VCC) Lift Station Improvement Project

Ms. Dumler gave a brief history of the Lift Station and the failure that happened in June 2019. Ms. Dumler reported that staff and consultants Kennedy Jenks evaluated the VCC Lift Station to determine how to effectively operate the lift station and mitigate risk of future flooding.

ITEM No. 10 – Discussion and Possible Action Regarding the Joint Water Purification Plant (JWPP) RO Reconversion Project (Possible Executive Session)

FIRST EXECUTIVE SESSION

At 9:22 a.m., a motion was made by Director Santos-Rach and seconded by Director Baker to enter into an Executive Session, pursuant to §24-6-402(4)(b) to consult or receive legal advice from the attorney regarding the JWPP. Motion passed 7 to 0.

The following people were present in the Executive Session: Doyle Tinkey, Brad Cromer, and Jeff Baker. Those in attendance via Zoom video conference were: Geri Santos-Rach, Tom Wood, Perry Deeds, Nancy Sharpe, and Legal Counsel Ron Fano. Also in attendance were Steve Witter, Matt Vigil, Tony Campbell, Kevin McBrien, Patty Pratt, Sandor Rebek, and Alan Leak. (At the request of legal counsel, this Executive Session was not recorded, and a letter from legal counsel is attached to these minutes.)

At 9:40 a.m., a motion to adjourn the First Executive Session was made by Director Baker. The motion was seconded by Director Cromer and passed 7 to 0.

Mr. McBrien opened the meeting to the public.

ITEM No. 6 – Status Report Regarding ACWWA’s 2021 Priorities **and** ITEM No. 7 – Status Report on 2021 Accomplishments

Mr. Witter opened the discussion and asked the Board’s input regarding the status of ACWWA’s 2021 Priorities and Accomplishments. The Board did not have any questions, but complimented Mr. Witter and staff for all that had been accomplished. Director Tinkey included that the synopsis had been requested by the Personnel Committee and was very complete and very much appreciated.

ITEM No. 8 – Discussion and Possible Action Regarding 2022 Priorities for ACWWA

Mr. Witter presented the list of ACWWA's 2022 Priorities. The Board again complimented Mr. Witter and staff for compiling a comprehensive list. The Board asked staff to add the following items: a conceptual analysis of how ACWWA will handle the surplus water that will be delivered via the ACWWA Flow Project once it has been fully adjudicated; an analysis of if and how ACWWA can fill Chambers Reservoir more expediently; and a look at potential opportunities for service of the Elkhorn community.

ITEM No. 9 – Informational Presentation on Droughts in Colorado

Mr. Witter introduced Sam Waxlax, ACWWA's newest water engineer who gave a presentation on droughts in Colorado. The Board briefly discussed the current weather patterns and forecast for the coming year and how ACWWA through its diverse water portfolio, should be fine. The Board expressed their appreciation for the comprehensive report.

At 10:02 a.m., Director Sharpe left the meeting.

ITEM No 11 – Discussion and Possible Action Regarding the General Manager's Annual Evaluation

SECOND EXECUTIVE SESSION

At 10:15 a.m., a motion was made by Director Baker and seconded by Director Cromer to enter the Second Executive Session, pursuant to §24-6-402(4)(f) to discuss personnel matters. Mr. Witter was given the option to exercise his right to have the discussion in open session. Mr. Witter stated that he waived that right. Motion passed 6 to 0.

The following people were present in the Executive Session: Doyle Tinkey, Brad Cromer, and Jeff Baker. Those in attendance via Zoom video conferencing were: Geri Santos-Rach, Tom Wood, Perry Deeds, and Legal Counsel Ron Fano. (Executive Session recordings are retained for 90 days.)

At 10:30 a.m., Legal Counsel Ron Fano left the meeting.

At 10:36, a motion to adjourn the Second Executive Session was made by Director Tinkey. The motion was seconded by Director Cromer and passed 6 to 0.

Director Cromer then re-opened the meeting.

ITEM No. 12 – General Manager's Report to the Board of Directors

Mr. Witter reported that ACWWA staff participated in a fun bowling party in November. Director Tinkey complimented staff on their participation in the Arapahoe County Foundation's

Partnering for the Holidays opportunity, where donations were collected and given to those less fortunate within Arapahoe County. The Board commented on how yet again staff met the water hardness goal. Mr. McBrien reported there has not been a rush of customers coming in to pay for a tap as the year-end approaches, but that ACWWA is well above the tap sale goal set for 2021.

ITEM No. 9 – Operations and Facilities Report – No further report necessary at this time.

ITEM No. 10 – Finance and Administration Report – No further report necessary at this time.

ITEM No. 11 – Legal Report – No further report necessary at this time.

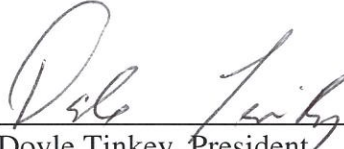
ITEM No. 12 – Updates – No further report necessary at this time.

ADJOURNMENT

At 10:40 a.m., the meeting was adjourned.

Approved: _____ 2-9-2022²

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



Doyle Tinkey, President

ATTEST:



Geri Santos-Rach, Secretary



SpencerFane

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File No. 5113777-4

January 12, 2022

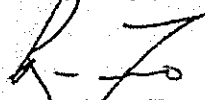
Arapahoe County Water and
Wastewater Authority
Attn: Patty Pratt
13031 E. Caley Avenue
Centennial, CO 80111

Re: Opinion Concerning Executive Session Held January 12, 2022

Members of the Board:

In my opinion, the executive session concerning legal issues related to the JWPP Reconversion Project that occurred during the Board meeting that I personally attended via Zoom Video Conference on January 12, 2022 was properly announced and was a privileged attorney-client communication. Therefore, no record or electronic recording of this executive session was required pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Very truly yours,



Ronald L. Fano

DN 3108830.1