
RECORD OF PROCEEDINGS

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

HELD: February 13, 2019

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Ken Beard, Doyle Tinkey, Nancy Sharpe, Tom Wood, Jeff Baker, Geri Santos-Rach, and Brad Cromer. Also in attendance were Steve Witter, Kate McRae, Martin Stegmiller, Kevin McBrien, Emily Lowell, Patty Pratt, Sandor Rebek, Michael Morianti, and Legal Counsel Ron Fano and Roy Bash. The guests in attendance were Alan Leak, Respec; and Charles Bucknam, Grandview Estates.

CALL TO ORDER:

Director Beard called the meeting to order at 9:00 a.m. in the Arapahoe Conference Room of the Arapahoe County Water and Wastewater Authority (ACWWA) office at 13031 E. Caley Ave., Centennial, CO 80111. Director Santos-Rach led the Pledge of Allegiance.

ADOPTION OF THE AGENDA:

Director Beard indicated to accommodate ACWWA's Legal Counsel's schedule, the Agenda would need to be modified by moving Item 7 – Discussion and Possible Action Regarding Chambers Reservoir Litigation up in the order, immediately after the Consent Agenda. Director Beard indicated that the remainder of the items would following in order. Director Cromer then made a motion to Adopt the Agenda as modified. The motion was seconded by Director Baker and passed 7 to 0.

PUBLIC FORUM

Charles Bucknam, who represents the Grandview Estates Rural Water Conservation District (GERWCD), which is adjacent to the Chambers Reservoir, addressed the Board to get an update on water monitoring in Chambers Reservoir. Mr. Bucknam passed out to the Board a memo entitled, "Issues with Chambers Reservoir Monitoring." After a brief discussion, the Board directed staff to review the memo and respond to GERWCD within the next thirty days.

CONSENT AGENDA:

Director Tinkey made a motion to approve the Consent Agenda as presented. The motion was seconded by Director Beard and passed 7 to 0. 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 January 26, 2019
2. Request for Approval of Payment Register
3. Request for Approval Regarding an Intergovernmental Agreement with Arapahoe County Regarding the East Service Center Water System
4. Request for Approval Regarding Elkhorn A2 Well Control Vault Contract

GENERAL BUSINESS ACTION ITEMS

FIRST EXECUTIVE SESSION

ITEM No. 7 – Discussion and Possible Action Regarding Chambers Reservoir Litigation

At 9:06 a.m., a motion was made by Director Baker and seconded by Director Wood to enter into the First Executive Session, pursuant to §24-6-402(4)(b) to consult or receive legal advice from the attorney regarding the Chambers Reservoir litigation. The motion passed 7 to 0. The following people were present in the Executive Session: Ken Beard, Doyle Tinkey, Nancy Sharpe, Geri Santos-Rach, Tom Wood, Jeff Baker, and Brad Cromer. Also in attendance were: Steve Witter, Kate McRae, Kevin McBrien, Emily Lowell, Patty Pratt, Alan Leak, Respec; and Legal Counsel Roy Bash. At the direction of Mr. Fano, the First Executive Session was not recorded.

At 9:48 a.m., a motion to adjourn the First Executive Session was made by Director Beard. The motion was seconded by Director Wood. The motion passed 7 to 0.

Director Cromer invited members of the public to return to the meeting.

In Open Session, Director Beard made a motion to instruct staff to continue on the negotiation path and, if appropriate, acceptance of the terms as discussed in Executive Session. The motion was seconded by Director Sharpe and passed 7 to 0.

SECOND EXECUTIVE SESSION

ITEM No. 5 – Discussion and Possible Action Regarding Cherry Creek Project Water Authority

At 9:51 a.m., a motion was made by Director Beard and seconded by Director Cromer to enter into the Second Executive Session, pursuant to §24-6-402(4)(e) to develop negotiating positions, strategy, or instruct negotiators regarding Cherry Creek Project Water Authority. Motion passed 7 to 0. The following people were present in the Executive Session: Ken Beard, Doyle Tinkey, Nancy Sharpe, Geri Santos-Rach, Tom

Wood, Jeff Baker, and Brad Cromer. Also in attendance were: Steve Witter, Kate McRae, Kevin McBrien, Emily Lowell, Patty Pratt, Sandor Rebek; Alan Leak, Respec; and Legal Counsel Ron Fano. (Executive Sessions recordings are retained for 90 days.)

At 10:34 a.m., a motion to adjourn the Second Executive Session was made by Director Beard. The motion seconded by Director Tinkey. Motion passed 7 to 0.

Director Cromer invited members of the public to return to the meeting.

THIRD EXECUTIVE SESSION

ITEM No. 6 – Discussion and Possible Action Regarding Valley Country Club Litigation

At 10:35 a.m., a motion was made by Director Beard and seconded by Director Wood to enter into the Third Executive Session, pursuant to §24-6-402(4)(b) to consult or receive legal advice from the attorney regarding the Valley Country Club litigation. The motion passed 7 to 0. The following people were present in the Executive Session: Ken Beard, Doyle Tinkey, Nancy Sharpe, Geri Santos-Rach, Tom Wood, Jeff Baker, and Brad Cromer. Also in attendance were: Steve Witter, Kate McRae, Kevin McBrien, Emily Lowell, Patty Pratt, Alan Leak, Respec; and Legal Counsel Ron Fano. At the direction of Mr. Fano, the Third Executive Session was not recorded.

At 11:10 a.m., a motion to adjourn the Third Executive Session was made by Director Tinkey. The motion was seconded by Director Beard. The motion passed 7 to 0.

Mr. Witter invited members of the public to return to the meeting.

ITEM No. 8 – General Managers Report to the Board of Directors – No report necessary at this time.

ITEM No. 9 – Committee Updates

- Planning Water Resources and Capital Projects (PWRCP) – The Board directed staff to look into and report back if there are other contracts that staff believe expose ACWWA to potential future legal issues/battles so that they can be addressed proactively. Mr. Witter reported that staff is continually monitoring the IGAs of which ACWWA is a party to ensure all potential issues are addressed in a timely manner.
- Joint PWRCP/Finance Committee – The Board directed staff to review for reasonableness the rates/fees charged to those customers who are located within Aurora but are being served by ACWWA. The Board also asked staff to investigate/report on how fire protection costs are being billed, specifically why some customers are responsible for the installation of a fire line and other are not.
- Personnel Committee – No report necessary at this time.

ITEM No. 10 – Staff Updates

- A. Development Report – No report necessary at this time.
- B. Monthly Financial Statements – No report necessary at this time.
- C. Legal Report – Mr. Fano reported that the only pertinent matter was discussed in Executive Session.

ITEM No. 11 – Informational Updates

- A. Water Informational Dashboard – No report necessary at this time.
- B. Customer Service and Website Activity – No report necessary at this time.
- C. Investments – No report necessary at this time.
- D. Billing Activities – No report necessary at this time.

ADJOURNMENT

At 11:16 a.m. Director Beard made a motion to adjourn the meeting. The motion was seconded by Director Santos-Rach and passed 7 to 0.

Approved: 3-13- 2019.

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



Ken Beard, President

ATTEST:




~~Geri Santos-Rach, Secretary.~~
Jeff Baker



SpencerFane

File No. 5113777-4

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February 14, 2019

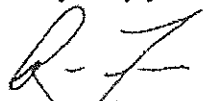
Arapahoe County Water and
Wastewater Authority
Attn: Patty Pratt
13031 E. Caley Avenue
Centennial, CO 80111

Re: Opinion Concerning Executive Session Held February 13, 2019

Members of the Board:

In my opinion, the first executive session concerning the Chambers Reservoir litigation and the second executive session concerning the Valley Country Club litigation that occurred during the Board meeting that I personally attended on February 13, 2019 were properly announced and were privileged attorney-client communications. Therefore, no record or electronic recording of these executive sessions was required pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S.

Very truly yours,



Ronald L. Fano

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