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RECORD OF PROCEEDINGS

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

HELD: March 9, 2022

13031 E. Caley Ave.  
Centennial, CO 80111

**ATTENDANCE:**

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

**CALL TO ORDER:**

Director Tinkey called the meeting to order at 9:01 a.m. Director Santos-Rach led the Pledge of Allegiance.

**ADOPTION OF THE AGENDA:**

Mr. Witter asked that the agenda be modified by switching the order of Items 6 and 7 so that discussion of the ACWWA Flow Project came before discussion of the Joint Water Purification Plant RO Conversation Project. Mr. Witter also suggested that any discussion of the Reports be done before the Board adjourns into the three Executive Sessions. Director Santos-Rach then made a motion to adopt the agenda as modified. The motion was seconded by Director Cromer and passed unanimously 7 to 0, as follows:

Doyle Tinkey – Yes  
Jeff Baker – Yes  
Brad Cromer – Yes  
Geri Santos-Rach – Yes  
Perry Deeds – Yes  
Tom Wood – Yes  
Derek Killebrew – 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 Baker and passed unanimously 7 to 0, as follows:

Doyle Tinkey – Yes  
Jeff Baker – Yes  
Brad Cromer – Yes  
Geri Santos-Rach – Yes  
Perry Deeds – Yes  
Tom Wood – Yes  
Derek Killebrew – 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 February 9, 2022
2. Request for Approval of Payment Register for February 2022
3. Request for Approval of Funding for Water Related to Case No. 18CV3090 Settlement Obligations

## GENERAL BUSINESS ACTION ITEMS

ITEM No. 4 – Ability to Serve Letter Request for Extraterritorial Project – Vermilion Creek Residential Development

Mr. McBrien presented the proposed new residential development to the Board, indicating that the developers are working with the City of Centennial, that water rights are being analyzed and stated that because this is outside of ACWWA's service district, it will be extra-territorial. Mr. McBrien stated that an Ability to Serve Letter is valid for one year from the date of issuance. After a brief discussion, Director Tinkey moved to approve the issuance of the Ability to Serve Letter for the Vermilion Creek Metropolitan District residential project as proposed. The motion was seconded by Director Baker and passed unanimously 7 to 0 as follows:

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

## REPORTS

### ITEM No. 8 – General Manager’s Report to the Board of Directors

Mr. Witter reported that ACWWA and Inverness Water and Sanitation District intend to pursue an evaluation regarding the feasibility of an application to re-rate the Lone Tree Creek Water Reuse Facility (LTCWRF). A draft scope has been developed by Carollo Engineers and is currently being reviewed.

Mr. Witter reported that ongoing construction delays has pushed ACWWA’s ability to supply ACWWA’s non-potable irrigation system out to 2023.

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

### ITEM No. 10 – Finance and Administration Report

Mr. Vigil reported that the financial information contained in the Board packet has a new format because of new financial software. He also stated that Board member reimbursement checks will also look different and will come from a different mailing address. The 2021 audit is well underway, and no problems have been reported to date.

ITEM No. 11 Legal Report Mr. Fano stated that the only legal matter would be discussed during the upcoming Executive Session.

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

## GENERAL BUSINESS ACTION ITEMS

ITEM No. 5 – Discussion and Possible Action Regarding the Litigation Related to the Valley Country Club (VCC) Lift Station Failure

## FIRST EXECUTIVE SESSION

At 9:17 a.m., Director Santos-Rach made a motion 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 Valley Country Club Lift Station. The motion was seconded by Director Baker and passed unanimously 7 to 0 as follows:

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

The following Board Members were present in the Executive Session: Jeff Baker, Brad Cromer, and Geri Santos-Rach. Those Board Members in attendance via Zoom video conference were: Doyle Tinkey, Tom Wood, Perry Deeds, and Derek Killebrew. Staff and consultant in attendance were Steve Witter, Matt Vigil, Tony Campbell, Patty Pratt, Legal Counsel Nicole Black, and Alan Leak, Respec. Legal Counsel Ron Fano left the room for this discussion. (At the request of legal counsel, this Executive Session was not recorded, and a letter from legal counsel is attached to these minutes.)

At 9:39 a.m., a motion to adjourn the First Executive Session was made by Director Baker. The motion was seconded by Director Cromer and passed unanimously 7 to 0 as follows:

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

Mr. Witter opened the meeting to the public and Mr. Fano rejoined the meeting.

Director Killebrew left the meeting at 9:40 a.m.

ITEM No. 7 – Discussion and Possible Action Regarding the ACWWA Flow Project

#### SECOND EXECUTIVE SESSION

At 9:40 a.m., Director Santos-Rach made a motion to enter into the Second Executive Session, pursuant to §24-6-402(4)(b) to consult or receive legal advice from the attorney regarding the JWPP. The motion was seconded by Director Cromer and passed unanimously 6 to 0 as follows:

Doyle Tinkey – Yes  
Jeff Baker – Yes  
Brad Cromer – Yes  
Geri Santos-Rach – Yes  
Perry Deeds – Yes  
Tom Wood – Yes

The following Board Members were present in the Executive Session: Jeff Baker, Brad Cromer, and Geri Santos-Rach. Those Board Members in attendance via Zoom video conference were: Doyle Tinkey, Tom Wood, and Perry Deeds. Staff and consultant in attendance were Steve Witter, Matt Vigil, Tony Campbell, Sandor Rebec, Patty Pratt, Legal Counsel Ron Fano and Brian Nazarenus, and Alan Leak, Respec. (At the request

of legal counsel, this Executive Session was not recorded, and a letter from legal counsel is attached to these minutes.)

At 10:21 a.m., a motion to adjourn the Second Executive Session was made by Director Baker. The motion was seconded by Director Cromer and passed unanimously 6 to 0 as follows:

Doyle Tinkey – Yes  
Jeff Baker – Yes  
Brad Cromer – Yes  
Geri Santos-Rach – Yes  
Perry Deeds – Yes  
Tom Wood – Yes

Mr. Witter opened the meeting to the public and Mr. Fano rejoined the meeting.

At 10:21 Director Santos-Rach left the meeting and returned at 10:26 a.m.

ITEM No. 6 – Discussion and Possible Action Regarding the Joint Water Purification Plant (JWPP) RO Reconversion Project

### THIRD EXECUTIVE SESSION

At 10:22 a.m., Director Cromer made a motion 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 Joint Water Purification Plant. The motion was seconded by Director Wood and passed unanimously 5 to 0 as follows:

Doyle Tinkey – Yes  
Jeff Baker – Yes  
Brad Cromer – Yes  
Perry Deeds – Yes  
Tom Wood – Yes

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

At 10:55 a.m., a motion to adjourn the Third Executive Session was made by Director Tinkey. The motion was seconded by Director Santos-Rach and passed unanimously 6 to 0 as follows:

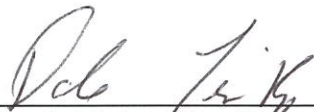
Doyle Tinkey – Yes  
Jeff Baker – Yes  
Brad Cromer – Yes  
Geri Santos-Rach – Yes  
Perry Deeds – Yes  
Tom Wood – Yes

ADJOURNMENT


At 10:56 a.m., the meeting was adjourned.

Approved: 4-13- 2022.

ARAPAHOE COUNTY WATER AND  
WASTEWATER AUTHORITY

  
\_\_\_\_\_  
Doyle Tinkey, President

ATTEST:

  
\_\_\_\_\_  
Geri Santos-Rach, Secretary



SpencerFane®

RONALD L. FANO  
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File No. 5113777-4

March 9, 2022

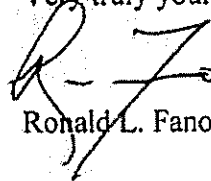
Arapahoe County Water and  
Wastewater Authority  
Attn: Patty Pratt  
13031 E. Caley Avenue  
Centennial, CO 80111

**Re: Opinion Concerning Executive Sessions Held March 9, 2022**

Members of the Board:

In my opinion, the executive sessions concerning legal issues related to (1) the Valley Country Club Lift Station failure litigation; (2) The ACWWA Flow Project; and (3) the JWPP, and negotiations with CH2M Hill regarding the JWPP, that occurred during the Board meeting that I personally attended on March 9, 2022 were properly announced and were privileged attorney-client communications. Therefore, no record or electronic recordings 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

DN 3108830.1