
RECORD OF PROCEEDINGS

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

HELD: April 11, 2018

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Ken Beard, Doyle Tinkey, Geri Santos-Rach, Tom Wood, Nancy Sharpe, Jeff Baker, and Brad Cromer. Also in attendance were Steve Witter, Kate McRae, Rich Hermann, Martin Stegmiller, Kevin McBrien, Emily Lowell, Patty Pratt, Michael Morianti, Rhonda Ruitter, Nolan Cunningham, Matthew Langridge, Chet Palmer, Ali Chaudhry, and Legal Counsel, Rick Kron and Ron Fano. The guests in attendance were Alan Leak, Respec; Randy Warren, representing Cottonwood Water and Sanitation District and Inverness Water and Sanitation District, Cheryl Wallace, RubinBrown; and John Rehring, Carollo Engineers.

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 Wood led the Pledge of Allegiance.

ADOPTION OF THE AGENDA:

Director Beard reported that the Agenda would need to be modified by moving the discussion of Item No. 6 to after discussion of Item No. 8. Director Sharpe then made a motion to Adopt the Agenda as modified. The motion was seconded by Director Cromer and passed 7 to 0.

PUBLIC FORUM

No one came forward to address the Board.

CONSENT AGENDA:

Director Tinkey made a motion to approve the Consent Agenda as presented. The motion was seconded by Director Wood 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 March 14, 2018
2. Request for Approval of Payment Register
3. Request for Approval of Funding Authorization and Contingent IGA Approval of ECCV NWTP/Booster Pump Expansion Project

GENERAL BUSINESS ACTION ITEMS

ITEM No. 4 – Introduction and Recognition of ACWWA Employees

Mr. Witter introduced Rich Hermann PE, who recently joined ACWWA as the Engineering Manager. Mr. Hermann has twenty years engineering experience. Mr. Witter expressed farewell to Matthew Langridge, Purchasing Manager, who has worked at ACWWA for over fourteen years. Mr. Langridge is moving to South Korea to learn/study the language. Mr. Witter recognized Nolan Cunningham, Field Technician, who has worked for ACWWA for a little over three years. Mr. Cunningham was promoted from Field Technician 2 to Field Technician 3. Mr. Witter recognized Rhonda Ruiter who was promoted from Executive Assistant to Administrative and Purchasing Supervisor. Mr. Witter then recognized Chet Palmer, ACWWA's Cross Connection Control Specialist, who while working, spotted a man lying in the street. Mr. Palmer stopped, assessed the situation, called 911 and stayed with the gentleman until the paramedics arrived. Mr. Palmer found out later that the gentleman had experienced a stroke. Thanks to Mr. Palmer's assistance the gentleman is recovering nicely. The Board congratulated all employees highlighted and encouraged Mr. Witter to bring these types of accomplishments to their attention more often.

ITEM No. 5 – Discussion and Possible Action Regarding the 2017 Audit

Ms. McRae introduced Ali Chaudhry, ACWWA's Accountant who assisted both before and during the audit process. Ms. McRae then introduced Cheryl Wallace of RubinBrown, who managed the 2017 audit. Ms. Wallace reported that RubinBrown offered an "unmodified opinion" and the necessary Viewpoints, which consist of required auditor communications as well as auditor observations and recommendations, if any. Ms. Wallace then briefly reported highlights of the audit report. Ms. McRae indicated that the Finance Committee has fully vetted the audit report and recommend acceptance of the 2017 audited financial statements by the Board. After a brief discussion, Director Cromer moved to accept the 2017 Audited Financial Statements. The motion was seconded by Director Beard and passed 7 to 0. The Board congratulated staff for a job well done.

ITEM No. 7 – Discussion and Possible Action Regarding Sale of Water from Elbert County

FIRST EXECUTIVE SESSION

At 9:42 a.m., a motion was made by Director Beard and seconded by Director Cromer to enter into the First Executive Session, pursuant to §24-6-402(4)(e) C.R.S., to develop negotiating positions, strategy, or instruct negotiators regarding Elbert County water rights. Motion passed 7 to 0. The following people were present in the Executive Session: Ken Beard, Doyle Tinkey, Geri Santos-Rach, Tom Wood, Nancy Sharpe, Jeff Baker, and Brad Cromer. Also in attendance were: Steve Witter, Kate McRae, Emily Lowell, Patty Pratt,

Alan Leak, Respec, and Legal Counsel, Rick Kron and Ron Fano. (Executive Sessions recordings are retained for 90 days.)

At 10:07 a.m., a motion to adjourn the First Executive Session was made by Director Beard. The motion seconded by Director Baker. Motion passed 7 to 0.

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

ITEM 8 – Discussion Regarding Valley Country Club Litigation

SECOND EXECUTIVE SESSION

At 10:08 a.m., a motion was made by Director Beard and seconded by Director Santos-Rach to enter into the Second Executive Session, pursuant to §24-6-402(4)(b) C.R.S., to consult or receive advice from the attorney on specific legal questions and strategy regarding the Valley Country Club litigation. Motion passed 6 to 0. The following people were present in the Executive Session: Ken Beard, Doyle Tinkey, Geri Santos-Rach, Tom Wood, Nancy Sharpe, Jeff Baker, and Brad Cromer. Also in attendance were: Steve Witter, Kate McRae, Kevin McBrien, Patty Pratt, and Legal Counsel, Rick Kron and Ron Fano. At the direction of Mr. Fano, the Second Executive Session was not recorded.

At 10:21 a.m., a motion to adjourn the Second Executive Session was made by Director Beard. The motion seconded by Director Sharpe. Motion passed 7 to 0.

Ms. McRae invited members of the public to return to the meeting.

ITEM 6 – Discussion and Possible Action Regarding the JWPP Treatment Analysis

Mr. Witter gave a brief history of the project and introduced John Rehring, Carollo Engineers, who has overseen the analysis of alternative treatment processes for the JWPP. Mr. McBrien outlined the previous PWRCPC committee discussions regarding water quality goals, specifically the potential for stricter water quality standards, the potential of changing influent water quality from the alluvial sources, and the ability in the future to expand. Mr. McBrien indicated that Carollo was to provide the scope, budget and timeline for each alternative. Mr. Rehring described three various alternatives Carollo explored. After extensive discussion, Director Beard made a motion to approve a budget of up to \$450,000 for Carollo to provide pre-pilot studies for all three proposed options, including a conceptual level design (fifteen percent), which will include an estimate of construction costs. The motion was seconded by Director Santos-Rach and passed 7 to 0.

INFORMATION ITEMS AND REPORTS

ITEM No. 9 – General Manager's Report to the Board of Directors

- Mr. Witter reported that the Intergovernmental Agreement with Arapahoe County regarding operations and maintenance of the Justice Center Wastewater Pretreatment

Facilities is complete and we are just waiting for Arapahoe County to sign the agreement.

- Mr. Witter reported that the ACWWA Connecting Main Project is progressing and will be finalized in 2019.
- Mr. Witter reported that he met with Mikk Anderson, former ACWWA Board Member, who remains in contact.

ITEM No. 12 – Committee Updates

No report necessary at this time.

ITEM No. 13 – Staff Updates

- A. Development Report – The Board indicated no report was necessary.
- B. Monthly Financial Statements – The Board indicated no report was necessary.
- C. Legal Report – Mr. Kron reported that he had nothing new to report.

ITEM No. 14 – Informational Updates

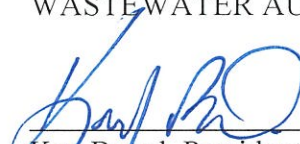
- A. Water Informational Dashboard – Mr. Witter reported that even with the recent snows, the snow pack for this year is low and there is some concern with the high growth in the area whether ACWWA will be able to meet peak demand over the next couple of years.
- B. Customer Service and Website Activity – No report necessary at this time.
- C. Financial Report
 - i. Investments – No report necessary at this time.
 - ii. Billing Activities – No report necessary at this time.

ADJOURNMENT

At 11:04 a.m. Director Beard made a motion to adjourn the meeting. The motion was seconded by Director Wood and passed 7 to 0.

Approved: _____ 5-9-_____ 2018.

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



Ken Beard, President

ATTEST:



Geri Santos-Rach, Secretary



SpencerFane

RONALD L. FANO
DIRECT DIAL: (303) 839-3820
rfano@spencerfane.com

File No. 5113777-4

April 11, 2018

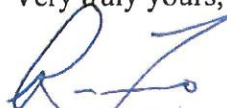
Arapahoe County Water and
Wastewater Authority
Attn: Patty Pratt
13031 E. Caley Avenue
Centennial, CO 80111

Re: Opinion Concerning the Second Executive Session Held April 11, 2018

Members of the Board:

In my opinion, the second executive session (concerning VCC litigation) that occurred during the Board meeting that I personally attended on April 11, 2018 was properly announced and was a privileged attorney-client communication. Therefore, no record or electronic recording of the second 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 2897445.1