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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: May 8, 2019

13031 E. Caley Ave.  
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Ken Beard, Doyle Tinkey, Jeff Baker, Nancy Sharpe, Tom Wood, Geri Santos-Rach, and Brad Cromer. Also in attendance were Steve Witter, Kate McRae, Emily Lowell, Martin Stegmiller, Kevin McBrien, Patty Pratt, Sandor Rebek, Rhonda Ruiten, Michael Morianti, and Legal Counsel Ron Fano. The guests in attendance were Alan Leak, Respec; Michael Vickers and Josh Sutter, Compark Business Campus Metropolitan District; Chris Douglas, East Cherry Creek Valley Water and Sanitation District; Tim Rynders, CDM Smith; and, Wade Wheatlake, Merrick.

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. In light of the school shooting at the Stem School in Highlands Ranch, Colorado, Director Beard called for a moment of silence. Director Wood led the Pledge of Allegiance.

Mr. Witter shared a safety tip on how to cope in an active shooter situation. Run: have an escape route and plan in mind; Hide: in an area out of the shooter's view; and Fight: as a last resort and only when your life is in imminent danger. Mr. Witter relayed that no one response is better or more appropriate, that if a person is caught in the area of an active shooting site, they should do whatever is appropriate for their own personal safety.

ADOPTION OF THE AGENDA:

Director Beard indicated that the Agenda would need to be modified by adding a new Item No. 9 – Discussion and Possible Action Regarding Aurora RV Storage Development Project and that the remaining Agenda items would be renumbered to follow. Director Beard then made a motion to Adopt the Agenda as modified. The motion was seconded by Director Sharpe and passed 7 to 0.

## PUBLIC FORUM

No one came forward to address the Board.

## CONSENT AGENDA:

Director Sharpe made a motion to approve the Consent Agenda as presented. The motion was seconded by Director Baker 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 April 10, 2019
2. Request for Approval of Payment Register
3. Request for Approval Regarding the Revised Sampling Plan at Chambers Reservoir
4. Request for Approval Regarding Refunding of 2009 Bonds at the end of 2019

## GENERAL BUSINESS ACTION ITEMS

ITEM No. 5 – Presentation by ECCV/CDM Smith Regarding Phase Two Expansion Project: Northern Water Treatment Plant and Booster Pump

Mr. McBrien introduced Chris Douglas, Project Manager, East Cherry Creek Valley Water and Sanitation District and Tim Rynders, CDM Smith who are managing the Phase 2 Expansion Project for the Northern Water Treatment Plant and Booster Pump, which is part of the ACWWA Flow Project. Mr. Rynders shared a Power Point presentation of the project and then both Mr. Rynders and Mr. Douglas answered questions from the Board about the project.

ITEM No. 6 – Discussion and Possible Action Regarding Compark Water Use Credits Agreement

Mr. Leak, ACWWA's Authority Engineer, gave a brief background of the previous agreement with Compark Business Campus Metropolitan District (CBCMD) regarding Water Resources Credits. Mr. Leak explained that CBCMD had asked for a modification to the agreement. After CBCMD received comments and suggestions from ACWWA's Planning Water Resources and Capital Projects Committee regarding their proposed modification to the agreement, they asked for a postponement to bring the matter back to the ACWWA Board after they have had a chance to review and address the comments.

ITEM No. 7 – Discussion and Possible Action Regarding the Elbert County Well Lease Proposal

Mr. Leak gave a background on the proposed lease to the Applegate Group, Inc., of the Arapahoe well which ACWWA owns in Elbert County, and is not currently being used. Mr. Leak explained that the well is not equipped and has never been used. After discussion, Director Cromer moved to approve the Elbert County well lease terms, with the following modifications: \$1300/acre feet for use above 500-acre feet; agreement contingent on cooperation of land owner to grant necessary easements/no agreement if ACWWA unable to

secure necessary easement in 45 days; and final lease agreement contingent upon review of ACWWA legal counsel. The motion was seconded by Director Wood and passed 7 to 0.

#### ITEM No. 8 – Discussion and Possible Action Regarding Chambers Reservoir Litigation

##### FIRST EXECUTIVE SESSION

At 9:47 a.m., a motion was made by Director Sharpe and seconded by Director Baker 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 the Chambers Reservoir litigation. 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, Kevin McBrien, Patty Pratt, and Alan Leak, Respec. Legal Counsel, Ron Fano left the room. (Executive Sessions recordings are retained for 90 days.)

At 10:09 a.m., a motion to adjourn the Executive Session was made by Director Beard. The motion seconded by Director Sharpe. Motion passed 7 to 0.

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

In Open Session, Director Cromer made a motion to approve both the Release and Settlement Agreement, and the Construction Agreement with Fiore & Sons, Inc., pending final legal review from ACWWA's counsel; approve increasing the settlement authority of the General Manager for this matter only, up to \$150,000; and approve a construction oversight budget of \$185,000. The motion was seconded by Director Beard and passed 7 to 0.

#### ITEM No. 9 – Discussion and Possible Action Regarding Aurora RV Storage Development Project

##### SECOND EXECUTIVE SESSION

At 10:12 a.m., a motion was made by Director Beard and seconded by Director Sharpe 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 Aurora RV Storage Development Project. The 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, Kevin McBrien, Patty Pratt, Alan Leak, Respec, Wade Wheatlake, Merrick, and Legal Counsel, Ron Fano. At the direction of Mr. Fano, the Second Executive Session was not recorded.

At 10:50 a.m., a motion to adjourn the Second Executive Session was made by Director Beard. The motion was seconded by Director Sharpe. The motion passed 7 to 0.

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

In Open Session, Director Cromer made a motion directing staff and legal counsel to contact Aurora RV Storage and follow the course of action as discussed in this Executive Session. The motion was seconded by Director Beard and passed 7 to 0.

ITEM No. 10 – General Manager’s Report to the Board of Directors

Mr. Witter gave a brief review of the various matters in the General Manager’s Report, including an update on the City of Centennial’s State of the City luncheon; the Arapahoe County Adopt-a-Road Program; and overview of the JWPP Project.

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

ITEM No. 13 – Staff Updates

- A. Development Report – No report necessary at this time.
- B. Monthly Financial Statements – No report necessary at this time.
- C. Legal Report – No report necessary at this time.

ITEM No. 14 – 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 10:55 a.m. Director Tinkey made a motion to adjourn the meeting. The motion was seconded by Director Cromer and passed 7 to 0.


Approved: 6-12- 2019.

ARAPAHOE COUNTY WATER AND  
WASTEWATER AUTHORITY



Ken Beard, President

ATTEST:



Geri Santos-Rach, Secretary



SpencerFane

RONALD L. FANO  
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File No. 5113777-4

May 8, 2019

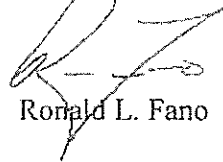
Arapahoe County Water and  
Wastewater Authority  
Attn: Patty Pratt  
13031 E. Caley Avenue  
Centennial, CO 80111

**Re: Opinion Concerning Executive Session Held May 8, 2019**

Members of the Board:

In my opinion, the executive session concerning the Aurora RV Storage development project that occurred during the Board meeting that I personally attended on May 8, 2019 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

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