
RECORD OF PROCEEDINGS

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

HELD: May 10, 2023

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present either in person or via Zoom were Directors: Doyle Tinkey, Brad Cromer, Geri Santos-Rach, Derek Killebrew, Jessica Campbell-Swanson, Perry Deeds, and Tom Wood. Director Jeff Baker was absent and excused. Also in attendance either in person or via Zoom, were Steve Witter, Matt Vigil, Bill Veydovec, Kevin McBrien, Patty Pratt, Sandor Rebek, Sam Waxlax, Ed Trujillo, Jacob Bakes, and Legal Counsel Ron Fano. The guest in attendance was Alan Leak, Respec.

CALL TO ORDER:

Director Tinkey called the meeting to order at 9:02 a.m. The Pledge of Allegiance as recited.

ADOPTION OF THE AGENDA:

Director Tinkey indicated that the meeting would need to be modified to add an Item – Discussion and Possible Action Regarding Chambers Pipeline Lease Agreement Extension and to remove Item No. 7 – Discussion and Possible Action Regarding the Farmers Independent Ditch Company. The Agenda items will be renumbered accordingly. Director Tinkey then made a motion to adopt the agenda as modified. The motion was seconded by Director Cromer and passed 5 to 0.

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 then seconded by Director Deeds and passed unanimously 5 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 12, 2023
2. Request for Approval of Minutes of the Board of Directors of the Arapahoe County Water and Wastewater Authority – Special Meeting April 28, 2023
3. Request for Approval of Payment Register for April 2023
4. Request for Approval of Construction Contract with ESI for the New Chambers Pump Station Access Road

GENERAL BUSINESS ACTION ITEMS

ITEM No. 5 – Valley Country Club (VCC) Lift Station Improvement Project – Electrical Transfer Update

Mr. Witter introduced Mr. Trujillo, ACWWA’s Operations Manager, who explained the project and how the improvements will address improved efficiencies, safety, and resiliency of the station. One aspect of the project was to move the electrical equipment to above ground, which necessitated shutting off the main power for many hours. To ensure the safety of staff and customers, many steps were necessary. Mr. Bakes, ACWWA’s Field Operations Superintendent, explained the critical thinking and planning that went into this portion of the project to mitigate any risks. Staff are happy to report this was handled successfully, due primarily to the staff’s diligence. The Board congratulated staff on a job well done.

ITEM No. 6 – Status Report Regarding 2023 Board Priorities

The Board did not have any questions regarding this report.

ITEM No. 7 – Discussion and Possible Action Regarding the Farmers Independent Ditch Company (Possible Executive Session)

Item removed from Agenda.

Director Campbell arrived to the meeting at 9:12 a.m.

ITEM No. 8 – Update regarding the 7135 S. Tucson Way Building (Possible New ACWWA Headquarters Building) (Possible Executive Session)

Mr. Witter reported that staff were continuing with the necessary due diligence efforts. Staff have learned that this property has a Property Owner’s Association (POA) that covers many buildings in the surrounding area. It appears that this POA primarily focuses on architectural control of the various building’s exteriors. The association dues appears to be very reasonable. ACWWA’s Maintenance Superintendent, Les Nelson, was onsite and participated in the recent inspection of the building and found there were no major concerns. Staff will keep the Board updated.

ITEM No. 9 – Discussion and Possible Action Regarding the Mediation with CH2M Hill over JWPP Contract Claims and Issues (Possible Executive Session)

EXECUTIVE SESSION

At 9:19 a.m., a motion was made by Director Cromer and seconded by Director Campbell-Swanson to enter into Executive Session, pursuant to C.R.S. §24-6-402(4)(b) to discuss and receive legal advice regarding the mediation with CH2M Hill over the JWPP contract claims and issues. The motion passed unanimously 6 to 0.

The following people were present either in person or via Zoom in the Executive Session: Doyle Tinkey, Brad Cromer, Geri Santos-Rach, Perry Deeds, Derek Killebrew, Jessica Campbell-Swanson, and Tom Wood. Also in attendance were Steve Witter, Matt Vigil, Bill Veydovec, Ed Trujillo, Patty Pratt, Alan Leak, Respect, and legal counsel Ron Fano. (At the request of legal counsel, this Executive Session was not recorded, and a letter from legal counsel is attached to these minutes.)

Director Wood arrived to the meeting at 9:29 a.m.

At 10:02 a.m., a motion to adjourn the Executive Session was made by Director Tinkey. The motion was seconded by Director Santos-Rach. The motion passed unanimously 7 to 0.

Director Cromer then re-opened the meeting to the public.

ITEM No. 10 – Discussion and Possible Action Regarding Chambers Pipeline Lease Agreement Extension

Mr. McBrien reported that this is the sixth amendment for the lease of the Chambers pipeline, which connects Chambers Reservoir to the rest of ACWWA's system. This Agreement is with Cottonwood Water and Sanitation District and the terms are the same as the previous leases, this is a matter of formality. Director Santos-Rach then made a motion to approve Chambers Pipeline Sixth Amendment to Lease Agreement. The motion was seconded by Director Wood and passed unanimously 7 to 0.

REPORTS

ITEM No. 11 – General Manager's Report to the Board of Directors

Mr. Witter touched on all the items that were in the Board packet, including Vermilion Creek Inclusion Petition and water rights agreement; Colorado legislation related to flushable wipes; Chapparral tennis court lease agreement expiration; spring flushing 2023 update; City of Centennial State of the City Luncheon; ACWWA's water resources presentation to the Rotary Club; and Farmers Reservoir and Irrigation Company (FRICO) negotiations.

Mr. Witter then reported that some of the Board members have expressed interest in obtaining some ACWWA apparel. Several staff members who were present and wearing apparel with the ACWWA logo showed off the different styles. Mr. Witter asked any Board member who is interested in getting an item or two to let Mr. Vigil know and he will place an order.

ITEM No. 12 – Financial and Administration Report – No further report necessary at this time.

ITEM No. 13 – Legal Report –Mr. Fano gave a follow-up to the previously reported Notice of Claim Letter from a subcontractor who worked on the Chamber Reservoir pump station. Mr. Fano reported that ACWWA’s contractor has posted with the court a bond to bond-around the claim against ACWWA, requesting dismissal of ACWWA from the lawsuit. Mr. Fano anticipates that by the June meeting he will be able to report that ACWWA has indeed been dismissed from the lawsuit.

ITEM No. 14 – Updates – No further report needed at this time.

ADJOURNMENT

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

Approved: _____ 6/14/ 2023.

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



Doyle Tinkey, President

ATTEST:



Geri Santos-Rach, Secretary



RONALD L. FANO
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File No. 5113777-4

May 11, 2023

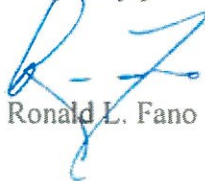
Arapahoe County Water and
Wastewater Authority
Attn: Patty Pratt
13031 E. Caley Avenue
Centennial, CO 80111

Re: Opinion Concerning Executive Session Held May 10, 2023

Members of the Board:

In my opinion, the executive session to discuss and receive legal advice regarding the mediation with CH2M Hill over the JWPP contract claims and issues that occurred during the Board meeting that I personally attended on May 10, 2023, was properly announced and was a privileged attorney-client communication. Therefore, no record or electronic recordings 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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