
RECORD OF PROCEEDINGS

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

HELD: June 14, 2023

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present either in person or via Zoom were Directors: Geri Santos-Rach, Brad Cromer, Derek Killebrew, Jessica Campbell-Swanson, Jeff Baker, and Tom Wood. Directors Doyle Tinkey and Perry Deeds were 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, Ed Trujillo, and Legal Counsel Ron Fano, Robin Nolan, and Jim Wooll. The guest in attendance was Alan Leak, Respec.

CALL TO ORDER:

Director Santos-Rach called the meeting to order at 9:01 a.m. The Pledge of Allegiance as recited.

ADOPTION OF THE AGENDA:

Item No. 8 – Discussion and Possible Action Regarding the Mediation with CH2M Hill Over JWPP Contract Claims and Issues (Possible Executive Session) was moved to the end of the agenda. With that change, Director Wood made a motion to adopt the agenda as presented. The motion was seconded by Director Baker and passed 6 to 0.

PUBLIC FORUM

Hattie Eliza Hensley, Emma Charlene Johnson, Riley Jo Holland, Keyla Wenmin Van Oostrum Engler, and Layan Qaimari, all students from the University of North Carolina, who are interning with the City of Centennial introduced themselves. The students are seeking input from ACWWA staff and Board with the objective of increasing communication and strengthening the partnership between the City of Centennial and the various water/sanitation districts that serve the City. Director Baker and Ms. Pratt agreed to be interviewed regarding this topic.

CONSENT AGENDA

Director Cromer made a motion to approve the Consent Agenda as presented. The motion was then seconded by Director Campbell-Swanson and passed unanimously 6 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 May 10, 2023
2. Request for Approval of Payment Register for May 2023
3. Request for Funding Approval of Brown & Caldwell Engineering Services Second Half 2023
4. Request for Approval Regarding the Sale of Hunt Water Rights to Greentree LLC
5. Request for Approval of Contract Change for the Third Arapahoe Formation Well for the Elkhorn Subdivision

GENERAL BUSINESS ACTION ITEMS

ITEM No. 6 – Update Regarding Severe Rain Events (May 11-13) and the Impact on ACWWA

Mr. Veydovec gave a PowerPoint presentation regarding the severe weather that occurred May 10-13, 2023. Mr. Veydovec reported that ACWWA systems were closely monitored throughout the rain event, including 24-hour staffing at both the Valley Country Club Lift Station and the Lone Tree Creek Water Reuse Facility. All systems were able to keep up with no adverse effects. To mitigate the issue, staff reduced the flows coming from the Joint Water Purification Plant and Inverness Water and Sanitation District. Staff also contacted Aurora Water and Havana Water and Sanitation District in case flows would need to be averted, but this never became necessary as ACWWA was able to use the AWT EQ tank, the emergency pond, and the BNR/Clarifier to capture the excess influent flow due to the rain. Staff is investigating whether the increased influent flows were due to anything other than excessive rain, including potential infiltration through cracks or joints and/or whether the rainwater entered the sanitary sewer through holes in manhole covers, catch basins, or improper plumbing connections. The Board congratulated staff on a job well done.

ITEM No. 7 – Update Regarding the 7135 S. Tucson Way Building (Possible New ACWWA Headquarters Building) (Possible Executive Session)

Mr. Witter reported that staff continues with the necessary due diligence efforts, including the investigation of a small mold issue found during the inspection; whether the building is compliant with current fire code and if not, what will be necessary to meet code requirements; the size, condition and whether the generator onsite is compliant with city code; whether the three different plots of land on which the building sits should remain as three separate plots or be replated into one; and, whether ACWWA is interested in purchasing the shipping containers that currently sit on the property. Ms.

Nolan, ACWWA's real estate attorney, stated that the negotiations are proceeding according to plan and concurred that the issues previously mentioned are not impediments to the purchase of the building. Ms. Nolan reported that July 17 was the deadline for ACWWA to terminate the contract and receive back its full earnest money deposit and that closing is currently set for July 31, 2023. Staff will keep the Board updated.

REPORTS

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

Mr. Witter touched on the items that were in the Board packet, including the Fort Morgan Reservoir and Irrigation Company water rights case as well as the Farmers Reservoir and Irrigation Company (FRICO) negotiations.

ITEM No. 12 – Financial and Administration Report

Mr. Vigil reported that revenue is lower due to all the rain that the area has seen this spring and early summer, but that the overall financial picture for ACWWA is strong, because ACWWA's investment income has surpassed \$1M this year, the bond payment has been made, and tap sales have been much stronger than anticipated.

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 by reporting that, as anticipated, ACWWA has indeed been dismissed from the lawsuit.

ITEM No. 14 – Updates

Director Cromer inquired as to why, to date, the Capital Improvement Plan spend is so low. Mr. Vigil responded that the spend is low due to delays in starting many of the projects, which in turn is due to problems filling the two engineering positions that currently are open at ACWWA. Human Resources is working diligently to fill these two positions.

Mr. Rebek reported that due to the very wet spring and early summer, Chambers Reservoir is over 1,000-acre feet full.

ITEM No. 8 – Discussion and Possible Action Regarding the Mediation with CH2M Hill over JWPP Contract Claims and Issues (Possible Executive Session)

EXECUTIVE SESSION

At 9:58 a.m., a motion was made by Director Baker and seconded by Director Cromer 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: Geri Santos-Rach, Brad Cromer, Derek Killebrew, Jessica Campbell-Swanson, Jeff Baker, and Tom Wood. Also in attendance either in person or via Zoom, were Steve Witter, Matt Vigil, Bill Veydovec, Patty Pratt, Ed Trujillo, Alan Leak, Respec and Legal Counsel Ron Fano and Jim Wooll. (At the request of legal counsel, this Executive Session was not recorded, and a letter from legal counsel is attached to these minutes.)

At 10:36 a.m., a motion to adjourn the Executive Session was made by Director Baker. The motion was seconded by Director Cromer. The motion passed unanimously 6 to 0.

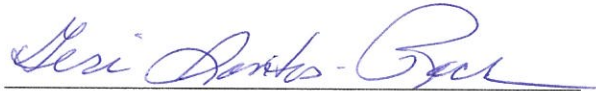
Director Cromer then re-opened the meeting to the public.

ADJOURNMENT

At 10:36 a.m., the meeting was adjourned.

Approved: _____ 7/12/2023.

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



Geri Santos-Rach, Secretary

ATTEST:



Brad Cromer, Treasurer



SpencerFane

RONALD L. FANO
DIRECT DIAL. 303 839 3826
rfano@spencerfane.com

File No. 5113777-4

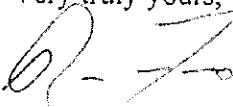
June 14, 2023

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

Re: Opinion Concerning Executive Session Held June 14, 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 June 14, 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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