
RECORD OF PROCEEDINGS

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

HELD: August 9, 2023

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

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

CALL TO ORDER:

Director Tinkey called the meeting to order at 9:03 a.m. The Pledge of Allegiance was recited.

ADOPTION OF THE AGENDA:

Director Santos-Rach made a motion to adopt the agenda as presented. The motion was seconded by Director Baker and passed 6 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 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 July 12, 2023
2. Request for Approval of Payment Register for July 2023

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3. Request for Approval Regarding Award of Task Order to Carollo to Complete the Lone Tree Creek Water Reuse Facility (LTCWRF) Phase I Master Plan Project
4. Request for Approval Regarding Amendment of Respec Task Order to Provide Additional 2023 Industrial Pretreatment Program Support
5. Request for Approval of Authorization of Funds for Construction of the New Chambers Pump Station Access Road

GENERAL BUSINESS ACTION ITEMS

ITEM No. 6 – Presentation by OneDigital, ACWWA’s Retirement Fiduciary

Amy Romero, Senior Client Relationship Manager with OneDigital (formerly Bukaty), gave an overview of ACWWA’s retirement plan and portfolio management. Ms. Romero discussed how the various equity funds are scored, helping to determine which funds are included in the portfolio. Ms. Romero also pointed out the various opportunities for employees to educate themselves on their individual retirement plans. As ACWWA’s Board Member Representative, Director Santos-Rach reported that OneDigital (Bukaty) has been very good to work with over the last ten years.

Due to technical internet issues, the Zoom connection was lost for approximately 13 minutes. The meeting continued as staff worked to regain the connection.

ITEM No. 7 – Discussion and Possible Action Regarding the Selection/Replacement of ACWWA’s Board Member Representative and Alternate Representative to ACWWA’s Retirement Board

Director Santos-Rach has been ACWWA’s Board Member Representative and Director Tom Wood has been the Alternate Representative to ACWWA’s Retirement Board. Director Tinkey inquired if they would both be interested/willing to continue as the Board Member Representative and Alternate Representative, respectively. Both agreed. Director Tinkey then made a motion to reappoint Director Santos-Rach as ACWWA’s Board Member Representative and Director Tom Wood as the Alternate Representative to ACWWA’s Retirement Board. The motion was seconded by Director Baker and passed 5 to 0.

Upon regaining the internet connection, Directors Killebrew, Cromer, and Wood reported that that they were disconnected from the meeting and had been waiting to rejoin.

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

FIRST EXECUTIVE SESSION

At 9:34 a.m., a motion was made by Director Tinkey and seconded by Director Baker to enter into the First Executive Session, pursuant to C.R.S. §24-6-402(4)(b) to receive legal

advice regarding the mediation with CH2M Hill over the JWPP contract claims and issues. The motion passed 8 to 0.

The following people were present either in person or via Zoom in the Executive Session: Doyle Tinkey, Geri Santos-Rach, Brad Cromer, Derek Killebrew, Jessica Campbell-Swanson, Perry Deeds, 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 9:57 a.m., a motion to adjourn the First Executive Session was made by Director Tinkey. The motion was seconded by Director Campbell-Swanson. The motion passed unanimously 8 to 0.

Mr. Witter then re-opened the meeting to the public.

ITEM No. 9 – Discussion and Possible Action Regarding the Litigation Related to the VCC Lift Station Failure (Possible Executive Session)

SECOND EXECUTIVE SESSION

At 9:58 a.m., a motion was made by Director Campbell-Swanson and seconded by Director Santos-Rach to enter into the Second Executive Session, pursuant to C.R.S. §24-6-402(4)(b) to receive legal advice related to the VCC Lift Station failure litigation. The motion passed 8 to 0.

The following people were present either in person or via Zoom in the Executive Session: Doyle Tinkey, Geri Santos-Rach, Brad Cromer, Derek Killebrew, Jessica Campbell-Swanson, Perry Deeds, 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 Nicole Black. (At the request of legal counsel, this Executive Session was not recorded, and a letter from legal counsel is attached to these minutes.)

At 11:00 a.m., a motion to adjourn the Second Executive Session was made by Director Tinkey. The motion was seconded by Director Campbell-Swanson. The motion passed unanimously 8 to 0.

Mr. Trujillo then re-opened the meeting to the public.

In Open Session, Director Tinkey made a motion to direct staff and legal counsel to proceed with the direction of the Board as discussed in Executive Session. The motion was seconded by Director Santos-Rach and passed unanimously 8 to 0.

ITEM No. 10 – Discussion and Possible Action Regarding ACWWA’s New Headquarters Building at 7135 S. Tucson Way

Mr. Witter reported that the real estate closing took place and ACWWA is now the owner of the property at 7135 S. Tucson Way, Centennial, CO. The former owners will remain tenants of the building potentially through the end of 2023. Mr. Witter explained that after a comprehensive review of the plans to remodel, staff are suggesting that the proposed outbuilding house the board room. Mr. Witter explained that by planning the outbuilding to incorporate the board room, the extensive remodel that the current plan contains will be essentially unnecessary and will save in costs. A few modifications to the current plan will still be made, particularly securing the front lobby. Support of this plan was given by consensus of the Board.

ITEM 11 – Presentation and Discussion of Key Technical Issues

Mr. Veydovec gave a brief Power Point presentation regarding recent technical issues that ACWWA is working through including ACWWA’s Pretreatment Program development; the 80% threshold capacity at the Lone Tree Creek Water Reuse Facility; the inflow and infiltration (I&I) evaluation; and the deep injection well failure experienced at the East Cherry Creek Valley Northern Treatment Plant. Staff responded to questions from the Board on each of the matters.

Director Cromer left the meeting at 11:27 a.m.

REPORTS

ITEM No. 7 – General Manager’s Report to the Board of Directors

Mr. Witter reported that the Farmers Reservoir and Irrigation Company (FRICO) negotiations are continuing. Mr. Witter stated that ACWWA has again passed the annual lead and copper tests as required by the Colorado Department of Health and Environment.

ITEM No. 12 – Financial and Administration Report

Mr. Vigil reported that through the month of July, water revenue continues to be lower due to all the rain that the area has seen this spring and early summer. ACWWA’s financial picture remains steady, due to strong tap sales, investment income and service fees.

ITEM No. 13 – Legal Report –Mr. Fano stated that no further report was necessary at this time.

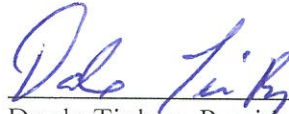
ITEM No. 14 – Updates – No further report necessary at this time.

ADJOURNMENT

At 11:39 a.m., the meeting was adjourned.

Approved: 9-13- 2023.

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

August 10, 2023

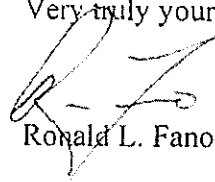
Arapahoe County Water and
Wastewater Authority
Attn: Patty Pratt
13031 E. Caley Avenue
Centennial, CO 80111

Re: Opinion Concerning Executive Sessions Held August 9, 2023

Members of the Board:

In my opinion, the executive sessions to discuss and receive legal advice regarding the (1) mediation with CH2M Hill over the JWPP contract claims and issues; and (2) the litigation related to the VCC lift station failure that occurred during the Board meeting that I personally attended on August 9, 2023, 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

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