
RECORD OF PROCEEDINGS

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

HELD: August 12, 2020

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present via Zoom Video Conferencing were Directors: Doyle Tinkey, Geri Santos-Rach, Nancy Sharpe, Jeff Baker, Tom Wood, and Brad Cromer. Also in attendance via Zoom Video Conferencing were Steve Witter, Emily Lowell, Tony Campbell, Kevin McBrien, Patty Pratt, Sandor Rebek, Savana Dumler, and Legal Counsel Ron Fano. The guests in attendance via Zoom Video Conferencing were Alan Leak, of Respec; Carrie Bartow and Matt Vigil of Clifton Larson Allen; and Legal Counsel Brian Nazareus.

CALL TO ORDER:

Director Tinkey called the video conference meeting to order at 9:05 a.m. The Pledge of Allegiance was recited.

ADOPTION OF THE AGENDA:

Director Tinkey made a motion to adopt the Agenda as presented. The motion was seconded by Director Cromer and passed 6 to 0, as follows:

Doyle Tinkey – Yes
Tom Wood – Yes
Nancy Sharpe – Yes
Jeff Baker – Yes
Geri Santos-Rach – Yes
Brad Cromer – Yes

PUBLIC FORUM

No one came forward to address the Board.

CONSENT AGENDA:

Director Wood made a motion to approve the Consent Agenda as presented. The motion was seconded by Director Santos-Rach and passed 6 to 0, as follows:

Doyle Tinkey – Yes
Tom Wood – Yes
Nancy Sharpe – Yes
Jeff Baker – Yes
Geri Santos-Rach – Yes
Brad Cromer – Yes

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 June 10, 2020
2. Request for Approval of Minutes of the Board of Directors of the Arapahoe County Water and Wastewater Authority - from July 1, 2020
3. Request for Approval of Payment Register for June and July 2020
4. Request for Approval of Development Variance Request – Parcel 50 B/E Project
5. Request for Approval of the Award of Lone Tree Creek Water Reuse Facility Third Clarifier and Equipping BNR Project

GENERAL BUSINESS ACTION ITEMS

ITEM No. 6 – Discussion Regarding Legal Matters related to the ACWWA Flow Project

Ms. Lowell introduced ACWWA’s water litigation counsel, Brian Nazarenus, of Nazarenus, Stack and Wombacher, LLC. At the inquiry of Mr. Witter and the confirmation of legal counsel, it was then determined that the discussion should take place in Executive Session.

FIRST EXECUTIVE SESSION

At 9:10 a.m., a motion was made by Director Tinkey and seconded by Director Sharpe to enter into the First Executive Session, pursuant to §24-6-402(4)(b) to consult or receive legal advice from the attorney regarding the ACWWA Flow Project. Motion passed 6 to 0. The following people were present in the First Executive Session: Doyle Tinkey, Nancy Sharpe, Geri Santos-Rach, Jeff Baker, Tom Wood, and Brad Cromer. Also in attendance were Steve Witter, Emily Lowell, Tony Campbell, Kevin McBrien, Patty Pratt, Sandor Rebek, Savana Dumler, Alan Leak, of Respec, Carrie Bartow and Matt Vigil of Clifton Larson Allen, and Legal Counsel Ron Fano and Brian Nazarenus. At the direction of Mr. Fano, the First Executive Session was not recorded.

At 9:40 a.m., a motion to adjourn the First Executive Session was made by Director Santos-Rach. The motion was seconded by Director Cromer. The motion passed 6 to 0.

ITEM No. 7 – Discussion and Possible Action Regarding the Town of Foxfield Service Area

Mr. Witter gave a history of the 2007 “Foxfield Now Program” and how staff, in concurrence with the Customer Service Committee is recommending the re-establishment

of this program. Mr. Witter proposed two options as follows: 1) Offer a 15% discount on the tap fee if the tap is purchased and connected in the next 12 months; and 2) Offer a 10% discount and a 4-year payment plan (no interest) if a tap is purchased in the next 12 months. Mr. Witter explained that the re-established program will be evaluated at the end of June 2021 to determine the success. After discussion, Director Baker moved to approve the re-establishment of the “Foxfield Now Program,” contingent on final legal and General Manager review. The motion was seconded by Director Cromer. Director Tinkey asked if there was any further discussion. Director Cromer as for clarification whether the motion included both options as described in the Director Briefing Report and Director Baker responded affirmatively. Director Tinkey then called for a vote and the motion passed 5 to 1 as follows:

Doyle Tinkey – No
Tom Wood – Yes
Nancy Sharpe – Yes
Jeff Baker – Yes
Geri Santos-Rach – Yes
Brad Cromer – Yes

ITEM No. 8 – General Manager’s Report to the Board of Directors

Mr. Witter and Ms. Lowell gave an update on the JWPP and discussions with Jacobs regarding an alternative to the BTS treatment. The Board discussed the idea of, once the new process is determined by Jacobs, scheduling a joint meeting with the Cottonwood Water and Sanitation District Board to discuss this matter. The Board concurred that a joint meeting, via videoconference, would be helpful.

Mr. Witter reported that there were no further updates, from what was currently in this month’s GM Report regarding the ECCV Plant.

Mr. Witter reported that ACWWA is currently working with the Arapahoe County Office of Emergency Management on a project to use data driven from sewage tested for COVID to estimate the viral prevalence in our county. Director Sharpe reported how important this study is because it will help determine how/when businesses and restaurants can open and to what degree.

Mr. Witter reported that staff continues to work diligently with Family Sports regarding the low-pressure issues Family Sports is experiencing since the conversion to Reg-84 water.

Mr. Witter gave a brief update on the financial impact to ACWWA’s revenue due to the COVID-19 Pandemic. Mr. Witter stated that the financial impact has been fairly minimal to date, but that staff continues to monitor and will continue to update the Board.

Mr. McBrien gave an update on the progress of the Chambers Reservoir and offered up a tour to any Board member who is interested in seeing the progress. Several members

expressed interest and Mr. McBrien indicated he will make the necessary arrangements and notify the Board members of the date/time.

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 – Mr. Fano reported he had nothing to report that was not already covered earlier in the meeting.

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 10:49 a.m. Director Cromer made a motion to adjourn the meeting. The motion was seconded by Director Wood and passed 6 to 0, as follows:

Doyle Tinkey – Yes
Tom Wood – Yes
Nancy Sharpe – Yes
Jeff Baker – Yes
Geri Santos-Rach – Yes
Brad Cromer – Yes


Approved: _____ 09/09/ 2020.

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



Doyle Tinkey, President

ATTEST:



Geri Santos-Rach, Secretary