
RECORD OF PROCEEDINGS

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

HELD: September 11, 2019

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Ken Beard, Doyle Tinkey, Tom Wood, Geri Santos-Rach, Nancy Sharpe, Jeff Baker, and Brad Cromer. Also in attendance were Steve Witter, Kate McRae, Emily Lowell, Martin Stegmiller, Patty Pratt, Sandor Rebek, Michael Morianti, and Legal Counsel Ron Fano. Guests in attendance were Alan Leak, Respec; James Mann, Ehlers & Associates; Robyn Moore, George K. Baum/Stifel; and Jim Mann, Ehlers & Associates.

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. The Pledge of Allegiance was recited.

Director Beard asked for a moment of silence to honor the victims of 9/11.

ADOPTION OF THE AGENDA:

Director Wood made a motion to adopt the Agenda as presented. 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 Baker made a motion to approve the Consent Agenda as presented. The motion was seconded by Director Wood 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 August 14, 2019
2. Request for Approval of Payment Register

3. Request for Approval of Easement Agreement with Airport Authority and South Suburban Regarding Family Sport Conversion to Reg 84

GENERAL BUSINESS ACTION ITEMS

ITEM No. 4 – Discussion and Possible Action Regarding 2019 Bonds Parameters Resolution

Ms. McRae introduced Robyn Moore from George K. Baum/Stifel, ACWWA's municipal bond underwriters, who reported that interest rates continue to be very low and that it is a very good time to refund existing bonds. Ms. Moore gave a brief summary of the timeline for which the bond refunding will take place later this year. Ms. McRae then reviewed the parameters of the bond sale indicating that interest rates are currently approximately at 2.8%. Ms. McRae indicated that a resolution establishing the parameters for the sale of the 2019 bonds that are being issued to refund the Series 2009 bonds would need to be approved. After a brief discussion, Director Beard moved to approve Resolution 2019-02. The motion was seconded by Director Baker and passed 6 to 0 with Director Wood abstaining from the vote because he has an account with George K Baum and also owns a small number of bonds. Mr. Mann reiterated that the market is in ACWWA's favor and that the savings will be greater than originally anticipated.

Director Cromer arrived to the meeting at 9:10 a.m.

ITEM No. 5 – Discussion and Possible Action Regarding Aurora RV Storage and Tank Access

Mr. Witter reported that ACWWA staff continues to have problems when it needs to access the easement to reach the 1M gallon tank that sits adjacent to Aurora RV Storage's property. Mr. Witter reported that he has not had a reply to ACWWA's offer to purchase the easement from Aurora RV Storage. Legal Counsel Ron Fano presented various scenarios regarding how the legal authorities may view the easement and what ACWWA can do going forward, ensuring access.

FIRST EXECUTIVE SESSION

At 9:21 a.m., a motion was made by Director Beard 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 Aurora RV Storage. Motion passed 7 to 0. The following people were present in the First Executive Session: Ken Beard, Doyle Tinkey, Geri Santos-Rach, Tom Wood, Nancy Sharpe, Brad Cromer, and Jeff Baker. Also in attendance were: Steve Witter, Emily Lowell, Martin Stegmiller, Sandor Rebek, Patty Pratt, consultant Alan Leak, Respec, and attorney Ron Fano. At the direction of Mr. Fano, the Executive Session was not recorded.

At 9:52 a.m., a motion to adjourn the First Executive Session was made by Director Beard. The motion was seconded by Director Cromer. The motion passed 7 to 0.

Mr. Witter invited members of the public to return to the meeting.

In Open Session, Director Beard made a motion directing Directors Baker and Cromer, and staff to follow the instructions as set forth in the Executive Session in relation to Aurora RV Storage and tank access. The motion was seconded by Director Sharpe and passed 7 to 0.

ITEM No. 6 – Discussion and Possible Action Regarding the Hunt Water Rights

SECOND EXECUTIVE SESSION

At 9:55 a.m., a motion was made by Director Beard and seconded by Director Cromer to enter into the Second Executive Session, pursuant to §24-6-402(4)(a) to discuss the purchase, acquisition, lease, transfer or sale of real, personal or other property interest, but not to conceal a conflict of interest regarding the Hunt Water Rights. Motion passed 7 to 0. The following people were present in the Second Executive Session: Ken Beard, Doyle Tinkey, Geri Santos-Rach, Tom Wood, Nancy Sharpe, Brad Cromer, and Jeff Baker. Also in attendance were: Steve Witter, Emily Lowell, Kate McRae, Sandor Rebek, Patty Pratt, consultant Alan Leak, Respec, and attorney Ron Fano. (Executive Session recordings are retained for 90 days.)

At 10:17 a.m., a motion to adjourn the Second Executive Session was made by Director Beard. The motion was seconded by Director Santos-Rach. The motion passed 7 to 0.

Mr. Witter invited members of the public to return to the meeting.

In Open Session, Director Beard made a motion to instruct staff to proceed as directed in Executive Session. The motion was seconded by Director Baker and passed 7 to 0.

ITEM No. 7 – Discussion and Possible Action Regarding the Cherry Creek Project Water Authority

THIRD EXECUTIVE SESSION

At 10:19 a.m., a motion was made by Director Santos-Rach and seconded by Director Sharpe to enter into the Third Executive Session, pursuant to §24-6-402(4)(a) to discuss the purchase, acquisition, lease, transfer or sale of real, personal or other property interest, but not to conceal a conflict of interest of ACWWA assets, and (e) to develop negotiating positions, strategy, or instruct negotiators regarding the Cherry Creek Project Water Authority. Motion passed 7 to 0. The following people were present in the Third Executive Session: Ken Beard, Doyle Tinkey, Geri Santos-Rach, Tom Wood, Nancy Sharpe, Brad Cromer, and Jeff Baker. Also in attendance were: Steve Witter, Emily Lowell, Kate McRae, Sandor Rebek, Patty Pratt, consultant Alan Leak, Respec, and attorney Ron Fano. (Executive Session recordings are retained for 90 days.)

At 10:30 a.m., a motion to adjourn the Third Executive Session was made by Director Beard. The motion was seconded by Director Tinkey. The motion passed 7 to 0.

Mr. Witter invited members of the public to return to the meeting.

In Open Session, Director Cromer made a motion to approve the Purchase and Sale Agreement between the Town of Castle Rock and ACWWA related to the Cherry Creek Project Water Authority in substantial form contingent on final legal and General Manager review. The motion was seconded by Director Beard and passed 6 to 0, with Director Wood abstaining due to current business connections with Denver Southeast Suburban Water and Sanitation District (Pinery).

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

Mr. Witter explained that all the matters covered in his General Manager’s Report had already been covered earlier in the meeting. Staff answered a few questions regarding the progress of the JWPP.

ITEM No. 8 – Committee Updates – No report necessary at this time.

ITEM No. 9 – 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. 10 – 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 10:42 a.m. Director Tinkey made a motion to adjourn the meeting. The motion was seconded by Director Santos-Rach and passed 7 to 0.

Approved: _____ 10-9-_____ 2019.

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



Ken Beard, President *for*

ATTEST:



Geri Santos-Rach, Secretary



SpencerFane

RONALD L. FANO
DIRECT DIAL: (303) 839 3820
rfano@spencerfane.com

File No. 5113777-4

September 12, 2019

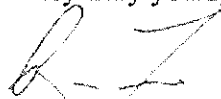
Arapahoe County Water and
Wastewater Authority
Attn: Patty Pratt
13031 E. Caley Avenue
Centennial, CO 80111

Re: Opinion Concerning Executive Session Held September 11, 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 September 11, 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

DN 3108830 1

