
RECORD OF PROCEEDINGS

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

HELD: July 12, 2023

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present either in person or via Zoom were Directors: Doyle Tinkey, Geri Santos-Rach, Brad Cromer, 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, Ed Trujillo, and Legal Counsel Ron Fano, Robin Nolan, and Jim Wooll. The guests in attendance were Alan Leak, Respec, and Bill Woodward, Skye Commercial.

CALL TO ORDER:

Director Tinkey called the meeting to order at 9:01 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 Cromer and passed 7 to 0.

PUBLIC FORUM

No one came forward to address the Board.

CONSENT AGENDA

Director Tinkey made a motion to approve the Consent Agenda as presented. The motion was then seconded by Director Santos-Rach and passed unanimously 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 June 14, 2023
2. Request for Approval of Payment Register for June 2023

3. Request for Additional Funding Approval of Brown & Caldwell Engineering Services Provided in the First Half 2023

GENERAL BUSINESS ACTION ITEMS

ITEM No. 4 – Discussion and Possible Action Regarding the 7135 S. Tucson Way Building (Possible New ACWWA Headquarters Building) (Possible Executive Session)

FIRST EXECUTIVE SESSION

At 9:05 a.m., a motion was made by Director Cromer and seconded by Director Santos-Rach to enter into the First Executive Session, pursuant to C.R.S. §24-6-402(4)(e) to develop negotiating positions, strategy, or instruct negotiators regarding the purchase of the 7135 S. Tucson Way Building. The motion passed unanimously 7 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, 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, Bill Woodward, Skye Commercial, and Legal Counsel Ron Fano, Robin Nolan, and Jim Wooll. (Executive Session meetings are recorded and retained for 90 days.)

At 9:47 a.m., a motion to adjourn the First 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.

In Open Session, Director Cromer made a motion to authorize the closing on the purchase of the building site of 7135, 7145, and 7155 South Tucson Way, combined, for a maximum of \$2.9M and the execution of the Lease Agreement, both contingent on final approval by the General Manager and legal counsel. The motion was seconded by Director Santos-Rach and with no further discussion necessary, Director Tinkey called for the vote. The motion passed unanimously 7 to 0. Director Tinkey was authorized to execute the closing documents.

ITEM No. 4 – Discussion and Possible Action Regarding the Mediation with CH2M Hill Over JWPP Contract Claims and Issues (Possible Executive Session)

SECOND EXECUTIVE SESSION

At 9:50 a.m., a motion was made by Director Tinkey and seconded by Director Santos-Rach to enter into the Second Executive Session, pursuant to C.R.S. §24-6-402(4)(b) to discuss and receive legal advice regarding the JWPP mediation. The motion passed 7 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, 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 10:01 a.m., a motion to adjourn the Second 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. 6 – Discussion and Possible Action Regarding Potential Agreement to Extend Service Activation Period for Antelope Homeowners

Mr. McBrien gave a history of the program explaining that in 2004, all the property owners in the Antelope Water System General Improvement District were given the option to prepurchase their properties' water connection tap fees. The program has expired and there are still five owners who have prepaid their tap but have not yet connected to ACWWA's water system. Staff recommends a new program where homeowners will enter an agreement that will allow them to keep their prepaid tap current despite not being activated, through the payment of a one-time temporary 'disconnect' fee of \$50.00 (per ACWWA's Rules and Regulations). This fee will be used to set up water accounts, which will start billing service fees upon the signing of the agreement, with no consumption being billed until after they connect to ACWWA's system. The agreement shall provide that if the homeowner is in default in paying the service fees for two months, then they become subject to paying the difference between the current tap fee amount upon activation and the amount previously paid for the tap. After extensive discussion, Director Cromer made a motion to accept the staff's proposed program, with no expiration date for the remaining five homeowners in the Antelope subdivision to activate their taps. The motion was seconded by Director Santos-Rach and passed unanimously 7 to 0.

REPORTS

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

At the Board's request, Mr. Veydovec gave a further explanation of the infiltration and inflow of stormwater into ACWWA's collection system. Mr. Veydovec stated that at this point in time, staff do not have a resolution as to why it seems to happen during larger rain events. Staff are taking many steps to determine what/where the cause may lie.

Staff responded to other questions regarding the Strategic Asset Management Plan and the backup power as it relates to the Valley Country Club rehabilitation program.

ITEM No. 12 – Financial and Administration Report

Mr. Vigil reported that water 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, due to strong tap sales, investment income and service fees.

Staff responded to other inquiries regarding payments shown on the monthly Payment Register.

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 10:58 a.m., the meeting was adjourned.

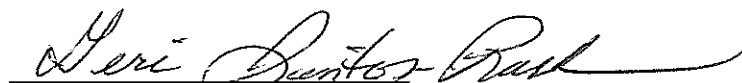
Approved: _____ 8-9-_____ 2023.

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

July 12, 2023

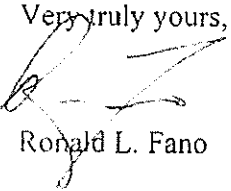
Arapahoe County Water and
Wastewater Authority
Attn: Patty Pratt
13031 E Caley Avenue
Centennial, CO 80111

Re: Opinion Concerning Executive Session Held July 12, 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 July 12, 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)(11)(B), C.R.S.

Very truly yours,



Ronald L. Fano

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