

---

---

RECORD OF PROCEEDINGS

---

---

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

HELD: August 8, 2007

13031 E Caley Ave  
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Hap Henderson, Doyle Tinkey, Pat Mulhern, Linda Lehrer, Jim Dyer, Alan Leak and Bart Miller by phone. Also in attendance were: Gary Atkin, Jennie Achee, Will Koger, Barbara Townsley, Bart Giles, Molly Trujillo, Pam Murphy and Legal Counsel Rick Kron of Grimshaw & Harring. Guests: Roger Hartman, THC Utility Management Specialists; Jim Harrington, Public Finance Associates; Tom Bishop, D.A. Davidson & Co; Peter Whitmore and Blake Jordan, Sherman and Howard

CALL TO ORDER:

Director Hap Henderson called the meeting to order at 9:05 a.m. in the Arapahoe conference room of the Arapahoe County Water and Wastewater Authority office at 13031 E Caley Ave, Centennial, CO 80111. Jennie Achee led the Pledge of Allegiance.

ADOPTION OF THE AGENDA:

A suggestion was made by Director Henderson to move Item No. 4 regarding the Series C Bonds towards the end of the Board agenda. Director Henderson also suggested moving Item No. 3A and No. 3B off the Consent Agenda, naming them Item No. 3D and 3E and discussing these items during General Business Action Items. Director Henderson would like to add Item No. 7A called Selection of Special Counsel for Elbert County 1041 Permit. A motion was made by Director Leak and seconded by Director Lehrer to adopt the agenda. The motion passed 6 to 0.

PUBLIC FORUM:

Ms. Achee and the Board recognized Ms. Murphy for the outstanding job she has done with IT for ACWWA.

Director Henderson and the Board presented the GFOA Award to Ms. Achee.

Director Miller joined the meeting via phone at 9:14 a.m

#### CONSENT AGENDA:

Director Henderson noted a typographical error in Item No. 5 and an error in the wording of the motion. Also, Director Leak noted a typographical error in Item No. 13. A motion was made by Director Lehrer and seconded by Director Dyer to approve the consent agenda subject to the changes mentioned. The motion passed 7 to 0. The consent agenda consists of the following items:

1. Approval of Meetings Minutes for July 11, 2007.
2. Approve Payment Requests for July 2007.
3. Approve PDAC Committee Recommendations:
  - A. Approve MOU with City of Aurora for Lift Station Backup.
  - B. Approve License Agreement with City of Aurora for Lift Station Force Mains.
  - C. Approve Inverness Return Line Easements.

#### GENERAL BUSINESS ACTION ITEMS:

##### Item No. 3D – MOU with City of Aurora for Lift Station Backup

Ms. Trujillo explained the intent of the MOU with the City of Aurora for lift station backup to the Board. The MOU would allow lift station backup on an emergency basis by providing redundant capacity and treatment through either overflow storage, additional pumping capacity or both. Changes were made to the MOU that is in the Board packet. A revised version of the MOU was handed out at the Board meeting and the changes were explained by Ms. Trujillo.

##### Item No. 3E – License Agreement with City of Aurora for Lift Station Force Mains

Ms. Trujillo reviewed the background of the agreement with the Board. The purpose of the agreement is to allow Aurora to construct the lift station force mains in an ACWWA easement. Changes were made to the agreement that is in the Board packet. A revised version of the agreement was handed out at the Board meeting and the changes were explained by Ms. Trujillo and Mr. Kron. A motion was made by Director Dyer and seconded by Director Henderson to approve the MOU with City of Aurora for Lift Station Backup and the License Agreement with City of Aurora for Lift Station Force Mains. The motion passed 7 to 0.

##### Item No. 5 –Promotion of Irrigation Efficiency

Mr. Koger addressed the Board and suggested referring the issue of irrigation efficiency to the Water Committee. Director Mulhern and Mr. Koger discussed with the Board different options to promote irrigation efficiency with ACWWA customers. The Board agreed to refer this issue to the Water Committee.

Item No. 6 – ACWWA Representative to Serve on the SEMSWA Board of Directors

Mr. Atkin explained that a suggestion has been made for an ACWWA representative to be appointed to the SEMSWA Board in a non-voting position. A motion was made by Director Henderson and seconded by Director Miller for Director Leak to be ACWWAs representative to the SEMSWA Board of Directors with Director Lehrer serving as an alternate. The motion passed 7 to 0.

Item No. 7 – Resolution to Allow the Formation of the Highfield Metropolitan District within the ACWWA Service Area

Mr. Giles addressed the Board and stated that Douglas County has requested that Highfield Business Park receive a resolution from ACWWA allowing the formation of the Highfield Metropolitan District within ACWWAs existing service boundary. A motion was made by Director Mulhern and seconded by Director Tinkey to approve the Resolution, which is Resolution 2007-01. The motion passed 7 to 0.

#### INFORMATION ITEMS AND REPORTS

Written reports were provided to the Board on the following topics:

Item No. 8 – ACWWA Rates and Fee Projections for 2008

Ms. Achee made a presentation to the Board. Discussion took place concerning ACWWAs rates and fees, revenue and expenses. Director Henderson suggested referring the subject of wastewater expenses to the Finance Committee. The Board concurred.

Item No. 7A - Selection of Special Counsel for Elbert County 1041 Permit

Director Henderson explained that Ms. Ronni Sperling will be leaving Moses, Wittemyer, Harrison and Woodruff effective August 31, 2007 and will become a member of Buchanan and Sperling. The Board must decide which firm they prefer to represent ACWWA in the future. A motion was made by Director Miller and seconded by Director Leak to have Ronni Sperling as a member of Buchanan and Sperling represent ACWWA.

Item No 9 – ACWWA Capital Improvement Projects for 2008

Ms. Achee presented the updated CIP to the Board. Discussion took place concerning Motel 6 lift station.

The Board took a short break at 10:52 a.m.

Meeting resumed at 10:59 a.m.

Item No. 10A – Update on Agreement with Cottonwood

Mr. Atkin stated that a conference call with Cottonwood is scheduled for later in the month.

Item No. 10B – Cherry Creek Project Water Authority Update

Mr. Koger updated the Board on the projects being worked on through the Cherry Creek Project Water Authority.

Item No. 4 – Refunding of ACWWA 2003 Series C Bonds

Mr. Harrington addressed the Board giving the details of the bond terms and of the bond closing. Mr. Jordan and Mr. Whitmore went over the resolution. A motion was made by Director Tinkey and seconded by Director Dyer to approve the bond resolution as presented. This resolution will be 2007-02. The motion passed 7 to 0.

Item No. 11 – Financial Report

Ms. Achee gave an update on the financial report.

Item No. 12 – Legal Report

Mr. Kron presented a document concerning eminent domain. This document will be added to the Board Member Handbook.

## EXECUTIVE SESSION

A motion was made by Director Henderson and seconded by Director Tinkey to move into Executive Session to develop negotiating positions and considering purchase, acquisition and release of real property on particular water rights at 11:27 a.m. pursuant to Section 24-6-402(4) (A) and Section 24-6-402(4) (E) C.R.S. The motion passed 7 to 0. (Executive session meetings are recorded and retained for 90 days.)

Director Miller left the meeting via phone at 11:27

The Executive Session ended at 11:52 a.m.

ADJOURNMENT:

A motion was made by Director Dyer and seconded by Director Tinkey to adjourn the meeting at 11:53 p.m. The motion passed 6 to 0.

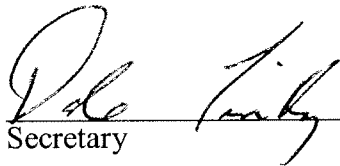
Approved: September 12, 2007

ARAPAHOE COUNTY WATER AND  
WASTEWATER AUTHORITY



\_\_\_\_\_  
President

ATTEST:



\_\_\_\_\_  
Secretary