
RECORD OF PROCEEDINGS

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

HELD: May 14, 2008

13031 E Caley Ave
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Hap Henderson, Doyle Tinkey , Marie Mackenzie, Pat Mulhern, Linda Lehrer, Alan Leak, Rod Bockenfeld, and Jim Dyer. Also in attendance were: Gary Atkin, Jennie Achee, Martin Stegmiller, Arnie Reil, Barbara Townsley and Legal Counsel Rick Kron of Grimshaw & Harring.

CALL TO ORDER:

Director Henderson called the meeting to order at 9:17 a.m. in the Arapahoe conference room of the Arapahoe County Water and Wastewater Authority office at 13031 E Caley Ave, Centennial, CO 80111. Director Leak led the Pledge of Allegiance.

ADOPTION OF THE AGENDA:

Director Henderson requested that Item #10B be taken off the Information Items and discussed as the last topic under General Business Action Items as Item #8. A motion was made by Director Leak and seconded by Director Lehrer to adopt the agenda with the changes that were requested. The motion passed 8 to 0.

PUBLIC FORUM:

No discussion took place.

CONSENT AGENDA:

A motion was made by Director Tinkey and seconded by Director Mackenzie to approve the consent agenda. The motion passed 7 to 0 with Director Mulhern abstaining due to the potential conflict of interest pertaining to MRE. The consent agenda consists of the following items:

1. Approval of Meeting Minutes for April 9, 2008.
2. Approve payment requests for April 2008.

3. Approve Residuals Management Plan Contract with Arber and Associates.
4. Approve Recommendations from PDACC
 - A. Approve Management and Construction Services Agreement with MRE.
 - B. Approve Purchase of Energy Recovery Equipment.
5. Approve Recommendations from Water Committee:
 - A. Approve Water Resource Fee Resolution.

GENERAL BUSINESS ACTION ITEMS

Item No. 6 – Presentation of Electronic Data Storage and Retrieval Program

Mr. Atkin presented a product offered by CH2MHill capable of storing and retrieving data for water and wastewater providers. The Board is interested in knowing more about the product. After ACWWA staff further investigates the product, the Board would like the information to be taken to the PDAC Committee and possibly the Finance Committee for discussion.

Item No. 7 – Discussion and Possible Action Regarding Cottonwood and Inverness

As a representative of the Finance Committee, Director Lehrer spoke to the Board about the lack of a finalized agreement between ACWWA and Cottonwood. She explained that the Cottonwood Agreement was not yet signed and is at a standstill. A letter from Cottonwood was given to Jack Bush, who is an Assistant County Attorney and acts as the legal counsel for the PID. Per Director Bockenfeld, Mr. Bush will contact the appropriate people concerning the letter and respond. Director Bockenfeld expressed a concern as to the correlation between the letter and an agreement. Discussion took place between the Board members as to the original agreements and recognized that things are now different, such as the PID being formed. Because of the issues surrounding the agreement for the wastewater treatment plant, Director Henderson asked Director Mulhern if he foresees any problems with the agreement concerning the JWPP agreement between ACWWA and Cottonwood. Director Mulhern stated there has always been an agreement and that it's important to go back to the establishment of the original program. Cottonwood was an operating wastewater provider. According to Director Mulhern, ACWWA needed Cottonwood's revenue, taps, etc. years ago. At the time, Cottonwood was having trouble making the wastewater treatment plant comply with the discharge permit, so it entered into a two party agreement with Arapahoe Water. At the time, Arapahoe Water and Sanitation District was having financial difficulties. Arapahoe County loaned money to AWS and was repaid through taps and service fees. Director Lehrer will continue to follow-up on the current agreement. Director Mulhern stated that Cottonwood would like to have one position on the nine member ACWWA Board.

Item No. 8 – South Metro Water Supply Authority Activities

Mr. Atkin explained to the Board that ACWWA has an opportunity to purchase new additional capacity in the ECCV Northern Pipeline. Discussion took place between Mr. Atkin and the Board concerning the details of the capacity and the cost. A motion was made by Director Dyer and seconded by Director Mackenzie to utilize funds from the current CIP budget of approximately \$3 million, placing these funds into escrow for the purchase of the additional capacity. This motion also allows ACWWA staff to negotiate and work on finalizing the language of the Escrow Agreement. The motion passed 8 to 0.

Item No. 9 – Water Storage Site Update

EXECUTIVE SESSION

A motion was made by Director Henderson and seconded by Director Leak to move into Executive Session to develop negotiating positions, strategy or instruct negotiators regarding acquisition of water storage sites pursuant to Section 24-6-402(4) (E) C.R.S. at 10:20 a.m. The motion passed 8 to 0. (Executive session meetings are recorded and retained for 90 days.)

The Executive Session ended at 10:35 a.m.

Item No. 10 – JWPP Water Supply Update

Mr. Atkin gave the Board an update regarding the water rights and logistics for water supply to the JWPP.

Item No. 11 – General Manager Report

No. 10A – Cherry Creek Alluvial Modeling Project

Mr. Atkin updated the Board on the progress that C-Camp has made, stating that the models are getting much closer to calibration.

No. 10C – State Parks Well Project

Mr. Atkin updated the Board stating that the Corps of Engineers has given State Parks approval to drill a total of four wells and explained the concerns that the Corps has regarding the wells.

Director Bockenfeld left at 11:03.

Item No. 12 – Financial Report

Ms. Achee gave an update on the financial report.

Item No. 13 – Legal Report

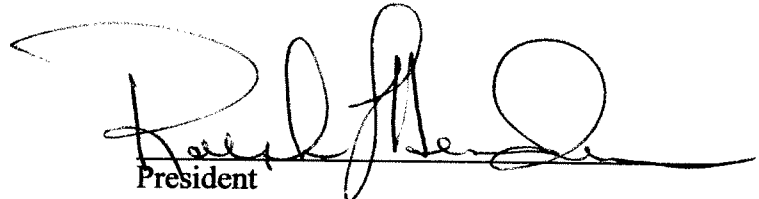
Mr. Kron discussed legal matters with the Board and ACWWA staff.

ADJOURNMENT:

A motion was made by Director Tinkey and seconded by Director Mulhern to adjourn the meeting at 11:16 p.m. The motion passed 7 to 0.


Approved: June 11, 2008

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



President

ATTEST:



Secretary