
RECORD OF PROCEEDINGS

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

HELD: November 12, 2008

13031 E Caley Ave
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Hap Henderson, Marie Mackenzie, Linda Lehrer, Alan Leak, Rod Bockenfeld, Doyle Tinkey, Jim Dyer and Pat Mulhern by phone. Also in attendance were: Gary Atkin, Jennie Achee, Arnie Reil, Steve Witter, Barbara Townsley, Les Nelson, and Legal Counsel Rick Kron and Dick Harring of Grimshaw & Harring. Guests: Roger Hartman, THC; John McCarty, SEMSWA; John Gallagher, Red Oak Consulting; Lou Hurtado, Chapparral Metro Board; Wayne Lorenz, Wright Water Engineering; Allan Kortz, Resident; Nancy Howland, Resident; Kurt Schlegel, Resident; Gabriel Tellez, Resident; Robert Harmoush, Resident.

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. Director Mackenzie led the Pledge of Allegiance.

ADOPTION OF THE AGENDA:

A motion was made by Director Henderson and seconded by Director Lehrer to adopt the agenda. The motion passed 8 to 0.

PUBLIC FORUM:

Ms. Holland and Mr. Kortz addressed the board during public forum.

CONSENT AGENDA:

Director Leak requested that the board consider adding the approval of the contract with American Infrastructure, Inc. as SEMSWA's contractor for the construction of Pond W-4 to the consent agenda. He reported that American Infrastructure, Inc. was the low bidder and that SEMSWA intended to approve the contract. A motion was made by Director Dyer and seconded by Director Lehrer

to approve the consent agenda with the addition of American Infrastructure, Inc. The motion passed 8 to 0 to approve the consent agenda and 7 to 0 with Director Leak abstaining from the vote regarding American Infrastructure, Inc. The consent agenda consisted of the following items:

1. Approval of Meeting Minutes for October 8, 2008.
2. Approve payment requests for October 2008.
3. Approve Recommendations from PDACC:
 - A. Approve Final Design for Chapparal Pump Station Design Flaw.
4. Approve Appointment of ACWWA General Manager as the Fair and Accurate Credit Transaction Act Officer.
5. Approve the contract with American Infrastructure, Inc. , a SEMSWA contractor for Pond W-4.

AWARD PRESENTATION

Item No. 5 - Presentation of Environmental Systems Management Silver Award

Mr. Nelson gave the board an overview of the requirements ACWWA had to meet to obtain the Silver Award from the State of Colorado. Also, he reiterated the benefits of the program.

PUBLIC HEARING

Item No. 6 – Presentation of the 2009 Budget and Associated Rates and Fees

Ms. Achee gave a budget presentation to the board. Director Lehrer and Director Mackenzie complimented Ms. Achee on a job well done.

GENERAL BUSINESS ACTION ITEMS

Item No. 7 – Presentation of Cost of Service Study

Mr. Gallagher and Mr. Hartman presented the Cost of Service study and discussed future funding with the board.

President Henderson opened the public hearing on the 2009 Budget and Rates and requested public comments. Mr. Hurtado addressed the board regarding master meter billing and contracts that are not part of the Public Improvement District. President Henderson asked if anyone else would like to speak during the public hearing and there were none. President Henderson closed the public hearing.

Item No. 8 – Discussion and possible action regarding the 2009 Budget

A motion was made by Director Lehrer and seconded by Director Leak to approve the 2009 budget with a modification to the Inverness sewer revenue

duplication and the reduction in the number of tap fees as previously presented. The motion passed 8 to 0.

Item No. 9 – Discussion and possible action regarding the 2009 Rates and Fees

Discussion took place among the board and staff regarding the rates and fees for 2009. A motion was made by Director Lehrer and seconded by Director Mackenzie to approve the 2009 rates and fees as presented with a January 1, 2009 effective date, and to review the 2010 rates at the end of 2009. The motion passed 5 to 3 with Director Henderson, Director Mulhern and Director Tinkey opposed.

Director Mulhern left the meeting at 11:49 a.m.

A motion was made by Director Leak and seconded by Director Dyer to approve continuation of the meeting past noon. The motion passed 7 to 0.

The board took a break at 11:50 a.m.

The board resumed the meeting at 11:59 a.m.

EXECUTIVE SESSION

A motion was made by Director Lehrer and seconded by Director Mackenzie to move into Executive Session to consult or receive advice from legal counsel on specific legal questions regarding the HDR suit at 12:11 p.m. pursuant to Section 24-6-402(4) (B) C.R.S. and to develop negotiating positions, strategy or instruct negotiators regarding a pipeline agreement under Section 24-6-402(4) (E) C.R.S. relating to the HDR lawsuit. The motion passed 7 to 0. (Executive session meetings are recorded and retained for 90 days.)

The Executive Session ended at 12:10 p.m.

A motion was made by Director Henderson and seconded by Director Tinkey to move into Executive Session to develop negotiating positions, strategy or instruct negotiators regarding potential water supply agreements with the City of Aurora and Denver Water under 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.)

The Executive Session ended at 1:05 p.m.

Item No. 10 – Discussion and possible action regarding Aquifer Storage Recovery (ASR) Pilot Project

Mr. Lorenz gave a presentation to the board and discussed the potential benefits of the ASR project.

Director Tinkey left the meeting at 1:10 p.m.

Item No. 11 – Discussion and Possible Action Regarding Alluvial Well Monitoring Project

A motion was made by Director Dyer and seconded by Director Leak to approve the DLT&V Systems Engineering contract to provide professional services for design of the Alluvial Well Monitoring project. The motion passed 6 to 0.

INFORMATION ITEMS AND REPORTS

Item No. 11 – General Manager's Report

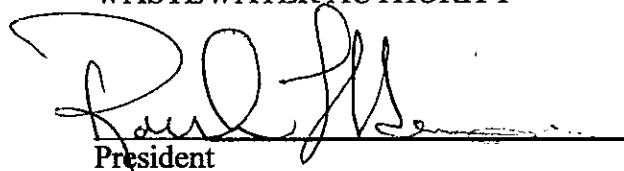
- A. Motel 6 Update – Ms. Achee updated the board on the progress being made with Motel 6.
- B. Cherry Creek Alluvial Modeling Group Update – Mr. Atkin explained to the board that everything with CCAMP is moving along well.

ADJOURNMENT:

A motion was made by Director Henderson and seconded by Director Lehrer to adjourn the meeting at 1:40 p.m.. The motion passed 6 to 0.

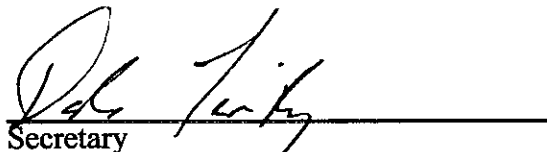
Approved: Jan 14, 2008 9

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



President

ATTEST:



Secretary