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RECORD OF PROCEEDINGS

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

HELD: February 11, 2009

13031 E Caley Ave  
Centennial, CO 80111

**ATTENDANCE:**

Present were Directors: Hap Henderson, Alan Leak, Doyle Tinkey , Pat Mulhern, Linda Lehrer, Rod Bockenfeld, and Jim Dyer. Also in attendance were: Gary Atkin, Jennie Achee, Martin Stegmiller, Arnie Reil, Steve Witter, Barbara Townsley, Patrick Reed, and Legal Counsel Rick Kron of Grimshaw & Haring. Guests: Sally Kline, Colorado Water Partnership; Bill Veydovec and Mark Beebe, Arber and Associates; Jeff Nelson and Wayne Lorenz, Wright Water Engineers; Roger Hartman, THC; John McCarty, Southeast Metro Stormwater Authority.

**CALL TO ORDER:**

Director Henderson called the meeting to order at 9:03 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 Tinkey led the Pledge of Allegiance.

**ADOPTION OF THE AGENDA:**

A request was made by Director Henderson to move General Business Action Item Number 6 to later in the morning. A motion was made by Director Lehrer and seconded by Director Dyer to adopt the agenda with the suggested change. The motion passed 6 to 0.

**PUBLIC FORUM:**

Nobody chose to address the board during Public Forum.

**CONSENT AGENDA:**

Directors Leak and Mulhern recused themselves from discussing and voting on Consent Agenda Item Number 3D. A motion was made by Director Tinkey and seconded by Director Dyer to approve the consent agenda with Directors Leak and Mulhern recusing themselves from Item Number 3D because of potential

conflicts of interest. The motion passed 6 to 0. The consent agenda consists of the following items:

1. Approval of Meeting Minutes for January 14, 2009.
2. Approve payment requests for January 2009.
3. Approve Recommendations from PDACC:
  - A. Approve First Amendment to Pond W4 MOU.
  - B. Approve Alluvial Well RO Testing Program.
  - C. Approve Wright Water Engineer's for MS4 Permit Work
  - D. Approve Professional Services Short List.
4. Approve Recommendations from Water Committee:
  - A. Approval of Douglas County Water Resources Authority Formation Amendment.

**GENERAL BUSINESS ACTION ITEMS:**

**Item No. 5 – Action Regarding Selection of ACWWA Officers for 2009**

Directors Tinkey and Leak, as the Nominating Committee, recommended all board members stay in their current positions on the board. A motion was made by Director Tinkey and seconded by Director Dyer to keep all board members in their current board officer positions. The motion passed 6 to 0.

**Item No. 7 – Presentation and Review of the Colorado Water Partnership**

Ms. Kline gave a presentation regarding the Colorado Water Partnership and an overview of the current bills the CWP is tracking.

Director Bockenfeld arrived at 9:20.

Director Dyer recognized Ms. Sally Kline and Ms. Shayne Madsen for their excellent work in protecting the rights of water providers, and providing information to the ACWWA board and staff concerning legislative activities.

**Item No. 8 – Discussion and Action Regarding Change Order No. 5 for Joint Water Purification Project**

Mr. Reed and Mr. Beebe addressed the board to discuss the change order for JWPP. Director Dyer noted that this item was reviewed in great detail by the PDAC Committee. After the board had all their questions answered satisfactorily, a motion was made by Director Dyer and seconded by Director Lehrer to approve Change Order #5 for Joint Water Purification Project with the understanding that it was already approved by the Cottonwood Board. The motion passed 7 to 0.

**Item No. 9 – Discussion and Action Regarding Change Order No. 7 and 8 for Lone Tree Creek Water Reuse Facility Expansion Project**

Mr. Reed addressed the board to discuss the change orders for LTCWRF. According to Director Dyer, this item was also closely reviewed by the PDAC Committee before being presented to the full board. A motion was made by Director Dyer and seconded by Director Lehrer to approve Change Orders No. 7 and 8. The motion passed 7 to 0.

**Item No. 10 – Presentation and Review of the ACWWA Water Conservation Plan**

Mr. Witter gave a presentation regarding a conservation plan staff has developed. The board discussed how they envision this plan moving forward with Director Bockenfeld suggesting some type of dashboard built into the program. The board would like the program to be done in steps because of the large scope of work to be done. Also, the board would like the Water Committee to review the scope and direction of the program. A motion was made by Director Henderson and seconded by Director Tinkey to proceed with the ACWWA water conservation plan proposed by Mr. Witter with funding to be determined. The motion passed 7 to 0.

**Item No. 6 – Discussion and Update Regarding ACWWA’s Bond Rating Upgrade**

Ms. Achee informed the board that Standard and Poor’s recently upgraded ACWWA’s revenue and bond rating an A+ to an AA-, which is a tremendous savings.

The board took a break at 10:45 a.m.

The board resumed the meeting at 10:55 a.m.

**Item No. 11 – Discussion and Action Regarding an Amendment to the 2006 Option Agreement with Spring Valley Ranch Metro District**

Mr. Atkin explained the revision to the Spring Valley Ranch Option Agreement. A motion was made by Director Henderson and seconded by Director Dyer to approve the Amendment to the 2006 Option Agreement with Spring Valley Ranch Metro District. The motion passed 7 to 0.

**Item No. 12 – Discussion Regarding ACWWA Board Members and Contract Services**

Per Mr. Atkin, the purpose of this item was to discuss if a policy should be put in place regarding contract services and if so, what type of policy.

Director Leak and Director Mulhern left the room at 11:11 due to potential conflicts of interest.

Director Lehrer recused herself from discussing and voting on Item #12 due to a potential conflict of interest.

After the board discussed different view points, a decision was made to bring this item back to the board at a later date.

#### Item No. 13 – Discussion Regarding Potable and Non-potable Rate Differential

Mr. Hartman gave a presentation to the board regarding the impact of a potable and non-potable rate differential and answered questions from the board.

A motion was made by Director Lehrer and seconded by Director Leak to proceed with the board meeting past noon. The motion passed 7 to 0.

A motion was made by Director Tinkey and seconded by Director Leak to approve a 20% rate differential between the potable/non-potable water usage due to the need for non-potable effluent customers' need to comply with the CWQCC Reg 84 rules. A public hearing will take place 30 days before the new rates go into effect and the board will meet after the public hearing for discussion purposes. The motion failed 2 to 4 with one board member not voting.

Following further discussion, a motion was made by Director Bockenfeld and seconded by Director Dyer to have ACWWA absorb the capital costs in implementing the non-potable system and keep the rates uniform for every customer. The motion passed 7 to 0.

A discussion took place regarding Inverness being ready to send flows to the wastewater treatment plant, but some customers are not signed up as required by Reg 84.

Director Dyer left at 12:51 pm.

A motion was made by Director Mulhern and seconded by Director Lehrer to provide only non-potable irrigation water for irrigation use to all areas where ACWWA planned the non-pot system to be and is available for use and to direct staff to get the Regulation 84 agreements necessary for the customers to use effluent return flow. The Reg 84 agreement must be signed 30 days before flow is available to the customer and the health department shall be notified within the same time frame. This is inclusive to all ACWWA customers. The motion passed 6 to 0.

Item No. 14 - General Managers Report

A. February 17<sup>th</sup> Open House

Mr. Atkin invited the board members to attend the open house.

EXECUTIVE SESSION

A motion was made by Director Henderson and seconded by Director Leak to move into Executive Session to consult or receive advice from legal counsel on specific legal questions and to develop negotiating positions, strategy, instruct negotiators regarding the Chapparral Pump Station pursuant to Section 24-6-402(4) (B) (E) at 12:57 a.m. The motion passed 6 to 0. (Executive session meetings are recorded and retained for 90 days.)

Director Leak left at 1:40 pm.

Following discussion, a motion was made by Director Tinkey and seconded by Director Henderson to approve the design increase cost requested by Wright Water Engineers for the Chapparral Pump Station in the amount of \$25,000. The motion passed 5 to 0.

ADJOURNMENT:

A motion was made by Director Lehrer and seconded by Director Bockenfeld to adjourn the meeting at 1:52 p.m. The motion passed 5 to 0.

Approved: 3/11/09 2009

ARAPAHOE COUNTY WATER AND  
WASTEWATER AUTHORITY

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President

ATTEST:

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Secretary