
RECORD OF PROCEEDINGS

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

HELD: April 14, 2010

13031 E. Caley Ave.
Centennial, CO 80111

ATTENDANCE:

Present were Directors: Ralph Henderson, Rod Bockenfeld, Ray Wells, and Alan Leak. Also in attendance were: Gary Atkin, Arnie Reil, Jeff Brooks, Steve Witter, Martin Stegmiller, Patty Pratt, Carol Bauman, Barbara Townsley and Legal Counsel Rick Kron. Guests in attendance were: Dave Zelenok, City of Centennial; Kurt Schlegel, Resident of Elkhorn Ranch; Kelly DiNatale, DiNatale Water Consultants; Attorney Brian Nazareus, Ryley Carlock & Applewhite; and Linda Lehrer, Sierra Consulting.

CALL TO ORDER:

Director Henderson called the meeting to order at 9:06 a.m. in the Arapahoe Conference Room of the Arapahoe County Water and Wastewater Authority (ACWWA) office at 13031 E. Caley Ave., Centennial, CO 80111. Director Wells led the Pledge of Allegiance.

ADOPTION OF THE AGENDA:

Director Henderson stated that the Agenda would be modified to switch the order of discussion Item No. 4 with Item No. 5. A motion was made by Director Leak and seconded by Director Tinkey to approve the Agenda as modified. With no discussion needed, Director Henderson called for a vote. The motion passed 4 to 0.

PUBLIC FORUM

Mr. Schlegel addressed the board regarding ACWWA's potential sale of the existing water system to the Elkhorn HOA. Mr. Schlegel indicated that a majority of the residents are in favor of the purchase and the matter will be voted on by the residents in early May 2010.

Mr. Atkin reported that ACWWA and specifically, Barbara Townsley, Human Resources Manager, had recently been recognized for the exemplary job she has done in developing and implementing the Red Rocks Community College internship program for students

wishing to enter the water and wastewater profession. The board congratulated Ms. Townsley for a job well done.

CONSENT AGENDA

A motion was made by Director Leak and seconded by Director Bockenfeld to approve the Consent Agenda. The motion passed 4 to 0. The consent agenda consists of the following items:

1. Approval of Meeting Minutes for March 10, 2010
2. Approve Payment Requests for March 2010
3. Approve Recommendations from PDAC Committee:
 - A. Approve JWPP Change Order No. 10.
 - B. Approve PCM for Bid Package No. 3 for the JWPP.
 - C. Approve Design Amendment for Mulhern MRE Project CIP 87.
 - D. Approve Contract Language Changes to Arvada Pump Company Agreement.
 - E. Approve Modification to Rules and Regulations to Include Tenant Finish Provision.

GENERAL BUSINESS ACTION ITEMS:

Item No. 5 – Discussion and Possible Action Regarding an Agreement for Legal Services with Ryley Carlock & Applewhite.

Mr. Atkin introduced Attorney Brian Nazareus, Ryley Carlock & Applewhite. Mr. Nazareus reported that he has practiced water rights law for twenty-five years. At 9:30 a.m., a motion was made by Director Henderson and seconded by Director Leak to adjourn to Executive Session, pursuant to Section 24-6-402(4)(b), C.R.S. to consult or receive advice from attorney on specific legal questions relating to the water rights in the ACWWA Flow Project; and pursuant to Section 24-6-402(4)(e), C.R.S. to develop negotiating positions, strategy or instruct negotiators concerning an engagement of Ryley Carlock & Applewhite for legal services related to the ACWWA Flow Project. The motion passed 4 to 0. (Executive Session meetings are recorded and retained for 90 days.)

At 9:35 a.m., a motion to adjourn the Executive Session was made by Director Leak and seconded by Director Wells. Motion passed 4 to 0.

A motion was made by Director Henderson and seconded by Director Bockenfeld to approve the engagement letter of March 29, 2010, as proposed by Attorney Nazareus to engage the firm of Ryley Carlock & Applewhite. Motion passed 4 to 0.

Item No. 4 – Discussion and Possible Action Regarding Adoption of Revisions to the Rules and Regulations and Appendix A.

Mr. Brooks explained that staff had worked closely with Attorney Larry Berkowitz as well as ACWWA's rate consultant, Roger Hartman regarding the proposed changes, which will improve the support of procedures and methods in which ACWWA interacts with customers, consultants and contractors. The PDAC Committee has recommended approval of the revisions. Mr. Brooks indicated that Appendix B is still being drafted and will be forthcoming. Director Henderson opened a public hearing to discuss the adoption of the revised Rules and Regulations with Appendices A and C. No public came forward to address the board. Director Henderson closed the public hearing. A motion was made by Director Bockenfeld and seconded by Director Henderson to approve the revised Rules and Regulations with Appendices A and C, with addition of Item 4, under Section 7.4.1, as discussed, and using the current engineering standards as Appendix B. Motion passed 4 to 0.

INFORMATION ITEMS AND REPORTS

Item No. 6 – General Manager Report.

- A. Update on South Metro Water Supply Authority Activity – Mr. Atkin deferred discussion to Executive Session.
- B. Cherry Creek Project Water Authority – Nothing to update.
- C. Chaparral Pump Station Update – Mr. Reil reported that the pretrial hearing is currently scheduled for April 28, 2010. The construction of the pump station is moving along according to schedule.
- D. Update on ACWWA Flow Project – Mr. Witter reported on the status of the various aspects of the Flow Project.

Mr. Atkin introduced Mr. Zelenok, City of Centennial and stated that ACWWA staff had met with City of Centennial staff to discuss the Flow Project.

Mr. Atkin also gave updates on the 2010 Watering Schedule, the article in the March 4, 2010 *Villager* newspaper regarding the Flow Project and the Arapahoe County Board of County Commissioners Agenda for April 6, 2010, wherein the Consent Agenda included a proposed amendment to reduce the membership of the Board of Directors of ACWWA to seven directors and deletes the criteria that at least two directors be taxpaying electors of the Arapahoe County Water and Wastewater Public Improvement District. Director Bockenfeld, who is an Arapahoe County Commissioner, confirmed that this proposed amendment was passed.

EXECUTIVE SESSION

At 10:20 a.m., a motion was made by Director Henderson and seconded by Director Bockenfeld to adjourn to Executive Session, pursuant to Section 24-6-402(4)(e), C.R.S. to develop negotiating positions, strategy or instruct negotiators concerning the ACWWA Flow Project and in particular, relating to the confidentiality agreement of the WISE

Project. The motion passed 4 to 0. (Executive Session meetings are recorded and retained for 90 days.)

There was a five minute break.

At 11:40 a.m., a motion to adjourn the Executive Session was made by Director Bockenfeld and seconded by Director Henderson. Motion passed 4 to 0.

Item No. 7 – Financial Report – No report needed.

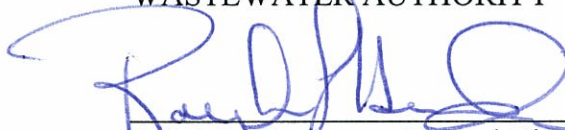
Item No. 8 – Legal Report – No report needed.

ADJOURNMENT

Following discussion, there being no further business to come before the Board, at 11:41 a.m., a motion to adjourn the meeting was made by Director Henderson and seconded by Director Wells. Motion passed 4 to 0.

Approved: 3-10- 2010.

ARAPAHOE COUNTY WATER AND
WASTEWATER AUTHORITY



Ralph L. Henderson, Second Vice President

ATTEST:


Secretary