

## RECORD OF PROCEEDINGS

---

### CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT

#### REGULAR MEETING OF THE BOARD OF DIRECTORS

April 20, 2010

The regular meeting of the Board of Directors of the Cherry Creek Valley Water and Sanitation District was held at the District Offices, 2325 S. Wabash Street, Arapahoe County, Colorado at 7:00 P.M. on April 20, 2010.

#### PRESENT

Paul Hanley – Chairman  
Sheldon K. Ginsberg – Vice Chairman  
Paul Thayer – Secretary/Treasurer  
Louis D. Halsell Jr. - Director  
Jorge-Ayn Riley – Director

#### OTHERS PRESENT

John R. Warford – Manager  
Lisa Desmond – Administrative Assistant  
Chuck Buchanan – Maintenance Supervisor  
Ron Dvorak – McLaughlin Rincon  
Darryl Farrington – Semple, Farrington & Everall P.C  
Carmine Iadarola – AquaSan Network  
J.M. Fay – Resident

Mr. Hanley announced a special celebration to honor Sheldon Ginsberg for his years of service as the Chairman of the Board of Directors. Mrs. Riley made a short speech and presented him with a plaque.

Mr. Hanley, Chairman of the Board, called the meeting to order at 7:11 p.m., with a quorum present.

Mr. Hanley asked if there were any corrections or additions to the minutes of the March 16, 2010, Board meeting. There were none. Mr. Thayer made a motion to approve the minutes as presented. Mr. Ginsberg seconded the motion. Motion carried.

Next on the agenda was the Treasurer's Report and Bills Payable. Mr. Warford discussed check #s 21421 & 21442 to Rocky Mtn. Business Products these bills are relating to the mail outs for the election. Check# 21461 to Guildner Pipeline, we are using them more to try and keep the lines cleaned and prevent backups. ABC Reprographics check# 21447 is for the election envelopes. Mr. Hanley asked about Caselle. Mr. Warford informed the board that that was for computer support. Mr. Hanley asked if there were any other questions regarding the Treasurer's Report and Bills Payable. There were none. Mr. Halsell made a motion to receive the Treasurer's Report and to pay the Bills. Mr. Thayer seconded the motion. The motion carried.

Mr. Hanley then opened the meeting for public comments. Ms. Fay offered a written comment which Mr. Farrington read to the Board: 1) Still waiting for answers to our questions from the website, in person and from these meetings. Mr. Ginsberg then asked who she was representing when she stated "our questions". Does "our" mean you? Is there anyone other than you making that request? She then shook her head no. Mr. Ginsberg then stated that she shook her head no so that must mean she is the only one making those requests. 2) Hope you will be monitoring the website for questions on ballots. 3) Conservation plans for 2010?

Mr. Warford asked the Board if we need to respond to her question about the ballot. Mr. Hanley stated that maybe we should have a brief report on the election and the changes that occurred this year. Mr. Warford then stated that in the 2008 election we only sent out about 200 ballots

## RECORD OF PROCEEDINGS

### MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT OF APRIL 20, 2010 CON'T.

however this year due to the statues we were required to send out over 4,000. We have received about 200 back at this stage. There are probably 800 to 1,000 that were returned undeliverable. It is our understanding that we are not required to attempt to resend these. Ms. Desmond stated that at this time we do not have a place for questions on the website. Mrs. Riley asked if we need to have some way for citizens to ask questions about ballots. Mr. Warford stated that he personally has received numerous calls regarding the ballots and Ms. Desmond stated that the district office has also received numerous calls. Mr. Warford said the normal office number should be adequate for people to ask questions. Mr. Hanley asked about the date they need to be returned. Mr. Warford stated that they could be returned on or before May 4<sup>th</sup> and they can be mailed or dropped off.

There were no further public comments.

Mr. Iadarola's report was next on the agenda. He presented his water report, which was also submitted in written form to the Board. Highlights included:

- **Wabash Complex** – The Denver Water Board has signed the settlement stipulation to our Wabash decree. That leaves FRICO, Arapahoe County Water and Wastewater Authority and Aurora remaining as objectors. Expert technical reports are due April 26, 2010. Aurora may be submitting a technical report.

In the Aurora Exchange Case case, which CCV has objected, Aurora acknowledges our senior water rights but believes that no injury occurs to CCV's water rights via the exchange. CCV believes that any depletions should be replaced above Iliff Ave. Mr. Warford stated that there was a meeting with Aurora and it seem that there is some animosity about this case. There is some confusion about whether or not these are headgate wells. Aurora would like to settle on there case prior to discussing our case. We should know more on Friday.

- **DW** – DW has appointed a new manager, Mr. James Lochhead as of July 1, 2010. His background is as a West Slope advocate.
- **Conservation** – DW has targeted the automatic sprinkler users in the new conservation ad campaign.

Colorado Water Conservation Board has partnered with the Colorado Energy Office to set up a new website that offers one stop shopping to find conservation tips and rebate information for your area. [www.rechargecolorado.com](http://www.rechargecolorado.com) Mr. Iadarola asked that a link be set up on the CCV web page to this source of information.

Mr. Hanley asked if there were any comments regarding Mr. Iadarola's report. There were none so they moved on to the Manager's Report.

Mr. Warford said it looks as if we may not be able to avoid adopting the surcharges or step rate charges being imposed by the DW Board and the Colorado Water Conservation Board as new conservation measures. Mr. Warford thought that DW had the District covered by including the distributors in their plan. However DW may still require us to adopt step rates. Mr. Ginsberg asked how they could make us adopt these rates since we are an independent entity. Mr. Farrington said that it is not crystal clear but our distributor's contract does include language regarding conservation measures. Mr. Warford noted again that the state is making similar requirements. Mr. Ginsberg again stated that he felt that DW should not be able to control how we run our District. Mr. Warford felt that these measures could force us to charge some customers less then our cost for water. Mr. Hanley asked if they are requiring a step rate structure but leaving the rates at each step up to the District, or are they imposing certain specific rates? Mr. Warford said he believes they would just require some sort of step rates. Mr. Hanley then stated we should still have control of the amounts of each stepped rate.

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT OF APRIL 20, 2010  
CON'T.

A new DW rate structure director has been appointed. He is a former member of the TAC committee. The old director of rates from DW has taken a position as General Manager at AWWA.

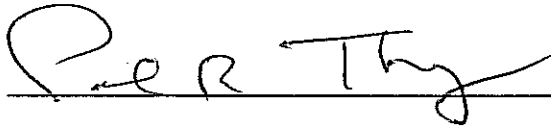
There isn't much going on right now with the Denver Campus for Jewish Education and the Wabash Bridge. Ron Dvorak stated he believe they are in the bid/contract evaluation phase. He then informed the Board that we may have to get a mining permit to excavate the storage facility because of the sandy soil in the area that may be of value. McLaughlin is doing the study for the bid to proceed on the lines and detention pond project for the school property. Mr. Warford told the Board we have been working on cleaning up the lot next door. There is more to do but it will have to wait unit the goats are removed.

The investments are doing well. We have had some bond calls, and have purchased more bonds but they are holding well at about 3%.

Mr. Warford told the Board we need to appoint a Vice Chairman. A motion was passed by Mr. Halsell to appoint Mr. Ginsberg. Mr. Thayer seconded. The motion passed.

There being no further matters to come before the Board Mr. Hanley called for the Board to adjourn. Mr. Ginsberg moved to adjourn, seconded by Mrs. Riley. Motion carried. Mr. Hanley declared meeting adjourned at 8:00 p.m.

READ AND APPROVED



DATED May 18 2010