

RECORD OF PROCEEDINGS

CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT

REGULAR MEETING OF THE BOARD OF DIRECTORS

September 15, 2009

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 September 15, 2009.

PRESENT

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

OTHERS PRESENT

John R. Warford – Manager
Rita Hiller – Bookkeeper
Chuck Buchanan – Maintenance Supervisor
Ron Dvorak – McLaughlin Rincon
Darryl Farrington – Semple, Miller, Mooney & Farrington P.C.
Carmine Iadarola – AquaSan Network
J.M. Fay – Resident

ABSENT

Sheldon K. Ginsberg – Chairman

Mr. Hanley, Vice Chairman of the Board, called the meeting to order at 7:00 p.m., with a quorum present.

Mr. Thayer made a motion to excuse Mr. Ginsberg for his absence. Mrs. Riley seconded. Motion was carried.

Mr. Hanley asked if there were any corrections or changes to the minutes of the July 21, 2009, Board meeting. There were none. Mr. Halsell made a motion to approve the board meeting minutes as presented. Mrs. Riley seconded the motion. Motion carried.

Next on the agenda was the Treasurer's Report and Bills Payable. Mr. Warford discussed check# 20927 to Westfire which covers the fire system inspection required by the Fire Department. The Wilson Brothers check should be the last bill for the break on E Harvard & S Syracuse. Check# 20938 is a garnishment for an employee. Mr. Warford asked the board to hold on approving check# 20963. Guildner Pipeline check# 20980 is for two bills covering a third of the district being jetted, cleaned and services during this year. Mr. Buchanan stated that this is the largest outfall of the 3. Check# 20988 is a refund to Renaissance Homes for overpayment. Mrs. Hiller stated that this was for two checks that were issued in the past and were never cashed so they had to be voided and reissued. Mr. Hanley asked about the check to Denver Water for the High Line Canal Water Rights. Mr. Warford said that we have 1 Share (3 acre feet). Denver did not cash the last check we sent and has not been billed us since. Mr. Warford feels we should continue to pay for the water right. Mr. Hanley asked if there were any other questions regarding the bills. There were none. Mrs. Riley made a motion to receive the Treasurer's Report and to pay the Bills with the exception of check# 20963. Mr. Thayer seconded the motion. The motion passed.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT OF SEPTEMBER 15,
2009 CONT.

Mr. Hanley then opened the meeting to the public for any comments. Ms. Fay offered a written comment which Mr. Farrington read to the Board: "You (the District) have a responsibility, when a water break occurs, to insure emergency access for the sheriff and the fire department especially when you are taking away there ability to drive in an area. That is not what occurred when the Harvard & Syracuse break occurred. Instead you choose to play games. About 2000 people use Syracuse as their main access; more if you add in Denver residents. Time is of the essence on medicals as well. Yet until the bridge gets put in, this area as John knows has an access problem and much higher response time due to it. Yet we didn't see a simple plan put in place when this break occurred either. A plan like, a direct call to the fire chief and going and giving him a number to call if a truck/ambulance needs access while the break is being fixed. All we saw during and afterwards was a lot of nonsense when the priority should have been the residence access. Guess the poor folks in this area don't rate the same level of service from the Cherry Creek Valley like the rich areas. Why does John have time to bitch about JM? But John doesn't have time to do his job when it comes to water problems going on all summer at these Two Hunters Run Apartments. Problems we have mentioned many times. Yet as of last week they were still not addressed. This is your notice as required to sue this Board and Manager for slander due to remarks made about us to various parties that were not true."

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:

- Mr. Warford will be receiving the SDA Manager of the Year Award on Thursday, September 24th at their Annual meeting & luncheon in Keystone.
- CCV's net augmentation requirement through August has been 65.5 acre-feet.
- Conservation plan possibility - Hot Line/Help Line
- The CCV Board will need to decide whether to be included in the Denver Water (DW) conservation plan or adopt its own plan? Should the Board decide to be included in the DW water plan it appears they would be subject to tiered rate plan and the new operating rule, which were handed out to the Board in Aquasana's report?
- Mr. Iadarola reviewed DW proposed amendment to its 10-year capital plan
- DW Operating rule to replace lead water service lines between main & curb stop

Mr. Iadarola thanked Rita for her work through the years. Rita said she would be leaving at the end of the month. John said she would be missed.

Mr. Hanley asked to discuss the DW letter to adopt the conservation plan. Mr. Warford asked that it be tabled until next meeting. He said he would be meeting with DW to discuss this. He felt it might be best to go with DW conservation plan.

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

Next on the agenda was the Manager's Report. Mr. Warford said that he and Mr. Hanley met with the Huntington HOA to discuss the amendments to the License Agreement between CCV and Huntington Estates for Fox Crossing Park. Mr. Hanley said the agreement states that the HOA was responsible for the liability insurance for the park which he believed cost \$2000. The HOA agreed to an annual cost of \$5000 for insurance and maintenance for the Fox Crossing Park. Mr. Warford discussed the possibility for additional expenses base on future pruning as the area gets overgrown, about every 3 years. Mr. Farrington suggested a few minor changes to the agreement based on this meeting. One of which is to make the agreement indefinite with termination of the agreement, by either party, only occurring at the end of a calendar year.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT OF SEPTEMBER 15,
2009 CONT.

A Motion was made by Mr. Halsell to approve the agreement subject to the changes to be made by Mr. Farrington. It was seconded by Mr. Thayer. Motion was approved.

Next Mr. Warford discussed the water line for Prospect Village. After dealing with one inoperable valve we finally got the line shut down. We are replacing the valve.

There being no further matters to come before the Board Mr. Hanley called for the board to go into Executive Session to discuss a personnel matter relating to the District's receptionist Jenah Miles, as authorized by § 24-6-402(4)(f), C.R.S., and that Mr. Warford and Mr. Farrington join the Board in executive session. Ms. Riley so moved and Mr. Halsell seconded. The motion carried. The Board entered executive session at 7:36 P.M.

The Board came out of executive session at 8:56 P.M. Mr. Thayer to approve acceptance of resignation if Jenah Miles is willing to resign, to authorize one month salary, less regular withholding and garnishment, as severance if she signs release of claims, and to authorize John Warford to sign a release/severance agreement to be drafted by Mr. Farrington. Seconded by Jorge-Ayn Riley. Motion carried.

Mr. Halsell moved to adjourn, seconded by Paul Thayer. Motion carried. Mr. Hanley declared meeting adjourned at 7:58 p.m.

READ AND APPROVED *Paul Thayer* DATED *at 20/08*