

AGENDA

Denver Board of Water Commissioners

Denver Water Board Room, 1600 W 12th Avenue, Denver, Co 80204 and

Video Conference: <http://zoom.us/join>, Meeting ID: 882 3417 6376 - Passcode: 600590 or

Dial in (669) 900-6833 - Meeting ID: 882 3417 6376 - Passcode: 600590

Members of the public are welcome to attend either in person or by video conference

Wednesday, March 22, 2023 9:00 a.m.

I. INTRODUCTORY BUSINESS

A. Call to Order and Determination of Quorum

B. Public Comment and Communications

At this point in the agenda, the Board may allow members of the public to address the Board on any item of interest within the jurisdiction of the Board, and not on the agenda for action. Speakers wishing to address a specific Action Item will be invited to address the Board when the item is being considered. Three minutes are allowed for each person unless the President determines otherwise.

1. Distributor Communications
2. Citizen Advisory Committee Communications

C. Ceremonies, Awards, and Introductions

D. Legislative Update Andrew Hill 10 minutes

II. ACTION ITEMS

A. Consent Items

Items listed below are considered routine and may be enacted by one motion and vote. If any Board member desires discussion beyond explanatory questions, or corrections to the Minutes, the President may order that item to be considered in a separate motion and vote.

1. Waste Activated Sludge Seeding Agreement Between Denver Water and Metro Water Recovery – Contract 505652
2. Legal Representation for Denver Water Employee – Hughes v. Denver Water, et al., Case No. 2023CV30189
3. Survey Engineering Base Map Services Colfax Main Replacement Project – Contract 505672

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4. Rich Ditch Repair and Maintenance Agreement for Calendar Year 2023, an Intergovernmental Agreement – Contract 505603

B. Individual Approval Items

- | | | |
|---|-----------------|------------|
| 1. From Forests to Faucets Partnership Update | Christina Burri | 10 minutes |
| a. The U.S Forest Service 2023 Collection Agreement From Forests to Faucets Partnership – Contract 505657 | Christina Burri | 10 minutes |

III. POLICY MATTERS

- | | | |
|---------------------------------|-------------------|------------|
| A. Watershed Health Plan | Alison Witheridge | 10 minutes |
| B. Water Supply Update | Nathan Elder | 5 minutes |

IV. EXECUTIVE UPDATE

A. CEO Update

B. CFO Update

1. Financial Report - February 28, 2023

C. Operations Update

V. BRIEFING PAPERS & REPORTS

A. Briefing Paper

B. Report

1. Lead Reduction Program

VI. ADJOURNMENT

VII. TRUSTEE MATTERS

VIII. EXECUTIVE SESSION

The Board may adjourn the regular meeting and reconvene in executive session on topics authorized by D.R.M.C Sec. 2-34.

A. Confidential Report

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 22, 2023

Board Item: II-A-1

Waste Activated Sludge Seeding Agreement Between Denver Water and Metro Water Recovery Contract 505652

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to approve Contract 505652, an inter-governmental agreement between Denver Water and Metro Water Recovery (Metro) for waste activated sludge to help seed the ReUse For Us (RUFUS) water recycling system at Denver Water's Administrative building. As the owner and operator of the Robert W. Hite Treatment Facility, Metro serves as a regional cooperative partner by providing waste activated sludge on a voluntary basis to other wastewater treatment plants in the Denver metropolitan area. The waste activated sludge will help initiate operations at RUFUS by seeding a biological system that will create the conditions necessary for treatment of wastewater delivered from the Administrative building to RUFUS. The activated sludge will be provided at no charge under the terms and conditions contained in the contract.

Because staff anticipates that Denver Water will need additional amounts of waste activated sludge for RUFUS in the future, staff also requests that the Board delegate to the CEO/Manager authority to approve future agreements with Metro for waste activated sludge so long as such future agreements contain substantially similar terms and conditions as Contract 505652.

Budget and Schedule:

There is no budgetary impact for this item.

S/MWBE Information:

Small/Minority and Women-owned Business Enterprise goals are not applicable for this item.

Recommendation:

Staff recommends that the Board approve Contract 505652 with Metro for waste activated sludge for a 30-day contract period beginning from the date the contract is fully executed. Staff further recommends that the Board delegate to the CEO/Manager authority to approve future agreements with Metro for waste activated sludge that contain substantially similar terms and conditions as in Contract 505652.

Approvals

- | | |
|--|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input checked="" type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

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DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 22, 2023

Board Item: II-A-2

Legal Representation for Denver Water Employee – Hughes v. Denver Water, et al., Case No. 2023CV30189

Action by Consent

Individual Action

Purpose and Background:

On February 14, 2023, Denver Water was served with a lawsuit filed by Shawn Hughes against Denver Water, et al., Case No. 2023CV30189. The lawsuit alleges that a Denver Water employee, within the course and scope of his employment at Denver Water, hit and injured Mr. Hughes as a result of negligent operation of a motor vehicle. Where a Denver Water employee is named in litigation, section 7-14-(2) of the Personnel Policies applies. It states that the Board will provide legal representation and pay any judgment or settlement for claims brought against the employee arising from an act or omission of the employee during the performance of their duties and within the scope of employment, unless the act or omission was willful and wanton. In this case, the General Counsel has concluded that the Denver Water employee was acting within the scope of his employment at the time the car accident took place and that based on an initial review of the facts, he appears to be eligible for defense and indemnification.

Recommendation:

Staff recommends that the Board: (1) authorize legal representation by the Office of General Counsel (OGC) and outside counsel retained by OGC in this matter; and (2) indemnify the Denver Water employee, Mr. Ruvalcaba, for any award of damages or costs against him in this matter, whether resulting from judgment or settlement agreement.

Approvals

- | | |
|---|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input checked="" type="checkbox"/> Jessica R. Brody, General Counsel | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

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DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 22, 2023

Board Item: II-A-3

Survey Engineering Base Map Services Colfax Main Replacement Project Contract 505672

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to obtain approval for Contract 505672 for survey base map services required for the Colfax Avenue Main Replacement Project. The Colfax Avenue Main Replacement Project extends from Broadway Street to Kearney Street.

The Survey section supports the Operations and Maintenance mains replacement program by providing survey base maps identifying precise locations of existing conditions and utility conflicts on which the Distribution Engineering team bases its waterline designs. The Survey section is currently at full capacity in support of other engineering projects. Due to the proposed schedule for design and construction of this project, outsourcing to a qualified survey firm would allow the Survey section to continue to provide quality service in support of other engineering projects.

Budget and Schedule:

The total amount of this contract is \$309,162.50 and the term of the contract is March 22, 2023 through November 13, 2023. Funds for this contract will come from the 2023 budget for Main Replacements/Improvements business unit, which has sufficient funds to pay the \$309,162.50 estimated to be needed in 2023.

Selection of Business Partner:

This contract is a task order initiated through Denver Water's competitively awarded General Consulting Services (GES) program. Bohannon Huston, Inc. was one of several firms competitively selected for survey base map services during the 2022 request for proposals. Three GES providers provided pricing and their ability to meet the project's schedule. Bohannon Huston, Inc. was selected based upon lowest cost and ability to deliver on schedule.

S/MWBE Information:

Small/Minority and Women-owned Business Enterprise firms were not available for this work through the Survey GES category, therefore no participation goal was set for this project.

Recommendation:

Staff recommends that the Board approve Contract 505672 with Bohannon Huston, Inc. for survey base map services for the Colfax Mains Replacement project for the contract March 22, 2023 through November 13, 2023 for a total contract amount not to exceed \$309,162.50.

Approvals

- | | |
|---|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel | <input checked="" type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

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DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 22, 2023

Board Item: II-A-4

Rich Ditch Repair and Maintenance Agreement for Calendar Year 2023, an Intergovernmental Agreement Contract 505603

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to approve the Rich Ditch Repair and Maintenance Agreement for Calendar Year 2023 (Contract 505603). Denver Water owns a fractional interest in the Rich Ditch water right, which diverts water from Crooked Creek, a tributary of the Fraser River in Grand County, Colorado. Five other entities also own fractional interest in the Rich Ditch water right, including two governmental entities, Tabernash Meadows Water and Sanitation District and The Valley at Winter Park Water District.

Since 2014, Denver Water and the other owners of the Rich Ditch water right have entered into an annual version of the Maintenance Agreement to allow the owners, including Denver Water, to budget for any potential maintenance and repair work that might be necessary to keep the Rich Ditch in good operating condition.

Under the agreement, the parties will contribute funds based on their approximate proportional ownership interest in the water right to maintain and repair the Rich Ditch headgate and ditch during calendar year 2023. Maintenance and repair work includes maintaining and replacing the headgate, repairing measuring devices, and cleaning and repair of the ditch alignment. Additionally, the parties may, upon mutual agreement, retain a contractor to perform maintenance and repair work or a party may elect to perform the work on behalf of the parties and receive reimbursement.

Budget and Schedule:

The total amount of this contract is \$10,000 and the term of the contract is from January 1, 2023, effective upon being fully signed by all parties, to December 31, 2023. Funds for this contract will come from the 2023 budget for Water Rights business unit, which has sufficient funds to pay the \$10,000 estimated to be needed in 2023.

S/MWBE Information:

Small/Minority and Women-owned Business Enterprise goals are not applicable for this item.

Recommendation:

Staff recommends that the Board approve Contract 505603 with the Rich Ditch owners for repair and maintenance of the Rich Ditch in calendar year 2023 for the contract period January 1, 2023 through December 31, 2023 for a total contract amount not to exceed \$10,000.

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Staff also recommends that the Board delegate authority to the CEO/Manager to enter future annual versions of maintenance agreements that have substantially similar terms and conditions.

Approvals

- | | |
|---|--|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input checked="" type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 22, 2023

Board Item: II-B-1-a

The U.S. Forest Service 2023 Collection Agreement From Forests to Faucets Partnership Contract 505657

Action by Consent

Individual Action

Purpose and Background:

Since 2010, the From Forests to Faucets Partnership (Partnership) has been a successful collaborative partnership between Denver Water and the U.S. Forest Service (USFS). The goal of the Partnership is to implement forest and watershed health projects to reduce the risk of catastrophic wildfire and restore forests impacted by catastrophic wildfire events in Denver Water's priority watersheds.

The Partnership has continued through a Memorandum of Understanding (MOU) that was signed in June 2022 by Denver Water, USFS, Colorado State Forest Service, Natural Resources Conservation Service, and the Colorado Forest Restoration Institute.

Every year under the MOU, the USFS submits a collection agreement for the proposed forest health projects. This collection agreement (Contract 505657) for \$2,499,489 is from the committed funds as part of the partnership. The focus of this agreement is to conduct wildfire risk reduction, watershed restoration and improvements, and maintenance of past and current treatments on approximately 5,852 acres on National Forest System lands within priority watersheds.

Budget and Schedule:

The total amount for this contract is \$2,499,489 and the term of the contract is March 22, 2023 through March 31, 2028. Funds for this contract will come from the 2023 budget for the From Forests to Faucets business unit, which has sufficient funds to pay the \$1,500,000 estimated to be needed in 2023. The remaining amount will be budgeted in years 2024 through 2028.

Recommendation:

Staff recommends that the Board approve Contract 505657 with the USFS for forest health and wildfire risk reduction for the contract period March 22, 2023 through March 31, 2028 for a total contract amount not to exceed \$2,499,489.

Approvals

- | | |
|---|--|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input checked="" type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
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