

**RECORD OF PROCEEDINGS
MINUTES
of the
Board of Water Commissioners**

Denver Water Administration Building
1600 West 12th Avenue
Denver, CO
Board Room, First Floor

Video Conference: <http://zoom.us/join>, Meeting ID: 882 3417 6376, Password: 600590
or Dial-in: (669) 900-6833, Meeting ID: 882 3417 6376

Wednesday, February 8, 2023

Open Session

A duly called Regular Meeting of the Board of Water Commissioners was held Wednesday, February 8, 2023, beginning at 9:00 a.m. in the Board Room and via Zoom Video Conference: <http://zoom.us/join>, Meeting ID: 882 3417 6376, Password: 600590 or via Dial-in: (669) 900-6833, Meeting ID: 882 3417 6376. Members of the Board present during the Regular Meeting were:

Craig Jones, President
Tyrone J. Gant, Vice President
Gary M. Reiff, Vice President

Board employees and others present during portions of the meeting were:

J.S. Lochhead, CEO/Manager	D. Martinelli, Finance Analyst
J.A. Anderson, Chief of Staff	M. McDonald, Scientist Sr.
A. Bricmont, Chief Financial Officer	M. McGavin, Engineer Sr.
J. Brody, General Counsel	H. Miller, Internal Controls Manager
B.D. Good, Chief Administrative Officer	K. Oligney, Director IT Infrastructure
D. Gorgemans, Chief Internal Auditor	C. Proctor, Communication Sr. Specialist
R. Marsicek, Chief Water Resource Strategy Officer	L. Quintana, Administrative Sr. Assistant
T.J. Roode, Chief Operations and Maintenance Officer	D. Randall, Engineer
J. Ross, <i>Acting</i> Chief Engineering Officer	A. Rettig, Finance Supervisor
R. Badger, Planning Manager	B. Stacy, Law Clerk
	J. Taussig, Director EMSS
	R. Walsh, Engineering Manager

Denver Water aspires to be the best water utility in the nation.

Integrity :: Vision :: Passion :: Excellence :: Respect



S. Behunek, Public Affairs Manager	P. Williams, Executive Assistant
L. Bissey, Paralegal	W. Williams, IT Support Manager
C. Burri, Interagency Project Manager	A. Woodrow, Lead Program Manager
A. Cavallaro, Paralegal Sr.	B. Backes, AGL Construction
S. Chesney, Director Public Affairs	C. Garcia, CAC
C. Fikan, Finance Associate Analyst	B. Henry, City of Thornton
M. Freeman, Grants Administrator	C. Lane, Platte Canyon Water and Sanitation District
P. Freeman, Business Operations Manager	D. Newnam
A. Hill, Government Relations Liaison	P. Wells
B. Jimenez, IT Support Specialist	D. Werth
A. Joseph, Attorney	L. Villalobos

INTRODUCTORY BUSINESS

Commissioner Jones called the meeting to order at 9:01 a.m. Upon motion regularly made, seconded and unanimously carried, Commissioners Gómez and Donner were found to be absent for good cause and were excused.

Public Comment and Communications

Commissioner Jones issued an invitation to members of the public to comment to the Board on any matters not included in the meeting Agenda. There was no public comment.

Ceremonies, Awards, and Introductions

Mr. Lochhead announced that Ms. Patti Wells, formerly Denver Water's General Counsel for 27 years, was honored as the 2023 Wayne N. Aspinall "Water Leader of the Year" for her service to Colorado on the state's complex water issues. He explained that this is a distinguished award presented annually by the Colorado Water Congress to a Coloradan who demonstrates courage, dedication, knowledge and significant leadership in the Colorado water arena. He went on to note some of Ms. Wells' numerous accomplishments, highlighting her work as the first woman to serve as Denver's City Attorney before joining Denver Water. He added that it is a privilege and an honor to have Ms. Wells recognized for her accomplishments at Denver Water and in her career.

Ms. Wells said she is humbled by this award, and she thanked members of the Board, the executive team, the Public Affairs team, and her family for their support. She said it was a pleasure to work at Denver Water and an honor to be an Aspinall winner.

Mr. Lochhead also recognized and thanked Ms. Woodrow for her work on Denver Water's Lead Reduction Program, which has become the example in guiding national policy for addressing the public health issue posed by lead service lines. Ms. Woodrow recently participated in a White House summit hosted by Vice President Harris aimed at accelerating lead service line replacement, which included state and local officials, water utilities, and other nongovernmental organizations that have committed to advance and accelerate lead pipe replacement.

Ms. Woodrow was thankful for the wonderful opportunity and stated that she was very proud to represent Denver Water.

Legislative Update

Mr. Hill reported that one month into the Legislative Session, approximately 300 bills have been introduced. Denver Water is currently supporting HB23-1060, which provides more resources to the Colorado state forest service, and SB23-0005, which supports forestry and wildfire mitigation workforce programs. A summary of the most notable bills has been provided to the Board.

Mr. Hill was available to answer any questions regarding the Legislative Update Briefing Paper. The Board had no questions.

ACTION ITEMS

Upon motion regularly made, seconded and unanimously carried by the Commissioners then present, unless otherwise noted, the Board acted upon the following agenda items:

1. ITEM II-A-1: MINUTES FROM JANUARY 11, 2023

Approved the Minutes from the January 11, 2023 Board Meeting.

2. ITEM II-A-2: MINUTES FROM JANUARY 25, 2023

Approved the Minutes from the January 25, 2023 Board Meeting.

**3. ITEM II-A-3: SECOND AMENDMENT TO NORTH COMPLEX
HAZELTINE PUMP STATION STRUCTURAL AND ARCHITECTURAL DESIGN
– PROFESSIONAL SERVICES – CONTRACT 505355**

Approved the Second Amendment to Contract 505355 with Alden Research Laboratory, LLC for completion of design services through final for bid, for the

North Complex Hazeltine Pump Station Structural and Architectural Design, with an extension of the contract period through February 1, 2024, and an additional \$377,366, for a total contract amount not to exceed \$561,429.

4. ITEM II-A-4: WATER TREATMENT ENGINEERING – STAFF AUGMENTATION – CONTRACT 505615

Approved Contract 505615 with CDM Smith, Inc. for Water Treatment Engineering Staff Augmentation, for the contract period from February 8, 2023 to August 13, 2024, for a total contract amount not to exceed \$415,005.

5. ITEM II-A-5: SECOND AMENDMENT FOR CLINIC OCCUPATIONAL HEALTH PHYSICIAN – CONTRACT 504147

Approved the Second Amendment to Contract 504147 with Concentra Medical Centers for Clinic Occupational Health Physician, for an extension of the contract period through March 1, 2026, and an additional \$400,000, for a total amended contract amount not to exceed \$690,000.

6. ITEM II-B-1: LEAD REDUCTION PROGRAM UPDATE

Ms. Woodrow presented the Board with a Lead Reduction Program (LRP) update, a copy of which is attached to and incorporated in these Minutes as Exhibit A. She provided an overview of the Federally Funded Lead Service Line Program (FFLSLP), describing the requirements, the contractor procurement process, the planned work areas, and anticipated 2023 spend. The focus of these contracts is to extend beyond the required annual replacement rate required under the Environmental Protection Agency (EPA) variance.

She explained that in December 2022, the Board entered into a State Revolving Fund (SRF) Loan with the Colorado Water Resources and Power Development Authority (CWRPDA). The SRF funds will be used to replace lead service lines (LSLs) in all federally-funded work areas, which will be administered separately from Denver Water-funded areas. This federal funding provides the opportunity to focus on cost prohibitive and challenging areas, in addition to focusing on multi-family units, apartment buildings, and other commercial properties, while also targeting health equity and environmental justice areas of concern.

Ms. Woodrow also discussed how identifying LSLs and refining the inventory through the distribution of lead sampling kits in advance of LSL replacement is a cost-saving approach. She noted that under the EPA variance, Denver Water

offers free lead testing for customers post LSL replacement, in addition to continuing to provide free water quality lead tests upon request, which helps to further perfect its service line inventory.

Approved Contracts 505623 with Five Star Energy Services, 505624 with KR Swerdfeger Construction, and 505625 with Apex Plumbing (the three best value contractors) for the Federally Funded Lead Service Line Program (FFLSLP), for the contract period from February 8, 2023 to October 1, 2025, for a projected amount not to exceed \$52,700,000.

Approved Contracts 505626 and 505627 with the remaining two contractors, AGL Construction and Mid City Corporation, should the best value contractors fail to perform the FFLSLP standards of quality and performance outlined in the contract.

Approved the delegation of authority to the CEO to award subsequent work areas to the contractors throughout 2023 based on costs and contractors' capacity to perform replacements. The status of contract performance and work area authorization will be reported to the Board throughout 2023.

Approved the Second Amendment to Contract 504256 with 120WaterAudit and Colorado Analytical Laboratories, Inc. for laboratory services, for an extension of the contract period through April 30, 2024, and an additional \$2,366,129, for a total amended contract amount not to exceed \$6,012,129.

POLICY MATTERS

7. ITEM III-A: HIGH LINE CANAL TRANSFORMATION

Mr. Roode presented the Board with the High Line Canal Transformation Update, a copy of which is attached to and incorporated in these Minutes as Exhibit B. He recapped the history of the canal and its transformation from an outdated water conveyance to a stormwater structure and 71-mile greenway, roughly equivalent in area to New York City's Central Park. The High Line Canal Conservancy (HLCC) was formed in collaboration with Denver Water to lead the transition, which includes six stormwater conversion projects for approximately 11 miles of the Canal and conversion of High Line Canal water customers from inefficient water delivery systems to more efficient water sources.

He explained that because the canal had become a costly and wasteful means of delivering water, it required reassessment and planning for new uses. The Canal

Collaborative, which became operational in 2022, is a structure that formalizes collaboration between 13 local governmental entities to preserve and enhance the canal. Currently, the canal is managed by Denver Water, with separate jurisdictions maintaining the recreational trail portion of the corridor. Mr. Roode stated that the canal's continued preservation will rely upon jurisdictional responsibility to maintain it in the long term, and he emphasized that the HLCC is committed to making sure the canal remains protected.

Mr. Roode also discussed some key aspects of the master funding agreement between the HLCC and Denver Water, which will provide continued funding support for maintenance and operations and long-term care of the canal, resulting in a lower total cost to Denver Water. COVID set fundraising back about one year, but momentum is increasing and the HLCC has raised almost \$2 million for the Forever Fund.

EXECUTIVE UPDATE

8. ITEM IV-A: CEO UPDATE

Mr. Lochhead reported on a meeting at Denver Water with Neil Brennan, CEO of Seqwater in Australia. Seqwater is one of the largest water businesses with the most geographically spread and diverse asset base of any capital city water authority, and like the United States, Australia had gone through an incredible cycle of drought. He said it was a great opportunity to discuss operations with another utility, including some of the challenges involved, especially on an international level.

Mr. Lochhead also provided an update on Colorado River Basin matters and the basin states' response to the U.S. Department of the Interior's (DOI) request for a collaborative approach to protecting the Colorado River system by the end of January. Two proposed frameworks were submitted for the U.S. Bureau of Reclamation to evaluate, one from California water agencies and another from the six other basin states. He highlighted some of the differences between the two proposals, stating that discussion on the topic is anticipated to continue.

9. ITEM IV-C: OPERATIONS UPDATE

Ms. McDonald, a Senior Scientist for Denver Water, discussed her role as one of 18 primary nonfederal members on the federal Wildfire Mitigation and Management Commission. These 18 members are teamed with 11 federal representatives on the commission, which is a product of the bipartisan

Infrastructure Investment and Jobs Act passed by Congress in 2021. Her role includes advising Congress on solutions to reducing the threat of wildfire to land, water, and communities.

Ms. McDonald serves as the only representative of municipal utilities on the commission, which recently met in-person at Denver Water's Operation Complex. She serves on three of the 10 work groups that the commission formed to divide the workload.


BRIEFING PAPERS & REPORTS

10. ITEM V-A-1: BRIEFING PAPER FOR LEGISLATIVE STRATEGY


The Board received a Briefing Paper for Legislative Strategy, a copy of which is incorporated and attached to these Minutes as Exhibit C.

ADJOURNMENT

No further business appearing, the Board voted unanimously to adjourn into an Executive Session at approximately 9:54 a.m.

DocuSigned by:


Secretary

DocuSigned by:


President