

# AGENDA

## Denver Board of Water Commissioners

Denver Water Board Room, 1600 W 12<sup>th</sup> 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, May 8, 2024 9:00 a.m.**

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### 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

<b>D. Legislative Update</b>	<b>Andrew Hill</b>	<b>5 minutes</b>
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### 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. Minutes from April 10, 2024
2. Minutes from April 24, 2024
3. Legal Representation for Denver Water Employee – Scott v. Denver Water, et al.
4. Surplus Designation of Lake Archer Canal Property and Conveyance to the City and County of Denver – Contract 506072
5. Stinson LLP Agreement – Contract 506058

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6. Twenty-Sixth Authorization for Additional Contract Funds with Oracle America Inc. – Contract 500125
7. Blue River Project FERC Part 12D Comprehensive Assessment – Contract 506061
8. First Amendment to Allied Universal Security Guard Services – Contract 505214

**B. Individual Approval Items**

**III. POLICY MATTERS**

- |                                 |                 |            |
|---------------------------------|-----------------|------------|
| <b>A. Q1 Performance Report</b> | Stephanie Abram | 10 minutes |
|---------------------------------|-----------------|------------|

**IV. EXECUTIVE UPDATE**

- A. CEO Update**
- B. CFO Update**
- C. Operations Update**

**V. BRIEFING PAPERS & REPORTS**

- A. Briefing Paper**
- B. Report**

**VI. ADJOURNMENT**

## VII. TRUSTEE MATTERS

### I. ACTION ITEMS

1. Meeting as Trustee: Minutes from February 28, 2024 Trustee Meeting

### II. INFORMATION ITEMS

1. Briefing Paper for Actuarial Assumption Changes
2. Meeting as Trustee: Employees' Retirement Plan Experience Study Findings Paul Wood, GRS 15 minutes

## 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: May 8, 2024

Board Item: II-A-3

## Legal Representation for Denver Water Employee – Scott v. Denver Water, et al.

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Action by Consent

Individual Action

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### **Purpose and Background:**

On April 9, 2024, Joseph Scott served a lawsuit against Denver Water, et al., 2024CV30503. Mr. Scott alleges that a Denver Water employee, Adewale Williams, within the course and scope of his employment at Denver Water, was negligent when Mr. Scott crashed and injured himself on his bicycle near the employee's parked vehicle. The complaint alleged the injuries occurred as a result of the negligent operation of a motor vehicle because the vehicle was parked facing opposite the flow of traffic.

Where a Denver Water employee is named in litigation, section 7-14-(2) of the Personnel Policies 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 the employee's duties and within the scope of employment, unless the employee's 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 alleged incident took place and that based on an initial review of the facts, he is eligible for defense and indemnification.

### **Recommendation:**

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

### **Approvals**

- |                                                                       |                                                                                     |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Alan Salazar, 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: May 8, 2024

Board Item: II-A-4

## Surplus Designation of Lake Archer Canal Property and Conveyance to the City and County of Denver Contract 506072

Action by Consent

Individual Action

### **Purpose and Background:**

The purpose of this Board item is to declare 13.2 acres of Lake Archer Canal property as surplus and approve the form of Quit Claim Deed Contract 506072 to the City and County of Denver.

The Lake Archer Canal property was acquired by the Bennett and Myers Investment Company in 1906 to construct a canal to deliver water from the South Platte River to Lake Archer, located at approximately West 3<sup>rd</sup> Avenue and Osage Street. The Denver Union Water Company subsequently acquired this property in 1916. The canal is no longer in use and all portions of the canal and Lake Archer property have been disposed of except for approximately 13.2 acres located at, and under, Interstate 25 and the Platte River at Alameda Avenue and South Platte River Drive. The City and County of Denver is planning improvements to South Platte River Drive and the South Platte River near Alameda Avenue and discovered Denver Water's ownership of this parcel. The City and County of Denver has requested Denver Water to execute a quit claim deed to clear the title. The property is fully encumbered by Interstate 25, the Platte River, South Platte River Drive, and Alameda Avenue leaving no portion of the land for current or future water works purposes. There are no known water or mineral right losses to Denver Water in this disposal.

The City and County of Denver prepared an appraisal for the Board's Lake Archer Canal property required for the South Platte River Trail and Drive project, totaling \$1,140,000, along with a request for donation. Staff concluded that disposing of this property provides minimal to no loss of value to the ratepayers and agrees with a no-cost quit claim deed conveyance, provided the deed is restricted for open space, parkland, floodplain protection and road right of way purposes.

### **Budget and Schedule:**

There is no budgetary impact for this item.

### **Selection of Business Partner:**

Selection of Business Partner is not applicable for this item.

### **Recommendation:**

Staff recommends the Board declare 13.2 acres of Lake Archer Canal property as surplus as it is no longer useful or required for present or future water works purposes and approve the form of the no-cost, use restricted Quit Claim Deed Contract 506072 for this land to the City and County of Denver to be executed by the Board chair following the City and County of Denver's signature process.

### **Approvals**

- |                                                                               |                                                                                     |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Alan Salazar, 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 Office                   |

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# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: May 8, 2024

Board Item: II-A-5

## Stinson LLP Agreement 506058

Action by Consent

Individual Action

### **Purpose and Background:**

The purpose of this Board item is to approve Agreement No. 506058 with Stinson LLP to provide legal counsel regarding Denver Water's retirement plans, tax advice and fiduciary education.

### **Budget and Schedule:**

The total amount of this agreement is \$300,000 and the term of the agreement is August 1, 2024 through July 31, 2027. Funds for this contract will come from the budget for the Office of General Counsel, which has sufficient funds to pay the \$100,000 estimated to be needed in 2024. The remaining \$200,000 will be budgeted in years 2025 through 2027.

### **Selection of Business Partner:**

The Office of General Counsel sent requests for proposals to seven firms and six local bar associations. Denver Water received two proposals. Stinson LLP was selected based on their experience, staffing plan, pricing, professionalism and understanding of the work.

### **S/MWBE Information:**

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

### **Recommendation:**

Staff recommends that the Board approve Agreement No. 506058 with Stinson LLP for legal services for the contract period August 1, 2024 through July 31, 2027 for a total contract amount not to exceed \$300,000.

### **Approvals**

Alan Salazar, CEO/Manager

Julie Anderson, Chief of Staff

Jessica R. Brody, General Counsel

Angela C. Bricmont, Chief Finance Officer

Brian D. Good, Chief Administrative Officer

Richard B. Marsicek, Chief Water Resource Strategy Officer

Robert J. Mahoney, Chief Engineering Officer

Thomas J. Roode, Chief Operations Officer

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# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: May 8, 2024

Board Item: II-A-6

## Twenty-Sixth Authorization for Additional Contract Funds with Oracle America Inc. Contract 500125

Action by Consent

Individual Action

### **Purpose and Background:**

The purpose of this Board item is to approve funds for contract 500125 with Oracle America Inc. for technical database support services. Denver Water has long relied on Oracle databases to manage crucial aspects of its operations. Regular renewal and maintenance are imperative to sustain the strength and security of these applications. By prioritizing the renewal of its Oracle databases, Denver Water maintains the reliability and resilience of its information infrastructure, enabling the continued delivery of high-quality services to its customers while effectively managing assets and finances.

### **Budget and Schedule:**

The total amount of this one-year amendment is \$365,964.60, bringing the total contract amount to \$5,921,638.91 with a new expiration date of June 1, 2025. Funds for this contract will come from the 2024 budget for IT Data Services, which has sufficient funds to pay the \$182,982.30 estimated to be needed in 2024. The remaining \$182,982.30 will be budgeted in 2025.

### **S/MWBE Information:**

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

### **Recommendation:**

Staff recommends that the Board approve the Twenty-sixth Authorization to Contract 500125 with Oracle America Inc. for technical database support services for an extension of the contract period through June 1, 2025, and for an addition of \$365,964.60 for a total amended contract amount not to exceed \$5,921,638.91.

### **Approvals**

- |                                                                               |                                                                                     |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Alan Salazar, CEO/Manager                 | <input checked="" 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 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: May 8, 2024

Board Item: II-A-7

## Blue River Project FERC Part 12D Comprehensive Assessment Contract 506061

Action by Consent

Individual Action

### **Purpose and Background:**

The purpose of this Board item is to approve Contract 506061 for consultant services to perform a Comprehensive Assessment (CA) for the Blue River Project which consists of Dillon Dam (Dam) and appurtenant structures in accordance with the Code of Federal Regulations Title 18, Part 12, Subpart D (Part 12D). The Dam is licensed by the Federal Energy Regulatory Commission (FERC) and is also regulated by the Colorado State Engineer's Office (SEO). The CA is required for all FERC regulated facilities every 10 years.

### **Budget and Schedule:**

The total amount of this contract is \$651,448.37 and the term of the contract is May 8, 2024 through April 26, 2027. Funds for this contract will come from the 2024 Compliance of FERC Regulations business unit, which has sufficient funds to pay the \$150,000 estimated to be needed in 2024. The remaining \$501,448.37 will be budgeted in years 2025 through 2027.

### **Selection of Business Partner:**

On January 24, 2024, a Request for Proposals (RFP) was posted to Denver Water's website and five firms from Denver Water's engineering contact list were also directly notified by email. The RFP was split into three separate scopes of work, with the intent of selecting either one or two consultants to perform the work. Staff determined that HDR Engineering, Inc. best met the evaluation criteria and provides Denver Water with the most value.

### **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 506061 with HDR Engineering, Inc. for consulting services for the Blue River Project FERC Part 12D Comprehensive Assessment for the contract period May 8, 2024 through April 26, 2027 for a total contract amount not to exceed \$651,448.37.

### **Approvals**

- |                                                                               |                                                                                     |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Alan Salazar, 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: May 8, 2024

Board Item: II-A-8

## First Amendment to Allied Universal Security Guard Services Contract 505214

Action by Consent

Individual Action

### **Purpose and Background:**

The purpose of this Board item is to seek approval for the First Amendment to Contract 505214, increasing the scope of work by adding one security guard and patrol vehicle, 24 hours per day, at the Northwater Water Treatment Plant. The amendment also includes a wage adjustment of 1.3% from the original contract to ensure competitive wages for security guards.

### **Budget and Schedule:**

The original amount of the contract was \$7,700,000 and was set to expire on April 30, 2025. However, in an oversight, the contract not include funds for January – April of 2025. This amendment adds \$2,000,000 dollars for 24-hour coverage at Northwater Treatment Plant, a 1.3% wage adjustment, and funds for the final four months of the contract.

The total amended amount of this contract is \$9,700,000 and its term remains May 1, 2022 through April 30, 2025. Funds for this contract will come from the 2024 Emergency Management budget, which has sufficient funds to pay the \$3,210,000 estimated to be needed for the remainder of 2024. The remaining \$1,400,000 will be budgeted in 2025.

### **Recommendation:**

Staff recommends that the Board approve the First Amendment to Contract 505214 with Allied Universal for security guard services for an addition of \$2,000,000, for a total amended contract amount not to exceed \$9,700,000.

### **Approvals**

- |                                                                               |                                                                                     |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Alan Salazar, CEO/Manager                 | <input checked="" 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 checked="" type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer                  |

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