

## RECORD OF PROCEEDINGS

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### MINUTES OF THE BOARD OF WATER COMMISSIONERS

**Open Session**

**February 10, 2010**

A duly called Regular Meeting of the Board of Water Commissioners was held Wednesday, February 10, 2010 beginning at 9:37 a.m. in the Board Room, Room 309, 1600 West 12<sup>th</sup> Avenue, Denver, Colorado. Members of the Board present during the Regular Meeting were:

**John R. Lucero, First Vice President**  
**Thomas A. Gougeon, Vice President**  
**Paula Herzmark, Vice President**  
**H. Gregory Austin, Vice President**

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

H. J. Barry, Manager	P. L. Wells, General Counsel
M. O'Neill, <i>Acting</i> Director of Finance	D. L. Little, Director of Planning
M. L. Bassett, Director of Public Affairs	E. E. Weeams, <i>Acting</i> Director of Operations & Maintenance
R. J. Mahoney, Director of Engineering	C. R. Dermody, Director of Information Technology
S. Miller, <i>Acting</i> Director of Human Resources	S. Duncan, Intergovernmental Affairs Coordinator
T. L. McGuire-Collier, Manager of Community and Media Relations	M. L. Walker, Attorney
A. T. Spaulding, Manager of Purchasing	M.K. Frishman, Attorney
G. T. Malmberg, Sales Administrator	J.F. Davis, Attorney
C. Clark, Electrical Engineer	T. Popacondria, Law Clerk
J. Gaborek, Engineer	P. Coleman, Manager of Internal Auditing
M. Van Nostrand, Engineer	G. Wilcox, Manager of Budgeting
A. Josefiak, Engineer	A. Judd, Records Analyst
C. Moe, Engineer	M. Bond, Community Relations Specialist
L. Billeter, Staff Analyst	J. Tolmich, Fleet Supervisor
T. Chavez, Community Affairs Specialist	

## RECORD OF PROCEEDINGS

---

### MINUTES OF THE BOARD OF WATER COMMISSIONERS

J. Foster, Ditch Company Coordinator  
J. N. Nelson, Jr., Information Systems  
Manager

M. West, Fleet Operations Administrator  
D. Weidenhamer, Manager of Warehouse  
Operations

Pat Fitzgerald, Distributor's Liaison  
Representative, Platte Canyon Water  
and Sanitation District and Southwest  
Metropolitan Water and Sanitation  
District

Laura Kroeger, Urban Drainage & Flood  
Control District

Rob Buirgy, Youth Education Consultant

Commissioner Lucero called the meeting to order.

Upon motion regularly made, seconded and unanimously carried, Commissioner Tate was found to be absent for substantial cause and was excused.

Upon motion regularly made, seconded and unanimously carried, the reading of the Minutes of the Regular Meetings of January 13 and 27, 2010 was dispensed with and such Minutes were approved.

Upon motion regularly made, seconded and unanimously carried, the Minutes of the Executive Sessions of January 13 and 27, 2010 were approved.

#### **Public Comment**

Commissioner Lucero invited members of the public to comment to the Board on matters not included in the Agenda for the meeting. There was no response.

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

**RECORD OF PROCEEDINGS**

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**MINUTES  
OF THE  
BOARD OF WATER COMMISSIONERS**

**1. ITEM V-A-1: HUMAN RESOURCE CHANGES**

Approved the human resource changes set forth in Agenda Item V-A-1 dated February 10, 2010, a copy of which is attached to and incorporated in these Minutes as Exhibit "A," effective the pay period beginning **January 9, 2010** unless otherwise noted.

**2. ITEM V-A-2: EMPLOYEES ELIGIBLE FOR REGULAR STATUS**

The following employees were classified as regular employees of the Board, with all rights and privileges thereof, effective **February 1, 2010**, unless otherwise noted:

<b>Employee Name</b>	<b>Employment Date</b>	<b>Retirement Plan Participation Date</b> <small>Unless otherwise noted<sup>^</sup></small>	<b>Division/Section</b>
Deborah Biren	07/27/2009	07/27/2009	Information Technology #160
Matthew Unwin	07/23/2009	07/23/2009	Information Technology #160
Leslie Martinez <sup>^</sup>	09/08/2008	07/25/2009 <sup>^</sup> Exclude Prior Service as Project Status 09/08/2008 to 07/24/2009	Sales Administration #470
John Lindner	07/13/2009	07/13/2009	Recycled Water Plant #650
Jeffrey Duran	07/27/2009	07/27/2009	T&D Construction & Maintenance #710
Peter Schuster	07/23/2009	07/23/2009	T&D Construction & Maintenance #710

**3. ITEM V-A-3: AUTHORIZATION OF ADDITIONAL FUNDS FOR SQUEEGEE SAND**

Approved Amendment to the January 10, 2007 Contract with Ready Mixed Concrete Company, Contract No. 10681A, to provide Denver Water's requirements of squeegee sand delivered to Denver Water's yard at 1600 West

## RECORD OF PROCEEDINGS

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### MINUTES OF THE BOARD OF WATER COMMISSIONERS

12<sup>th</sup> Avenue through January 30, 2011, for an additional \$40,000, and a total amended contract amount not to exceed \$133,600.00.

**4. ITEM V-A-4: AUTHORIZATION OF ADDITIONAL FUNDS FOR ASPHALT PAVING AND CONCRETE REPAIRS**

Authorized Amendment to the August 8, 2007 contract with Colorado Asphalt Services, Inc., Contract No. 10983A, to provide Denver Water's requirements for asphalt paving and concrete repairs through September 30, 2010, for an additional \$3,000,000 and a total amended contract amount not to exceed \$13,500,000.00.

**5. ITEM V-A-5: AUTHORIZATION OF ADDITIONAL FUNDS FOR NETWORK AND TELEPHONE CABLING SUPPORT**

Authorized amendment to the February 1, 2008 contract with American Datapath, Inc., Contract No. 11280A, to provide network and telephone cabling support and maintenance through December 31, 2010, for an additional \$50,000, and a total amended contract amount not to exceed \$140,000.

**6. ITEM V-A-6: ETHNIC MARKETING CONSULTING SERVICES**

Authorized entering into a contract with Xcelente Marketing to furnish multi-cultural communication consulting for the contract period February 1, 2010 through December 31, 2010, to targeted ethnic communities, including development of recommendations for extending key messages into ethnic markets, at a cost not to exceed \$125,000.

A copy of the Scope of Work for the Communications Plan was provided to the Commissioners, and a copy is attached to and incorporated in these Minutes as Exhibit "B."

**RECORD OF PROCEEDINGS**

---

**MINUTES  
OF THE  
BOARD OF WATER COMMISSIONERS**

**7. ITEM V-A-7: ANNUAL CONTRACT FOR WATER METERS**

Authorized award of a contract to National Meter and Automation, Inc., to furnish Denver Water's requirements of water meters for the contract period February 1, 2010 through January 31, 2011, at the unit prices set forth in schedules I and II of the Tabulation of Bidder's Proposal No. 12770A, dated January 20, 2010, a copy of which is attached to and incorporated in these Minutes as Exhibit "C" for a total contract amount not to exceed \$297,420.

**8. ITEM V-A-8: EXTENSION OF AGREEMENT FOR PROFESSIONAL SERVICES WITH REINHART, BOERNER AND VANDEUREN, P.C.**

Authorized extension of the January 1, 2004 Agreement for Professional Services with Mary A. Brauer of the firm of Reinhart, Boerner and Van Deuren, P.C. to provide legal services to the Board regarding pension and retirement savings plans, tax and fiduciary issues to November 1, 2011, for an additional \$80,000.

**9. ITEM V-A-9: YOUTH EDUCATION CONSULTING WITH ROB BUIRGY**

Approved the Third Amendment to the September 29, 2008 Contract with Rob Buirgy to create and administer an interactive water education program for use in Denver Public Schools through July 31, 2010 for an additional \$54,000, and a total amended contract amount not to exceed \$144,250, all as more particularly described in the Third Amendment to Agreement, a copy of which is attached to and incorporated in these Minutes as Exhibit "D."

**10. ITEM V-A-10: CONTRACT EXTENSION WITH SEMPRA PROFESSIONAL SERVICES, LLC FOR COGNOS SYSTEM ADMINISTRATION SERVICES**

Approved extension of the August 2009 Agreement with Sempra Professional Services, LLC, to provide the services of Suraj Neupane to serve as COGNOS system administrator, augmenting staffing in the Tier II Application Support

## RECORD OF PROCEEDINGS

---

### MINUTES OF THE BOARD OF WATER COMMISSIONERS

Section of the Information Technology Division for an additional 12 months at the rate of \$85 per hour, for an additional of \$163,200, and a total amended contract amount not to exceed \$249,200.

**11. ITEM V-A-11: CONTRACT WITH SANDS ENTERPRISES, INC. FOR A BUSINESS CONTINUITY/DISASTER RECOVERY PROJECT MANAGER**

Approved entering into a contract with Sands Enterprises, Inc. to provide the project management services of Beverly Scott to serve as business continuity/disaster recovery project manager at a rate of \$85 per hour and a contract amount not to exceed \$170,000.

**12. ITEM V-A-12: CONTRACT EXTENSION WITH CARPEDATUM CONSULTING, INC. FOR ENHANCEMENTS TO THE BUDGET & PLANNING SYSTEM**

Approved extension of the February 27, 2009 contract with CarpeDatum Consulting, Inc., for development of enhancements to the TM1 Budgeting and Planning system for an additional \$155,000 and a total amended contract amount not to exceed \$230,000.00.

**13. ITEM V-A-13: CONTRACT FOR FIRST CREEK DRAINAGE CROSSING**

Authorized the award of a contract to Weinland Construction, Inc., for the First Creek Drainage Crossing at the Howe-Haller Reservoir site, at a cost not to exceed \$98,970.

**14. ITEM V-A-14: AGREEMENT WITH TUMBLEWEED ELECTRIC TO PROVIDE FULLTIME CONSTRUCTION SUPPORT SERVICES**

Approved entering into an Agreement with Tumbleweed Electric to provide fulltime construction support services to Denver Water's Electrical Engineering Section from February 15, 2010 to December 31, 2012, at a cost not to exceed

## RECORD OF PROCEEDINGS

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### MINUTES OF THE BOARD OF WATER COMMISSIONERS

\$340,000, all as more particularly described in the Agreement, a copy of which is attached to and incorporated in these Minutes as Exhibit "E."

#### 15. **ITEM V–A–15: RATIFICATION OF CONSTRUCTION CONTRACT CHANGE ORDERS AND AMENDMENTS TO AGREEMENTS**

Ratified construction contract change orders and amendments to agreements authorized by the Manager in December 2009 and January 2010 as follows:

Change Order No. 2 to Contract No. 12019A with Lillard & Clark Construction Company, Inc., for the relocation of Conduits No. 12 and 18 at the South Platte River;

Sixth Amendment to Letter Agreement 10869A with Craft Metal, Inc., for removal of snow and ice at the Moffat Collection System Headquarters;

Third Amendment to Agreement 11101A with RSI Company for software development and support for the Gross Reservoir Hydroelectric Project;

First Amendment to Task Order Agreement 11107E with Bates Engineering, Inc. for the Foothills Treatment Plant – Sample Vault Access House;

Second Amendment to Task Order Agreement 11109F with AECOM USA, Inc., for Hydropower and Alternative Energy Visionary Plan Assistance;

Second Amendment to Task Order Agreement 11111D with Burns & McDonnell to provide on-call services regarding Denver Water treatment plants;

First Amendment to Task Order Agreement 11124J with Kumar & Associates, Inc., for evaluation of the existing septic disposal system for the maintenance and headquarters buildings at Williams Fork Dam;

## RECORD OF PROCEEDINGS

---

### MINUTES OF THE BOARD OF WATER COMMISSIONERS

Second Amendment to Task Order Agreement 11137C with SM&RC Structural Engineers, Inc., for structural engineering and design services for a bridge across the South Boulder Canal;

Third Amendment to Agreement 11748A with Introspec for uniform mast construction specification services;

Third Amendment to Agreement 12351A with MWH Americas, Inc., for design of the reservoir interconnect structures at Howe-Haller and Hazeltine Reservoirs; and

Fourth Amendment to Agreement 12052A with BKD, LLP to provide forensic accounting services related to the construction of the Foothills Chlorine Contact Basin, Capitol Hill Storage Tank and Montclair Pump Station

all as more particularly described in the attachment to Agenda Item V-A-15, dated February 10, 2010, a copy of which is attached to and incorporated in these Minutes as Exhibit "F."

**16. ITEM V-A-16: AGREEMENT WITH BATES ENGINEERING, INC. FOR THE DESIGN OF LONE TREE BASIN NO. 2.**

Approved entering into an Agreement with Bates Engineering, Inc. to provide engineering design services for Basin No. 2 at Lone Tree, at a cost not to exceed \$270,794, all as more particularly described in the Agreement, a copy of which is attached to and incorporated in these Minutes as Exhibit "G."

**17. ITEM V-E-1: ANNUAL CONTRACT FOR HIGH EFFICIENCY TOILETS**

Authorized award of contract to Wholesale Specialties to furnish high-efficiency toilets at the unit prices set forth in the Tabulation of Bidder's Proposal No. 12731A, dated January 7, 2010, a copy of which is attached to and incorporated in these Minutes as Exhibit "H," for the contract period February 1, 2010 through December 31, 2010, for a total contract amount not to exceed \$103,200.

## RECORD OF PROCEEDINGS

---

### MINUTES OF THE BOARD OF WATER COMMISSIONERS

Cindy Moe explained that Denver Water had recently concluded a conservation pilot project to replace 400 toilets in a condominium development with high efficiency units. The program was well-received and indoor water use is down nearly 40%. Because of the success of the pilot program, and the opportunity to buy the fixtures at a lower unit cost, Denver Water will purchase high-efficiency toilets for use in other retrofit programs.

#### **18. ITEM V-E-2: CONTRACT FOR COLOR PRINTING EQUIPMENT, SOFTWARE AND SERVICES**

Authorized the award of a contract to All Copy Products, Inc., for the purchase of color printing equipment and for monthly maintenance services for the contract period March 1, 2010 through February 28, 2013, at the unit prices set forth in the Tabulation of Bidder's Proposal No. 12583A, dated February 1, 2010, a copy of which is attached to and incorporated in these Minutes as Exhibit "I," for a total contract amount not to exceed \$220,000.

Mr. Nelson explained the printing equipment will be used in Denver Water's in-house print shop. Mr. Dermody explained the Information Technology Division assessed the benefits of outsourcing the printing services in early 2006 and determined it was not efficient to outsource such services at the time. Mr. Nelson reported Denver Water will request competitive bids in the first quarter of 2010 for the more than 40 individual leases for smaller copiers and printers which are located throughout the campus.

#### **19. ITEM V-E-3: CONTRACT FOR WASTE DISPOSAL SITE**

Waived the condition in the bid documents that a waste disposal site be located in a defined area and authorized the award of a contract to Patrick Broda to furnish a waste disposal site for the contract period March 1, 2010 through February 29, 2012, at the prices per trailer load set forth in the Tabulation of Bidder's Proposal No. 12754A, dated January 19, 2010, a copy of which is attached to and incorporated in these Minutes as Exhibit "J," for a total contract amount not to exceed \$910,000.

## RECORD OF PROCEEDINGS

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### MINUTES OF THE BOARD OF WATER COMMISSIONERS

Mr. Spaulding explained that, as a part of the analysis of bids for utilization of a waste disposal site, the Purchasing staff analyzed the cost of hauling, together with the cost of disposal to determine that the overall cost to Denver Water to haul waste material to the Broda site was cheaper than other closer facilities.

#### **20. ITEM V-E-4: ANNUAL CONTRACT TO SUPPLY BADGER WATER METER REGISTERS AND ITRON ERTS**

Authorized the award of a contract to National Meter and Automation, Inc., to furnish Denver Water's requirements of Badger Water Meter Registers and Itron ERTS for the contract period February 1, 2010 through January 31, 2013, at the unit prices set forth in the Tabulation of Bidder's Proposal No. 12772A, dated January 11, 2010, a copy of which is attached to and incorporated in these Minutes as Exhibit "K," for a total contract amount not to exceed \$15,145,480.00.

Ms. Bassett explained the water meter registers and encoder receiver transmitters will be used for the ERT replacement program, as well as to replenish warehouse stock. The encoder receiver transmitters, originally installed as a part of the universal metering program, need to be replaced as the batteries had a 10 year life. Subsequent to the initiation of the program, the design of the ERTS has improved and a 20 year battery is now included in each unit.

#### **21. ITEM V-E-5: PURCHASE OF VEHICLES**

Authorized the purchase of vehicles under the State of Colorado Master Vehicle Contract at the unit costs more particularly described in the Tabulation of Contract No. 12849A, a copy of which is attached to and incorporated in these Minutes as Exhibit "L." Individual awards under the Master Vehicle Contract are as follows:

Items 1 and 2 from Spradley Barr Ford at a cost of \$250,950;

Items 3 and 4 from Sill-Terhar Motors at a cost of \$294,894;

## RECORD OF PROCEEDINGS

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### MINUTES OF THE BOARD OF WATER COMMISSIONERS

Items 5 through 11 from Heritage Ford at a cost of \$381,424;

Items 12 through 19 from OJ Watson at a cost of \$561,194;

Item 20 from MHC Kenworth at a net cost of \$580,581,

together with a used conveyor from Power Screening Equipment at a cost of \$51,500,

for a total cost, for all vehicles and equipment, of \$1,798,543.

Mr. Weeams provided a report regarding the Fleet Management program which included graphs and tabulations of average mileage of vehicles sold, fleet size, fleet make up and heavy equipment, all as more particularly described in on the attached Exhibit "M." Mr. Weeams explained that vehicles are purchased on a ten-year cycle and heavy equipment on a twelve-year cycle. Mr. Weeams also described the transition from sedans to hybrid SUVs and explained that Denver Water is currently able to purchase its requirements for heavy equipment at a savings because used equipment is available due to the state of the economy.

#### **23. ITEM V-E-6: PURCHASE OF USED D6T DOZER**

Authorized purchase of one used Caterpillar D6T Dozer from Wagner Equipment Company at a cost of \$250,000.

#### **24. ITEM V-E-7: PURCHASE OF USED FRONT END LOADER AND BACKHOES**

Authorized award of a contract to Honnen Equipment Company to furnish one used John Deere front-end loader for a purchase price of \$93,000 and three used John Deere backhoes for a purchase price of \$168,000, total contract amount not to exceed \$261,000.

## RECORD OF PROCEEDINGS

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### MINUTES OF THE BOARD OF WATER COMMISSIONERS

#### **25. ITEM V-E-8: ASSESSMENT FOR NEVADA DITCH/NORMANDY GULCH URBAN DRAINAGE AND FLOOD CONTROL PROJECT**

Authorized payment of the Nevada Ditch Company assessment in the amount of \$235,000 for Denver Water's share of assessments for the Urban Drainage and Flood Control District Normandy Gulch Improvement Project.

Jerry Foster explained that Denver Water has an ownership interest in a number of irrigation ditches still in existence in the Denver Metro area. Although the water connected to Denver Water's ownership has been changed to municipal use, as a requirement of legal process for changing water rights, Denver Water continues to pay individual ditch company assessments. The Normandy Gulch Improvement Project has been proposed since the late 1970s. As the area upgradient of the Gulch has become more urbanized, storm flow into the Nevada Ditch has significantly increased the potential for flood damage.

Laura Kroeger, of the Urban Drainage and Flood Control District, provided an overview of the project, including the construction of a bypass structure to convey storm water into Cooley Lakes, which are owned by the City of Littleton. Ms. Kroeger complimented Mr. Foster for his efforts to obtain funding for the project from the town of Columbine Valley, which would be most directly impacted in the event of a breach of the ditch. The total cost of the project is \$985,000. The project is scheduled for completion before the start of the irrigation season in April.

During the discussion, Commissioner Austin asked that information be provided to the Commissioners regarding the amount of water diverted by Denver Water under changed water rights from various metropolitan area ditches.

#### **26. ITEM V-E-9: CONTRACT AMENDMENT WITH KRONOS, INC.**

Authorized an amendment to the September 1, 2008 contract with Kronos, Inc., to provide additional professional implementation services at a cost of \$15,480; specialized training materials and training services at a cost of \$77,000; and to

## RECORD OF PROCEEDINGS

---

### MINUTES OF THE BOARD OF WATER COMMISSIONERS

address options regarding employee entry of work time into the Kronos system, which could include purchase and installation of Kronos time recording devices, at a cost of between \$35,000 and \$70,000, for a total contract amendment of \$162,480, and a total amended contract amount not to exceed \$393,092.50.

Mr. Dermody explained that, although the parties had negotiated costs for the three specific areas of modification, final contract amendments had not been completed. The Board authorized the Manager to sign the amendment, provided it was in conformity with the description contained in Board Agenda Item V-E-9. In response to questions from Commissioner Herzmark, Mr. Dermody explained that payroll is processed through a PeopleSoft application, which is integrated with the Kronos Timekeeping system. Integration between the two systems is a part of the project.

#### **27. ITEM V-E-10: AWARD OF A CONTRACT FOR EINFELDT DECENTRALIZATION STATION**

Authorized the award of a contract to Panattoni Construction, Inc., for the construction of the Einfeldt Decentralization Station at a cost of \$1,310,528.

In response to comments from Commissioner Gougeon, Mr. Mahoney will confirm that the necessary steps are taken to meet state historic preservation requirements when Denver Water facilities, which may be eligible for historic designation, are modified.

#### **28. ITEM V-E-11: AWARD OF CONTRACT FOR WESTSIDE COMPLEX – 555 QUIVAS STREET FIBER OPTIC CABLE INSTALLATION**

Authorized the award of a contract to McDade-Woodcock, Inc., to provide and install approximately 3,000 linear feet of fiber optic communications cabling between Denver Water Building No. 16 and 555 Quivas Street at a cost of \$129,285.

**RECORD OF PROCEEDINGS**

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**MINUTES  
OF THE  
BOARD OF WATER COMMISSIONERS**

**29. ITEM V-E-12: AGREEMENT WITH CH2M-HILL ENGINEERS FOR THE  
MOFFAT/RALSTON EVALUATION PROJECT**

Authorized entering into an Agreement with CH2M Hill, Inc. in the amount of \$118,520, to provide engineering consulting services for Tasks 2 and 3 of the Moffat/Ralston Evaluation Project, all as more particularly described in the Agreement, a copy of which is attached to and incorporated in these Minutes as Exhibit "N."

Mr. Van Nostrand provided the Commissioners with the project overview and schedule, a copy of which is attached to and incorporated in these Minutes as Exhibit "O." Mr. Van Nostrand explained that CH2M Hill's database of construction costs for treatment plants across the United States will be utilized to provide the necessary cost estimating for the project. Mr. Van Nostrand explained Task 1, which will be performed by Malcolm Pirnie, is an assessment of the existing Moffat Water Treatment Plant to determine whether portions of the treatment plant are reusable. The Agreements for project Tasks 4 and 5 will be presented for approval at a later meeting.

**30. ITEM V-E-13: AGREEMENT WITH MALCOLM PIRNIE FOR THE  
MOFFAT/RALSTON EVALUATION PROJECT**

Authorized entering into an Agreement with Malcolm Pirnie to provide services for Task 1 – Moffat Treatment Plant Condition Assessment in conjunction with the Moffat/Ralston Evaluation Project at a cost of \$258,976, all as more particularly described in the Agreement, a copy of which is attached to and incorporated in these Minutes as Exhibit "P."

**31. ITEM VI-B-1: DISCUSSION AND INFORMATION: LEGISLATIVE  
REPORT**

Ms. Duncan provided an update regarding the status of various bills pending in the State Legislature which could impact Denver Water's operations.

## RECORD OF PROCEEDINGS

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### MINUTES OF THE BOARD OF WATER COMMISSIONERS

**32. ITEM VI-C-1: DISCUSSION AND INFORMATION: WATER WATCH REPORT**

The Commissioners received an outline of a 2010 Drought Response and a Water Watch Report as of January 25, 2010, a copy of which is attached to and incorporated in these Minutes as Exhibit "Q."

**33. ITEM VI-F-1: DISCUSSION AND INFORMATION: STATUS OF THE INVESTMENT PORTFOLIO**

The Commissioners received the report, "Denver Water Investment Portfolio as of January 29, 2010" as set forth in Agenda Item VI-F-1 dated February 10, 2010, a copy of which is attached to and incorporated in these Minutes as Exhibit "R."

**34. ITEM VI-F-2: DISCUSSION AND INFORMATION: BUDGET STATUS REPORT**

The Commissioners received the 2010 Year-to-Date Board Budget Status Summary for the period ending **January 31, 2010**, a copy of which is attached to and incorporated in these Minutes as Exhibit "S."

**35. ITEM VI-G-1: SCHEDULING OF FUTURE BOARD MEETINGS**

The Board confirmed a Study Session will take place on **Wednesday, February 24, 2010**, at **9:00 a.m.** in the Board Room, Room 309, 1600 W. 12<sup>th</sup> Avenue, Denver, Colorado. The agenda for the meeting will be posted. A portion of the meeting will take place in Executive Session.

The Board confirmed a regular meeting would take place on **Wednesday, March 10, 2010**, at **9:15 a.m.** in the Board Room, Room 309, 1600 W. 12<sup>th</sup> Avenue, Denver, Colorado.

No further business appearing, the Board voted unanimously to adjourn into Executive Session at approximately 11:44 a.m.

RECORD OF PROCEEDINGS

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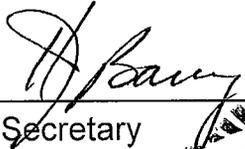
MINUTES  
OF THE  
BOARD OF WATER COMMISSIONERS

EXECUTIVE SESSION

On Wednesday, February 10, 2010, commencing approximately at 11:50 a.m. in the Manager's Office, located in the Administration Building, 1600 West 12th Avenue, Denver, Colorado, the Board of Water Commissioners met in Executive Session. The following matter which is authorized by C.R.S. § 24-6-402 or D.R.M.C. § 2-34 was discussed during the Executive Session:

1. Mediation § 24-6-402(4)(a)(b) and (e)

There being nothing further for the Board to consider, the Executive Session concluded at approximately 12:32 p.m.

  
Secretary

  
President

