

AGENDA

Denver Board of Water Commissioners

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

Wednesday, April 10, 2019 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

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 March 13, 2019 Open Session
2. Minutes from March 27, 2019 Open Session
3. Aquatic Nuisance Species Inspections – Contract 503893
4. Fifth Amendment to Legal Staffing Agreement - Contract 16730A-501432

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

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



B. Individual Approval Items

- | | | |
|--|------------|------------|
| 1. Sale of 8.093 acres of High Line Canal Property to Painted Prairie Owner, LLC Purchase and Sale - Contract 503771 | Amy Turney | 10 minutes |
|--|------------|------------|

III. POLICY MATTERS

- | | | |
|---|---------------|------------|
| A. Water Supply Update | Nathan Elder | 10 minutes |
| B. Completion of Review of Trammell Crow and Mortenson OCR Project Documents | Jessica Brody | 10 minutes |

IV. EXECUTIVE UPDATE

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

V. BRIEFING PAPERS & REPORTS

- A. Briefing Papers**
 - 1. Legislative Update
- B. Reports**

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 D.R.M.C. Sec. 2-34**

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: April 10, 2019

Board Item: II-A-3

Aquatic Nuisance Species Inspections Contract 503893

Action by Consent

Individual Action

Summary:

Since 2009, Denver Water and Colorado Parks and Wildlife (CPW) have worked together to ensure that Aquatic Nuisance Species (ANS) do not enter Denver Water's waterways or infrastructure. CPW has provided inspections for Denver Water at Antero, Eleven Mile, and Williams Fork reservoirs since we started inspecting sites in 2009. Of particular interest to Denver Water are the Zebra and Quagga Mussels. These non-native mussels attach to almost anything and have infested many of the country's waterways, costing millions to deal with them on a regular basis. There is no known means of eradicating these mussels once that are established in a waterway. The purpose of our program is to prevent these nuisance species from entering our system, and more broadly, our state. The results of the statewide ANS program have been very favorable; currently, no Colorado waterways are listed as positive for containing these mussels. Every trailered boat that enters our reservoirs gets inspected and if necessary, cleaned. That is the best way to prevent the introduction of these invasive species.

CPW's ANS budget was drastically reduced in 2017 and 2018 as a result of a court case involving gas and oil severance taxes. The Board of Water Commissioners approved a temporary increase in funding to assist with state budget shortfalls. In 2018, the state legislature approved a fee structure that now provides a much more sustainable funding source for the ANS program. In light of this information, Denver Water staff has negotiated contract terms that are in line with the 2016 funding levels.

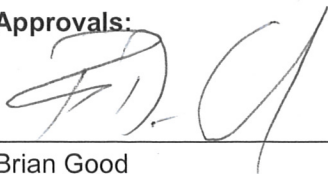
Budget Information:

The current proposal will decrease the annual amount for CPW Inspection sites by \$100,000 (\$200,000 annually for 2019-2023 compared to \$300,000 in 2018) to protect the reservoirs on which we allow launched boats. The 2019 Budget includes \$300,000 for inspections at Antero, Eleven Mile, and Williams Fork. This new proposal will result in a \$100,000 variance from budget in 2019.

Recommendation:

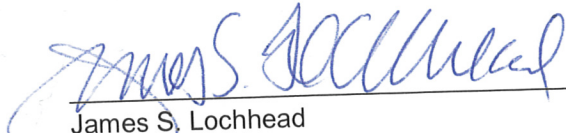
It is recommended that the Board approve Contract 503893, a five-year inter-governmental agreement with Colorado Parks and Wildlife for \$200,000 per year. Total contract amount is \$1,000,000 over the five years.

Approvals:



Brian Good
Chief Administrative Officer

Respectfully submitted,



James S. Lochhead
CEO/Manager

for 
Angela Bricmont
Chief Finance Officer

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: April 10, 2019

Board Item: II-A-4

Fifth Amendment to Legal Staffing Agreement Contract 16730A-501432

Action by Consent

Individual Action

Purpose and Background:

The Office of General Counsel requires temporary staffing services to augment our regular personnel to operate most efficiently. The support staff for the Office of General Counsel has recently experienced some turnover, and the office needs time to find quality candidates to fill the vacant positions. In the interim, the temporary staff will be able to complete necessary tasks to keep the division operating smoothly without overburdening the attorneys with work that does not require legal expertise to complete. The Fifth Amendment of Agreement 16730A-501432 with Legal Marketing and Staffing will continue to provide contract paralegal services as well as provide additional support services.

Budget and Schedule:

This amendment of \$100,000 brings the total amount of the contract to \$480,000 and extends the term of the contract which began on May 25, 2016 for an additional seven months to end July 31, 2020. Funds for this service/contract will come from the 2019 budget for the Office of General Counsel, which has sufficient funds to pay the \$70,000 estimated to be needed in 2019. The remaining \$30,000 will be budgeted in year 2020.


S/MWBE Information:

Identify goal established for participation if applicable.

Recommendation:

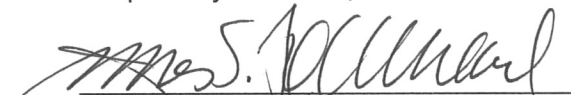
It is recommended that the Board approve the Fifth Amendment to Agreement 16730A-501432 with Legal Marketing and Staffing for provide temporary staff to the Board's Office of General Counsel for the purpose of providing legal support on an "as needed basis" in addition to litigation support that is currently being provided by Shelly Coffman for an extension of the contract period through July 31, 2020 and for an addition of \$100,000 for a total amended contract amount not to exceed \$480,000.

Approvals:



Jessica Brody
General Counsel

Respectfully submitted,



James S. Lochhead
CEO/Manager

FOR 

Angela Bricmont
Chief Finance Officer

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: April 10, 2019

Board Item: II-B-1

Sale of 8.093 acres of High Line Canal Property to Painted Prairie Owner, LLC Purchase and Sale Contract 503771

Action by Consent

Individual Action

Purpose and Background:

Denver Water ceased irrigation deliveries in the High Line Canal downstream of the Rocky Mountain Arsenal more than 30 years ago. The majority of the abandoned canal property was conveyed to the City and County of Denver through Green Valley Ranch in the 1990s leading to various remnant parcels in the City of Aurora. The Board declared 21.176 acres of High Line Canal property in Arapahoe County surplus in 2005 with a contract to convey the property to the surrounding land owner in four takedowns over four years. Three takedowns occurred, however the fourth takedown was delayed for many years and ultimately the contract expired. The surrounding landowner has recently changed and desires to acquire the final remnant parcel.

The final remnant parcel includes the location of the last headgate where irrigation water was diverted before the original High Line Canal terminated at Sand Creek. Denver Water, in consultation with the High Line Canal Conservancy and the City of Aurora Department of Parks, Recreation & Open Space, desires to preserve and commemorate the historic significance of the last headgate, along with portions of the original channel. There is also a need to ensure portions of the property to be conveyed remain open to the public and in compliance with the High Line Canal Framework Plan that includes various guidelines for trail, signage, and landscaping materials.

Contract 503771 will convey 8.093 acres of land to the surrounding land owner, Painted Prairie Owner, LLC, with the restrictive covenants to preserve the last headgate, a portion of the original channel and ensure public access with trail connectivity.

Budget and Schedule:

The total receivable amount of this contract is \$825,486, which includes a negotiated purchase price of \$809,300 and a 2% administrative fee of \$16,186.

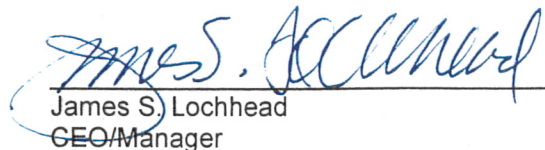
Recommendation:

It is recommended that the Board approve the Purchase and Sale Agreement Contract 503771 with Painted Prairie Owner, LLC for a total contract amount of \$825,486.

Approvals:


Robert J. Mahoney
Chief Engineering Officer

Respectfully submitted,


James S. Lochhead
CEO/Manager


Thomas J. Roode
Chief Operation & Maintenance Officer

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: April 10, 2019

Board Item: V-A-1

Briefing Paper for Legislative Update

Strategic Plan Alignment

Lenses: Customer Centric Industry Leader Long-Term View

Government Relations plays a key role in issues important to Denver Water's success by advocating the interests of Denver Water in legislative and regulatory matters, specifically by proactively lobbying the Colorado General Assembly.

Summary

We have the following updates on legislation below.

HB19-1200 Reclaimed Domestic Wastewater Point of Compliance – This is the bill Denver Water is pushing to change the statutory definition of “point of compliance.” This bill is awaiting the Governor’s signature. **Position: SUPPORT**

HB19-1218 Loaned Water for Instream Flows to Improve Environment – This bill modifies the instream flow loan program by expanding the number of years within a 10-year period that a loan may be exercised from three years to five years and allows a loan to be renewed for up to two additional 10-year periods. Further, the bill expands the Colorado Water Conservation Board’s (CWCB) ability to use loaned water for instream flows to allow loans to improve the natural environment to a reasonable degree pursuant to a decreed instream flow water rights; or to preserve or improve the natural environment to a reasonable degree for a stream reach for which the CWCB does not hold a decreed instream flow water right. Since this bill is significantly expanding the loan program, staff believes there needs to be additional safeguards placed on the program. We have worked with the sponsor to address two concerns through amendments. First, striking the section that allows for a loan to a stream reach for which the CWCB does not hold a decreed instream flow water right, and second that the burden of proof is on the applicant and there is water court review of the application. Both amendments have been added to the bill alleviating our concerns. With these concerns addressed, this instream flow loan program provides additional flows to some streams. **Recommendation: SUPPORT**

SB19-212 Appropriation General Fund Implement State Water Plan – This is a Joint Budget Committee “orbital bill” that goes along with the Long Bill or budget bill. It creates the water plan implementation grant program which will not only pay for water plan implementation but also allow for Colorado River demand management program expenditures. The bill allocates \$10M to the fund. Of that, \$8.7M will go towards water plan implementation and \$1.3M towards the demand management program. **Recommendation: SUPPORT**

SB19-221 CO Water Conservation Board Construction Fund Project – This is the annual “water projects” bill. The bill appropriates funding from the Colorado Water Conservation Board (CWCB) construction fund to the CWCB or the Division of Water Resources in the Department of Natural Resources for various specific projects. Of importance to Denver Water is that this bill appropriates \$17.5M for continuing implementation of the State Water Plan.
Recommendation: SUPPORT

Attached is the full bill report, which includes a summary table followed by a detailed report on each bill we are tracking. Please refer to this attached report for information on all our bills.

Background	N/A
Budget	N/A
Alternatives	N/A
Approach	N/A
Owner(s)	Chris Piper, Government Relations, External Affairs
Attachments	Report on 2019 Legislation

Respectfully submitted,

DocuSigned by:

Chris Piper
Manager of Government Relations


Mike King
Chief of External Affairs