

RECORD OF PROCEEDINGS

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
CHERRY CREEK VILLAGE WATER DISTRICT
HELD
January 11, 2011**

A regular meeting of the Board of Directors of the Cherry Creek Village Water District was held on Tuesday, January 11, 2011 at 9:00 a.m. at R. S. Wells LLC, 8390 E. Crescent Parkway, Suite 500, Greenwood Village, Colorado. The meeting was open to the public.

Attendance Directors in attendance were:

John Forney
Lou Schroeder
Phil Viseur
Joseph Ryan
Roger Baer

Also in attendance were:

Dave Peak; R.S. Wells L.L.C.
Tim Flynn; Collins Cockrel & Cole, P.C.
Greg Sekera; KennedyJenks Consultants

Call to Order President Forney called the meeting to order at 9:05 a.m.

**Quorum/
Qualifications/
& Disclosures**

It was noted that a quorum was present. All of the Directors are qualified and there are no conflict of interest disclosures required.

Agenda Upon review of the Agenda and a motion duly made, seconded and, upon vote, unanimously carried, the Board approved the Agenda as amended.

Minutes The Board reviewed the Minutes of the December 14, 2010 Regular Meeting. Following review and discussion, upon a motion duly, seconded and, upon vote, unanimously carried, the Board approved the December 14, 2010 Minutes as presented.

**Financial
Matters**

Review Cash Position as of January 11, 2011: Mr. Peak reviewed the cash position as of January 11, 2011 with the Board. Following discussion, the Board accepted the cash position, without a motion, as presented.

Review District's Operating Statement: Mr. Peak reviewed the Operating Statement. The Board raised questions as to engineering showing \$58,613 vs. \$33,944, meter reading of \$29,409 and legal expenses of \$39,856.

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After discussion, the Board accepted the Operating Statement, without a motion, as presented.

Review and Consider Approval of Claims: Mr. Peak reviewed the January 2011 claims totaling \$16,401.32, represented by check numbers 4304 through 4313. Following review and discussion, upon a motion duly made, seconded and, upon vote, unanimously carried, the Board approved the January 2011 claims as presented. Later, the Board approved, via a motion and second, claim to Denver Water for \$13,156.51 by check number 4314.

Review Delinquent Account Report: Director Ryan reviewed the Delinquent Account Report with the Board. He reported that there are twelve residents delinquent as compared to thirteen residential accounts that were delinquent last month.

Administrative Matters

None to Discuss at this time.

Engineer's Report

Mr. Sekera reviewed the engineering report with the Board.

Cherry Creek School Campus, Phase 3 – The School's engineer has indicated that he is beginning the design phase for the Phase 3 water line replacement. The project location is the west side of the High School. We expect to see plans for our review in February. In addition, we are coordinating preparation and execution of the conveyance and acceptance documents for the phase 1 and 2 water line project. We have provided the required information to Tim Flynn for him to prepare the C & A documents and get them signed by the School District.

2010 Water Line Maintenance and Break Summary – We have prepared our annual letter summarizing emergency repairs and improvements performed on the District's water system in 2010. The letter is included in the Board packet.

System Maintenance: We coordinated the following maintenance items during the past month:

- 1) **Fire Hydrant and Blow-off Annual Inspections –** C&L completed the annual inspections. We are waiting for their final reports.
- 2) **Valve Inspections –** C & L completed the annual inspections. We are waiting for their final reports.

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- 3) **Fire Hydrant and Valve Repairs** – No repairs performed this past month.
- 4) **Cross-connection Control Program** – We have received various test reports and have updated the inventory list.
- 5) **Water Line Breaks** – No water line breaks this past month.
- 6) **Facility Locates** – Reviewed locate request for miscellaneous construction in the District.
- 7) **Maintenance Tracking** – A copy of the maintenance tracking/schedule is attached.

After discussion, the Board accepted the Engineering Report, without a motion, as presented.

Legal

Consider Approval of Indemnification Resolution – Mr. Flynn is continuing to research and draft the Indemnification Resolution. This item was tabled and will be discussed at the Board's February meeting.

Execution of 2011 Rates Resolution – Mr. Flynn reviewed with the Board Resolution 2010-12-1 that was adopted at the December Board meeting, and which increases the District's water consumption charge by 14% to all customers effective January 1, 2011. The Resolution was then presented to the District's President and Secretary for signature.

Consider Approval of Resolution Designating the Location for Posting Open Meeting Law Notices – Mr. Flynn reviewed with the Board Resolution No. 2011-1-11. Following review and discussion, upon a motion duly made, seconded and, upon vote, unanimously carried, the Board approved Resolution No. 2011-1-11. The Board made the request for Mat Mendisco of R.S. Wells L.L.C. to check on what happens with Notices, at the posting sites, once the meetings have occurred.

Directors Items

Aurora Water Rates vs. Denver Water Rates – Director Schroeder advised the Board of the 2011 Aurora Water Rates and that those rates have not been increased for next year. Director Schroeder requested the Board of the Denver Water become more transparent in their conduction of business.

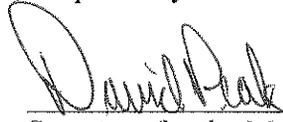
Other Business

Confirm Quorum for Regular Meeting on February 8, 2011 at 9:00 AM:
The Board confirmed quorum for the next meeting.

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Adjournment With no further business to come before the Board at this time, the meeting was adjourned at approximately 10:00 a.m.

Respectfully submitted,



Secretary for the Meeting

RESOLUTION NO. 2011-1-1

CHERRY CREEK VILLAGE WATER DISTRICT

A RESOLUTION ESTABLISHING THE DATE, TIME AND LOCATION FOR THE REGULAR MEETINGS OF THE BOARD OF DIRECTORS OF THE CHERRY CREEK VILLAGE WATER DISTRICT AND DESIGNATING THE LOCATION FOR POSTING NOTICE OF DISTRICT MEETINGS IN COMPLIANCE WITH THE OPEN MEETINGS LAW AND SPECIAL DISTRICT ACT

WHEREAS, pursuant to Section 32-1-903 C.R.S., the Board of Directors ("Board") of the Cherry Creek Village Water District ("District") is required to meet regularly at a time and in a place to be designated by the Board; and

WHEREAS, Section 24-6-402(2)(c) C.R.S., requires that the Board annually designate one or more places within the boundaries of the District as the place where notice of Board meetings, together with a meeting agenda, when available, shall be posted at least 24 hours prior to the convening of such meeting for the purpose of complying with the notice provisions of the Colorado Open Meetings Law; and

WHEREAS, pursuant to Section 32-1-903(2) C.R.S., the District is required to post in at least three public places within the limits of the District, and in addition, in the office of the County Clerk and Recorder of Arapahoe County, Colorado notice of the time, place and location of the District's regular and special Board meetings; and

WHEREAS, pursuant to Section 32-1-903(1), C.R.S., all regular and special meetings of the Board shall be held at locations which are within the boundaries of the District or which are within the boundaries of any county in which the district is located, in whole or in part, or in any county so long as the meeting location does not exceed twenty miles from the District boundaries unless such requirement is waived by the Board pursuant to Section 32-1-903(1)(a), C.R.S.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CHERRY CREEK VILLAGE WATER DISTRICT OF THE COUNTY OF ARAPAHOE, COLORADO AS FOLLOWS:

Section 1. Regular Meetings. That the Board shall meet regularly during calendar year 2011 on the second Tuesday of each month at 9:00 a.m. at the office of R.S. Wells L.L.C., 8390 E. Crescent Parkway, Suite 500, Greenwood Village, CO 80111, County of Arapahoe, State of Colorado, or at such other location as may from time to time be designated by the Board.

Section 2. Special Meetings. Special meeting may be called by any director by informing the other directors of the date, time and place of such special meeting, and the purpose for which it is called, and by posting notice as provided herein at least 72 hours prior to said meeting.

Section 3. Change of Meeting Dates. That until circumstances change and a future resolution of the Board so designates, the location of all special and regular meetings of the Board shall appear on the agenda of said special and regular meetings.

Section 4. Location for Open Meeting Law Postings. King Sooper's Grocery Store, 4910 South Yosemite Street, Greenwood Village, Colorado 80111, Arapahoe County, Colorado is hereby designated as the location for posting notices of Board meetings for purposes of complying with the notice provisions of the Open Meetings Law, Section 24-6-401, *et seq.*, C.R.S.

Section 5. Posting Locations for Regular Meetings. Notices of the Board's regular meetings for 2011 shall be posted in the Arapahoe County Clerk and Recorder's Office pursuant to Section 32-1-903, C.R.S. and at the following three locations within the District's boundaries:

- (a) King Sooper's Grocery Store at 4910 S. Yosemite Street, Greenwood Village, Colorado 80111;
- (b) Utility box at Union Avenue and South Yosemite Street, Greenwood Village, Colorado 80111
- (c) Light pole on the southeast corner of Chenango Avenue and South Beeler Street, Greenwood Village, Colorado 80111.

Section 6. Representative Authorized to Post. A representative of R.S. Wells L.L.C., Philip E. Viseur or any other member of the Board or its designee is hereby authorized to post notice of the District's meetings as required by statute.

APPROVED AND ADOPTED this 11th day of January, 2011.

CHERRY CREEK VILLAGE WATER
DISTRICT

By: _____


John Forney, Chair

Attest:


Philip E. Viseur, Secretary