

**EAST CHERRY CREEK VALLEY  
WATER & SANITATION DISTRICT**

**MINUTES OF A MEETING OF  
THE BOARD OF DIRECTORS**

A regular meeting of the Board of Directors of East Cherry Creek Valley Water & Sanitation District was held at 3:00 p.m. on Thursday, November 9, 2023 at the office of the East Cherry Creek Valley Water & Sanitation District located at 6201 South Gun Club Road, Aurora, Colorado 80016.

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**ATTENDANCE**

**Directors in Attendance**

Monica Holland, Chair  
E. Peter Elzi, Jr., Vice Chair  
Marty Hill, Treasurer  
Mark Vagnerini, Asst. Secretary

**Director Absent (Excused)**

O. Karl Kasch, Secretary

**Staff in Attendance**

David J. Kaunisto, District Manager  
Scott Niebur, Operations Manager  
Michelle Probasco, Projects Manager  
Lauren Florman, Customer Service Manager  
Tawna Scalese, Business Services Manager  
Kris LaGuardia, Technology Services Manager  
Rick Clark, Senior Engineering Advisor  
Rebecca Bellamy, Programs Administrator

**Others in Attendance**

Tamara Seaver, Icenogle Seaver Pogue, P.C.  
Gordon Meurer, Kennedy Jenks Consultants, Inc.  
Brian Nazarenius, Nazarenius Stack Wombacher, LLC  
Scott Mefford, Hydrokinetics, Inc.  
Andy Cohen, Clermont Eliot, LLC  
Carrie Bartow, CliftonLarsonAllen, LLP

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CALL TO ORDER,  
CONFIRMATION OF  
QUORUM AND  
APPROVAL OF AGENDA

Upon motion by Director Holland, seconded by Director Elzi...

The meeting of the Board of Directors was called to order, a quorum confirmed, and the agenda approved.

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DIRECTOR EXCUSED

Director Elzi moved to excuse Director Kasch from the Board Meeting. The motion was seconded by Director Holland and approved unanimously by the Board.

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CONFLICTS OF INTEREST

Legal counsel advised the Board that pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board then reviewed the agenda for the meeting, following which each Board member confirmed the contents of any written disclosures previously made, as applicable, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting.

Director Elzi disclosed his interests and association with The Bromley Companies. This disclosure is associated with approval of items on the agenda that may affect his interests.

Legal counsel advised that written disclosure of this interest had been filed with the Secretary of State at least seventy-two hours prior to the meeting.

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MINUTES

**October 28, 2023**

Upon motion by Director Hill, seconded by Director Elzi, and unanimously adopted, and approved...

The minutes of the October 28, 2023 Board Meeting.

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PAYMENT OF CLAIMS

Upon motion by Director Holland, seconded by Director Hill, and unanimously adopted, and approved...

The payables and ACH transactions dated November 9, 2023 for \$470,179.09.

Upon motion by Director Hill, seconded by Director Holland, and unanimously adopted, and ratified...

The ACH transactions dated November 6, 2023 for \$800,201.

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CONSIDERATION OF  
MULTI-DISTRICT CLASS  
ACTION LAWSUITS  
AGAINST 3M AND  
DUPONT

Upon motion by Director Elzi, seconded by Director Hill, and unanimously adopted, and approved...

Intervention in the lawsuits with 3M and DuPont for the purpose of maximizing settlement revenues for ECCV in substantial form presented with any additional changes approved by District Manager and legal counsel.

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CONSIDERATION OF  
AGREEMENTS WITH  
UNITED WSD, ACWWA  
AND FRICO RELATING  
TO THE NORTHERN  
PROJECT

Upon motion by Director Holland, seconded by Director Elzi, and unanimously adopted, and approved...

Beebe Draw Operating Agreement (BDOA), Carriage Agreement, Water Supply Termination and Release, Mutual Water Carriage and Storage Agreement Termination and Release, Intergovernmental Agreement between ECCV, ACWWA and United and the Amended and Restated 2018 Agreement, subject to non-substantive edit from counsel, the contemporary execution of (i) the Mutual Water Carriage and Storage Agreement Termination and Release and (ii) a separate FRICO-Lochbuie Carriage Agreement with any additional changes approved by District Manager and legal counsel.

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ADJOURNMENT

There being no further business to come before the Board, Director Holland adjourned the meeting at 4:25 PM.

A handwritten signature in cursive script, appearing to read "D. J. Kaunisto", is written over a horizontal line.

David J. Kaunisto  
Acting Secretary