

# METRO WASTEWATER RECLAMATION DISTRICT

## Minutes of the Regular Meeting of the Board of Directors

August 17, 2021

The Board of Directors of the Metro Wastewater Reclamation District, in the Counties of Adams, Arapahoe, Douglas, Jefferson, and Weld, and the City and County of Denver, State of Colorado, met in regular session in-person and via conference call in the Boardroom at 6450 York Street, Denver, Colorado, Tuesday, August 17, 2021 at 5:30 p.m.

Chairman Twombly called the meeting to order.

### 1. OATH OF OFFICE

The following Director has been appointed by his Member Municipality to complete a two-year term of office that expires June 30, 2023.

#### Appointed Director

Bob Roth

#### Member Municipality

City of Aurora

### 2. ROLL CALL

Chairman Twombly thanked Director Caldwell for her service as Secretary and welcomed the new officers.

Secretary Niyork called the roll.

#### **Officers Present:**

Scott Twombly, Thornton  
Andrew Johnston, Denver\*  
Sarah Niyork, South Adams  
Jo Ann Giddings, Aurora

Chairman  
Chairman Pro Tem  
Secretary  
Treasurer

#### **Directors Present:**

Jane Bais DiSessa, Brighton  
Greg Baker, Aurora  
Phil Burgi, Wheat Ridge  
Nadine Caldwell, Aurora  
John Chavez, Berkeley\*  
David Councilman, Pleasant View  
Deborah Crisp, East Lakewood  
Clark Davenport, Northwest Lakewood\*  
John Dingess, Aurora\*  
Robert Duncanson, Denver  
Tammy Hitchens, Westminster  
Joan Iler, Westridge  
Kathryn Jensen, North Table Mountain\*  
Janet Kieler, Denver  
Craig Kocian, Arvada

Kathy Laurienti, Crestview  
Bob LeGare, Aurora  
Charles Long, Thornton  
Martin Majors, Fruitdale\*  
Steve Pott, Applewood  
Bill Ray, Arvada  
Bob Roth, Aurora  
Michael Sapp, Denver  
Greg Sekera, Lakewood  
Del Smith, Bancroft-Clover  
Peter Spanberger, Denver  
Mary Beth Susman, Denver  
Amerigo Svaldi, North Washington Street  
Dennis Towndrow, North Pecos\*  
Ronald Younger, Denver

**Directors Absent:**

Peter Baertlein, Denver  
Laura Kroeger, Lakewood

Christopher Pacheco, Denver

**Others Present:**

Mickey Conway  
Emily Jackson  
Mitch Costanzo  
Ruth Kedzior  
Molly Kostelecky  
Yvonne Kohlmeier  
Lydia Nkem  
Brittany Peshek\*

District Manager  
General Counsel  
Deputy Manager/Director of Engineering  
Assistant to the District Manager  
Director of Administrative Services  
Administrative Assistant  
Executive Assistant  
Administrative Analyst

\*Attended via conference call.

**3. PUBLIC COMMENT**

There was no comment.

**4. APPROVAL OF MINUTES**

4.a Minutes of the Board of Directors Meeting on July 20, 2021

Chairman Twombly asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held July 20, 2021.

Director Younger moved and Director Burgi seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held July 20, 2021

The motion carried unanimously.

**5. PROGRESS AND PROJECTION REPORTS**

5.a Report by District Manager

District Manager Conway reviewed his written report, highlighting the recent awards the Robert W. Hite Treatment Facility (RWHTF) and the Northern Treatment Plant (NTP) have received, stating these awards are a testament to the work done by staff especially during the difficult circumstances of the past year. He also gave an update on the METROGRO Farm (Farm) and answered questions on Farm procedures, storage and swathing and explained the analysis behind the wheat selling process. Mr. Conway answered a question on the Wastewater 101 – Education Center topic of disinfection at the Metro District and stated this topic will be discussed at the upcoming Fall Workshop.

Mr. Conway reminded directors of the New Director Orientation scheduled for September 13, 2021, explaining the Board Chairman and Officers, along with senior staff members, will be giving an overview of how the Metro District works.

Director Smith answered a question regarding the definition of swathing.

5.b Report by General Counsel

General Counsel Jackson provided an update stating the Metro District is still waiting for the court to make a decision on both the Motion to Dismiss the Farmers Reservoir and Irrigation Company, Burlington Ditch Reservoir and Land Company, and Henrylyn Irrigation litigation and the Motion to Stay Proceedings on the Donald Temples litigation.

**6. REPORTS OF OFFICERS AND COMMITTEES**

6.b Meeting Minutes

There were no additions to the following meeting minutes:

Operations Committee	August 3, 2021
Finance Committee	August 5, 2021
Executive Committee	August 10, 2021

**7. NEW BUSINESS**

**Consent Agenda**

**7.a Consideration of Revisions to the Estimated 2021 Annual Charges for Service**

Director Smith moved and Director Sekera seconded the motion to adopt the following resolution:

WHEREAS, it is desirable to adjust and revise the Estimated Annual Charges for Service for 2021 of the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District;" and

WHEREAS, in 1980 the Board of Directors of the Metro District adopted a procedure to allow, but not require, the adjustment of Annual Charges for Service mid-year in order to reduce the impact of normal variability in estimating such charges; and

WHEREAS, the District Manager and staff of the Metro District have prepared the 2021 Annual Charges for Service Revised Estimate; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend approving and certifying the Revised Estimated Annual Charges for Service for 2021; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED these revisions and adjustments, as contained in the 2021 Annual Charges for Service Connector Flows, Loadings and Charges – Revised Estimate (Attachment A) and the 2021 Annual Charges for Service Calculation of Unit Charges – Revised Estimate (Attachment B) be and hereby are approved; and

BE IT FURTHER RESOLVED the District Manager be and hereby is authorized to certify and deliver on or before September 1, 2021 to each Member Municipality, Special Connector, and Special Corporate Connector the Revised Estimate for 2021 Annual Charges for Service as provided in Attachment A.

The motion carried unanimously.

#### **7.b Consideration of Estimated 2022 Annual Charges for Service**

Director Smith moved and Director Sekera seconded the motion to adopt the following resolution:

WHEREAS, Article VI, Section 602, of the *Sewage Treatment and Disposal Agreement* (Service Contract) and the Special Connectors Agreement provide that on or before the first day of September next preceding each fiscal year, the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," shall make and deliver to each Member Municipality, Special Connector, and Special Corporate Connector subject to payment to the Metro District of any service charge or any annual charge fixed thereby for such fiscal year, the Metro District's Certificate stating the estimated amount of the charge; and

WHEREAS, the District Manager and staff of the Metro District have prepared such an estimate of Annual Charges for Service for 2022; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend adopting and certifying the 2022 Estimated Annual Charges for Service; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the 2022 Annual Charges for Service Connector Flows, Loadings, and Charges – Certified Estimate (Attachment A), the 2022 Annual Charges for Service Calculation of Unit Charges – Certified Estimate (Attachment B), and 2022 Annual Charges for Service: 2022 Net Payments (Attachment C) be and hereby are adopted and certified; and

BE IT FURTHER RESOLVED the District Manager be and hereby is authorized and instructed to deliver on or before September 1, 2021 to each Member Municipality, Special Connector, and Special Corporate Connector subject to payment to the Metro District of any service charge or annual charge, the Certified Estimate of 2022 Annual Charges for Service as provided in Attachment A.

The motion carried unanimously.

#### **7.c Consideration of Information Technology Customer Experience Grouped Project**

Director Smith moved and Director Sekera seconded the motion to adopt the following resolution:

WHEREAS, it is necessary the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," appropriate \$500,000 from the Fixed Asset

Replacement Fund for the 2021 Information Technology (IT) Customer Experience Grouped Project (Project); and

WHEREAS, the Project is an annual project to ensure proactive approach to replacing and/or enhancing existing business software, audiovisual systems, and user devices to run the business processes of the Metro District efficiently and safely; and

WHEREAS, the 2021 areas of focus for this Project are the Security System Project and the Microsoft Teams Rooms Project; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the District Manager appropriate \$500,000 from the Fixed Asset Replacement Fund for the Project; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the sum of \$500,000 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for the 2021 Information Technology Customer Experience Grouped Project.

The motion carried unanimously.

#### **7.d Consideration of Easement Transfer with the City and County of Denver**

Director Smith moved and Director Sekera seconded the motion to adopt the following resolution:

WHEREAS, it is necessary the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," deed an easement which covers Branch 16 of the Goldsmith Gulch (GG) Interceptor to the City and County of Denver (Denver); and

WHEREAS, the Metro District owns an easement on Branch 16 of the GG Interceptor but no longer owns the associated Branch 16 sewer line; and

WHEREAS, Branch 16 is owned by Denver and will be abandoned as part of a private development project; and

WHEREAS, Denver has requested the Metro District deed the easement to Denver to allow the site development to proceed unencumbered; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend approving the request to deed the easement which covers Branch 16 of the GG Interceptor to Denver; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the request to deed an easement which covers Branch 16 of the Goldsmith Gulch Interceptor to the City and County of Denver is hereby approved.

The motion carried unanimously.

## **7.e Consideration of Intergovernmental Agreement with Adams County**

Director Smith moved and Director Sekera seconded the motion to adopt the following resolution:

WHEREAS, it is in the best interest of the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," to enter into an Intergovernmental Agreement (IGA) with Adams County (County) to replace the Metro District's ten-inch potable water service line (ten-inch water line) from 54<sup>th</sup> Avenue and Franklin Street to 58<sup>th</sup> Avenue and York Street; and

WHEREAS, the Metro District's ten-inch water line which supplies potable water to the Robert W. Hite Treatment Facility (RWHTF) has reached the end of its useful life and needs replacement; and

WHEREAS, a County road project will reconstruct 58<sup>th</sup> Avenue from Washington Street to York Street and has identified the ten-inch water line as being in conflict with the new improvements; and

WHEREAS, the County has approached the Metro District with a cost-sharing proposal to replace the ten-inch water line; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the District Manager to enter into an IGA with County to replace the Metro District's ten-inch potable water service line (ten-inch water line) from 54<sup>th</sup> Avenue and Franklin Street to 58<sup>th</sup> Avenue and York Street, and appropriate \$815,000 as a not-to-exceed upper limit to cover the Metro District's estimated share of the costs to replace the Metro District's ten-inch water line; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the District Manager be and hereby is authorized to enter into an Intergovernmental Agreement with Adams County to replace the Metro District's ten-inch potable water service line (ten-inch water line) from 54<sup>th</sup> Avenue and Franklin Street to 58<sup>th</sup> Avenue and York Street; and

BE IT FURTHER RESOLVED the sum of \$815,000 (100 percent) be and hereby be appropriated from the Fixed Asset Replacement Fund as a not-to-exceed upper limit to cover the Metro District's estimated share of the costs to replace the Metro District's ten-inch water line; and

BE IT FURTHER RESOLVED the District Manager be and hereby is authorized to enter into additional amendments to the Intergovernmental Agreement which do not involve the transfer of land or require additional appropriations.

The motion carried unanimously.

## **7.f Consideration of Security Guard Service Contract**

Director Smith moved and Director Sekera seconded the motion to adopt the following resolution:

WHEREAS, it is necessary the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," enter into a one-year contract with Allied Universal to provide security services for the Metro District; and

WHEREAS, since 2003, the Metro District has retained a third-party contractor for providing 24-hour security guard services for the Robert W. Hite Treatment Facility and, more recently, the Northern Treatment Plant; and

WHEREAS, the Metro District operates critical infrastructure and ongoing security services are necessary to maintaining secure facilities; and

WHEREAS, pursuant to the bid process in Metro District's Purchasing and Contracting Policies, a Request for Proposal was posted on December 7, 2020 and Allied Universal was determined to provide the best value for the Metro District; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the District Manager to enter into a one-year contract with Allied Universal to provide security services for the Metro District at an estimated one-year cost of \$843,102.80, and enter into additional contract periods, not to exceed a total of five years, if it is determined by the District Manager to be in the best interest of the Metro District; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the District Manager be and hereby is authorized to enter into a one-year contract with Allied Universal to provide security services for the Metro District at an estimated one-year cost of \$843,102.80; and

BE IT FURTHER RESOLVED the District Manager be and hereby is authorized to enter into additional contract periods, not to exceed a total of five years, if it is determined by the District Manager to be in the best interest of the Metro District.

The motion carried unanimously.

## **Roll Call Agenda**

### **7.g Consideration of District Manager Title Change**

Director Long moved and Director Councilman seconded the motion to adopt the following resolution:

WHEREAS, it is necessary the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," change the District Manager's title to Chief Executive Officer (CEO); and

WHEREAS, the Metro District Strategic Plan (Plan) adopted by the Board of Directors in 2016 sets forth a number of goals intended to make the Metro District more "outward facing," and in June 2021, the Board of Directors approved a plan to update the Metro District's brand identity which includes changing the Metro District's name to "Metro Water Recovery"; and

WHEREAS, with the discontinuance of the term “District” in the organization’s new name, the title of “District Manager” is no longer descriptive of the managing executive of Metro Water Recovery; and

WHEREAS, it is recommended to change the title to Chief Executive Officer (CEO); and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the District Manager to take all necessary steps to change the title of the District Manager to CEO, revise and update all legal and Metro District documents to conform to the CEO title as necessary, and amend existing documents or execute other documents as necessary to effect this purpose; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the District Manager be and hereby is authorized to take all necessary steps to change the title of the District Manager to Chief Executive Officer (CEO), revise and update all legal and Metro District documents to conform to the CEO title as necessary, and amend existing documents or execute other documents as necessary to effect this purpose

Chairman Twombly called for a roll call vote which carried with 33 Directors voting Yes:

Jane Bais DiSessa	Joan Iler	Bill Ray
Greg Baker	Kathryn Jensen	Bob Roth
Phil Burgi	Andrew Johnston	Michael Sapp
Nadine Caldwell	Janet Kieler	Greg Sekera
David Councilman	Craig Kocian	Del Smith
Deborah Crisp	Kathy Laurienti	Peter Spanberger
Clark Davenport	Bob LeGare	Mary Beth Susman
John Dingess	Charles Long	Amerigo Svaldi
Robert Duncanson	Martin Majors	Dennis Towndrow
Jo Ann Giddings	Sarah Niyork	Scott Twombly
Tammy Hitchens	Steve Pott	Ronald Younger

## **8. INDIVIDUAL DIRECTOR COMMENTS**

There was none.

## **9. OTHER INFORMATION**

There was none.

## **10. ADJOURNMENT**

Chairman Twombly adjourned the meeting at 5:50 p.m.

MC\raklyjk



**Board of Directors Meeting Minutes  
August 17, 2021**

(SEAL)

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary