

METRO WATER RECOVERY

Minutes of the Regular Meeting of the Board of Directors

November 16, 2021

The Board of Directors of the Metro Water Recovery, 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 at 6450 York Street, Denver, Colorado, Tuesday, November 16, 2021 at 5:30 p.m. in the Administration Building Boardroom.

Chairman Twombly called the meeting to order.

1. ROLL CALL

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:

Peter Baertlein, Denver
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
Joan Iler, Westridge
Kathryn Jensen, North Table Mountain*
Janet Kieler, Denver*
Craig Kocian, Arvada
Laura Kroeger, Lakewood

Kathy Laurienti, Crestview
Doug Lazure, Denver
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
Jennifer Williams, Denver

Directors Absent:

Tammy Hitchens, Westminster
Bob LeGare, Aurora

Ronald Younger, Denver

Others Present:

Mickey Conway*
Mitch Costanzo
Emily Jackson*
Ruth Kedzior
Yvonne Kohlmeier
Brittany Peshek*

Chief Executive Officer
Deputy CEO/Director of Engineering
General Counsel
Assistant to the CEO
Senior Administrative Assistant
Administrative Analyst

*Attended via conference call

2. PUBLIC COMMENT

There was no comment.

3. APPROVAL OF MINUTES

3.a Minutes of the Board of Directors Meeting on October 19, 2021

Director Smith moved and Director Baertlein seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held October 19, 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 October 19, 2021.

The motion carried unanimously.

4. PROGRESS AND PROJECTION REPORTS

4.a Report by Chief Executive Officer

Deputy Chief Executive Officer (CEO) Costanzo reviewed the CEO written report, highlighting Metro Water Recovery staff who were recognized as veterans during the recent Town Hall. He also stated the Water Environment Federation Technical Exhibition and Conference (WEFTEC) was held in person this year where Metro received the Operational and Design Excellence Award for the Nuisance Struvite and Dewaterability Improvements Project and the Utility of the Future Today Award for Nutrient Reduction and Materials Recovery.

4.b Report by General Counsel

No questions were asked on the report.

5. REPORTS OF OFFICERS AND COMMITTEES

5.a Meeting Minutes

There were no additions to the following meeting minutes:

Audit Committee	April 8, 2021
Operations Committee	November 2, 2021
Finance Committee	November 4, 2021
Executive Committee	November 9, 2021

Director Niyork gave an update on the recent Audit Committee meeting.

6. NEW BUSINESS

Roll Call Agenda

Chairman Twombly stated the Board of Directors would enter executive session to address Roll Call Agenda items 6.a and 6.b.

6.a Consideration of the Chief Executive Officer's 2022 Salary

Director Sekera moved and Director Sapp seconded the motion to put this item on the floor:

Chairman Twombly stated, "This discussion will be conducted in executive session as authorized by C.R.S. § 24-6-402(4)(f)(l) which authorizes executive sessions for determining personnel matters. The matter to be discussed in this executive session is the Chief Executive Officer's 2022 Salary. Pursuant to Colorado's Open Meetings Law, the executive session will be electronically recorded. As a reminder, no formal action may be taken in executive session. Additionally, the discussion must be confined to this topic."

Director Smith moved and Director Iler seconded the motion to enter executive session. The motion carried unanimously, and the Board of Directors entered executive session at 5:42 p.m. All Metro Water Recovery staff left the meeting.

Chairman Twombly reconvened the regular meeting at 5:51 p.m. Metro staff Kedzior and Kohlmeier rejoined the meeting.

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

WHEREAS, Metro Water Recovery, hereinafter referred to as "Metro," is required by C.R.S. § 32-4-510(1)(aa) to fix compensation of employees at prevailing rates of pay for equivalent work; and

WHEREAS, the Chairman of Metro after having reviewed the salary survey information and the current salary of the Chief Executive Officer, recommends to the Board of Directors the salary of the Chief Executive Officer for the period January 1, 2022 through December 31, 2022 be established at \$263,227 a component of the prevailing rate of pay for equivalent work; and

WHEREAS, the Chairman of Metro, after having reviewed the survey information and the current monthly automobile stipend of the Chief Executive Officer, recommends to the Board of Directors the monthly automobile stipend of the Chief Executive Officer for the period January 1, 2022 through December 31, 2022 be established at \$700, which is also a component of the prevailing rate of pay for equivalent work; and

NOW, THEREFORE, BE IT RESOLVED the salary of the Chief Executive Officer for the period of January 1, 2022 through December 31, 2022 be and hereby is established at \$263,227 to be paid at Metro's regular pay periods in equal installments; and

BE IT FURTHER RESOLVED the monthly automobile stipend of the Chief Executive Officer for the period of January 1, 2022 through December 31, 2022 be and hereby is established at \$700 a month.

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

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

6.b Consideration of the General Counsel's 2022 Salary

Director Kocian moved and Director Sapp seconded the motion to put this item on the floor:

Chairman Twombly stated, "This discussion will be conducted in executive session as authorized by C.R.S. § 24-6-402(4)(f)(I) which authorizes executive sessions for determining personnel matters. The matter to be discussed in this executive session is **the General Counsel's 2022 Salary**. Pursuant to Colorado's Open Meetings Law, the executive session will be electronically recorded. As a reminder, no formal action may be taken in executive session. Additionally, the discussion must be confined to this topic."

Director Smith moved and Director Baertlein seconded the motion to enter executive session. The motion carried unanimously, and the Board of Directors entered executive session at 5:55 p.m. All Metro Water Recovery staff left the meeting.

Chairman Twombly reconvened the regular meeting at 6:01 p.m. Metro staff Kedzior and Kohlmeier rejoined the meeting.

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

WHEREAS, Metro Water Recovery, hereinafter referred to as "Metro," is required by C.R.S. § 32-4-510(1)(aa) to fix compensation of employees at prevailing rates of pay for equivalent work; and

WHEREAS, the Chairman of Metro after having reviewed the salary survey information and the current salary of the General Counsel, recommends to the Board of Directors the salary of the General Counsel for the period January 1, 2022 through December 31, 2022 be established at \$229,414, the prevailing rate of pay for equivalent work; and

WHEREAS, the Chairman of Metro, after having reviewed the survey information and the current monthly automobile stipend of the General Counsel, recommends to the Board of Directors the monthly automobile stipend of the General Counsel for the

period January 1, 2022 through December 31, 2022 be established at \$500, which is also a component of the prevailing rate of pay for equivalent work; and

NOW, THEREFORE, BE IT RESOLVED the salary of the General Counsel for the period of January 1, 2022 through December 31, 2022 be and hereby is established at \$229,414 to be paid at Metro's regular pay periods in equal installments.

BE IT FURTHER RESOLVED the monthly automobile stipend of the General Counsel for the period of January 1, 2022 through December 31, 2022 be and hereby is established at \$500 a month.

Chairman Twombly called for a roll call vote which carried with 32 Directors voting Yes:

Peter Baertlein	Kathryn Jensen	Bob Roth
Greg Baker	Andrew Johnston	Michael Sapp
Phil Burgi	Janet Kieler	Greg Sekera
Nadine Caldwell	Craig Kocian	Del Smith
John Chavez	Kathy Laurienti	Peter Spanberger
David Councilman	Doug Lazure	Mary Beth Susman
Deborah Crisp	Charles Long	Amerigo Svaldi
Clark Davenport	Martin Majors	Dennis Towndrow
Robert Duncanson	Sarah Niyork	Scott Twombly
Jo Ann Giddings	Steve Pott	Jennifer Williams
Joan Iler	Bill Ray	

Chairman Twombly called for a roll call vote which carried with 1 Director voting No:

John Dingess

7. INDIVIDUAL DIRECTOR COMMENTS

Directors Baertlein and Iler thanked Mr. Costanzo for his years of service to Metro Water Recovery. Chairman Twombly echoed their comments.

Director Davenport shared items with Board members who are military veterans.

Director Johnston reminded directors of the employee recognition at 5 p.m. prior to the December 21 Board meeting where the 2021 Chairman's Award will be given.

8. OTHER INFORMATION

Chairman Twombly noted his appreciation to the Directors for taking the time to fill out the evaluation forms for Metro Water Recovery's direct reports. He also thanked the Directors for the deliberation which went into the salary discussions.

9. ADJOURNMENT

Chairman Twombly adjourned the meeting at 6:08 p.m.

MC\raklyjk