

METRO WATER RECOVERY

Minutes of the Regular Meeting of the Board of Directors

March 15, 2022

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 at 6450 York Street, Denver, Colorado, Tuesday, March 15, 2022 at 5:35 p.m. in the Boardroom.

1. OATH OF OFFICE

The following Director has been appointed by his Member Municipality to complete a two-year term of office expiring June 30, 2022.

Appointed Director

Curt Aldstadt

Member Municipality

City of Westminster

Chairman Twombly welcomed Director Aldstadt back.

2. 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:

Curt Aldstadt, Westminster
Peter Baertlein, Denver
Greg Baker, Aurora
Phil Burgi, Wheat Ridge
Nadine Caldwell, Aurora
David Councilman, Pleasant View
Deborah Crisp, East Lakewood
John Dingess, Aurora
Robert Duncanson, Denver*
Marv Falconburg, Brighton
Joan Iler, Westridge
Janet Kieler, Denver*
Craig Kocian, Arvada
Kathy Laurienti, Crestview

Doug Lazure, Denver
Bob LeGare, Aurora
Charles Long, Thornton
Jamie Miller, North Table Mountain*
Steve Pott, Applewood
Bill Ray, Arvada
Bob Roth, Aurora*
Greg Sekera, Lakewood
Del Smith, Bancroft-Clover*
Peter Spanberger, Denver
Mary Beth Susman, Denver
Dennis Towndrow, North Pecos*
Jennifer Williams, Denver
Ronald Younger, Denver

Directors Absent:

John Chavez, Berkeley
Clark Davenport, Northwest Lakewood
Laura Kroeger, Lakewood

Martin Majors, Fruitdale
Michael Sapp, Denver
Amerigo Svaldi, North Washington Street

Others Present:

Mickey Conway
Emily Jackson
Liam Cavanaugh
Ruth Kedzior
Yvonne Kohlmeier
Sean Morris
Lydia Nkem*
Brittany Peshek*
Ray Sandoval
James DeHerrara*
Wayne King
Steve Lotzar
*Attended via virtually

Chief Executive Officer (CEO)
General Counsel
Deputy CEO/Chief Operating Officer (COO)
Assistant to the CEO
Senior Administrative Assistant
IT Senior Support Analyst
Executive Assistant
Administrative Analyst
IT Service Delivery Manager
City of Aurora
Workplace Resource
Intereum Inc.

3. PUBLIC COMMENT

There was no comment.

4. APPROVAL OF MINUTES

4.a Minutes of the Board of Directors Meeting on February 15, 2022

Chairman Twombly asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held February 15, 2022.

Director Iler moved and Director Spanberger seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held February 15, 2022.

The motion carried unanimously.

5. PROGRESS AND PROJECTION REPORTS

5.a Report by CEO

CEO Conway reviewed his written report noting the selection of Shawn Fredrickson as the new Director of Information Technology and Chairman Twombly's published response in The Denver Post clarifying a recent article on per- and polyfluoroalkyl (PFAS) substances in wastewater treatment plants. Mr. Conway remarked on his recent attendance at the National Association of Clean Water Agencies (NACWA) Board meetings and Winter Conference and the Water Environment Foundation (WEF) Utility Management Conference.

Mr. Conway responded to a request stating in regard to future editorial submissions, it would be good protocol for staff to reach out to Directors in advance.

5.b Report by General Counsel

General Counsel Jackson asked for feedback on her revised format of the Legal Report in advance of the upcoming November review period.

Ms. Jackson provided an update on the recent developments concerning the Farmers Reservoir and Irrigation Company, Burlington Ditch Reservoir and Land Company,

and Henrylyn Irrigation District (Ditch Companies) stating an Order to Deny the Motion to Dismiss was filed. Ms. Jackson also noted the motions practice in the Donald Temples litigation has concluded.

Directors Baertlein and Ray extended their appreciation for the newly re-formatted General Counsel Report with an increased amount of information being shared.

Ms. Jackson answered a question whether the judge in the Ditch Companies litigation gave a reason for his light reasoning.

6. REPORTS OF OFFICERS AND COMMITTEES

6.a Meeting Minutes

There were no additions to the following meeting minutes:

Defined Benefit Plan Retirement Board	November 18, 2021
Defined Contribution Plan Retirement Board	November 18, 2021
Operations Committee	March 1, 2022
Finance Committee	March 3, 2022
Executive Committee	March 8, 2022

7. NEW BUSINESS

Consent Agenda

7.a Consideration to Amend Electrical Job-Order Contracts

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

WHEREAS, it is in the best interest of Metro Water Recovery, hereinafter referred to as "Metro," to amend its two Job Order Contracting (JOC) Services Agreements for on-call electrical contracting services; and

WHEREAS, Metro currently contracts with two electrical contracting firms to provide electrical construction services, and each contract expires in October 2025 or when the upper limit dollar amount is reached; and

WHEREAS, each of the agreements is projected to reach the upper limit dollar amount mid-2022, two years into the five-year contract term; and

WHEREAS, Metro staff recommends increasing the not-to-exceed upper limit dollar amount of each agreement from \$250,000 to \$750,000 for a total, combined amount of \$1.5 million between both agreements, to allow staff to continue completing work quickly and efficiently by supplementing personnel with outside resources; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to amend the five-year, job-order contracting service agreements with Guarantee Electrical Contracting and McDade Woodcock Inc., to increase the not-to-exceed upper limit dollar amount of

each agreement from \$250,000 to \$750,000 for a total, combined amount of \$1.5 million between both agreements; and

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

NOW, THEREFORE, BE IT RESOLVED the Chief Executive Officer be and hereby is authorized to amend the five-year, job-order contracting service agreements with Guarantee Electrical Contracting and McDade Woodcock Inc., to increase the not-to-exceed upper limit dollar amount of each agreement from \$250,000 to \$750,000 for a total, combined amount of \$1.5 million between both agreements.

The motion carried unanimously.

Roll Call Agenda

7.b Consideration of Connector Request

Director Laurienti moved and Director LeGare seconded the motion to adopt the following resolution:

WHEREAS, it is in the best interest of Metro Water Recovery, hereinafter referred to as "Metro," to include the City of Fort Lupton (Fort Lupton) within the boundaries of Metro; and

WHEREAS, on June 25, 2021, Fort Lupton requested Metro determine the feasibility of serving Fort Lupton through its facilities and establish the terms and conditions for Fort Lupton's inclusion in Metro; and

WHEREAS, on July 20, 2021, the Metro Board of Directors passed a resolution finding it was feasible to serve Fort Lupton and setting the terms and conditions upon which Fort Lupton may be included within Metro; and

WHEREAS, after publication as required by the Act, on September 7, 2021, Fort Lupton held a public hearing regarding its desire to be included within Metro; and

WHEREAS, on September 7, 2021, Fort Lupton passed an ordinance declaring the public health, safety, and general welfare require the inclusion of Fort Lupton within Metro and it desires to be included within Metro under the terms and conditions prescribed by Metro's July 20, 2021, resolution; and

WHEREAS, the Operations and Finance committees of Metro, after having reviewed the matter, recommend Fort Lupton be included within the boundaries of Metro under the terms and conditions set forth in Metro's July 20, 2021 resolution and Fort Lupton's September 7, 2021 ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED Metro Water Recovery hereby includes the City of Fort Lupton within the boundaries of Metro under the terms and conditions as set forth in Article VIII of the *Sewage Treatment and Disposal Agreement* attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED the Chairman of the Board be and hereby is authorized to enter into an Addendum to the *Sewage Treatment and Disposal Agreement* with the City of Fort Lupton, making the City of Fort Lupton a party to that Agreement.

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

Curt Aldstadt	Joan Iler	Bill Ray
Peter Baertlein	Andrew Johnston	Bob Roth
Greg Baker	Janet Kieler	Greg Sekera
Phil Burgi	Craig Kocian	Del Smith
Nadine Caldwell	Kathy Laurienti	Peter Spanberger
David Councilman	Doug Lazure	Mary Beth Susman
Deborah Crisp	Bob LeGare	Dennis Towndrow
John Dingess	Charles Long	Scott Twombly
Robert Duncanson	Jamie Miller	Jennifer Williams
Marv Falconburg	Sarah Niyork	Ronald Younger
Jo Ann Giddings	Steve Pott	

8. INDIVIDUAL DIRECTOR COMMENTS

There was none.

9. OTHER INFORMATION

Chairman Twombly summarized discussions had during the recent Budget Workshop and Executive Committee meeting regarding Metro Water Recovery staff's upcoming budget recommendations. He noted the budget would be discussed during the upcoming Spring Board Workshop and asked directors to consider the proposed annual charges rate increase recommendation versus inflationary factors.

Director Dingess stated a good number of directors at the Budget Workshop were comfortable with staff's recommendation.

CEO Conway noted the Board approves the operating budget every year with an annual rate increase and staff projects what cash flow is needed to support Metro's mission.

Director Kocian requested this be revisited prior to the Spring Board Workshop given the relatively rapid development in global economies.

Chairman Twombly answered a question on the reserve account.

Director Susman thanked staff for the recent Robert W. Hite Treatment Facility tour.

10. ADJOURNMENT

Chairman Twombly adjourned the meeting at 6 p.m.

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