

METRO WATER RECOVERY

Minutes of the Regular Meeting of the Board of Directors

March 18, 2025

The Board of Directors of 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 18, 2025 at 5:30 p.m. in the Boardroom.

Chair Niyork called the meeting to order.

1. ROLL CALL

Secretary Smith called the roll.

Officers Present:

Sarah Niyork, South Adams
Marena Lertch, Aurora
Del Smith, Bancroft-Clover
Janet Kieler, Denver

Chair
Chair Pro Tem
Secretary
Treasurer

Directors Present:

Curt Aldstadt, Westminster
Mike Barrett, Crestview
Travis Bogan, Denver
Nadine Caldwell, Aurora
John Chavez, Berkeley
David Councilman, Pleasant View
Deborah Crisp, East Lakewood*
Clark Davenport, Northwest Lakewood
James DeHerrera, Aurora
Joe Drew, Wheat Ridge*
Mary Gearhart, Denver*
Joan Iler, Westridge
Andrew Johnston, Denver*

Bob LeGare, Aurora*
Martin Majors, Fruitdale*
George Mazzotti, North Washington Street
Cat Olukotun, Aurora
Josh Redman, Thornton
Thomas Roode, Denver
Greg Sekera, Lakewood
Peter Spanberger, Denver
Mary Beth Susman, Denver
Dennis Towndrow, North Pecos
Scott Twombly, Thornton
Jennifer Williams, Denver
Ronald Younger, Denver

Directors Absent:

Cody Berg, Applewood
Clint Blackhurst, Brighton
Craig Kocian, Arvada
Laura Kroeger, Lakewood

Charlie Miller, Fort Lupton
Jamie Miller, North Table Mountain
Bob Roth, Aurora
Don Wick, Arvada

Others Present:

Mickey Conway
Emily Jackson
Molly Kostelecky
Lydia Nkem
Brittany Peshek
Lauren Lertch

Chief Executive Officer (CEO)
Chief Legal Officer
Chief Financial Officer
Assistant to the CEO
Legal Administrator
Member of the Public

*Attended virtually

2. PUBLIC COMMENT

There was no comment.

3. APPROVAL OF MINUTES

3.a Minutes of the Board of Directors Meeting on February 18, 2025

Chair Niyork asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held February 18, 2025.

Director Barrett moved and Director Susman seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held February 18, 2025.

The motion carried unanimously.

4. PROGRESS AND PROJECTION REPORTS

4.a Report by CEO

CEO Conway reviewed his written report, highlighting he was able to meet with the CEOs of Xcel Energy and Denver Water at the Water Environment Federation (WEF) American Water Works Association (AWWA) Utility Management Conference in Dallas, Texas and have productive discussions about strategic planning. He also expressed appreciation to staff for work done to update Metro Water Recovery's digital accessibility. He informed the Board a letter has been received from the Colorado Department of Public Health and Environment (CDPHE) regarding Metro's permits on effluent temperature.

Chair Niyork stated, "This discussion will be conducted in executive session as authorized by C.R.S. § 24-6-402(4)(b) which authorizes executive sessions for conferences with Metro's Counsel for the purpose of receiving legal advice on specific legal questions. The matter to be discussed in this executive session is the Colorado Department of Public Health and Environment Temperature Discussions. As a reminder, no formal action may be taken in executive session. Additionally, the discussion must be confined to this topic."

Director Davenport moved and Director Iler seconded the motion to enter executive session. The motion carried unanimously, and the Board entered executive session at 5:39 p.m. No Metro Water Recovery staff or members of the public left the meeting.

Chair Niyork reconvened the regular meeting at 6 p.m.

4.b Report by Chief Legal Officer

Chief Legal Officer Jackson provided an update on how the federal budget shortfall is impacting the legislative year, bringing many bills to a halt, staff's review of how other states are dealing with Priority Toxic Air Contaminants (PTACs), the positive outcome and impacts of the amicus curiae brief in support of fellow utility San Francisco Public Utilities Commission's (SFPUC) bid to urge the United States Supreme Court to reconsider the recent Ninth Circuit Court of Appeal's decision upholding problematic

language in its Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permit, and the Legal Department staffing plan.

Ms. Jackson answered a question regarding how firms are selected for outside legal services.

Director LeGare expressed appreciation for the details provided on the Legal Department staffing plan.

5. REPORTS OF OFFICERS AND COMMITTEES

5.a Northern Treatment Plant Secondary Clarifier Mechanisms Replacement (PAR 1466) Selection Committee

Chair Niyork stated several Directors had volunteered for the Selection Committee and she has selected Directors Mary Beth Susman and Charlie Miller to serve on the Committee.

5.b Rules and Regulation Committee

Director Twombly gave an update on the March 18, 2025 Rules and Regulations Committee Meeting, highlighting the Committee is finishing work on the Annual Charges rate methodology recommendation and will meet again in April to prepare for the presentation at the Spring Board Workshop.

5.c Meeting Minutes

There were no additions to the following meeting minutes:

Defined Benefit Plan Retirement Board	November 21, 2024
Defined Contribution Plan Retirement	November 21, 2024
Rules and Regulations Committee	February 18, 2025
Joint Operations and Finance Committee	March 6, 2025
Executive Committee	March 11, 2025

6. NEW BUSINESS

Roll Call Agenda

6.a Consideration of Proposed Amendment to the Guidelines for Public Participation

Director DeHerrera moved and Director Mazzotti seconded the motion to adopt the following resolution:

WHEREAS, the Board of Directors of the Metro Water Recovery, hereinafter referred to as "Metro," recommends the Guidelines for Public Participation at Metro Water Recovery Meetings (Guidelines) be updated and amended; and

WHEREAS, Metro staff recommends updating and clarifying the Guidelines, which were last updated in June 2015; and

WHEREAS, the updates will align the Guidelines with Metro opening public meetings for virtual attendance; and

WHEREAS, Article VI, Section 3(c) of the Bylaws of Metro Water Recovery requires the Board of Directors to establish the Guidelines, any changes thereto must be approved by the Board of Directors of Metro; and

WHEREAS, the Operations and Finance committees, after having reviewed the proposed amendments to the Guidelines, agree to the proposed amendments; and

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

NOW, THEREFORE, BE IT RESOLVED the following amendments to the Guidelines for Public Participation at Metro Water Recovery Meetings as reflected in the attached copy, be and hereby are approved and shall become effective on the date hereof.

Chair Niyork called for a roll call vote which carried with 29 Directors voting Yes:

Curt Aldstadt	Joan Iler	Thomas Roode
Travis Bogan	Andrew Johnston	Greg Sekera
Nadine Caldwell	Janet Kieler	Del Smith
John Chavez	Bob LeGare	Peter Spanberger
David Councilman	Marena Lertch	Mary Beth Susman
Deborah Crisp	Martin Majors	Dennis Towndrow
Clark Davenport	George Mazzotti	Scott Twombly
James DeHerrera	Sarah Niyork	Jennifer Williams
Joeseeph Drew	Cat Olukotun	Ronald Younger
Mary Gearhart	Josh Redman	

Chair Niyork expressed appreciation to staff for the work done on the item.

7. INDIVIDUAL DIRECTOR COMMENTS

There was none.

8. OTHER INFORMATION

There was none.

10. ADJOURNMENT

Chair Niyork adjourned the meeting at 6:13 p.m.

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