

# METRO WATER RECOVERY

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

June 21, 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, June 21, 2022 at 5:30 p.m. in the Boardroom.

Chairman Twombly called the meeting to order.

### 1. OATH OF OFFICE

The following Directors have been reappointed by their Member Municipality to complete a two-year term of office expiring June 30, 2024.

#### Appointed Director

Curt Aldstadt  
John Chavez  
Martin Majors  
Sarah Niyork

#### Member Municipality

City of Westminster  
Berkeley Water and Sanitation District  
Fruitdale Sanitation District  
South Adams County Water and Sanitation District

### 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  
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  
Janet Kieler, Denver\*  
Craig Kocian, Arvada  
Laura Kroeger, Lakewood  
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:**

Peter Baertlein, Denver  
Marv Falconburg, Brighton  
Martin Majors, Fruitdale

Michael Sapp, Denver  
Amerigo Svaldi, North Washington Street

**Others Present:**

Mickey Conway  
Emily Jackson  
Liam Cavanaugh  
Ruth Kedzior  
Molly Kostelecky  
Yvonne Kohlmeier  
Lydia Nkem  
James DeHerrera  
\*Attended virtually

Chief Executive Officer (CEO)  
General Counsel  
Deputy CEO/Chief Operating Officer (COO)  
Assistant to the CEO  
Chief Financial Officer  
Senior Administrative Assistant  
Executive Assistant  
City of Aurora

**3. PUBLIC COMMENT**

There was no comment.

**4. APPROVAL OF MINUTES**

4.a Minutes of the Board of Directors Meeting on May 17, 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 May 17, 2022.

Director Ray moved and Director Sekera seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held May 17, 2022.

The motion carried unanimously.

**5. PROGRESS AND PROJECTION REPORTS**

5.a Report by CEO

CEO Conway reviewed his written report, highlighting Metro Water Recovery's newest Connector, the City of Fort Lupton, and the joint Operations and Finance Committee meeting on Thursday, July 7, 2022. Mr. Conway mentioned the recent success of the Summer Town Hall and Field Day, thanking the Board members for their support and attendance, including Chairman Twombly who took a turn in the dunk tank. Mr. Conway noted Metro received the Silver *Excellence in Management Recognition* from the National Association of Clean Water Agencies (NACWA), 33 Listening Tour sessions were conducted with significant input from employees, and Mr. Conway will be implementing virtual one-on-one phone meetings starting in August with Directors for conversations regarding Connector needs input for Metro.

5.b Report by General Counsel

General Counsel Jackson provided an update on the recent developments concerning a new condemnation case with Adams County which has been resolved and mentioned working with Xcel Energy on agreements that will facilitate the construction

and operation of the transmission substation for the Electrical Transmission Service Substation Project (PAR 1265).

## 6. REPORTS OF OFFICERS AND COMMITTEES

### 6.a Report of Nominating Committee

Committee member Director Long reported on behalf of Chairman Baertlein, stating the Nominating Committee comprised of Directors Baertlein, Caldwell, Iler, Long, and Ray met on May 17, 2022, and is recommending the following slate of officers:

<b>Director</b>	<b>Member Municipality</b>	<b>Officer Position</b>
Andrew Johnston	City and County of Denver	Chairman
Sarah Niyork	South Adams County Water and Sanitation District	Chair Pro Tem
Jo Ann Giddings	City of Aurora	Secretary
Del Smith	Bancroft-Clover Water and Sanitation District	Treasurer

Director Long also explained the nominating process.

Chairman Twombly thanked the Nominating Committee for their work and report.

### 6.b Meeting Minutes

There were no additions to the following meeting minutes:

Defined Benefit Plan Retirement Board	February 24, 2022
Defined Contribution Plan Retirement Board	February 24, 2022
Operations Committee	June 7, 2022
Finance Committee	June 9, 2022
Executive Committee	June 14, 2022

## 7. NEW BUSINESS

### 7.a Hearing for the Final Adjusted 2021 Annual Charges for Service

Chairman Twombly opened the Hearing for the Final Adjusted 2021 Annual Charges for Service at 5:44 p.m. There were no questions or comments. Chairman Twombly closed the hearing and reconvened the Regular Meeting of the Board of Directors at 5:45 p.m.

### Consent Agenda

### 7.b Consideration of the 2023 Budget

Director Davenport moved and Director Younger seconded the motion to adopt the following resolution:

WHEREAS, the proposed 2023 Annual Budget of Metro Water Recovery, hereinafter referred to as "Metro," has been prepared by the Chief Executive Officer

with the advice and counsel of the Finance Committee of Metro's Board of Directors;  
and

WHEREAS, the Board of Directors duly published a notice concerning the proposed 2023 Annual Budget as required under C.R.S. § 29-1-108 and held a public hearing on May 17, 2022, on said Budget, as provided for in Section 901B of the 2009, 2012, 2019, and 2020 Bond Resolutions; and

WHEREAS, the Operations and Finance committees of Metro, after having reviewed the matter, recommend:

- adoption of 2023 Annual Charges for Service of \$145,057,122,
- adoption of the 2023 Annual Budget for all funds totaling \$161,742,901,
- adoption of the 2023 Operating Budget of \$109,437,851,
- adoption of 2023 budget for new and replacement equipment and vehicle purchases (greater than or equal to \$10,000 and less than or equal to \$250,000) of \$1,120,050, which will be funded as follows: \$60,000 from the Operations and Maintenance Fund and \$1,060,050 from the Fixed Asset Replacement (FAR) Fund),
- adoption of 2023 budget for the General Fund and FAR Fund Small Projects of \$2,500,000, which will be funded as follows: \$1,500,000 from the General Fund and \$1,000,000 from the FAR Fund,
- approving \$48,685,000 for the 2023 Debt Service Fund,
- approving all required internal fund transfers for the 2023 Annual Budget and cash flow requirements; and

WHEREAS, the Defined Benefit Plan Retirement Board recommends:

- contributing \$10,053,490 to Metro's Defined Benefit Retirement Plan on the first business day in January 2023, pursuant to the Actuarial Determined Contribution as of January 1, 2022; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees and the Defined Benefit Plan Retirement Board;

NOW, THEREFORE, BE IT RESOLVED the 2023 Annual Budget of \$161,742,901, as prepared by the Chief Executive Officer with the advice and counsel of the Finance Committee, be and hereby is adopted as the 2023 Annual Budget for Metro; and

BE IT FURTHER RESOLVED:

- The Annual Charges for Service for 2023 be and hereby are adopted at \$145,057,122; and
- The Operating Budget for 2023 be and hereby is adopted at \$109,437,851; and
- The new and replacement equipment and vehicle purchases (greater than or equal to \$10,000 and less than or equal to \$250,000) budget for 2023 be and hereby is adopted at \$1,120,050, which will be funded as follows: \$60,000 from the Operations and Maintenance Fund and \$1,060,050 from the Fixed Asset Replacement (FAR) Fund); and

- The General Fund and FAR Fund Small Projects budget be and hereby is adopted at \$2,500,000, which will be funded as follows: \$1,500,000 million from the General Fund and \$1,000,000 from the FAR Fund; and
- The 2023 Debt Service Fund be and hereby is adopted at \$48,685,000; and
- All required internal fund transfers for the 2023 Annual Budget and cash flow requirements be and hereby are approved; and
- The contribution of \$10,053,490 to Metro's Defined Benefit Retirement Plan on the first day of January 2023, pursuant to the Actuarial Determined Contribution as of January 1, 2022, be and hereby is approved.

The motion carried unanimously.

#### 7.c **Consideration of Appropriation of Funds in Accordance with the 2023 Budget**

Director Davenport moved and Director Younger seconded the motion to adopt the following resolution:

WHEREAS, the Chief Executive Officer of Metro Water Recovery, hereinafter referred to as "Metro," with the advice and counsel of the Finance Committee of Metro's Board of Directors, prepared an Annual Budget for the fiscal year beginning January 1, 2023; and

WHEREAS, the Operations, Finance, and Executive committees recommend adoption of the proposed 2023 Annual Budget; and

WHEREAS, the Board of Directors further reviewed said proposed Budget to determine its adequacy to meet the obligations of Metro Water Recovery for the fiscal year 2023 and, having found the 2023 estimated revenues and expenditures reasonable, adopted said Budget on June 21, 2022; and

WHEREAS, it is incumbent upon the Board of Directors to appropriate the necessary amounts for the purposes set forth in the adopted 2023 Annual Budget;

NOW, THEREFORE, BE IT RESOLVED \$161,742,901 be and hereby is appropriated as set forth in the 2023 Annual Budget Appropriation Summary attached hereto and made a part hereof.

The motion carried unanimously.

#### 7.d **Consideration of Final Adjustment to the 2021 Annual Charges for Service**

Director Davenport moved and Director Younger seconded the motion to adopt the following resolution:

WHEREAS, Section 605 of Article VI of the *Sewage Treatment and Disposal Agreement* (Service Contract) and the *Special Connectors Agreement* of Metro Water Recovery, hereinafter referred to as "Metro," provides the final adjustment of any charge for any fiscal year shall be made on or before the last day of June next, following the last day of that fiscal year; and

WHEREAS, Section 606 of the Service Contract and the Special Connectors Agreement further provides a hearing be held on the proposed final adjustments of any charges made by Metro; and

WHEREAS, a hearing was held on the Final Adjustments to the 2021 Annual Charges for Service at the regular meeting of the Board of Directors on June 21, 2022; and

WHEREAS, the Operations, Finance, and Executive committees, after having reviewed the proposed Final Adjustments to the 2021 Annual Charges for Service, recommend their adoption; and

WHEREAS, the Final Adjustments to the 2021 Annual Charges for Service have been reviewed by the Board of Directors and found to be reasonable;

NOW, THEREFORE, BE IT RESOLVED the Final Adjustments to the Annual Charges for Service for the year 2021, as set forth in the attached schedule of Connector Flows, Loadings, and Charges, be and hereby are certified to be the Final Adjustments to Member Municipalities and Special Connectors of Metro Water Recovery for the fiscal year 2021.

The motion carried unanimously.

**7.e Consideration of Rescinding Unexpended Appropriations**

Director Davenport moved and Director Younger seconded the motion to adopt the following resolution:

WHEREAS, a number of projects of Metro Water Recovery, hereinafter referred to as “Metro,” have been completed and it is now necessary certain unexpended appropriations be rescinded; and

WHEREAS, the unexpended appropriations are as follows:

General Fund	0.00
Fixed Asset Replacement Fund	54,336.04
Total Unexpended Appropriations	\$ 54,336.04; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend that such appropriations be rescinded; and

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

NOW, THEREFORE, BE IT RESOLVED the unexpended balances of the appropriations set forth in the attached Schedule of Appropriations To Be Rescinded—June 2022 be and hereby are rescinded.

The motion carried unanimously.

**7.f Consideration of the Amended 2022 Budget**

Director Davenport moved and Director Younger seconded the motion to adopt the following resolution:

WHEREAS, the 2022 Annual Budget of Metro Water Recovery, hereinafter referred to as "Metro," was adopted by Metro's Board of Directors on June 15, 2021 by Resolution for the fiscal year 2022; and

WHEREAS, the annual budget may be amended under C.R.S. § 29-1-109 for unanticipated expenditures required for the operation of Metro; and

WHEREAS, the amended 2022 Annual Budget of Metro has been prepared by the Chief Executive Officer with the advice and counsel of the Finance Committee of Metro's Board of Directors; and

WHEREAS, the Board of Directors duly published a notice concerning the amended 2022 Annual Budget as required under C.R.S. § 29-1-108 and held a public hearing on May 17, 2022, on said Budget, as provided for in Section 901B of the 2009, 2012, 2019, and 2020 Bond Resolutions; and

WHEREAS, the Operations and Finance committees of Metro, after having reviewed the matter, recommend:

- adoption of the amended 2022 Annual Budget for all funds totaling \$153,700,503 (original budget of \$149,946,723, additional budget of \$3,753,780),
- adoption of the amended 2022 Operating Budget of \$102,078,003 (original budget of \$98,726,223, additional budget of \$3,351,780),
- adoption of amended 2022 budget for new and replacement equipment and vehicle purchases (greater than or equal to \$10,000 and less than or equal to \$250,000) of \$1,772,500, which will be funded as follows: \$522,000 from the Operations and Maintenance Fund (original budget of \$418,000, additional budget of \$104,000) and \$1,250,500 from the Fixed Asset Replacement (FAR) Fund) (original budget of \$952,500, additional budget of \$298,000); and

WHEREAS, the additional budget amounts shall be funded by the Operating Reserve of \$1,500,000 and available fund balance of the General Fund; and

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

NOW, THEREFORE, BE IT RESOLVED the amended 2022 Annual Budget of \$153,700,503, as prepared by the Chief Executive Officer with the advice and counsel of the Finance Committee, be and hereby is adopted as the amended 2022 Annual Budget for Metro Water Recovery; and

BE IT FURTHER RESOLVED:

- The amended Operating Budget for 2022 be and hereby is adopted at \$102,078,003; and



- The new and replacement equipment and vehicle purchases (greater than or equal to \$10,000 and less than or equal to \$250,000) amended budget for 2022 be and hereby is adopted at \$1,772,500, which will be funded as follows: \$522,000 from the Operations and Maintenance Fund and \$1,250,500 from the Fixed Asset Replacement (FAR) Fund); and
- The additional budget amounts shall be funded by the Operating Reserve of \$1,500,000 and available fund balance of the General Fund.

The motion carried unanimously.

**7.g Consideration of Appropriation of Funds in Accordance with the 2022 Budget**

Director Davenport moved and Director Younger seconded the motion to adopt the following resolution:

WHEREAS, the Chief Executive Officer of Metro Water Recovery, hereinafter referred to as "Metro," with the advice and counsel of the Finance Committee of Metro's Board of Directors, prepared an amended Annual Budget for the fiscal year beginning January 1, 2022; and

WHEREAS, the Operations, Finance, and Executive committees recommend adoption of the amended 2022 Annual Budget; and

WHEREAS, the Board of Directors further reviewed said amended Budget to determine its adequacy to meet the obligations of Metro Water Recovery for the fiscal year 2022 and, having found the 2022 estimated revenues and expenditures reasonable, adopted said amended Budget on June 21, 2022; and

WHEREAS, it is incumbent upon the Board of Directors to appropriate the necessary amounts for the purposes set forth in the amended 2022 Annual Budget;

NOW, THEREFORE, BE IT RESOLVED \$2,253,780 be and hereby is appropriated as set forth in the amended 2022 Annual Budget Supplemental Appropriation Summary attached hereto and made a part hereof.

The motion carried unanimously.

**7.h Consideration of the 2022 Information Technology Infrastructure Grouped Project**

Director Davenport moved and Director Younger 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 appropriate funds for the 2022 Information Technology (IT) Infrastructure Grouped Project (Project); and

WHEREAS, the Project is an annual project to replace and enhance existing IT fixed asset infrastructure which will provide reliable, available, and sustainable networks; and



WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to appropriate \$605,000 from the Fixed Asset Replacement Fund for this 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 Chief Executive Officer be and hereby is authorized to appropriate \$605,000 (100 percent) from the Fixed Asset Replacement Fund for the 2022 Information Technology Infrastructure Grouped Project.

The motion carried unanimously.

7.i **Consideration of the Second Creek Interceptor and Sand Creek Interceptor System Improvements Project (PAR 1232) – Easement Conveyance to Connectors and/or Landowners**

Director Davenport moved and Director Younger 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 convey certain land rights acquired for construction of the Second Creek (SD) Interceptor Project (Project) to fulfill Metro’s obligations under Intergovernmental Agreements (IGAs); and

WHEREAS, under IGAs with the City and County of Denver and Aurora, Metro agreed to construct certain reimbursable connecting infrastructure for these Members; and

WHEREAS, prior to constructing the connecting infrastructure Metro acquired the necessary land rights; and

WHEREAS, as part of conveying the connecting infrastructure to these Members, Metro needs to convey certain land rights acquired under the Project to these Members;

WHEREAS, it may be necessary to adjust easement boundaries to cover the SD Interceptor’s final alignment; and

WHEREAS, permission to convey these land rights to Connectors and to adjust easement boundaries consistent with the SD Interceptor’s final alignment was not included in the May 2018 resolution 0518-6.e; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to convey certain land rights acquired for construction of the Project to fulfill Metro’s obligations under IGAs and to adjust easements if the SD Interceptor alignment changes during construction; 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 convey certain land rights acquired for construction of the Second Creek (SD) Interceptor Project to fulfill Metro Water Recovery's obligations under Intergovernmental Agreements; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to adjust easements if the SD Interceptor Project alignment changes during construction.

Director Williams abstained from voting due to a conflict of interest.

The motion carried with a majority.

7.j **Consideration of Legal Services 2023-2028**

Director Davenport moved and Director Younger 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 enter into Legal Services contracts; and

WHEREAS, to ensure Metro Water Recovery has the right legal experts, the Office of the General Counsel contracts with a wide array of law firms with various specialties to be able to provide nimble legal services when needed; and

WHEREAS, the Board of Directors adopted the Legal Policy on November 16, 2010, which enables the General Counsel to acquire outside legal counsel "to represent Metro Water Recovery in litigation or to assist the General Counsel with other matters;" and

WHEREAS, on March 25, 2022, Metro submitted a Request for Proposal on BidNet and on April 22, 2022 received 12 proposals; and

WHEREAS, Metro staff evaluated all proposals and deemed the 12 proposals to be responsive and included the follow law firms:

- BakerHostetler
- Beatty & Wozniak, P.C.
- Brownstein Hyatt Farber Schreck, LLP
- Culp & Kelly, LLP
- Faegre Drinker Biddle & Reath, LLP
- Hayes Poznanovic Korver LLC
- Hoffman Parker Wilson & Carberry P.C.
- Ireland Stapleton Pryor & Pascoe, PC
- Nathan Dumm & Mayer P.C.
- Polsinelli PC
- Taft Stettinius & Hollister LLP
- Vranesh & Raisch, LLP

WHEREAS, because of the unique inability to predict all legal needs in advance, General Counsel seeks contracting authority from the Board for these situations; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into five-year Legal Services contracts with the above listed firms and authorize the General Counsel to select and the Chief Executive Officer to enter into five-year contracts for future legal services; 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 enter into five-year legal services contracts with the following law firms; and

- BakerHostetler
- Beatty & Wozniak, P.C.
- Brownstein Hyatt Farber Schreck, LLP
- Culp & Kelly, LLP
- Faegre Drinker Biddle & Reath, LLP
- Hayes Poznanovic Korver LLC
- Hoffman Parker Wilson & Carberry P.C.
- Ireland Stapleton Pryor & Pascoe, PC
- Nathan Dumm & Mayer P.C.
- Polsinelli PC
- Taft Stettinius & Hollister LLP
- Vranesh & Raisch, LLP

BE IT FURTHER RESOLVED the General Counsel be and hereby is authorized to select future law firms for legal services and the Chief Executive Officer be and hereby is authorized to enter into contracts for future legal services.

The motion carried unanimously.

**7.k Consideration of the Northern Treatment Plant Janitorial Contract**

Director Davenport moved and Director Younger 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 enter into a one-year contract for janitorial services for the personnel-occupied buildings at the Northern Treatment Plant (NTP); and

WHEREAS, janitorial services for personnel-occupied buildings have been provided at NTP through an external contract since the startup of the facility in 2016; and

WHEREAS, the current contract for janitorial services is due to expire on June 30, 2022; and

WHEREAS, on April 12, 2022, Metro posted a Request for Proposals on the Rocky Mountain E-Purchasing site (*BidNet*) for janitorial services, and received four responsive proposals on May 3, 2022; and

WHEREAS, through a standard selection process, the proposals were reviewed by Metro staff and Mojors Cleaning Services, Inc. was determined to be the best qualified proposer; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a one-year contract effective July 1, 2022 through June 30, 2023 with Mojors Cleaning Services, Inc., for janitorial services for the personnel-occupied buildings at the NTP; 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 enter into a one-year contract effective July 1, 2022 through June 30, 2023 with Mojors Cleaning Services, Inc., for janitorial services for the personnel-occupied buildings at the Northern Treatment Plant; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter additional contract periods, not exceeding a total of five years, if determined by the Chief Executive Officer to be in the best interest of Metro Water Recovery.

The motion carried unanimously.

### **Roll Call Agenda**

#### **7.1 Consideration of the Northern Treatment Plant Effluent Temperature Project (PAR 1416) – Consultant Agreement and Appropriation**

Director Sekera moved and Director Burgi 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 enter into an Agreement for Professional Services to provide study, demonstration, and design phase services for the Northern Treatment Plant (NTP) Effluent Temperature Project (Project); and

WHEREAS, Metro staff are working toward the objective of meeting the temperature reduction requirements at both the Robert W. Hite Treatment Facility and NTP; and

WHEREAS, since there are currently no known wastewater facilities in cold weather climates employing cooling tower technology for effluent temperature reduction and no Water Quality Control Division (WQCD) approved design criteria, Metro staff will use this Project to determine whether this is a viable solution for thermal pollution reduction in this region; and

WHEREAS, if shown to be technically, environmentally, and economically feasible, the data collected during the Project will facilitate the design of these cooling systems and help optimize the operation and maintenance of effluent cooling systems for both the RWHTF and NTP; and

WHEREAS, Metro needs to engage a consultant to complete the study, demonstration, and design; and

WHEREAS, on March 15, 2022, Metro posted a Request for Proposals on the Rocky Mountain E-Purchasing site (*BidNet*) for the study, demonstration, and design phase services for the Project, and received four proposals on April 14, 2022; and

WHEREAS, through a standard selection process, the proposals were reviewed by Metro staff, and two firms were invited to participate in interviews on May 9, 2022, with a Selection Committee of Metro staff and Board Directors; and

WHEREAS, the Selection Committee recommended selecting Stantec Consulting Services, Inc. (Stantec) to provide study, demonstration, and design phase services for the Project and, on behalf of the Board of Directors, Directors on the Selection Committee instructed staff to negotiate an agreement; and

WHEREAS, Stantec and Metro staff have negotiated a fee in the amount of \$550,000 to provide these services; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into an Agreement with Stantec to provide study, demonstration, and design phase services for this Project and appropriate \$896,000 for 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 Chief Executive Officer be and hereby is authorized to enter into a Professional Services Agreement with Stantec Consulting Services, Inc., in the amount of \$550,000 to provide study, demonstration, and design phase services for the Northern Treatment Plant Effluent Temperature Project (Project); and

BE IT FURTHER RESOLVED the sum of \$896,000 (100 percent) be and hereby is appropriated from the General Fund Capital Project Account for this Project.

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

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

## **8. INDIVIDUAL DIRECTOR COMMENTS**

Director Williams commented on the exemplary job Brenda Adams did presenting Metro Water Recovery's Capital Projects Preview at the Colorado Chapter of National Utility Contractors Association (NUCA) partnered with the Hispanic Contractors of Colorado (HCC).

CEO Conway responded to a question on the June 20, 2022 *Colorado Sun* article by Michael Booth regarding testing of biosolids and per- and polyfluoroalkyl substances (PFAS) in which Metro Water Recovery was interviewed. Mr. Conway and Ms. Jackson answered questions on PFAS as it relates to biosolids.

Director Caldwell requested *The Colorado Sun* article be sent to all Directors.

Director Long expressed appreciation for Director Dingess' decades of service on the Board in representing the City of Aurora, remarked Director Dingess was always well prepared for meetings and thoughtful, and found himself changing his opinion on more than one topic over the years due to Director Dingess' input and noted Director Dingess' assistance in helping the Board to make the best decisions. Director Long stated even though Director Dingess had requested there be no recognition of his departure from Metro Water Recovery's Board, he would not have felt it appropriate to not acknowledge Director Dingess' service to Metro and wished him the best.

Director Roth reminisced on Director Dingess' generosity and how he helped him become more knowledgeable about water when he first joined the Aurora council in 2011 and echoed his appreciation for what Director Dingess has done for this Board, himself, and the City of Aurora.

Director Kocian noted how highly supportive Director Dingess was of Metro Water Recovery and staff while similarly supporting the rate payers and holding the Board accountable. Director Kocian remarked on how Director Dingess brought extraordinary intellect to the job and was always well prepared and clear about his position. Director Kocian thanked Director Dingess saying it was a privilege to serve with him on the Board.

## **9. OTHER INFORMATION**

There was none.

## **10. ADJOURNMENT**

Chairman Twombly adjourned the meeting at 6:05 p.m.

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