METRO WATER RECOVERY

Minutes of the Regular Meeting of the Board of Directors
September 20, 2022

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, September 20, 2022 at 5:30 p.m. in the Boardroom.

Chair Johnston 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 expiring June 30, 2024.

<table>
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<tr>
<th>Appointed Director</th>
<th>Member Municipality</th>
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<tr>
<td>Charlie Miller</td>
<td>City of Fort Lupton</td>
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2. ROLL CALL

Secretary Giddings called the roll.

Officers Present:
Andrew Johnston, Denver Chair
Sarah Niyork, South Adams Chair Pro Tem
Jo Ann Giddings, Aurora Secretary
Del Smith, Bancroft-Clover Treasurer

Directors Present:
Curt Aldstadt, Westminster Bob LeGare, Aurora
Peter Baertlein, Denver Charles Long, Thornton
Phil Burgi, Wheat Ridge* Martin Majors, Fruitdale*
Nadine Caldwell, Aurora Charlie Miller, Fort Lupton*
John Chavez, Berkeley Jamie Miller, North Table Mountain
Deborah Crisp, East Lakewood Steve Pott, Applewood
Clark Davenport, Northwest Lakewood Bob Roth, Aurora*
James DeHerrera, Aurora Greg Sekera, Lakewood
Robert Duncanson, Denver* Peter Spanberger, Denver
Joan Iler, Westridge Mary Beth Susman, Denver
Janet Kieler, Denver* Amerigo Svaldi, North Washington Street
Craig Kocian, Arvada Dennis Towndrow, North Pecos
Laura Kroeger, Lakewood Scott Twombly, Thornton
Kathy Laurienti, Lakewood Jennifer Williams, Denver*
Doug Lazure, Denver Ronald Younger, Denver

Directors Absent:
Greg Baker, Aurora Marv Falconburg, Brighton
David Councilman, Pleasant View Bill Ray, Arvada
3. PUBLIC COMMENT

There was no comment.

4. APPROVAL OF MINUTES

4.a Minutes of the Board of Directors Meeting on August 16, 2022

Chair Johnston asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held August 16, 2022.

Director Baertlein moved and Director Iler seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held August 16, 2022.

The motion carried unanimously.

5. PROGRESS AND PROJECTION REPORTS

5.a Report by CEO

CEOs Conway reviewed his written report, highlighting Metro Water Recovery recently being awarded the Silver Excellence in Management Award by the National Association of Clean Water Agencies (NACWA) and the Champion of Well-Being Leader Award by Health Links™ and the Operations Challenge team qualifying for the Water Environment Federation’s Technical Exhibition and Conference (WEFTEC) this October. Mr. Conway stated the METROGRO Farm tour scheduled for September 21st was cancelled due to inclement weather and reminded Directors of two upcoming events – the Fall Board Workshop on October 27, 2022 at the Northern Treatment Plant and the Town Hall at the Robert W. Hite Treatment Facility on November 9, 2022.

5.b Report by General Counsel

General Counsel Jackson provided an update on the recent developments on new litigation filed by MWH Contractors concerning delays to the Solids Processing Building Improvements Project and the public comment letter submitted to the Water Quality Control Commission (WQCC) regarding the September 2022 Regulation #38 Rulemaking.

Ms. Jackson answered questions on the response timeline from Metro Water Recovery’s submitted public comments and whether the Environmental Protection Agency (EPA) will move in the same direction.
6. REPORTS OF OFFICERS AND COMMITTEES

6.a Meeting Minutes

There were no additions to the following meeting minutes:

- Defined Benefit Retirement Board May 26, 2022
- Defined Contribution Retirement Board May 26, 2022
- Operations Committee September 6, 2022
- Finance Committee September 8, 2022
- Executive Committee September 13, 2022

Chair Johnston reminded Directors the next Strategic Planning Committee meeting will be held on October 6, 2022 from 9 a.m. to 1 p.m.

7. NEW BUSINESS

Consent Agenda

7.a Consideration of Resolution Recognizing Employees’ Years of Service

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

WHEREAS, by the year ending December 31, 2022, certain employees of Metro Water Recovery will have completed five, ten, fifteen, twenty, twenty-five, and thirty-five years of faithful service on behalf of Metro Water Recovery and the people of the Denver metropolitan area; and

WHEREAS, it is right and proper such loyal service be recognized by the Board of Directors on behalf of the people served by Metro Water Recovery;

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of Metro Water Recovery by this resolution hereby recognizes the loyal and faithful service rendered by:

35 YEARS OF SERVICE

James E Hudak       Ronald K Motooka       Rob R White

25 YEARS OF SERVICE

Earl L Green       Sean Rutt

20 YEARS OF SERVICE

Douglas J Connolly  Troy G Gottschalk  Rodney W Kemper
Steve E Lundt       Lisa M O’Brien     Michael P O’Mara
Kisha L Ortiz       Suzanne E Renter   Georgina Valadez

15 YEARS OF SERVICE

Kenneth R Betts    Amy L Burk          Kelly D Cisneros
BE IT FURTHER RESOLVED awards and certificates of five, ten, fifteen, twenty, twenty-five, and thirty-five years of service be tendered to the above-named employees to express the appreciation of this Board of Directors and the people whom it represents.

The motion carried unanimously.

7.b Consideration of Resolution Recognizing Directors’ Years of Service

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

WHEREAS, by the year ending December 31, 2022, certain members of the Board of Directors of Metro Water Recovery will have completed five and ten years of faithful service on behalf of Metro Water Recovery; and

WHEREAS, it is right and proper such loyal service be recognized by the Board of Directors on behalf of the people served by Metro Water Recovery;

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of Metro Water Recovery by this Resolution recognizes the loyal and faithful service rendered by:

TEN YEARS OF SERVICE

David Councilman, Pleasant View Water and Sanitation District
Scott Twombly, City of Thornton

FIVE YEARS OF SERVICE

Bill Ray, City of Arvada
Peter Spanberger, City and County of Denver
BE IT FURTHER RESOLVED certificates of five and ten years of service be tendered to the above-named Directors to express the appreciation of Metro Water Recovery Board of Directors and the people to whom it represents.

The motion carried unanimously.

Roll Call Agenda

7.c Consideration of Northern Treatment Plant Effluent Temperature Project (PAR 1416) Job Order Contracting Services Agreement and Appropriation

Director Younger moved and Director Twombly 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 Job Order Contracting (JOC) Agreement for preconstruction and construction 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 (RWHTF) 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, on June 30, 2022, Metro posted a Request for Proposals on the Rocky Mountain E-Purchasing site (BidNet) for preconstruction and construction services for the Project, and received one proposal on July 28, 2022; and

WHEREAS, through a standard selection process, the proposal was reviewed by Metro staff, and the firm was invited to participate in an interview on August 17, 2022, with a Selection Committee of Metro staff and Board Directors; and

WHEREAS, the Selection Committee recommended selecting Hensel Phelps (Hensel) to provide preconstruction and construction 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, Metro staff has negotiated a JOC Agreement with Hensel not-to-exceed $800,000, to provide preconstruction and construction services through issuance of individual Task Orders for the Project; and
WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a JOC Agreement with Hensel not-to-exceed $800,000 to provide preconstruction and construction services through issuance of individual Task Orders for the Project, and appropriate $1,140,000 from the General Fund Capital Project Account for these purposes; 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 Job Order Contracting Agreement with Hensel Phelps not-to-exceed $800,000 to provide preconstruction and construction services through issuance of individual Task Orders for the Northern Treatment Plant Effluent Temperature Project (Project); and

BE IT FURTHER RESOLVED the sum of $1,140,000 (100 percent) from the General Fund Capital Project Account be and hereby is appropriated for this Project.

Chair Johnston called for a roll call vote which carried with 34 Directors voting Yes:

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

8. INDIVIDUAL DIRECTOR COMMENTS

There was none.

9. OTHER INFORMATION

There was none.

10. ADJOURNMENT

Chair Johnston adjourned the meeting at 5:47 p.m.