

# METRO WASTEWATER RECLAMATION DISTRICT

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

November 17, 2020

The Board of Directors of the Metro Wastewater Reclamation District, in the Counties of Adams, Arapahoe, Douglas, Jefferson, and Weld, and the City and County of Denver, State of Colorado, met in regular session via a GoToMeeting at 6450 York Street, Denver, Colorado, Tuesday, November 17, 2020 at 5:30 p.m. in the Metro District Environmental Services A conference room.

Chairman Twombly called the meeting to order.

### 1. ROLL CALL

Secretary Caldwell called the roll.

#### Officers Present:

Scott Twombly, Thornton  
Andrew Johnston, Denver  
Nadine Caldwell, Aurora  
Stephen Gay, Westminster

Chairman  
Chairman Pro Tem  
Secretary  
Treasurer

#### Directors Present:

Peter Baertlein, Denver  
Phil Burgi, Wheat Ridge  
John Chavez, Berkeley  
David Councilman, Pleasant View  
Deborah Crisp, East Lakewood  
John Dingess, Aurora  
Robert Duncanson, Denver  
Jo Ann Giddings, City of Aurora  
Joan Iler, Westridge  
Kathryn Jensen, North Table Mountain  
Janet Kieler, Denver  
Craig Kocian, Arvada  
Laura Kroeger, Lakewood  
Bob LeGare, Aurora  
Charles Long, Thornton

Dan Mikesell, Aurora  
Sarah Niyork, South Adams  
Christopher Pacheco, Denver  
Barbara Puls, Denver  
Bill Ray, Arvada  
Ronald Sanchez, Crestview  
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  
Ronald Younger, Denver

#### Directors Absent:

Martin Majors, Fruitdale  
Steve Pott, Applewood

Kim Schoen, Brighton

#### Others Present:

Mickey Conway  
Robert Thomas  
Dawn Ambrosio  
Emily Jackson  
Ruth Kedzior  
Jennifer Robinett  
Yvonne Kohlmeier  
Lydia Nkem  
Brittany Peshek

District Manager  
Deputy District Manager/Director Environmental Services  
Director of Strategy and Communication  
General Counsel  
Assistant to the District Manager  
Regulatory Compliance Officer  
Administrative Assistant  
Executive Assistant  
Administrative Analyst

## **2. PUBLIC COMMENT**

There was no comment.

## **3. APPROVAL OF MINUTES**

### **3.a Minutes of the Board of Directors Meeting on September 15, 2020**

Chairman Twombly appointed Director Younger to make motions and Director Smith to make seconds throughout the Board of Directors meeting.

Chairman Twombly asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held September 15, 2020.

Director Younger moved and Director Smith seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held September 15, 2020.

The motion carried unanimously.

## **4. PROGRESS AND PROJECTION REPORTS**

### **4.a Report by District Manager**

District Manager Conway reviewed his written report, thanking Board Treasurer Stephen Gay for inviting him to speak at the Rocky Mountain Water Summit in October, stating it was an enjoyable time of discussion with other water professionals in the area and allowed sharing the Metro District message.

Mr. Conway highlighted the Metro District's recognition of veterans, thanking staff and Board veterans for their service. He also gave an overview of the employee survey taken late in the summer, noting overwhelmingly 93 percent of employees felt the District's response to the pandemic was good, with 62 percent feeling connected in their ability to work from home, although the District is continually working on processes and new workflows during this time.

Mr. Conway explained upcoming and recent Senior Management Team changes – Bob Thomas, Deputy District Manager and Director of Environmental Services, who has been with the Metro District since 2004, will retire at the end of December and Jennifer Robinett, who has been managing the Regulatory Division, will take over. He also noted with the departure of Jim McQuarrie there are two new direct reports: Blair Wisdom, Director of Technology and Innovation and Perry Holland, Director of Comprehensive Planning.

### **4.b Report by General Counsel**

General Counsel Jackson reported there are no new litigation issues and responded to a question concerning a condemnation notice in the Aurora Sentinel for the Second Creek pipeline, stating she will double check with the project team and report back to the Board.

## 5. REPORTS OF OFFICERS AND COMMITTEES

### 5.a Meeting Minutes

There were no additions to the following meeting minutes:

Audit Committee	April 9, 2020
Defined Benefit Plan Retirement Board	August 13, 2020
Defined Contribution Plan Retirement Board	August 20, 2020
Operations Committee	November 3, 2020
Finance Committee	November 5, 2020
Executive Committee	November 10, 2020

### 5.b Correction to the November 10, 2020 Minutes of the Executive Committee Meeting

Staff member Mitch Costanzo, Director of Engineering, did not attend the November 10, 2020 Executive Committee Meeting.

- 5.c Director Niyork gave an update from the November 5, 2020 Audit Committee meeting noting Olga Darlington from Moss Adams, LLC gave a presentation on the 2020 audit process. She also stated the new internal auditor, Travis Rowland, was selected from with the Metro District and will be focusing on the METROGRO Farm harvesting, internal work orders, and air flow audits in 2021.

## 6. NEW BUSINESS

### Consent Agenda

#### 6.a Consideration of Security Gates Replacement at the Robert W. Hite Treatment Facility Project

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

WHEREAS, it is in the best interest of the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," to enter into a Construction Contract with Jordy Construction (Jordy) for construction services as part of the Security Gates Replacement at the Robert W. Hite Treatment Facility (RWHTF) Project (Project); and

WHEREAS, in June 2019, a small project was initiated to hire a contractor to perform preliminary services including providing design for replacement of the gates, develop a final cost proposal, and rehabilitate or replace the gates at the north and south security gates at the RWHTF; and

WHEREAS, pursuant to the Metro District's *Purchasing and Contracting Policies*, Jordy was selected to perform the preliminary services; and

WHEREAS, after completion of the preliminary services, Jordy provided a cost proposal of \$333,300 to replace both gates and undertake associated activities and the small project funds do not cover the cost proposal; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the District Manager to enter into a Construction Contract with Jordy in the amount of \$333,300 for construction services for the 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 District Manager be and hereby is authorized to enter into a Construction Contract, in the amount of \$333,300, with Jordy Construction for the Security Gates Replacement at the Robert W. Hite Treatment Facility Project; and

BE IT FURTHER RESOLVED the sum of \$410,000 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for this purpose.

The motion carried unanimously.

**6.b Consideration of Electric Motor Repair and Reconditioning Contract**

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

WHEREAS, it is in the best interest of the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," to enter into a one-year agreement with Integrated Power Services (IPS) to repair and recondition or replace electric motors across Metro District facilities; and

WHEREAS, the Metro District contracts with a qualified electric motor repair shop with capabilities to effectively service and recondition motors throughout its facilities to minimize maintenance downtime and potential disruption of operations; and

WHEREAS, the current contract with IPS expires December 31, 2020; and

WHEREAS, pursuant to the Metro District's *Purchasing and Contracting Policies*, after Metro District staff review of the proposals, IPS was determined to be best qualified; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the District Manager to enter into a one-year agreement with IPS effective January 1, 2021 through December 31, 2021 for an estimated amount of \$100,000 to repair and recondition or replace electric motors, and authorize the District Manager to enter into additional contract periods not exceeding a total of five years for a not-to-exceed total amount of \$500,000 over the five-year term; and

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

NOW, THEREFORE, BE IT RESOLVED the District Manager be and hereby is authorized to enter into a one-year agreement in the amount of \$100,000 with Integrated Power Services to repair and recondition or replace electric motors across Metro District facilities; and

BE IT FURTHER RESOLVED the District Manager be and hereby is authorized to enter into additional contract periods not exceeding a total of five years for a not-to-exceed total amount of \$500,000 over the five-year term if it is determined to be in the best interest of the Metro District.

The motion carried unanimously.

**6.c Consideration Advanced Data Analysis Software Agreement**

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

WHEREAS, it is in the best interest of the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," to enter into a data management software service agreement with Alteryx, Inc. (Alteryx) to promote data blending, management, and data-driven decisions; and

WHEREAS, the Metro District collects massive amounts of data but lacks a software platform for data management which provides for advanced analytics and works across the Metro District's data management systems and reporting needs; and

WHEREAS, pursuant to the Metro District's *Purchasing and Contracting Policies*, after Metro District staff review of the proposals, Alteryx was selected as the best data blending and analysis software based on the Metro District's unique needs; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the District Manager to enter into a one-year data management software service agreement with Alteryx, following a successful initial six-month development period, to promote data blending, management, and data-driven decisions, and authorize the District Manager to enter into additional contract periods, not-to-exceed a total five-year term; and

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

NOW, THEREFORE, BE IT RESOLVED the District Manager be and hereby is authorized to enter into a one-year data management software service agreement with Alteryx, Inc., following a successful initial six-month development period, to promote data blending, management, and data-driven decisions; and

BE IT FURTHER RESOLVED the District Manager be and hereby is authorized to enter into additional contract periods, not-to-exceed a total five-year term, if it is determined to be in the continued best interest of the Metro District.

The motion carried unanimously.

## **Roll Call Agenda**

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

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 a personnel discussion regarding the District Manager's and General Counsel's 2021 salaries. 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 Younger moved and Director Smith seconded the motion to enter executive session. The motion carried unanimously, and the Board entered executive session at 5:50 p.m. No Metro District staff joined the executive session.

Chairman Twombly reconvened the regular public meeting at 6:20 p.m. Metro District staff members Kedzior, Kohlmeier, and Nkem rejoined the meeting.

### **6.d Consideration of the District Manager's 2021 Salary**

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

WHEREAS, the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," 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 the Metro District, after having reviewed the salary survey information and the current salary of the District Manager, recommends to the Board of Directors the salary of the District Manager for the period January 1, 2021 through December 31, 2021 be established at \$234,700, the prevailing rate of pay for equivalent work; and

WHEREAS, based on fluctuations in the labor market data due to current economic conditions caused by the COVID-19 pandemic, in October 2020 the Board of Directors of the Metro District approved a flat one-time gross payment to the Administrative, Plant and Field employees of approximately \$1,256 in January 2021 and approve the same flat one-time payment to the District Manager in January 2021; and

NOW, THEREFORE, BE IT RESOLVED the salary of the District Manager for the period of January 1, 2021 through December 31, 2021 be and hereby is established at \$234,700, to be paid at the Metro District's regular pay periods in equal installments; and

BE IT FURTHER RESOLVED, be and hereby distribute a flat one-time gross payment to the District Manager of approximately \$1,256 in January 2021.

Director Johnston remarked District Manager Conway and General Counsel Jackson have done an amazing job in leading the Metro District forward, setting a great example of how to lead the District while managing all the twists and turns of 2020 and stated his respect for all the hard work and accomplishments.

Director Sapp added both Mr. Conway and Ms. Jackson are doing a really good job, remarking on their professionalism and timely responses. Director Gay agreed, stating it is one thing to manage organizational day-to-day activities but another thing to navigate the pandemic. He also stated both are amazing individuals and leaders.

Director Kocian commented through the GoToMeeting chat option his agreement with Director Johnston's compliments to Mr. Conway and Ms. Jackson stating his commitment in recognizing their performance with salary adjustments according to the market in the year following this pandemic. Directors Kieler and Giddings also used the chat option to agree and comment on the outstanding job done over this difficult year.

Director Younger suggested further comments be held until after the roll call had been taken.

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

Peter Baertlein	Kathryn Jensen	Bill Ray
Phil Burgi	Andrew Johnston	Ronald Sanchez
Nadine Caldwell	Janet Kieler	Michael Sapp
John Chavez	Craig Kocian	Greg Sekera
David Councilman	Laura Kroeger	Del Smith
Deborah Crisp	Bob LeGare	Peter Spanberger
John Dingess	Charles Long	Mary Beth Susman
Robert Duncanson	Dan Mikesell	Dennis Towndrow
Stephen Gay	Sarah Niyork	Scott Twombly
Jo Ann Giddings	Christopher Pacheco	Ronald Younger
Joan Iler	Barbara Puls	

#### **6.e Consideration of the General Counsel's 2021 Salary**

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

WHEREAS, the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," 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 the Metro District, 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, 2021 through December 31, 2021 be established at \$179,100, the prevailing rate of pay for equivalent work; and

WHEREAS, based on fluctuations in the labor market data due to current economic conditions caused by the COVID-19 pandemic, in October 2020 the Board of Directors of the Metro District approved a flat one-time gross payment to the

Administrative, Plant and Field employees of approximately \$1,256 in January 2021 and approve the same flat one-time payment to the General Counsel in January 2021; and

NOW, THEREFORE, BE IT RESOLVED the salary of the General Counsel for the period of January 1, 2021 through December 31, 2021 be and hereby is established at \$179,100, to be paid at the Metro District's regular pay periods in equal installments; and

BE IT FURTHER RESOLVED, be and hereby distribute a flat one-time gross payment to the General Counsel of approximately \$1,256 in January 2021.

Director Baertlein requested it be noted in the minutes his full appreciation of the work done by the General Counsel in the early days of this pandemic in addition to the regular rulemaking items.

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

Peter Baertlein	Kathryn Jensen	Bill Ray
Phil Burgi	Andrew Johnston	Ronald Sanchez
Nadine Caldwell	Janet Kieler	Michael Sapp
John Chavez	Craig Kocian	Greg Sekera
David Councilman	Laura Kroeger	Del Smith
Deborah Crisp	Bob LeGare	Peter Spanberger
John Dingess	Charles Long	Mary Beth Susman
Robert Duncanson	Dan Mikesell	Dennis Towndrow
Stephen Gay	Sarah Niyork	Scott Twombly
Jo Ann Giddings	Christopher Pacheco	Ronald Younger
Joan Iler	Barbara Puls	

## 7. INDIVIDUAL DIRECTOR COMMENTS

Director Sanchez stated that Director Dingess made a statement during a previous meeting in regard to the \$43 million liability in the Defined Benefit Retirement Plan as not being real, therefore the Metro District does not owe this money. Director Sanchez went on to further say no one refuted the comment that the pension debt is not real. He questioned the bond filed with the U.S. Securities and Exchange Commission (SEC) and further questioned if the Metro District, through the auditors, willfully submitted incorrect financial information to the SEC. Director Sanchez asked for an answer regarding who is correct—the auditors who say the District owes this money or Director Dingess. Director Sanchez further requested legal counsel inform the Board members if the District submitted improper information to the SEC.

Chairman Twombly remarked the serious allegations made by Director Sanchez of corruption and violating and breaking the law have previously been addressed and discussed. Chairman Twombly requested Director Sanchez submit his allegations in writing to be addressed again.

Director Dingess requested a verbatim transcript of this transcript and disagrees with Director Sanchez' representation.

Director Sanchez commented he may have heard wrong and will submit questions in writing.



**8. OTHER INFORMATION**

District Manager Conway invited directors to join the virtual Metro District Town Hall meeting scheduled on November 18, 2020 at 9:00 a.m. in recognizing some of the employees for achievements over the year.

**9. ADJOURNMENT**

Chairman Twombly adjourned the meeting at 6:35 p.m.

MC/raklyjk