

NORTHWEST LAKEWOOD SANITATION DISTRICT

141 Union Boulevard, Suite 150
Lakewood, Colorado 80228-1898
Tel: 303-987-0835 • 800-741-3254
Fax: 303-987-2032

NOTICE OF REGULAR MEETING AND AGENDA OF THE BOARD OF DIRECTORS OF THE DISTRICT AND OF THE WASTE WATER UTILITY ENTERPRISE

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Gregory A. “Greg” Fabisiak	President	2023/May 2023
Catherine “CiCi” Kesler	Vice President/Treasurer	2023/May 2023
James D. “Jim” Zimmerman	Secretary	2025/May 2025
Anthony M. Dursey	Assistant Secretary	2025/May 2025
George C. Davenport	Assistant Secretary	2025/May 2025

DATE: January 25, 2023

TIME: 4:00 P.M.

PLACE: **VIA Zoom**

If you experience technical difficulties, email Steve Beck at sbeck@sdmsi.com.

<https://us02web.zoom.us/j/81324290119?pwd=bUkzeTg3dlRSTWJFVUpLbTR5R0xWdz09>

Meeting ID: 813 2429 0119

Passcode: 700784

Dial In: 1-719-359-4580

I. ADMINISTRATIVE MATTERS

- A. Review and approve Minutes of the November 23, 2022 regular meeting (enclosure).
-

II. PUBLIC COMMENT

- A. _____

III. FINANCIAL MATTERS

- A. Review and ratify approval of the payment of claims through the period ending December 15, 2022 as follows (enclosure):

General Fund	\$	40,671.64
Enterprise Fund	\$	39,476.80
Total:	\$	<u>80,148.44</u>

Review and approve the payment of claims through the period ending January 17, 2023 as follows (enclosure):

General Fund	\$	10,461.16
Enterprise Fund	\$	<u>116,311.22</u>
Total:	\$	<u>126,772.38</u>

and accept the schedule of cash position as of December 31, 2022 (to be distributed); and the unaudited preliminary final financial statements for the period ending December 31, 2022; and a report on collections for the facilities renovation fees, grease trap inspection fee collections, commercial billing and any other fees imposed and collected by the District (to be distributed).

- B. Consider engagement of Schilling & Company, Inc. to perform the 2022 Audit, for an amount not to exceed \$6,000 (enclosure)
-

IV. LEGAL MATTERS

- A. Update on 11324 West 38th Avenue – Amy Osborne.
-

- B. Discuss May 2, 2023 Election (enclosure).
-

- C. Consider adoption of Resolution Establishing the Date, Time and Location for Regular Meetings and Designating the Location for Posting Notice of District Meetings Online (enclosure).
-

- D. Consider approval of Engagement Agreement with Collins Cole Flynn Winn & Ulmer, PLLC as the District's General Counsel (enclosure).
-

V. OPERATIONS MATTERS

- A. Operations Monthly Report (enclosures).

1. _____

- B. Engineer's Report (enclosure).

1. Status of 2023 Capital Improvements.

VI. OTHER BUSINESS

A. Metro Water Recovery Update (enclosure).

B. Website update.

VII. ADJOURNMENT **THE NEXT REGULAR MEETING IS SCHEDULED FOR
FEBRUARY 22, 2023.**

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
NORTHWEST LAKEWOOD SANITATION DISTRICT
AND THE BOARD OF DIRECTORS OF THE
WASTEWATER UTILITY ENTERPRISE
HELD
NOVEMBER 23, 2022**

The Regular Meeting of the Board of Directors of the Northwest Lakewood Sanitation District and the Board of Directors of its Wastewater Utility Enterprise (collectively referred to hereafter as “Board”) convened by Zoom video conference and teleconference call on Wednesday, November 23, 2022, at 12:00 PM. The Zoom Meeting and call-in information were listed in the meeting notice posted by the District, and the public was able to attend the meeting by telephone, if they so desired.

ATTENDANCE

Directors In Attendance Were:

Gregory A. “Greg” Fabisiak
Catherine “CiCi” Kesler (via TEAMS)
James D. “Jim” Zimmerman
Anthony M. Dursey (via TEAMS)
George C. Davenport

Also In Attendance Were:

Steve Beck; Special District Management Services, Inc.

Tim Flynn, Esq.; Collins Cole Flynn Winn & Ulmer, PLLC (via TEAMS)

Bill Willis; Martin/Martin Consulting Engineers

Wayne Ramey; Ramey Environmental Compliance

**ADMINISTRATIVE
MATTERS**

Minutes: The Board reviewed the minutes of the October 26, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Zimmerman, and upon vote, unanimously carried, the minutes of the October 26, 2022 Regular Meeting were approved.

2023 Meeting Dates: The Board discussed the regular meeting dates for 2023.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Zimmerman, and, upon vote, unanimously carried, the Board approved holding the Regular Meetings for 2023 on the 4th Wednesday of every month at 4:00 p.m. either at 141 Union Blvd., Suite 150, Lakewood, CO 80228 via Zoom or in person at Martin Martin, 12499 W Colfax Avenue, Lakewood, Colorado.

RECORD OF PROCEEDINGS

Discuss §32-1-809, C.R.S. reporting requirements and mode of eligible elector notification for 2022: Mr. Beck discussed the notice to electors required under Section 32-1-809, C.R.S. (“Transparency Notice”) for 2023.

Following discussion, the Board authorized posting the District’s Transparency Notice for 2023 on the SDA website and on the District’s website.

**PUBLIC
COMMENTS**

None.

**FINANCIAL
MATTERS**

Claims: Mr. Beck reviewed the claims through the period ending November 14, 2022 as follows:

General Fund	\$ 27,887.00
Enterprise Fund	\$ 33,773.77
Total	<u>\$ 61,660.77</u>

Following discussion, upon motion duly made by Director Davenport, seconded by Director Zimmerman and, upon vote, unanimously carried, the Board approved the revised payment of claims for the period ending November 14, 2022.

Unaudited Financial Statement: Mr. Beck reviewed with the Board the unaudited financial statements of the District setting forth the cash deposits, investments, and budget analysis, accounts payable vouchers for the month ending October 31, 2022, the schedule of cash position dated October 31, 2022.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Davenport, and, upon vote, unanimously carried, the Board accepted the unaudited financial statements of the District setting forth the cash deposits, investments, budget analysis, accounts payable vouchers and accounts receivables reports for the period ending October 31, 2022, and the schedule of cash position dated October 31, 2022, as presented.

Director Dursey discussed with the Board authorizing another \$2,000,000 investment.

Following discussion, upon motion duly made by Director Zimmerman, seconded by Director Davenport, and, upon vote, unanimously carried, the Board authorized Mr. Beck to make the investment.

2022 Audit: The Board deferred discussion at this time.

2022 Budget Amendment Hearing: The President opened the public hearing to consider the Resolution to Amend the 2022 Budget and discuss related issues.

RECORD OF PROCEEDINGS

It was noted that publication of Notice stating that the Board would consider adoption of a Resolution to Amend the 2022 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing. No public comments were received and the public hearing was closed.

Following discussion, the Board determined that a 2022 Budget Amendment was not needed.

2023 Budget: The President opened the Public Hearing to consider the proposed 2023 Budget and discuss related issues.

It was noted that publication of Notice stating that the Board would consider adoption of the 2023 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to this public hearing and the public hearing was closed

Mr. Beck discussed the proposed budget, changes made per prior Board discussions and that the final mill levies and revenues were subject to change based on the Final Assessed Valuation to be received from Jefferson County.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport, and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-01; A Resolution of the Board of Directors of the Northwest Lakewood Sanitation District to Adopt the 2023 Budget and Appropriate Sums of Money, subject to receipt of the Final Assessed Valuation, as amended, per the Final Assessed Valuation and legal review.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport, and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-02; A Resolution of the Board of Directors of the Northwest Lakewood Sanitation District to Set Mill Levies to be determined, less the temporary mill levy reduction to be verified by Schilling & Company, plus the allowable mill levy for refunds and abatements based on the Final Assessed Valuation.

DLG-70 Mill Levy Certification: Attorney Flynn and Mr. Beck discussed the DLG-70 Mill Levy Certification form with the Board.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport, and upon vote unanimously carried, the Board authorized the District Accountant to prepare and sign the DLG-70 mill levy certification form, for certification to the Board of County Commissioners and other interested parties.

RECORD OF PROCEEDINGS

LEGAL MATTERS **2022 Election:** Attorney Flynn and Mr. Beck discussed with the Board the status of the November 2022 Election.

Status of Reciprocal Agreement with Westridge Sanitation: Attorney Flynn discussed the status of the Agreement with Westridge and reported that the Westridge Board approved the Agreement at its November meeting. The Agreement will be effective as of January 1, 2023. The District will be billing Westridge customers the full FRSF of \$400.00/SFE.

11324 West 38th Avenue: Legal counsel noted that no activity occurred on the agreements that need to be put in place to provide sewer service to 11324 West 38th Avenue, which is property located in the Westridge Sanitation District. Attorney Flynn will inquire to see what is happening and update the Board at a future meeting.

Election Resolution: The Board discussed Resolution No. 2022-11-03; Resolution Calling a Regular Election for Directors on May 2, 2023, appointing the Designated Election Official (“DEO”) and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Zimmerman and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-11-03, Resolution Calling a Regular Election for Directors on May 2, 2023, appointing the DEO and authorizing the DEO to perform all tasks required for the conduct of a mail ballot election. A copy of the adopted Resolution is attached hereto and incorporated herein by this reference.

OPERATIONS MATTERS

Operations Monthly Report: Mr. Ramey reviewed the monthly report with the Board. A copy of the report is attached hereto and incorporated herein by this reference.

Engineer’s Report: Mr. Willis reviewed with the Board the engineering report dated November 23, 2022.

Status of 2023 CIP: Mr. Willis discussed with the Board the status of 2023 CIP.

OTHER BUSINESS

Metro Water Recovery Update: Director Davenport updated the Board on the board meetings for Metro Water Recovery District.

Website Update: Mr. Beck updated the Board on the District website. The Board requested to take down the original website on Go Daddy and requested that Mr. Beck to discuss maintenance with Walt and to see if the website can be transferred. If the website cannot be transferred, the Board will authorize someone for maintenance contacts.

RECORD OF PROCEEDINGS

December 28, 2022 Meeting: Mr. Beck discussed with the Board cancelling the December 28, 2022 meeting.

Following discussion, upon motion duly made by Director Kesler, seconded by Director Zimmerman, and, upon vote, unanimously carried, the Board approved cancelling the December 28, 2022.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion duly made by Director Zimmerman, seconded by Director Davenport and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By _____
Secretary for the Meeting

Check No and Date	Payee	Invoice No	GL Account Title	GL Acct	Amount	Total
2654						
12/15/2022	Charles Silverman	12122022	Transfer Service Fee	4-570	190.00	190.00
Total 2654:						190.00
2655						
12/15/2022	Chris & Hannah Knopping	12122022	Transfer Service Fee	4-570	50.00	50.00
Total 2655:						50.00
2656						
12/15/2022	Collins Cole Flynn Winn & Ulmer,	2831	Legal	1-675	3,190.00	3,190.00
Total 2656:						3,190.00
2657						
12/15/2022	Colorado Community Media	71830	Election and Publication	1-635	33.16	33.16
Total 2657:						33.16
2658						
12/15/2022	Colorado Special District P&L	23PL-58083-3060	Prepaid Expenditures	1-150	27,713.00	27,713.00
Total 2658:						27,713.00
2659						
12/15/2022	Consolidated Mutual Water Co	3174-01 12/2022	Utilities	4-765	23.40	23.40
12/15/2022	Consolidated Mutual Water Co	7363	Repairs & Maintenance-L	4-740	240.00	240.00
Total 2659:						263.40
2660						
12/15/2022	First American Title Ins Co.	00223574	Legal	4-675	740.00	740.00
Total 2660:						740.00
2661						
12/15/2022	Frankland, Walter	DEC. 2022	Website	1-677	100.00	100.00
Total 2661:						100.00
2662						
12/15/2022	Martin/Martin	17.0638-00232	Sewer Lines/Eng./Observ.	4-810	1,982.56	1,982.56
12/15/2022	Martin/Martin	17.0638-00233	2022 CIP	4-884	3,401.25	3,401.25
12/15/2022	Martin/Martin	17.0638-00234	Sewer Lines/Eng./Observ.	4-810	10,345.00	10,345.00
Total 2662:						15,728.81
2663						
12/15/2022	Ramey Enviromental Compliance	24857	COS-Collection System	4-746	9,720.33	9,720.33
12/15/2022	Ramey Enviromental Compliance	24857	COS-Locates	4-742	8,362.75	8,362.75
12/15/2022	Ramey Enviromental Compliance	24857	COS-Emergency Service	4-748	383.55	383.55
12/15/2022	Ramey Enviromental Compliance	24857	COS-Maintenance	4-749	3,425.76	3,425.76
Total 2663:						21,892.39
2664						
12/15/2022	Sean & Caroline Kommerstad	12122022	Transfer Service Fee	4-570	100.00	100.00

Check No and Date	Payee	Invoice No	GL Account Title	GL Acct	Amount	Total
Total 2664:						<u>100.00</u>
2665						
12/15/2022	Special Dist Management Serv	11/2022	Office Supplies	1-690	465.28	465.28
12/15/2022	Special Dist Management Serv	11/2022	Election and Publication	1-635	74.00	74.00
12/15/2022	Special Dist Management Serv	11/2022	Accounting	1-612	2,146.00	2,146.00
12/15/2022	Special Dist Management Serv	11/2022	Billing	1-616	2,821.00	2,821.00
12/15/2022	Special Dist Management Serv	11/2022	Administration	1-614	4,129.20	4,129.20
Total 2665:						<u>9,635.48</u>
2666						
12/15/2022	UNCC	222110990	Repairs & Maintenance-L	4-740	512.20	512.20
Total 2666:						<u>512.20</u>
Grand Totals:						<u><u>80,148.44</u></u>

Northwest Lakewood Sanitation District
December-22

	General	Enterprise	Totals
Disbursements	\$ 40,671.64	\$ 39,476.80	\$ 80,148.44
Payroll			\$ -
			\$ -
Payroll Taxes (Quarterly)	\$ -		\$ -
Direct Pay -- Consolidated Mutual Water	\$ -		\$ -
Total Disbursements from Checking Account	\$ 40,671.64	\$ 39,476.80	\$ 80,148.44

Check No and Date	Payee	Invoice No	GL Account Title	GL Acct	Amount	Total
2667						
01/17/2023	Collins Cole Flynn Winn & Ulmer,	2948	Legal	1-675	520.00	520.00
Total 2667:						520.00
2668						
01/17/2023	Freedom Mailing Services, Inc.	44448	Billing	4-616	2,063.94	2,063.94
Total 2668:						2,063.94
2669						
01/17/2023	Metro Water Recovery	NO. 4665	Tap Fees-Metro's Portion	4-730	51,810.00	51,810.00
01/17/2023	Metro Water Recovery	NO. 4666	Tap Fees-Metro's Portion	4-730	51,810.00	51,810.00
Total 2669:						103,620.00
2670						
01/17/2023	Ramey Enviromental Compliance	25007	COS-Collection System	4-746	7,339.83	7,339.83
01/17/2023	Ramey Enviromental Compliance	25007	COS-Locates	4-742	2,757.00	2,757.00
01/17/2023	Ramey Enviromental Compliance	25007	COS-Emergency Service	4-748	383.55	383.55
Total 2670:						10,480.38
2671						
01/17/2023	Special Dist Management Serv	12/2022	Office Supplies	1-690	120.61	120.61
01/17/2023	Special Dist Management Serv	12/2022	Election and Publication	1-635	59.20	59.20
01/17/2023	Special Dist Management Serv	12/2022	Accounting	1-612	1,716.80	1,716.80
01/17/2023	Special Dist Management Serv	12/2022	Administration	1-614	2,960.00	2,960.00
01/17/2023	Special Dist Management Serv	12/2022	Billing	1-616	2,037.00	2,037.00
Total 2671:						6,893.61
2672						
01/17/2023	UNCC	222120932	Repairs & Maintenance-L	4-740	146.90	146.90
Total 2672:						146.90
Grand Totals:						123,724.83

<u>Check Issue Date</u>	<u>Check Number</u>	<u>Payee</u>	<u>Amount</u>
01/17/2023	91119	Davenport, George C.	554.10
01/17/2023	91120	Dursey, Anthony	461.75
01/17/2023	91121	Fabisiak, Gregory A	738.80
01/17/2023	91122	Kesler, Catherine C	554.10
01/17/2023	91123	Zimmerman, James D	738.80
Grand Totals:			<u>3,047.55</u>
	<u>5</u>		<u></u>

Northwest Lakewood Sanitation District
January-23

	<u>General</u>	<u>Enterprise</u>	<u>Totals</u>
Disbursements	\$ 7,413.61	\$ 116,311.22	\$ 123,724.83
Payroll	\$ 3,047.55		\$ -
			\$ -
Payroll Taxes (Quarterly)	\$ -		\$ -
Direct Pay -- Consolidated Mutual Water	\$ -		\$ -
Total Disbursements from Checking Account	\$ 10,461.16	\$ 116,311.22	\$ 126,772.38



SCHILLING & COMPANY, INC.

Certified Public Accountants

P.O. Box 631579
HIGHLANDS RANCH, CO 80163

PHONE: 720.348.1086
FAX: 720.348.2920

January 16, 2023

Northwest Lakewood Sanitation District
c/o Special District Management Services, Inc.
141 S. Union Blvd., Suite 150
Lakewood, CO 80228

Board of Directors:

We are pleased to confirm our understanding of the services we are to provide Northwest Lakewood Sanitation District (District) for the year ended December 31, 2022.

Audit Scope and Objectives

We will audit the financial statements and the disclosures, which collectively comprise the basic financial statements of the District as of and for the year ended December 31, 2022. Accounting standards generally accepted in the United States of America (GAAS) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the District's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the District's RSI, if presented, in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The RSI, as listed in the table of contents of the basic financial statements, is required by generally accepted accounting principles in the United States of America (GAAP) and will be subjected to certain limited procedures, but will not be audited.

We have also been engaged to report on supplementary information, if presented, other than RSI that accompanies the District's financial statements. We will subject the supplementary information, as listed in the table of contents of the basic financial statements, to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements.

In connection with our audit of the basic financial statements, we will read the other information, if presented, as listed in the table of contents of the basic financial statements, and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP; and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

Auditor's Responsibilities for the Audit of the Financial Statements

We will conduct our audit in accordance with GAAS and will include tests of your accounting records and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS, we exercise professional judgement and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that come to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

In connection with this engagement, we may communicate with you or others via email transmission. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant those emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for interception or unintentional

disclosure of emails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise a substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry.

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of the financial statements does not relieve you of your responsibilities.

Audit Procedures—Internal Control

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the District's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Other Services

We will also prepare the financial statements of the District in conformity with U.S. generally accepted accounting principles based on information provided by you.

We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities for financial statement preparation services and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them, if applicable.

Responsibilities of Management for the Financial Statements

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with GAAP with oversight of those charged with governance.

Management is responsible for making drafts of the financial statements, all financial records and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions and other matters; (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

Should you choose to include the auditor's report in an exempt offering document, you agree that the aforementioned auditor's report, or reference to Schilling & Company, Inc., will not be

included in any such offering document without our prior permission or consent. Any agreement to perform work in connection with an exempt offering document, including an agreement to provide permission or consent, will be a separate engagement.

With regard to an exempt offering document with which Schilling & Company, Inc. is not involved, you agree to clearly indicate in the exempt offering document that Schilling & Company, Inc. is not involved with the contents of such offering document.

You are responsible for the preparation of the supplementary information in conformity with GAAP, if presented. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

With regard to publishing the financial statements on your website, you understand that websites are a means of distributing information and, therefore, we are not required to read the information contained in those sites or to consider the consistency of other information on the website with the original document.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, long-term obligations or other confirmations we request and will locate any documents selected by us for testing.

The audit documentation for this engagement is the property of Schilling & Company, Inc. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to regulators and their designees. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Schilling & Company, Inc. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to regulators or its designee. The regulators or their designees may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

Dawn Schilling is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

Our fee for these services will be \$6,000, which includes the preparation of the basic financial statements and related footnote disclosures, unless matters arise as discussed below. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated

cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Any calculations performed in connection with the District's TABOR compliance will be billed at our standard hourly rate of \$200.

Reporting

We will issue a written report upon completion of our audit of the District's financial statements which may also address other information in accordance with AU-C 720, *The Auditor's Responsibilities Relating to Other Information Included in Annual Reports*. Our report will be addressed to the Board of Directors of the District. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express our opinions or withdraw from this engagement.

Other

In accordance with C.R.S. § 8-17.5-101, *et seq.*, the Company hereby certifies to the District that:

The Company hereby states to the District that the Company does not knowingly employ or contract with a worker without authorization who will perform work under the Agreement and that it will participate in the E-Verify Program or Department Program (as defined in §8-17.5-101 C.R.S.) in order to confirm the employment eligibility of all employees of the Company who are newly hired to perform work under the Agreement.

In accordance with §8-17.5-102 C.R.S., the Company shall not:

- (a) Knowingly employ or contract with a worker without authorization to perform work under the Agreement; or
- (b) Enter into a contract with a subcontractor that fails to certify to the Company that the subcontractor shall not knowingly employ or contract with a worker without authorization to perform work under the Agreement.

The Company represents and warrants it has confirmed the employment eligibility of all of its employees who are newly hired for employment to perform work under the Agreement through participation in either the E-Verify Program or the Department Program.

The Company is prohibited from using the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while the Agreement is in effect.

If the Company obtains actual knowledge that a subcontractor performing work under the Agreement knowingly employs or contracts with a worker without authorization, the Company shall:

- (a) Notify the subcontractor and the District within three days that the Company has actual knowledge that the subcontractor is employing or contracting with a worker without authorization; and
- (b) Terminate the subcontract with the subcontractor if within three days of receiving the notice the subcontractor does not stop employing or contracting with the worker without authorization; except that the Company shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with a worker without authorization.

The Company shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation that the Department is undertaking pursuant to the authority established in §8-17.5-102, C.R.S.

If the Company violates any provision of § 8-17.5-102, C.R.S., the District may terminate the Agreement immediately and the Company shall be liable to the District for actual and consequential damages of the District resulting from such termination, and the District shall report such violation by the Company to the Colorado Secretary of State, as required by law.

We appreciate the opportunity to be of service to the District and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

SCHILLING & COMPANY, INC.

Schilling & Company, Inc.

RESPONSE:

This letter correctly sets forth the understanding of Northwest Lakewood Sanitation District.

Board Member Signature: _____

Title: _____

Date: _____

SELF-NOMINATION AND ACCEPTANCE FOR MAY 2, 2023 REGULAR ELECTION
FOR THE NORTHWEST LAKEWOOD SANITATION DISTRICT

I, _____, who reside at:
(full name of candidate as the name will appear on the ballot)

Residence Street Address

City or Town, Zip Code

County

hereby nominate myself and accept such nomination for the office of Director of the Northwest Lakewood Sanitation District, Jefferson County, Colorado, for a four (4) year term and will serve if elected at the regular election to be conducted on May 2, 2023.

I affirm that I am an eligible elector of the Northwest Lakewood Sanitation District at the date of signing this Self-Nomination and Acceptance form.

Mark here _____ if you are a member of an Executive Board of a unit owners association (homeowners association), as defined in Section 38-33.3-103, C.R.S., located within the boundaries of the District (or Director District, if applicable) for which you are running for office.

I further affirm that I am familiar with the provisions of the Fair Campaign Practices Act as required in Section 1-45-110, C.R.S., and I will not, in my campaign for this office, receive contributions or make expenditures exceeding two hundred dollars (\$200) in the aggregate during the election cycle, however, if I do so, I will thereafter register and file all disclosure reports required under the Fair Campaign Practices Act.

DATED this _____ day of _____, 2023.

Signature of Candidate

Printed Full Name

Mailing Address (if different)

Telephone Number

City or Town, Zip Code

Email Address

WITNESSED by the following **registered elector of the State**:

Signature of Witness

Printed Full Name

Residence Street Address

Telephone Number

City or Town, Zip Code

Email Address

County

Received this _____ day of _____, 2023.

Designated Election Official

NOTE: This form MUST be returned to the Designated Election Official no later than 5:00 pm on February 24, 2023. Forms after that date and time will NOT be accepted.

RESOLUTION NO. 2023-1-1

NORTHWEST LAKEWOOD SANITATION DISTRICT

JEFFERSON COUNTY, COLORADO

A RESOLUTION ESTABLISHING THE DATE, TIME AND LOCATION FOR THE REGULAR MEETINGS OF THE BOARD OF DIRECTORS OF THE NORTHWEST LAKEWOOD SANITATION DISTRICT AND DESIGNATING THE LOCATION FOR POSTING NOTICE OF DISTRICT MEETINGS ONLINE IN COMPLIANCE WITH THE OPEN MEETINGS LAW

WHEREAS, pursuant to Section 32-1-903 C.R.S., the Board of Directors (“Board”) of the Northwest Lakewood Sanitation District (“District”) is required to meet regularly at a time and in a place to be designated by the Board; and

WHEREAS, pursuant to Section 24-6-402(2)(c)(I) C.R.S., meetings of the Board at which the adoption of any proposed policy, position, resolution, regulation, or formal action is to occur, or at which a majority or quorum of the Board is in attendance, or is expected to be in attendance, shall be held only after full and timely notice of the meeting is given to the public; and

WHEREAS, Section 24-6-402(2)(c) C.R.S., requires that the Board annually designate one or more places where notice of Board meetings, together with a meeting agenda, when available, shall be posted at least 24 hours prior to the convening of such meeting for the purpose of complying with the notice provisions of the Colorado Open Meetings Law; and

WHEREAS, pursuant to Section 24-6-402(2)(c)(III), C.R.S., the District is authorized to and shall be deemed to have posted full and timely notice of its meetings no less than 24 hours prior to the holding of the meeting if notice, together with an agenda, if available, is posted on the public website of the District; and

WHEREAS, the District’s website is accessible at no charge to the public; and

WHEREAS, the District has provided the address of its website to the Department of Local Affairs for inclusion in the inventory maintained pursuant to Section 24-32-116, C.R.S.; and

WHEREAS, the District will retain one physical location within the District’s boundaries designated for posting notice no less than 24 hours prior to a meeting if the District is unable to post a notice online in the event of an exigent or emergency

circumstance such as a power outage or interruption in internet service that prevents the public from accessing the notice online; and

WHEREAS, pursuant to Section 32-1-903(1), C.R.S., all regular and special in-person meetings of the Board shall be held at locations which are within the boundaries of the District or which are within the boundaries of any county in which the district is located, in whole or in part, or in any county so long as the meeting location does not exceed twenty miles from the District's boundaries unless such requirement is waived by the Board pursuant to Section 32-1-903(1)(a), C.R.S.; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTHWEST LAKEWOOD SANITATION DISTRICT OF JEFFERSON COUNTY, COLORADO AS FOLLOWS:

Section 1. Regular Meetings. The Board shall meet regularly during calendar year 2023 on the fourth Wednesday of each month at 4:00 p.m. virtually via zoom log-in: https://us02web.zoom.us/j/81324290119?pwd=bUkzeTg3dlRSTWJFVUpLbTR5R0xWd_z09 with Meeting ID 813 2429 0119, Passcode: 700784, and Dial In no. 1-719-359-4580, except that during the months of November and December, regular meetings will be held at 12:00 p.m. Notwithstanding the foregoing, the Board may from time to time, after giving appropriate notice, meet in person in the offices of Martin/Martin, Inc., located at 12499 W. Colfax Avenue, Lakewood, CO 80215, or such other location as designated by the Board.

Section 2. Special Meetings. A special meeting may be called by any Director by informing the other Directors of the date, time and place of such special meeting, and the purpose for which it is called, and by posting, or causing to be posted, notice as provided herein at least 24 hours prior to said meeting.

Section 3. Change of Meeting Dates, Time and Location. The Board reserves the right, from time to time as circumstances necessitate, to change the date, time and location of its regular meetings.

Section 4. Location for Open Meeting Law Postings. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., the District's designated posting location for notice of public meetings including regular, special, and study sessions shall be on the District's website, accessible online at the following address: <https://www.nlsd.us>

Section 5. Designated Exigent/Emergency Circumstance Posting Location. In the event of an exigent or emergency circumstance, such as a power outage or an interruption in internet service that prevents the public from accessing the online designated posting location or prevents the District from posting a notice at the online designated posting location, the District will physically post notice of public meetings at least 24 hours prior to the meeting at the following physical location within the District:

Consolidated Mutual Water Company Community Bulletin Board,
12700 W. 27th Avenue,
Lakewood, Colorado 80215

Section 6. Representative Authorized to Post. Any member of the District's Board of Directors or any designee of the Board is hereby authorized to post notice of the District's meetings as required by statute.

APPROVED AND ADOPTED on the 25th day of January, 2023.

NORTHWEST LAKEWOOD
SANITATION DISTRICT

By: _____
Gregory A. Fabisiak, President

Attest:

James D. Zimmerman, Secretary

January 25, 2023

Board of Directors
Northwest Lakewood Sanitation District
c/o: Steve Beck, District Manager
141 Union Blvd, Suite 150
Lakewood, Colorado 80228

Re: 2023 Letter of Engagement

Dear Board of Directors:

I am pleased that the Board of Directors (“Board”) of the Northwest Lakewood Sanitation District (the “Client”) desires to continue the retention of Collins Cole Flynn Winn & Ulmer, PLLC, a Colorado professional limited liability company (the “Law Firm”), as the Client’s general counsel for 2023. This letter is intended to outline the terms governing our service to the Client.

1. Scope of Services.

The Law Firm will advise the Client on all Client-related matters referred to the Law Firm by the Client. We will take our direction from the Board of Directors (“Board”) and the President and/or Secretary of the Board, or such other person as is designated by the Board to be its representative and spokesperson for purposes of communication with the Law Firm. We do not represent (i) any person or entity (except the Client itself); (ii) individual members of the Board; or (iii) employees or agents of the Client (collectively, the “Other Persons”), and all services are provided only for the benefit of the Client and not for the Other Persons. The Law Firm owes professional responsibilities only to the Client itself. In all matters involving the Client, such Other Persons should retain their own legal counsel.

2. Designation of Attorneys and Assistants.

I will serve as the Attorney primarily responsible for the legal services rendered to the Client. Other qualified Attorneys and paralegals may perform services for the Client under my supervision in order to most effectively provide a particular service or to minimize costs. A listing of the other attorneys in the firm and their hourly billing rates is attached hereto as Exhibit A.

3. Term.

Our engagement shall continue effective January 1, 2023 upon the Board’s approval of this engagement letter and will remain in effect through December 31, 2023, unless terminated by either party, with or without cause, upon 30 days prior written notice to the other party.

4. Compensation.

The Law Firm shall provide to the Client a monthly billing statement detailing the services rendered and the amount of time spent in performance thereof. The Client shall pay for the total time of all attorneys, paralegals and law clerks at the current rates in effect for the services rendered.

Secretarial and legal assistance services are not routinely billed to the Client, but out-of-the-ordinary use of a secretarial or legal assistance person's time may be billed in the attorney's reasonable discretion. Paralegals and law clerks are utilized when their skills are commensurate with a particular project, so as to minimize the costs billed to the Client. The attorney supervises the work product of associate attorneys, paralegals and law clerks.

The Client shall pay for Services within thirty days of the date of the invoice. The Law Firm shall not be obligated to perform any Services if payment of fees is sixty days overdue.

5. Expenses.

Expenses for which the Law Firm will or will not receive reimbursement are as follows, along with the rates for such reimbursement:

(a) Mileage.

No charge, unless lengthy travel distance.

(b) Out-of-Town Travel.

Expenses at cost without mark-up. Travel time by attorneys and staff will be billed at current billing rates. Trips will be coordinated with other clients, to the extent possible, to minimize travel costs.

(c) Long-Distance Telephone Service.

No charge.

(d) Teleconferencing.

Billed at cost without mark-up.

(e) Computer Expenses.

No charge, except for computer research, Lexis/Nexis or other special costs; billed at actual cost without mark-up.

(f) Photocopies.

No charge for in-house copying, unless large volume of copying. Outside copying and printing billed at actual cost without mark-up.

(g) Postage.

No charge for usual first-class mailings, such as mailings to the Client, courts, counsel of record and other consultants. Mass mailings, such as election notices, and overnight and special delivery mailings billed at actual cost without mark-up.

(h) Couriers.

Courier service will be used on an as-needed basis with the cost thereof being billed to the Client without mark-up.

(i) Other Reimbursables.

Other reimbursables include our payment of filing fees, costs for service of process and related services, expert witness fees (only as pre-authorized by the Client), court reporter fees for transcript of testimony, court reporter appearance fees, county clerk and recorder's fees for recording of documents, title company's fees for reports of title, publication fees, election materials and other related expenses. All such reimbursables will be billed to the Client at cost without mark-up.

(j) Other Expenses.

Certain services and expenses not otherwise documented herein (e.g., private investigator, special counsel, etc.) may become necessary under certain circumstances. To the extent that such services are required, the Law Firm will first obtain authorization from the Client before incurring such costs. As such expenses are incurred, they will be billed to the Client.

6. Communications between Law Firm and Client.

Written and oral communication between the Law Firm and the Client on the Client's matters shall be made using all current forms of technology including mail, courier, email, POTS, VoIP and cellular telephone, and other electronic means of communication as such technology becomes available. The security of such means of communication, particularly electronic means such as e-mail and cellular telephone cannot be guaranteed, and therefore a risk exists that privileges such as the attorney-client privilege may be waived if a communication is inadvertently received by persons other than the Client. If the Client desires to avoid the risk of inadvertent disclosure by any particular means of communication, the Client must contact the Law Firm and instruct the Law Firm as to any unacceptable means of communication for Client matters.

7. Cloud Services.

During and/or after termination of our engagement we may use cloud services. Where we do so, or where we use a subcontractor to provide cloud services, we will ensure an appropriate level of security.

8. Disclaimer of Warranties.

There can be no warranties as to the success of any matter undertaken by the Law Firm in the representation of the Client. All expressions made by the Law Firm relative thereto are solely matters of the Law Firm's opinion.

9. Power of Attorney to Execute Documents.

The Client grants to the Law Firm the power to execute documents connected with the representation of the Client, which have been generally approved by the Client, including pleadings, applications, protests, contracts, commercial papers, settlement agreements and releases, verifications, dismissals, orders, and all other documents associated with the services provided hereunder.

10. Document Retention/Destruction.

Files created and compiled by the Law Firm for work on Client matters, including correspondence, pleadings, research and any other documents prepared by the Law Firm, will not be retained indefinitely. Law Firm will retain files for sixty days following conclusion of a matter or conclusion of representation, at which time Client may retrieve the file(s), so long as the Client has paid all fees and costs, or the file(s) may be disposed of at the discretion of the Law Firm, except that we will not destroy (i) original documents entrusted to us for continued representation as part of our services; and (ii) any documents that the Client is obligated by law to retain.

11. Entire Agreement.

The terms herein represent the entire agreement of the parties concerning the representation of the Client by the Law Firm. The agreement represented by this letter may not be amended or modified except in writing and signed by both parties hereto.

**Collins Cole Flynn Winn & Ulmer, PLLC,
a professional limited liability company**

**Northwest Lakewood Sanitation
District**



By: Timothy J. Flynn

Gregory A. Fabisiak, President

BILLING RATES

Effective 1/2023

<u>Name</u>	<u>2023 Rates</u>
James P. Collins, Partner	\$450
Robert G. Cole, Partner	\$415
Timothy J. Flynn, Partner	\$415
Kathryn G. Winn, Partner	\$400
Allison C. Ulmer, Partner	\$400
Bart W. Miller, Of Counsel	\$315
Peggy Rupp, Paralegal	\$240
Crystal Schott, Paralegal	\$235



Northwest Lakewood Sanitation District

Monthly Report

November 1-30, 2022

Tues	11/1	Performed 7 bore meet locates.
Wed	11/2	Performed 2 locates.
Thurs	11/3	Performed 10 grease trap inspections. Performed 1 tap replacement inspection at 12700 W. 23 rd Ave. Performed 1 locate. Performed 1 bore meet locate.
Tues	11/8	Performed 1 locate.
Wed	11/9	Performed 1 tap replacement inspection at 12254 Applewood Knolls Dr.
Thurs	11/10	Performed 1 locate.
Fri	11/11	Performed 3 locates.
Sat	11/12	Responded via phone outside of normal business hours to 1 emergency locate for an H2O main repair at 2044 Creighton Dr.
Sun	11/13	Responded via phone outside of normal business hours to 1 emergency locate for an H2O main repair at 1070 Yank St.
Mon	11/14	Performed 22 grease trap inspections.
Tues	11/15	Performed 1 grease trap inspection.
Wed	11/16	Performed 2 grease trap inspections. Performed 8 locates.
Wed	11/23	Performed 2 locates.
Thurs	11/24	Responded onsite, outside of normal business hours, to 2 emergency locates both for H2O main repairs at 13897 W. 22 nd Ave., and 2570 Parfet St.
Fri	11/25	Responded onsite, outside of normal business hours, to an emergency locate for an H2O main repair at 2120 Miller Ct.
Mon	11/28	Performed 1 grease trap reinspection. Performed 3 locates. Performed 2 tap replacement inspections at 1115 Zang St. and 13215 W. 16 th Dr.
Wed	11/30	Performed 1 bore meet locate. Performed 4 grease trap re inspections. Performed 2 tap replacement inspections at 12990 W. 15 th Dr. and 30 Hillside Dr.

Task #3 - Maintenance Services

	Projected 2022 Footage	YTD Actual 2022 Footage	Current Monthly 2022 Footage	YTD Percentage 2022
	Zone A			
Jetting				
14" or Less		105,241.0	2,907.0	
15 or More"		5,133.0	1,003.0	
Easement		712.0		
Total Jetting	112,098.0	111,086.0	3,910.0	99%
Televising				
14" or Less				
15 or More"				
Total Televising	0.0	0.0	0.0	0%
Accelerated Maintenance				
Non-Routine Jetting		2,240.0		
Non-Routine Televising		1,174.0		
Hot Spot Jetting		17,445.0	991.0	0%
Hot Spot Televising		18,233.7		0%
Accelerated Jetting		3,205.0		0%
Annual Root Televising		9,961.3		0%
Annual Root Cut		11,006.0	1,457.0	0%
Annual Mineral Cleaning		5,778.0	220.0	0%
Annual Mineral Televising		8,972.7		0%
Total Accelerated Maintenance	0.0	78,015.7	2,668.0	0%
Total Length of Cleaning	112,098.0	148,520.0	5,587.0	132%
Total Length of Televising	0.0	38,341.7	0.0	0%
Total Task #3	112,098.0	264,877.4	8,255.0	236%

Northwest Lakewood Sanitation District
Summary for November 1-30, 2022

November 12, 2022
2044 Creighton Dr.
Emergency Locate

On Saturday, November 12, 2022, at 8:15am, Ismael Gomez of REC. Inc. was contacted by Colo811 regarding an emergency locate for an H2O main repair at 2044 Creighton Dr. Ismael contacted Sam Mielke (303-238-0453) of Consolidated Mutual Water to get more information about the work and work area and was informed they would be replacing a water meter and working in the yard only. Ismael informed Mr. Mielke the District main was located in the street and was clear of the dig area. Ismael cleared Northwest Lakewood Sanitation District. No further action is needed at this time.

Total time on this issue: Ismael Gomez – .50hrs.

November 13, 2022
1070 Yank St.
Emergency Locate

On Sunday, November 13, 2022, at 9:45pm, Ismael Gomez of REC. Inc. was contacted by Colo811 regarding an emergency locate for an H2O main repair at 1070 Yank St. Ismael contacted Tom Frederickson (303-551-2946) of Consolidated Mutual Water to get more information on the work and work area and was informed they would be working on the East side of the street by the sidewalk. Ismael informed Mr. Frederickson the District has two mains on the West side of the street and clear of the dig area. Ismael cleared Northwest Lakewood Sanitation District. No further action is needed at this time.

Total time on this issue: Ismael Gomez -- .50hrs.

November 24, 2022
13897 W. 22nd Ave.
Emergency Locate

On Thursday, November 24, 2022, at 8:30am, Mark Doody of REC. Inc. was contacted by Colo811 regarding an emergency locate for an H2O main repair at 13897 W. 22nd Ave. Mark arrived on site, marked the District main, and departed the site. The listed contact for this locate ticket was Scott Weigel (720-207-2225) of Consolidated Mutual Water Company. No further action is needed at this time.

Total time on this issue: Mark Doody – 1.25hrs.

November 24, 2022
2570 Parfet St.
Emergency Locate

On Thursday, November 24, 2022, at 9:45am, Mark Doody of REC. Inc. was contacted by Colo811 regarding an emergency locate for an H2O main repair at 2570 Parfet St. Mark arrived on site, marked the District main, and departed the site. The listed contact for this locate ticket was Scott Weigel (720-207-2225) of Consolidated Mutual Water Company. No further action is needed at this time.

Total time on this issue: Mark Doody – 1.25hrs.

November 25, 2022
2120 Miller Ct.
Emergency Locate

On Friday, November 25, 2022, at 10:40am, Mark Doody of REC. Inc. was contacted by Colo811 regarding an emergency locate for an H2O main repair at 2120 Miller Ct. Mark arrived on site, marked the District main, and departed the site. The listed contact for this locate ticket was Scott Weigel (720-201-2225) of Consolidated Mutual Water Company. No further action is needed at this time.

Total time on this issue: Mark Doody – 2.00hrs.



Northwest Lakewood Sanitation District

Monthly Report

December 1-31, 2022

Thurs	12/1	Performed 1 tap replacement inspection at 1245 Meadow Sweet Rd. Performed 1 locate. Performed 1 bore meet locate.
Sun	12/4	Responded via phone, outside of normal business hours, to 1 emergency locate for an electric pole replacement at 2201 Kipling St.
Tues	12/6	Performed 4 locates.
Mon	12/12	Performed 1 locate.
Wed	12/14	Performed 8 locates.
Fri	12/16	Performed 3 locates. Performed manhole repairs on: Z-12 on W. 28 th Ave., ZE-4 on Braun Ct., and ZC-12 on Braun Dr.
Mon	12/19	Responded on site, during normal business hours, to 1 emergency locate for an H2O main repair at 9620 W. 26 th Ave. Performed 2 locates.
Wed	12/21	Responded on site, during normal business hours, to 1 emergency locate for an H2O main repair at Overhill Rd. & Wide Acres Rd. Performed 1 work order.
Sun	12/25	Responded on site, outside of normal business hours, to 1 emergency locate for an H2O main repair at 11181 W. 27 th Pl.
Tues	12/27	Responded on site, during normal business hours, to 1 emergency locate for an H2O main repair at W. 32 nd Ave. & Alkire Ct. Performed 8 locates. Performed 1 work order.
Wed	12/28	Responded on site, during normal business hours, to 1 emergency locate for an H2O service replacement at 12151 W. 32 nd Dr. Performed 1 work order.
Fri	12/30	Performed 1 locate. Performed 1 bore meet locate.

Task #3 - Maintenance Services

	Projected 2022 Footage	YTD Actual 2022 Footage	Current Monthly 2022 Footage	YTD Percentage 2022
	Zone A			
Jetting				
14" or Less		105,241.0	2,907.0	
15 or More"		5,133.0	1,003.0	
Easement		712.0		
Total Jetting	112,098.0	111,086.0	3,910.0	99%
Televising				
14" or Less				
15 or More"				
Total Televising	0.0	0.0	0.0	0%
Accelerated Maintenance				
Non-Routine Jetting		2,240.0		
Non-Routine Televising		1,174.0		
Hot Spot Jetting		17,445.0	991.0	0%
Hot Spot Televising		18,233.7		0%
Accelerated Jetting		3,205.0		0%
Annual Root Televising		9,961.3		0%
Annual Root Cut		11,006.0	1,457.0	0%
Annual Mineral Cleaning		5,778.0	220.0	0%
Annual Mineral Televising		8,972.7		0%
Total Accelerated Maintenance	0.0	78,015.7	2,668.0	0%
Total Length of Cleaning	112,098.0	148,520.0	5,587.0	132%
Total Length of Televising	0.0	38,341.7	0.0	0%
Total Task #3	112,098.0	264,877.4	8,255.0	236%

Northwest Lakewood Sanitation District
Summary for December 1-31, 2022

December 4, 2022
2201 Kipling St.
Emergency Locate

On Sunday, December 4, 2022, at 10:15am, Jeff LeBeck of REC. Inc. was contacted by Colo811 regarding an emergency locate for an electric pole replacement at 2201 Kipling St. Jeff contacted James Vogel (303-909-5697) of Xcel Energy to get more information about the work and work area and was informed they would be working only in the area of where the old pole was and would not be working in the street. With the District main clear of the work area Jeff cleared Northwest Lakewood Sanitation District. No further action is needed at this time.

Total time on this issue: Jeff LeBeck – .50hrs.

December 16, 2022
Various Locations
Manhole Repairs

On Friday, December 16, 2022, at 7:00am, Jeff LeBeck, David Moore, Robert LaBarge, and Andrew George all of REC. Inc. were dispatched by Ismael Gomez, also of REC. Inc. to perform manhole repairs at three different locations. The crew arrived on site on W. 28th Ave. at manhole Z-12 and installed two, 1” risers to bring the manhole to grade and used cold patch to replace any missing asphalt. The crew moved on to Braun Ct. at manhole ZE-4 and installed one 1in. riser to bring the manhole to grade and used cold patch to replace any missing asphalt. Finally, the crew arrived at manhole ZC-12 on Braun Dr., installed two, 1” risers to bring the manhole to grade and used cold patch to replace any missing asphalt. With repairs complete, the crew departed the site. No further action is needed at this time.

Total time on this issue: Jeff LeBeck – 5.25hrs.
David Moore – 5.25hrs.
Robert LaBarge – 5.25hrs.
Andrew George – 5.25hrs.

December 25, 2022
11181 W. 27th Pl.
Emergency Locate

On Sunday, December 25, 2022, at 8:50pm, Robert LaBarge of REC. Inc. was contacted by Colo811 regarding an emergency locate for an H2O main repair at 11181 W. 27th Pl. Robert arrived on site, marked the District main location, met with Justin (720-485-8800) of Consolidated Mutual Water Co., went over the locate marks with him, and departed the site. No further action is needed at this time.

Total time on this issue: Robert LaBarge – 2.00hrs.

**Northwest Lakewood Sanitation District
Engineering Report
January 25, 2023**

2022 - Approximate Linear Footage

- 112,097 LF Total in Zone A Jetting Only
 - 37,265 LF Hot Spots which include Accelerated Maintenance, Mineral Cleaning, and Root Cut in all zones.
- M/M sent the requested photos, map, graph and Long-Range Plan to Roger Sherman along with a list of 2022 projects. 10/24/2022 – M/M requested CCTV files from REC in the PACP compatible format.

UPDATE: 01/25/2023 – None.

2023 Capital Improvements Design

Survey of system manholes along major trunklines for the Flow Study is underway. 11/23/2022 – MH survey is anticipated to be completed in late November. Input of data into the sanitary program will take place in December / Early January with anticipated report writing in February/March. 12/28/2022 – Flatirons completed initial review of the first round of field work, and sent a draft to M/M.

UPDATE: 01/25/2023 – M/M was notified that the final file from Survey regarding the search for manholes will be complete in Early January. M/M received an updated proposal from SAM and Lamb-Star to include pipes QL-B and QL-A (10 test holes) with two separate areas of investigation within this scope/fee. Design continues.

CMWC Fence Relocation and Ditch Stabilization – Consolidated Mutual Water Company Office Parcel (12/22/2022)

UPDATE: 1/25/2023 – M/M received prelim plans from Andy Rogers, noting that COL has provided some prelim comments, but COL doesn't intend to send the plans for referral. M/M responded with initial comments on the layout plan for the fencing and wall. M/M noted that our main goal is to maintain quick access to MH's along the Ditch.

2479 Alkire Street – Brendan Gustafson (12/22/2022) – Single Family Development

UPDATE: 1/25/2023 - The District received a request for signature on the Jeffco Public Health Form 1001 (Certificate of Water and Sewer Availability). M/M requested that Brendan fill in the form, and to submit plans. The referral was sent back to the Owner.

3325 Robb Street - Administrative Subdivision (1/11/2023) – Replat two lots for Two Single Family homes

UPDATE: 1/25/2023 – M/M sent a referral letter for this work. A resubmittal with plans for the single family homes will be required.

3123 and 3143 O'Hayre Court, Lakewood CO – Combined Lot Project Garage/Barn/Loft ADU - Tim and Donna O'Hayre (05/25/2022)

06/22/2022 – Combing 2 Lots into one. Requested a Will Serve Letter. M/M sent out referral letter. A Submittal of the residence fixtures and Barn/Loft details were requested. 08/28/2022 – M/M received notice that Formal Development Application and related docs were submitted to City of Lakewood. M/M sent a referral letter. 10/24/2022 – M/M received a response to submitted comments from RevolveDesign-Build. M/M requested plans submitted directly to us when available to expedite the process and proof letter.

UPDATE: 01/25/2023 – Gary updated M/M of the progress of their construction documents being submitted, and noted that they are working with Consolidated mutual to get the water and sewer availability form. Plans still need to be submitted.



3400 Pierson St. – Prospect Valley Elementary

12/28/2022 – M/M confirmed that wire continuity testing was successfully completed on 11/07, M/M issued conditional acceptance of the sanitary relocation on 11/21, and noted that we are still waiting on the warranty bond.

UPDATE: 01/25/2023 – None.

2100 Youngfield – Land Use

The District's Attorney has created the lien document to phase connection fees. This has been reviewed by M/M and the Manager. 08/25/2022 – M/M received the Notice of Lien and coordinated the correct amount needed to cover tap and connection costs. As of 08/01/2022 Randy Craven will be the new GC. 12/27/2022 – Tap fees are increasing, Steve notified Guy that if he waits to pay until 2023 the price increases by about \$10,000. Guy made payment for Buildings 1 and 2, Steve will authorize time to have liens released on these two buildings. They are being marketed so the payment and release will allow them to be sold. Guy noted that they will complete the other three buildings in the July/August timeframe, and will pay for taps at that time.

UPDATE: 01/25/2023 – Initial two building connection fees were paid and lien released for just the buildings paid for..

531 Youngfield Street – Gym in Garage -Ryan Kociszewski (11/10/2022)

11/23/2022 – M/M received a Wastewater Service Form to review – Ryan notified M/M that no construction is being done now or in the future. The proof and referral was conditionally accepted.

UPDATE: 01/25/2023 – None.

1991 Youngfield St. (Applewood Beer Garden) Juan Sanchez 4-14-22

Proposed bar and restaurant. MM in review for initial referral and plans. 06/22/2022 – Sent referral along with a signed 1001 Form. Sent location of manholes for easier locating. They will need to open manholes to get the elevation and inverts of the manholes. 08/25/2022 – Juan Sanchez requested Construction Details for the District, M/M sent him the information he was looking for. Juan is wanting an update on the sanitary proposal, M/M responded with a letter, and feedback, along with proof of submission. Juan asked for specific details for tracer wires and associated test stations and the Sampling Manhole, M/M responded with the information Juan was looking for. 11/23/2022 – M/M sent out a referral letter.

UPDATE: 01/25/2023 – None.

2259 Kipling St. – Triplex (8/16/22 – New Submittal vs. 2021)

09/26/2022 – M/M received plans for the Sanitary Sewer Service at 2259 Kipling St. M/M sent a Certificate of Sanitary Sewer Service Availability. Each unit of the Triplex will extend a service into Kipling.

UPDATE: 01/25/2023 – None.

3190 Youngfield St. (FirstBank Conversion) Logan Raukar (6/23/2022)

07/27/2022 - Logan Raukar inquired on connection fees for the conversion of the FirstBank to a Fast-Food Restaurant. M/M gave information on the estimated fees, and requested a concept plan, PE stamped calculation for the grease interceptor, contact info for the property owner, developer, and engineers. M/M also stated a flow study might be required. 08/25/2022 – M/M received the requested Concept Site Plan. We are verifying if other tenants will have need for grease interceptor but this appears to be a simple project with no effect on sanitary.

UPDATE: 01/25/2023 – We have now been informed that the renovation of the building will be a restaurant. Concept plans are needed for review and an estimate of fee deposit was noted for Grease Interceptor review.

10490 W. 23rd Ave

07/27/2022 - M/M sent out referral letter for ADU for second kitchen in the basement of the residence. A connection fee would be required. M/M received updated plans and sent an edited referral letter. M/M sent out fees for the connection of the additional ADU.



UPDATE: 01/25/2023 – None.

2070 Willow Lane (Residential Accessory Dwelling Unit (Kiplund Kolkmeier) 7/18/2022

07/27/2022 - Kiplund asked what is needed to get approval from NWLWSD to add an accessory dwelling unit to his residence. Information required includes full set of plans with plumbing. The ADU wishes to connect through the current home sewer line. A connection fee and unification agreement would be required if allowed to connect to the existing service line.

UPDATE: 01/25/2023 – None.

9755 W. 25th Ave

07/27/2022 - Received signed forms for the sewer availability at 9755 W. 25th Ave. The owner stated Lakewood changed the address, and the plans have not changed since October. A proof of submission was provided.

UPDATE: 01/25/2023 – None.

11324 West 38th Ave – Osborne (Westridge) Connection to NWLSD

11324 W. 38th will need to work with Westridge to obtain service instead of Northwest Lakewood. 05/25/2022 - A deposit and tap fee has been made to the District office. 06/22/2022 – Waiting on documentation, and information from the original surveyor in 2018. Additionally, the design for connection is still needed.

UPDATE: 01/25/2023 – None.

1325 Normandy – Jim Skeen (303-809-0027) ADU addition to Single Family

Coordination took place as to needed plan review and ADU requiring an additional tap connection fee. The proof of submission was received on October 22 and returned to the Owner with an availability letter on October 25th.

UPDATE: 01/25/2023 – None.

Miscellaneous

- 11/23/2022 - M/M was notified of a complaint from 13548 W 23rd place regarding the asphalt separating away from the rings at street level, the manhole is sinking, and that there are odors from it. M/M had our Inspector field check on this. It was reported the pavement being within tolerances. Odors would not be associated with the MH replacement, but Ramey can clean the line. M/M notes two MH repairs on the same street (W. 23rd Pl. between W. 26th Ave. and Creighton Dr) and took pictures of a crack between the new and old asphalt on one side of the patch, and suggested notifying Aegion that the crack needs to be filled.
- 12/28/2022 - Emily reached out to the District regarding buying a Chilis at 3240 Youngfield. Emily asked for sizing of lateral pipes and the size of the grease trap. M/M confirmed that the size of the lateral pipes would be 4-6" at most, and asked Ismael if he had the grease interceptor size. Ismael sent two old tap cards on file for the Chili's, noting that Chili's failed their inspection on 11/03, but passed the reinspection on 11/30. The District sent the tap card information. The District also noted that we don't have the size of the grease interceptor in gallons. Emily questioned whether the District assesses capacity, or impact fees for an increase in seat count, noting they most likely will not change the meter size. The District responded they do not assess capacity, or impact fee for the increase.
- **1/25/2023 – M/M and The District received an inquiry on developing a multi-family project. The District responded explaining sewer fees, and what is needed to begin the process. M/M added that a concept plan is necessary to give initial feedback, and indicated a flow study is needed to determine capacity of mains. The developer would not indicate the location of the project.**
- **1/25/2023 – M/M received the tentative resurfacing schedule for 2023 from the City of Lakewood along with a map of the City.**

METRO WATER RECOVERY

Board of Directors Meeting

Tuesday, December 20, 2022

The regular monthly meeting of the Board of Directors of Metro Water Recovery will be held Tuesday, December 20, 2022 at 5:30 p.m. in the Administration Building Boardroom.

The **Agenda** will be as follows:

1. OATH OF OFFICE

The following Director has been appointed by his Member Municipality to complete a two-year term of office which expires June 30, 2023.

Appointed Director

Kim Schoen

Member Municipality

City of Brighton

2. ROLL CALL

3. PUBLIC COMMENT

4. RECOGNITION OF METRO WATER RECOVERY EMPLOYEE REPRESENTATIVES

5. RECOGNITION OF THE 2022 BOARD CHAIR AWARD RECIPIENT

6. APPROVAL OF MINUTES

Minutes of the Board of Directors Meeting on November 15, 2022 (*Tab No. 1*)

7. PROGRESS AND PROJECTION REPORTS

7.a Report by Chief Executive Officer (*Tab No. 2*)

7.b Report by General Counsel (*Tab No. 3*)

8. REPORTS OF OFFICERS AND COMMITTEES

9. NEW BUSINESS

Consent Agenda

9.a **Consideration of Rescinding Unexpended Appropriations** [Recommended O/F/E]
(*Tab No. 4*)

Roll Call Agenda

9.b **Consideration of Sludge Processing Improvements Project (PAR 1244) Contract Dewatering Services Agreements** [Recommended O/F/E] (*Tab No. 5*)

10. INDIVIDUAL DIRECTOR COMMENTS

11. OTHER INFORMATION

12. ADJOURNMENT

Andrew Johnston
Chair

Committee Meeting Minutes in Chronological Order (*Tab No. 6*).

MC:rak/lmn

METRO WATER RECOVERY

Board of Directors Meeting

December 20, 2022

Action Items—Committee Recommendations

1. Consideration of Rescinding Unexpended Appropriations

Operations : Unanimously recommended approval.
Finance : Unanimously recommended approval.
Executive : Unanimously recommended approval.

2. Consideration of Sludge Processing Improvements Project (PAR 1244) Contract Dewatering Services Agreements

Operations : Unanimously recommended approval.
Finance : Unanimously recommended approval.
Executive : Unanimously recommended approval.

MC:rk/lmn

METRO WATER RECOVERY

Minutes of the Regular Meeting of the Board of Directors

November 15, 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, November 15, 2022 at 5:30 p.m. in the Boardroom.

Chair Johnston called the meeting to order.

1. ROLL CALL

Secretary Pro Tem Smith called the roll.

Officers Present:

Andrew Johnston, Denver
Sarah Niyork, South Adams
Jo Ann Giddings, Aurora*
Del Smith, Bancroft-Clover

Chair
Chair 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
James DeHerrera, Aurora
Robert Duncanson, Denver*
Mary Gearhart, 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
Charlie Miller, Fort Lupton*
Jamie Miller, North Table Mountain
Steve Pott, Applewood*
Bill Ray, Arvada*
Bob Roth, Aurora
Greg Sekera, Lakewood
Peter Spanberger, Denver
Mary Beth Susman, Denver
Amerigo Svaldi, North Washington Street
Dennis Towndrow, North Pecos
Scott Twombly, Thornton
Jennifer Williams, Denver
Ronald Younger, Denver

Directors Absent:

Peter Baertlein, Denver
Marv Falconburg, Brighton
*Attended virtually

Martin Majors, Fruitdale

Others Present:

Mickey Conway*
Emily Jackson*
Liam Cavanaugh
Ruth Kedzior
Yvonne Kohlmeier
Lydia Nkem

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

2. PUBLIC COMMENT

There was no comment.

3. APPROVAL OF MINUTES

3.a Minutes of the Board of Directors Meeting on October 18, 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 October 18, 2022

Director Iler moved and Director Younger seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held October 18, 2022.

The motion carried unanimously.

4. PROGRESS AND PROJECTION REPORTS

4.a Report by CEO

Deputy CEO Cavanaugh reviewed the written report, appreciating Director and Metro Water Recovery staff veterans, and highlighted the Town Hall held November 9th, the great work being done by staff, and the Second Creek Interceptor and Sand Creek Interceptor Project (PAR 1232) change order. He answered questions on the polymer concrete manholes.

4.b Report by General Counsel

General Counsel Jackson provided an update on the recent developments, stating the Donald Temples case hearing is scheduled in Denver District Court on November 22nd. She encouraged Directors to read the comments Metro Water Recovery submitted to the Environmental Protection Agency (EPA) proposed rule to designate perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic Acid (PFOS) as hazardous substances and answered a question on EPA's possible response timeline.

Ms. Jackson answered questions on the mediation process on the South Headworks and Grease Processing Improvements Project (PAR 1225) and the move to record Executive Sessions digitally.

CEO Conway commented on Ms. Jackson's involvement as co-chair for a legal seminar of the National Association of Clean Waters Agency (NACWA) and the successful effort being done at the NACWA conference in their leadership roles.

5. REPORTS OF OFFICERS AND COMMITTEES

5.a Meeting Minutes

Director Kroeger stated the Strategic Planning Committee has scheduled workshops in January 2023.

Director Spanberger gave an overview of the November 3 Audit Committee meeting.

Audit Committee
Operations Committee
Finance Committee
Executive Committee

April 7, 2022
November 1, 2022
November 3, 2022
November 8, 2022

6. NEW BUSINESS

Consent Agenda

6.a Consideration of North Secondary Upgrades and Intensification (PAR 1411) Engineering Agreement and Appropriation

Director Aldstadt 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 an Agreement for Professional Services to provide design phase services for the North Secondary Upgrades and Intensification Project (PAR 1411) (Project); and

WHEREAS, the North Secondary Complex (NSEC) was part of the original “Central Treatment Plant” construction in the mid-1960s; and

WHEREAS, the NSEC is approaching its process capacity due to higher wastewater loading which necessitates increasing the treatment capacity; and

WHEREAS, a study phase determined densified activated sludge (DAS), also referred to as “densification,” will increase the NSEC treatment capacity without constructing additional aeration basins and clarifiers; and

WHEREAS, in addition, several fixed assets which require replacement have been identified and included in the Project; and

WHEREAS, the Project is intended to be delivered through the Construction Manager-At-Risk (CMAR) delivery approach; and

WHEREAS, on June 30, 2022, Metro posted a Request for Proposals on the Rocky Mountain E-Purchasing site (*BidNet*) for the design phase services for the Project, and received five proposals on August 15, 2022; and

WHEREAS, through a standard CMAR selection process, the proposals were reviewed by Metro staff, and two firms were invited to participate in interviews on September 8, 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 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, Metro staff has negotiated an agreement with Stantec in the amount of \$19,765,200, to provide design phase services for the Project; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into an Agreement for Professional Services with Stantec in the amount of \$19,765,200 to provide design phase services for the Project, and appropriate \$20,160,000 from the Fixed Asset Replacement Fund Capital Project Account and \$2,240,000 from the General Fund Capital Project Account; 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 an Agreement for Professional Services with Stantec Consulting Services, Inc. in the amount of \$19,765,200 to provide design phase services for the North Secondary Upgrades and Intensification Project (PAR 1411); and

BE IT FURTHER RESOLVED the sum of \$20,160,000 (90 percent) from the Fixed Asset Replacement Fund Capital Project Account and \$2,240,000 (10 percent) from the General Fund Capital Project Account be and hereby is appropriated for this Project.

The motion carried unanimously.

6.b Consideration of Land Rights Related Matters Associated with the Fort Lupton Connection Project (PAR 1421)

Director Aldstadt 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 transfer land rights associated with the Fort Lupton Connection Project (PAR 1421) (Project); and

WHEREAS, Metro will need to grant an easement to the city of Fort Lupton to connect a 20-inch forcemain to the South Platte Interceptor (SPI), which will be located on property owned by Metro at the Northern Treatment Plant; and

WHEREAS, Metro will also receive land rights at the Fort Lupton Wastewater Treatment Plant for a new metering station and sampling site; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to grant an easement to Fort Lupton associated with 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 Chief Executive Officer be and hereby is authorized to grant an easement to Fort Lupton associated with the Fort Lupton Connection Project (PAR 1421).

The motion carried unanimously.

6.c Consideration of Analytical Services Contracts for Per- and Polyfluoroalkyl Substances

Director Aldstadt 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 Analytical Services Contracts with several laboratories; and

WHEREAS, in addition to analytical work performed in Metro’s internal laboratory, Metro also uses external environmental laboratories for analysis of samples for various purposes; and

WHEREAS, Metro received an unexpected, draft modification to the discharge permit from the state for the Robert W. Hite Treatment Facility (RWHTF) which would require Metro to use a new, draft analytical method for Per- and Polyfluoroalkyl Substances (PFAS) different than the one currently included in the RWHTF permit; and

WHEREAS, the new, draft method is more complex than the method Metro is currently required to use and has additional quality control requirements which not all laboratories can meet; and

WHEREAS, in the event the state finalizes the modification, Metro will need to modify its approach to outside analytical services by expanding the labs contracted to perform analytical services; and

WHEREAS, pursuant to Metro’s *Purchasing and Contracting Policies*, Metro obtained pricing and qualifications for external analytical services from five qualified laboratories; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into five-year PFAS Analytical Services Contracts with

- Bureau Veritas Canada Inc.,
- Eurofins Environment Testing Northern California, LLC,
- ALS Environmental,
- SGS AXYS Analytical Services, and
- Pace Analytical

to provide analytical 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 PFAS Analytical Services Contracts with

- Bureau Veritas Canada Inc.,
- Eurofins Environment Testing Northern California, LLC,
- ALS Environmental,

- SGS AXYS Analytical Services, and
- Pace Analytical

to provide analytical services.

The motion carried unanimously.

6.d Consideration of Chemical Contract for Sodium Bisulfite Solution

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

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as “Metro,” purchase a supply of peracetic acid (PAA) for its disinfection system at the Robert W. Hite Treatment Facility (RWHTF); and

WHEREAS, pursuant to Metro’s *Purchasing and Contracting Policies*, notification of the Request For Proposal (RFP) was received by 51 firms, 12 of which downloaded the bid documents, and three of which submitted a bid but only two were responsive; and

WHEREAS, Metro staff evaluated the two responsive proposals; and

WHEREAS, Enviro Tech Chemical Company (Enviro Tech) was chosen as the primary supplier of PAA to provide chemical, storage, and maintenance at a price of \$6.02 per gallon, while Brainerd Chemical Company was chosen as a backup supplier for PAA at a price of \$6.4938 per gallon; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend the Board of Directors authorize the Chief Executive Officer to enter into a one-year contract with Enviro Tech for the supply of the PAA chemical, storage, and maintenance at a price of \$6.02 per gallon; with Brainerd Chemical Company as a backup supplier of the PAA chemical at a price of \$6.4938 per gallon; and enter into additional contract periods, not exceeding a total of five years, if he deems such extensions to be in the best interest of Metro; 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 with Enviro Tech Chemical Company for the supply of peracetic acid chemical, storage, and maintenance at a price of \$6.02 per gallon and enter into a one-year contract with Brainerd Chemical Company as a backup supplier of the peracetic acid chemical only at a price of \$6.4938 per gallon; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into additional contract periods for the aforementioned contracts, not exceeding a total of five years, if he deems such extensions to be in the best interest of Metro.

The motion carried unanimously.

Roll Call Agenda

Director Davenport moved and Director Susman seconded to put items 6.e and 6.f on the floor:

Chair Johnston stated the Board of Directors would enter executive session to address Roll Call Agenda items 6.e and 6.f.

Chair Johnston stated, "This discussion will be conducted in executive session as authorized by C.R.S. 24-6-402(4)(f)(I) which authorizes executive sessions for determining personnel matters. The matter to be discussed in this executive session is the Performance Appraisal for the Chief Executive Officer and General Counsel and 2023 Salary Recommendation. 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 Smith moved and Director Younger seconded the motion to enter executive session. The motion carried unanimously, and the Committee entered executive session at 5:51 p.m. All Metro Water Recovery staff members left the meeting.

Chair Johnston reconvened the regular meeting at 6:29 p.m. Metro Water Recovery staff members Kedzior, Kohlmeier, and Nkem rejoined the meeting.

6.e Consideration of the Chief Executive Officer's Salary

WHEREAS, Metro Water Recovery, hereinafter referred to as "Metro," 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 Board Chair of Metro after having reviewed the salary survey information, Director performance evaluations, and current salary of the Chief Executive Officer, recommends to the Board of Directors the salary of the Chief Executive Officer for the period January 1, 2023 through December 31, 2023 be established at \$289,549, a component of the prevailing rate of pay for equivalent work; and

WHEREAS, the Board Chair of Metro, after having reviewed the survey information and the current monthly automobile stipend of the Chief Executive Officer, recommends to the Board of Directors the monthly automobile stipend of the Chief Executive Officer for the period January 1, 2023 through December 31, 2023 be unchanged and maintained at the monthly 2022 rate, which is also a component of the prevailing rate of pay for equivalent work; and

NOW, THEREFORE, BE IT RESOLVED the salary of the Chief Executive Officer for the period of January 1, 2023 through December 31, 2023 be and hereby is established at \$289,549 to be paid at Metro's regular pay periods in equal installments; and

BE IT FURTHER RESOLVED the monthly automobile stipend of the Chief Executive Officer for the period of January 1, 2023 through December 31, 2023 is maintained at the monthly 2022 rate.

Chair Johnston called for a roll call vote which carried with 35 Directors voting Yes with one virtual Director unavailable to vote:

Curt Aldstadt	Andrew Johnston	Bill Ray
Greg Baker	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	Amerigo Svaldi
James DeHerrera	Charles Long	Dennis Towndrow
Robert Duncanson	Charlie Miller	Scott Twombly
Mary Gearhart	Jamie Miller	Jennifer Williams
Jo Ann Giddings	Sarah Niyork	Ronald Younger
Joan Iler	Steve Pott	

6.f Consideration of the General Counsel's Salary

WHEREAS, Metro Water Recovery, hereinafter referred to as "Metro," 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 Board Chair of Metro after having reviewed the salary survey information, Director performance evaluations, and current salary of the General Counsel, recommends to the Board of Directors the salary of the General Counsel for the period January 1, 2023 through December 31, 2023 be established at \$252,355 the prevailing rate of pay for equivalent work; and

WHEREAS, the Board Chair of Metro, after having reviewed the survey information and the current monthly automobile stipend of the General Counsel, recommends to the Board of Directors the monthly automobile stipend of the General Counsel for the period January 1, 2023 through December 31, 2023 be unchanged and maintained at the monthly 2022 rate, which is also a component of the prevailing rate of pay for equivalent work; and

NOW, THEREFORE, BE IT RESOLVED the salary of the General Counsel for the period of January 1, 2023 through December 31, 2023 be and hereby is established at \$252,355 to be paid at Metro's regular pay periods in equal installments.

BE IT FURTHER RESOLVED the monthly automobile stipend of the General Counsel for the period of January 1, 2023 through December 31, 2023 is maintained at the monthly 2022 rate.

Chair Johnston called for a roll call vote which carried with 35 Directors voting Yes with one virtual Director unavailable to vote:

Curt Aldstadt	Andrew Johnston	Bill Ray
Greg Baker	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	Amerigo Svaldi

James DeHerrera
Robert Duncanson
Mary Gearhart
Jo Ann Giddings
Joan Iler

Charles Long
Charlie Miller
Jamie Miller
Sarah Niyork
Steve Pott

Dennis Towndrow
Scott Twombly
Jennifer Williams
Ronald Younger

7. INDIVIDUAL DIRECTOR COMMENTS

There was none.

8. OTHER INFORMATION

There was none.

9. ADJOURNMENT

Chair Johnston adjourned the meeting at 6:36 p.m.

MC\raklyjk

METRO WATER RECOVERY

MEMORANDUM

TO: Board of Directors

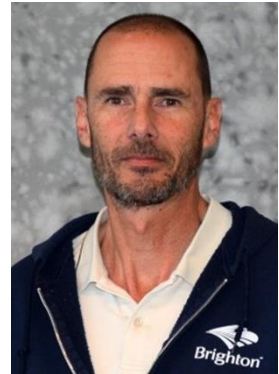
DATE: December 14, 2022

FROM: Mickey Conway, Chief Executive Officer

RE: Chief Executive Officer's Report

1. Welcome New Director

I would like to welcome Director Kim Schoen, representing the City of Brighton, who was appointed to the Board of Directors on November 15, 2022. Director Schoen previously served on the Board, and we look forward to working with him again.



2. Metro Water Recovery wins 2023 National Environmental Achievement Award Honors

I am pleased to inform you Metro Water Recovery has been selected to receive two National Association of Clean Waters (NACWA) 2023 National Environmental Achievement Awards (NEAA) honors in the following categories:

- Public Information & Education for the How We Transform Wastewater website.
- Watershed Collaboration for the South Platte River Aquatic Life/Habitat Improvements Project

As an NEAA honoree, Metro Water Recovery will be recognized at an evening Awards Ceremony and Reception on Tuesday, February 14, 2023 during NACWA's Winter Conference, The Future of Clean Water | Emerging Stronger, Preparing for What's Next, held in California.

3. Connector Presentations Return

After a long break from presenting at Connector Board meetings due to the pandemic, I am happy to report we have resumed Connector presentations. It's good to be back meeting in person with our partners.

Thank you to Director Jamie Miller and District Manager Bart Sperry from North Table Mountain Water and Sanitation District for inviting me to present at their December Board meeting. Also in attendance was Erin Bertoli, our government affairs liaison, Ruth Kedzior, and Lydia Nkem. The information exchange is helpful for all of us and presenting at Connector Board meetings is truly one of my favorite parts of the job.

Connector presentations are confirmed for the first quarter of 2023, but please reach out if you are interested in scheduling a presentation in the coming year. We are just starting our scheduling for the second quarter.

4. Thanksgiving Day Crew

During the Thanksgiving holiday, the Northern Treatment Plant (NTP) and Robert W. Hite Treatment Facility (RWHTF) were being run by some of Metro Water Recovery's best. Special thanks to our Thanksgiving Day heroes.

RWHTF: Corey Kreifels, Korey Caulkins, Ben Hulse, Elena DiCenzo, Alex Allen, Donna Hargroder, Todd Kitting, Victoria Kosinska, Lucas Watts, Cindy Lindberg, Ethan Weyer; and Rich MacAlpine, Danny McCausland, Amy Mirable, Lauren Loux, and David Lee.

NTP: Jeremy Hileman, Charlie Klingler, Malique Reyes, Jodi Couillard, and Jamie Akens

5. Recognition of Staff

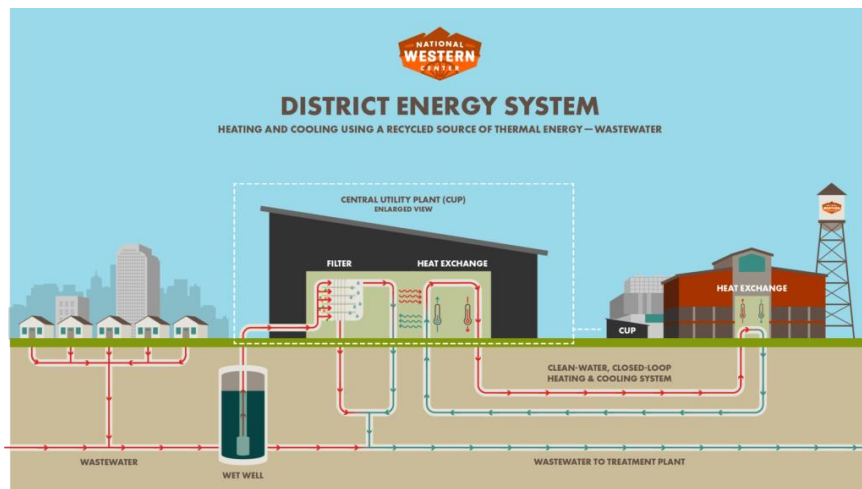
We are proud to be recognizing a number of employees at the December Board meeting who have contributed toward significant accomplishments in 2022. A short video recognizing the employees who are being honored will begin in the Boardroom prior to the 5:30 p.m. meeting, and a full list of the employees are featured in the flyer attached to the December Board meeting book. A holiday reception will begin at 4:45 p.m. in the foyer and lunchroom of the Administration Building to meet with the employees being celebrated.

6. New Episode of Metro Water Recovery's Metro Minute Series

The second episode of Metro Water Recovery's Metro Minute education series has been shared on Metro's website on the [Currents blog](#) and through Metro's social media channels on Facebook and LinkedIn. Metro Minutes, an initiative led by Strategy and Communication's Public Information Division, features short, accessible information about our work. This episode focuses on where water goes after it swirls down the drain, and serves as a testament to our work as river stewards.

7. National Western Center Tour

A tour has been scheduled for Directors at the National Western Center. This will be an excellent opportunity to see where Metro Water Recovery recovers thermal energy for sustainable heating. Please RSVP in the BoardEffect event by early April so we can accommodate all attendees.



8. Metro Water Recovery's Education Program

After conducting a successful pilot with seven virtual classes in the spring of 2022, Public Information officially launched a virtual classroom experience in the fall. An additional 13 classes were conducted (for a total of 20) this year with an estimated 500 students in the region were reached by Metro Water Recovery through these efforts. We have promoted the class offering via our website, social media, and direct email marketing to teachers in our service area. The class, delivered live via Zoom, consists of a short video (tailored to third through fifth graders) which is followed by a fun, interactive PowerPoint presentation, and concludes with a Q&A session. Each teacher receives a survey following the class, and their input is considered as we continue to build the curriculum.

Colleen Miller, with the support of Paula Vargas, conducted three virtual presentations for separate classes at the request of Ms. Karin Larson from Carson Elementary School on Monday, December 12, 2022 at 10 a.m., 11 a.m., and 1:30 p.m. After the presentations, Ms. Larson shared the following testimonial with the Public Information team:

This was such an amazing presentation. We were talking about it for days and the students mentioned how they went home and spoke with their parents about what they learned. They thought the false teeth story was grossly funny! Ms. Miller was beyond knowledgeable about every aspect of the wastewater process and answered all student/teacher questions completely. I would recommend this program to all teachers and I look forward to having it again next year! Thank you so much for a valuable, worthwhile learning experience! Karin Larson Carson Elementary School Denver, Colorado

The virtual classroom experience is part of a larger Metro Water Recovery education program which includes onsite visits for industry partners, the general public, and students from K-12 and higher education. This program is expanding Metro's reach into the community and we are excited for it to grow.

9. Retirement Board Meetings

Metro Water Recovery's Defined Benefit Plan Retirement Board and Defined Contribution Plan Retirement Board met separately on November 10, 2022. As of September 30, 2022, the Defined Benefit Retirement Fund was valued at \$116,255,656 and had 172 active members. The Defined Contribution Retirement Plan held \$12,548,555 in assets and had 262 active participants.

10. Upcoming Events

Please add applicable meeting dates to your calendars.

<u>Date</u>	<u>Event/Location</u>
Tuesday, December 20, 2022 4:45 p.m.	Annual Employee Recognition Reception Prior to Board of Directors Meeting

<u>Date</u>	<u>Event/Location</u>
Thursday, February 23, 2023 7:30 a.m. (breakfast served at 7 a.m.)	Defined Benefit Plan Retirement Board Boardroom
Thursday, February 23, 2023 12:30 p.m. (lunch served at noon)	Defined Contribution Plan Retirement Board Boardroom
Thursday, March 9, 2023 Immediately following Finance Committee	Finance Committee Budget Workshop Boardroom
Thursday, April 6, 2023 9 a.m. or directly following Finance	Audit Committee Boardroom
Thursday, April 13, 2023 8 a.m. (breakfast served at 7 a.m.)	Spring Board Workshop Northern Treatment Plant Visitor Center Presentation Room
<i>Tuesday, April 18, 2023 3:30 – 4:30 p.m.</i>	<i>Heat Recovery Tour at National Western Center</i>
Wednesday, April 19, 2023 TBD	Wastewater Worker Recognition TBD
Thursday, May 18, 2023 7:30 a.m. (breakfast served at 7 a.m.)	Defined Benefit Plan Retirement Board Boardroom
Thursday, May 18, 2023 12:30 p.m. (lunch served at noon)	Defined Contribution Plan Retirement Board Boardroom
Friday, May 19, 2023 TBD	Bike to Work Day TBD
Wednesday, June 14, 2023 TBD	Spring Metro 6.0 Town Hall/Field Day TBD
TBD – June / July timeframe	METROGRO Farm Tour
Thursday, July 6, 2023 7:30 a.m. (breakfast served at 7 a.m.)	Joint Operations / Finance Committee Boardroom
Monday, August 21, 2023 TBD	New Director Orientation Boardroom
Thursday, August 24, 2023 7:30 a.m. (breakfast served at 7 a.m.)	Defined Benefit Plan Retirement Board Boardroom

<u>Date</u>	<u>Event/Location</u>
Thursday, August 24, 2023 12:30 p.m. (lunch served at noon)	Defined Contribution Plan Retirement Board Boardroom
Thursday, October 26, 2023 8 a.m. (breakfast served at 7 a.m.)	Fall Board Workshop TBD
Thursday, November 9, 2023 9 a.m. or directly following Finance	Audit Committee Boardroom
Wednesday, November 15, 2023 TBD	Fall Metro 6.0 Town Hall TBD
Thursday, November 30, 2023 7:30 a.m. (breakfast served at 7 a.m.)	Defined Benefit Plan Retirement Board Boardroom
Thursday, November 30, 2023 12:30 p.m. (lunch served at noon)	Defined Contribution Plan Retirement Board Boardroom
Tuesday, December 19, 2023 4:45 p.m.	Annual Employee Recognition Reception Prior to Board of Directors Meeting



METRO WATER RECOVERY

MEMORANDUM

TO: Board of Directors

DATE: December 12, 2022

FROM: Emily Jackson, General Counsel

RE: General Counsel Report

ONGOING BUSINESS

SCHOOL TOUR OF THE NORTHERN TREATMENT PLANT

My son Brooks and his classmates participated in Metro Water Recovery's educational tour program. On November 1, 2022, I joined his class for a tour of the Northern Treatment Plant guided by Colleen Miller and Kelley Merritt of the Strategy and Communication Department. It was one of the highlights of my year to get to show off our incredible facility and help the next generation understand the importance of our work.



PERMIT MODIFICATION WITHDRAWAL

In September 2022, I included in my report an update on the public notice for Metro Water Recovery's permit modification, [linked here](#). On September 12, 2022, Metro submitted comments outlining several legal and practical concerns with the U.S. Environmental Protection Agency's (EPA) draft action. On November 23, 2022, the Water Quality Control Division (Division) withdrew the permit modification action. This is positive news. Metro staff has been in discussion with Division staff about what is feasible and possible next steps, and it appears at this time Division staff would like to align further discussions with EPA's issuance of method 1633, which is currently in the multi-lab validation process. In the meantime, Metro will continue its monthly sampling of the 15 [per- and polyfluoroalkyl substances](#) (PFAS) parameters in its current permit to collect data for the possible implementation of method 1633 in the future.

NACWA 2022 CLEAN WATER LAW AND ENFORCEMENT SEMINAR

The National Association of Clean Water Agency's (NACWA) Clean Water Law and Enforcement Seminar occurred November 16-18, which I co-hosted in my capacity as the Co-Chair of the Legal Affairs Committee. It was a successful event. The first day focused on PFAS while other topics ranged from environmental justice to the priorities of the White House Council on Environmental Quality to climate change implications for the sector. It had high attendance, and the participants were actively engaged. I spoke on the panel titled "PFAS PFAS Everywhere! No, really...EVERYWHERE!".

AIR QUALITY CONTROL COMMISSION HEARING FOLLOW-UP

On November 17 and 18, 2022 the Colorado Air Quality Control Commission (AQCC) held the Regulation 22 Recovered Methane Protocol rulemaking hearing. Metro Water Recovery submitted for party status in August because, as a wastewater treatment facility, Metro has recovered methane which can be used by gas distribution utilities to reduce their emissions. Metro staff worked collaboratively with Air Pollution Control Division staff and other stakeholders regarding important details, in efforts to create a robust and workable framework. Metro and the City of Longmont submitted a joint filing, and Metro staff member Katie Koplitz testified. The Commission will take final action at an upcoming hearing.

EPA APPROVES DENVER'S LEAD REDUCTION PLAN

On December 1, 2022, the EPA approved the City of Denver's continuation with its plan to remove all lead water pipes in the Denver region. EPA acknowledged the success of the lead reduction work thus far, stating Denver Water's program as one of the most successful replacement programs in the country and could be a model for other programs.

OGC Monthly Numbers

- ✓ 2 Resolutions Drafted
- ✓ 6 Contracts Reviewed
- ✓ 9 Total Requests Completed

LITIGATION

New developments since last month's report are shown in **bold**.

MWHC COMPLAINT

On August 26, 2022, MWH Contractors (MWHC or Plaintiff) filed a civil action (2022cv32466) in Denver County District Court against Metro Water Recovery concerning the Solids Processing Building Improvements Project (PAR 1244) (Project). The action requests declaratory judgment related to the following allegations-IMPLIED WARRANTY, a duty to disclose superior knowledge, mutual mistake, and MWHC is not responsible for delays and damages caused by KWS Manufacturing Company (KWS), as well as alleging breach of contract. The claims relate to issues arising from the gates supplied by KWS. The gates release biosolids from the four storage bins to the METROGRO trucks. Metro does not have a contractual relationship with KWS; MWHC holds the contract with KWS. MWHC filed the complaint in the wrong venue, Denver District Court rather than Adams County District Court. Metro filed a Motion to Change Venue. Denver District Court issued an order to move the venue, and **the Courts worked through the process of moving the venue, so the case is now in Adams County District Court. Metro filed its Answer on November 17, 2022. The parties will begin the litigation process.**

Metro Water Recovery disputes the allegations in the Complaint and the relief sought.

Metro Water Recovery has employed outside legal counsel to assist with this matter. Outside counsel for Metro is Laurin Quiat with BakerHostetler.

DITCH COMPANIES LITIGATION

On March 15, 2021, the Farmers Reservoir and Irrigation Company, Burlington Ditch Reservoir and Land Company, and Henrylyn Irrigation District (collectively, Plaintiffs) filed a civil action (Case Number 2021CV30324) in Adams County District Court against Metro Water Recovery. The action asserts breach of contract, declaratory judgment, and promissory estoppel claims

arising out of an alleged breach of a 1968 Agreement (Agreement) between Metro, City and County of Denver acting through the Board of Water Commissioners (Denver Water), and Plaintiffs. Among other relief, Plaintiffs seek a court order requiring Metro obtain a water quality discharge permit for an outfall to the Burlington Canal which is currently not in operation due to a lack of connecting infrastructure.

Metro Water Recovery disputes the allegations in the Complaint and the relief sought. On May 10, 2021, Metro filed a Motion to Dismiss, arguing Plaintiffs' claims should be dismissed pursuant to C.R.C.P. 12(b)(1) and 12(h)(3) for lack of subject matter jurisdiction and pursuant to C.R.C.P. 12(b)(5) for failure to state a claim. The Plaintiffs responded to the motion, and Metro replied. The motion is being evaluated by the Court. On February 15, 2022, the Court denied the Metro's Motion to Dismiss. Metro submitted its answer including counterclaims on March 18, 2022. The trial has been set for December 4, 2023.

Metro Water Recovery has employed outside legal counsel to assist with this matter. Outside counsel for Metro is Colin Deihl with Polsinelli.

DONALD TEMPLES LITIGATION

On June 2, 2021, Donald Temples, a tanker truck driver who delivered polymer to Metro Water Recovery, filed a civil action (Case Number 2021CV31691) in Denver District Court against Metro and John Doe Construction Company, and subsequently amended its complaint three times to name PCL Construction and the concrete subcontractor Blue Ribbon Concrete, Inc as defendants. The action asserts premises liability arising out of an alleged slip and fall accident. Additionally, the workers compensation insurance company for Mr. Temples employer filed a complaint in intervention seeking subrogation for the benefits paid to or on behalf of Mr. Temples as well as motion to intervene.

On June 22, 2021, Metro Water Recovery filed a motion for stay of proceedings and for leave to conduct limited discovery for purposes of determining sovereign immunity pursuant to C.R.S. § 24-10-108. On July 27, 2021, Metro filed its answers to the complaints disputing the allegations and the relief sought. On September 14, 2021, the Court issued an order granting Metro's motion, thereby staying the proceeding. During this period the parties are allowed to conduct discovery limited to the issue of sovereign immunity. On January 27, 2022, Metro filed a Motion to Dismiss outlining the undisputed facts gained during the discovery period and providing the legal arguments why Plaintiff's claims are barred by the Colorado Governmental Immunities Act. The motions practice has concluded on the Motion to Dismiss. On September 30, 2022, the Court issued an order to set a hearing on Metro's Motion to Dismiss to resolve remaining factual disputes. The court set the hearing for Tuesday, November 22, 2022.

The hearing on the Motion to Dismiss occurred on Tuesday, November 22, 2022. Three Metro Water Recovery staff and Donald Temples were called as witnesses. The judge did not issue an order from the bench. She directed both parties to draft Findings of Fact and Conclusions of Law for her consideration, which will be due two weeks after the parties receive the transcript from the hearing.

Through the Colorado Special Districts Property and Liability Pool, with which Metro Water Recovery carries general liability insurance, Metro has employed outside legal counsel to assist with this matter. Outside counsel for Metro is Marni Nathan Kloster with Nathan Dumm & Mayer, P.C.

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
December 20, 2022**

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 total of the unexpended appropriations is as follows:

General Fund Capital Project Account	\$295,765.48
Fixed Asset Replacement Fund	744,031.78
Acquisition and Construction Fund	<u>1,500,000.00</u>
Total Unexpended Appropriations	<u>\$2,539,797.26; and</u>

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend 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—December 2022 be and hereby are rescinded.

**METRO WATER RECOVERY
SCHEDULE A
SCHEDULE APPROPRIATIONS TO BE RESCINDED
DECEMBER 2022
GENERAL FUND CAPITAL PROJECT ACCOUNT**

PROJECT DESCRIPTION	RESOLUTION(S)	APPROPRIATION	EXPENDITURES	PRIOR RESCISSIONS	FUNDS HELD FOR REMAINING EXPENDITURES	RESCIND	PROJECT	
							START	END
TSB Annex & Lab Storage Building Repurpose	0320-6.c, 0421-B7.a	\$1,800,000.00	\$1,773,962.69	\$0.00	\$10,000.00	\$16,037.31	03/20	06/22
TU-8 Load Center & Transformer Replacement	0518-6.f, 1119-6.e	2,744,158.73	2,464,430.56	0.00	0.00	279,728.17	05/18	11/21
GENERAL FUND CAPITAL PROJECT ACCOUNT TOTAL		\$4,544,158.73	\$4,238,393.25	\$0.00	\$10,000.00	\$295,765.48		

FIXED ASSET REPLACEMENT FUND

PROJECT DESCRIPTION	RESOLUTION(S)	APPROPRIATION	EXPENDITURES	PRIOR RESCISSIONS	FUNDS HELD FOR REMAINING EXPENDITURES	RESCIND	PROJECT	
							START	END
HID Lighting Improvements	0518-6.g, 0920-B6.d	\$3,340,600.00	\$3,219,562.33	\$0.00	\$30,000.00	\$91,037.67	10/16	11/22
TU-8 Load Center & Transformer Replacement	0518-6.f, 1119-6.e	7,133,041.27	6,480,047.16	0.00	0.00	652,994.11	05/18	11/21
IT Infrastructure 2021	0621-B8.g	725,000.00	707,943.64	0.00	0.00	17,056.36	06/21	10/22
FIXED ASSET REPLACEMENT FUND TOTAL		\$10,473,641.27	\$9,699,609.49	\$0.00	\$30,000.00	\$744,031.78		

**METRO WATER RECOVERY
SCHEDULE B
SCHEDULE APPROPRIATIONS TO BE RESCINDED
DECEMBER 2022
ACQUISITION AND CONSTRUCTION FUND**

PROJECT DESCRIPTION	RESOLUTION(S)	APPROPRIATION	EXPENDITURES	PRIOR RESCISSIONS	FUNDS HELD FOR REMAINING EXPENDITURES	RESCIND	PROJECT	
							START	END
Northern Treatment Plant	0208-5.c, 0909-6.e, 1109-5.c, 1109-5.d, 0410-5.e, 0510-7.c, 1010-5.e, 0111-5.c, 0411-5.c, 0511-6.b, 0811-6.c, 0911-6.f, 0911-6.j, 1211-6.d, 0612-7.g, 1112-6.f, 1112-6.e, 0613-7.k, 0613-7.l, 1113-6.f 0614-7.i	\$425,706,111.00	\$410,337,296.61	\$13,085,502.00	\$783,312.39	\$1,500,000.00	04/11	01/23
ACQUISITION & CONSTRUCTION FUND TOTAL		\$425,706,111.00	\$410,337,296.61	\$13,085,502.00	\$783,312.39	\$1,500,000.00		
TOTAL ALL FUNDS		\$440,723,911.00	\$424,275,299.35	\$13,085,502.00	\$823,312.39	\$2,539,797.26		

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
December 20, 2022**

WHEREAS, it is in the best interest of Metro Water Recovery, hereinafter referred to as "Metro," to enter into an Agreement to provide contract dewatering services to supplement the existing Sludge Processing Facility; and

WHEREAS, due to delays associated with the Sludge Processing Improvements Project (PAR 1244) (Project), the extended run time on the existing dewatering equipment at the Robert W. Hite Treatment Facility has presented operational difficulties, specifically concerns related to the existing dewatering equipment being able to meet wintertime biosolids dewatering needs; and

WHEREAS, a contract with an external firm is required for additional dewatering capacity to ensure Metro is able to continue removing solids from the site as Metro enters the high solids loading period this winter; and

WHEREAS, pursuant to Metro's *Purchasing and Contracting Policies*, Metro staff contacted three firms capable of providing contract dewatering operations and two firms provided proposals; and

WHEREAS, a Selection Committee comprised of Metro staff evaluated the proposals and determined P&H Senesac, Inc. provided the best value to Metro; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into an Agreement with P&H Senesac, Inc. to provide contract dewatering services to supplement the existing Sludge Processing Facility at a rate of \$167,000 per month and up to \$70,000 for administrative costs; 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 an Agreement with P&H Senesac, Inc. to provide contract dewatering services to supplement the existing Sludge Processing Facility at a rate of \$167,000 per month and up to \$70,000 for administrative costs.

METRO WATER RECOVERY

Defined Benefit Plan Retirement Board Meeting Minutes Thursday, August 25, 2022

A meeting of the Defined Benefit Plan Retirement Board (DB Retirement Board) of Metro Water Recovery was held Thursday, August 25, 2022 at 7:30 a.m., in the Metro Boardroom.

1. Roll Call of Members

Chair Papke called the roll.

Members Present

Sherman Papke, Chair
Robert Duncanson
Craig Kocian
Del Smith*
Scott Twombly

Members Absent

Charles Long
Orren West, Secretary

Others Present

Mickey Conway
Emily Jackson
Colleen Dempsey
Molly Kostelecky
Ruth Kedzior
Norma Arnwine
Nicholas Ciotoli
Brian Haggerty*
Lydia Nkem
Brittany Peshek
Dale Connors, CapFinancial
Partners, LLC "CAPTRUST"
Joel Stewart, Milliman

Employee Liaisons

Jena Cline
Ted Graber
Jeff Hayden
James Jackson
Josh Malloreay
Theresa Stone

*Attended virtually

2. Public Comment

General Counsel Jackson explained the guidelines for public comment before a member of the public addressed the DB Retirement Board.

Mr. Graber clarified his comments at the last meeting, stating the Defined Benefit Retirement Plan (DB Plan) 2006 goals document includes a reference to consideration of the desirability of an ad hoc Cost Of Living Adjustment (COLA) annually. He requested the DB Retirement Board have a public discussion regarding the matter.

(**Note:** the DB Retirement Board discussed COLA information at the February 24, 2022 meeting.)

3. Election of Officers for the DB Retirement Board

Chair Papke asked the DB Retirement Board for nominations for the DB Retirement Board Secretary. Director Twombly nominated Director West as Secretary.

Chair Papke noted he had spoken with Director West previously, who had indicated his willingness to serve as secretary should he be nominated.

The motion carried unanimously.

Chair Papke asked the DB Retirement Board for nominations for the DB Retirement Board Chair. Director Kocian nominated Director Papke who expressed his willingness to serve as Chair.

The motion carried unanimously.

4. Approval of Minutes from the May 26, 2022 Meeting

Chair Papke asked if there were any corrections, deletions, or additions to the minutes of the DB Retirement Board meeting held May 26, 2022.

Director Duncanson moved and Director Twombly seconded the motion to approve the minutes of the May 26, 2022 meeting of the DB Retirement Board.

The motion carried unanimously.

5. Reports to the DB Retirement Board

a. DB Plan Financial Reports — Quarter-Ending June 30, 2022

Ms. Kostelecky reviewed her written report.

b. DB Plan Fund Investment Performance Report — Quarter-Ending June 31, 2022

Mr. Connors reviewed the written report, highlighting a current downturn in the market due to economic circumstances and other issues.

Mr. Connors answered a question regarding the Vanguard Environmental, Social, and Governance (ESG) portfolio makeup and responded to a request for more information concerning the ESG portfolio, stating it could be added to the next meeting agenda.

Ms. Kostelecky and Mr. Connors answered questions about how the DB Plan is rebalanced when needed.

c. DB Plan Fund Investment Performance Update, July 31, 2022

Mr. Connors reviewed the report, highlighting some improvement in the market compared to the previous three months.

Mr. Connors answered a question regarding the makeup of the real estate portfolio.

6. Action Items

There were none.

7. Information Items

a. DB Plan and Defined Contribution Retirement Plan Comparisons

Ms. Kostelecky presented the item, noting the comparisons between the employer contributions to each plan, total covered payroll, and employer contribution percent of covered payroll.

b. **Prevailing Practice of COLA in Defined Benefit Plans**

Ms. Dempsey presented the item, noting Metro Water Recovery is bound by statute to offer prevailing pay for similar work and highlighted prevailing practices in similar organizations, utilities, and private institutions, which show nine percent of such organizations have a defined benefit pension plan, and of those plans 33 percent have decreased benefits since 2010 while others have increased employee contributions. She also noted the plans with an ad hoc COLA have not implemented one within the past six years, and the two plans which have COLA built in are Denver Water and PERA. She stated Denver Water is the lead on benefits and PERA participants do not participate in social security.

8. Other Information

There was none.

9. Upcoming 2022 Quarterly Meetings

- Thursday, November 10, 2022, 2 p.m.

Chair Papke noted the November meeting is at a later time than usual.

Proposed 2023 Quarterly Meetings

- Thursday, February 23, 2023 at 7:30 a.m.
- Thursday, May 18, 2023 at 7:30 a.m.
- Thursday, August 24, 2023 at 7:30 a.m.
- Thursday, November 30, 2023 at 7:30 a.m.

10. Adjournment

Chair Papke adjourned the meeting at 8:29 a.m.

MC:rak/lmn

METRO WATER RECOVERY

Defined Contribution Plan Retirement Board Meeting Minutes

Thursday, August 25, 2022

The meeting of the Defined Contribution Plan Retirement Board (DC Retirement Board) of Metro Water Recovery was held Thursday, August 25, 2022 at 12 p.m., in the Metro Boardroom.

1. Roll Call of Members

Secretary Sekera called the roll.

Members Present

Colleen Dempsey, Chair
Dave Slaughter, Secretary
Greg Sekera
Christeen Thyfault

Members Absent

Janet Kieler

Others Present

Mickey Conway
Emily Jackson
Molly Kostelecky
Ruth Kedzior
Nicholas Ciotoli
Brian Haggerty*
Lydia Nkem
Brittany Peshek
Steve Summers
Jared Martin, Innovest Portfolio
Solutions "Innovest"
Kyli Soto, Innovest
Tjarda Dijkstra, MissionSquare
Retirement "MissionSquare"
Matt Greer, MissionSquare

Employee Liaisons

Jonathan Downey
Corey Kreifels
Colleen Miller

*Attended virtually

2. Public Comment

There was none.

3. Election of Officers for the DC Retirement Board

Chair Dempsey asked the DC Retirement Board for nominations for the DC Retirement Board Secretary. Chair Dempsey nominated Director Slaughter who expressed his willingness to serve as Secretary.

The motion carried unanimously.

Chair Dempsey asked the DC Retirement Board for nominations for the DC Retirement Board Chair. Director Slaughter nominated Chair Dempsey.

The motion carried unanimously.

4. Approval of Minutes from May 26, 2022 Meeting

Chair Dempsey asked if there were any corrections, deletions, or additions to the minutes of the DC Retirement Board meeting held May 26, 2022.

Director Sekera moved and Director Slaughter seconded the motion to approve the minutes of the May 26, 2022 meeting of the DC Retirement Board.

The motion carried unanimously.

5. Reports to the DC Retirement Board

- a. Defined Contribution Retirement Plan (DC Plan) Key Statistics Report — Quarter-Ending June 30, 2022
- b. Second Quarter 2022 – Capital Market Update and Investment Review

Mr. Martin introduced Ms. Soto who reviewed the written report along with Mr. Martin. Ms. Soto noted the fund changes voted on in the last meeting would go into effect on September 23, 2022 and Mr. Martin highlighted economic struggles affecting the market.

Mr. Martin answered questions regarding the comparison of returns on the different target date funds and if participants understand the expected risk strategies associated with the different funds.

- c. Review Features, New Products, and Services

Ms. Dijkstra reviewed the written report, highlighting the new MissionSquare website to be released on October 10, 2022, noting there will be a new payroll process and bank and participants will be prompted to change their login and password the first time they access the sight. Mr. Greer reviewed the educational efforts taken, including webinars and one-one-one meetings with employees.

Ms. Dijkstra answered questions concerning the rollouts from the DC Plan and how the participants will need to download the new application for mobile phones when the new website is released.

Mr. Martin answered a question about the 457(b) “First day of the month” rule which is expected to be eliminated.

6. Action Items

- a. **Consideration of Investment Policy Statement Revisions**

Director Slaughter moved and Director Sekera seconded the motion to recommend adopting Revised Metro Water Recovery’s 401(a) Defined Contribution Retirement Plan Investment Policy Statement.

Ms. Soto gave an overview of the proposed changes.

The motion passed unanimously.

7. Information Items

- a. Advisory Fee Benchmarking – How does Innovest’s Fee Compare to Other Advisors?

Ms. Soto reviewed the written report.

Ms. Soto answered a question regarding how the flat-fee structure compares to asset-based structure.

- b. Vesting Schedule

Ms. Dempsey answered questions concerning the data needed to evaluate the current vesting schedule.

Mr. Martin stated this item would be delivered at the next meeting.

8. Other Information

There was none.

9. Upcoming 2022 Quarterly Meetings

- Thursday, November 10, 2022, 7:30 a.m.

Proposed 2023 Quarterly Meetings

- Thursday, February 23, 2023 at 12 p.m.
- Thursday, May 18, 2023 at 12 p.m.
- Thursday, August 24, 2023 at 12 p.m.
- Thursday, November 30, 2023 at 12 p.m.

10. Adjournment

Chair Dempsey adjourned the meeting at 1:08 p.m.

MC:rak/lmn

METRO WATER RECOVERY

Operations Committee Meeting Minutes

Tuesday, December 6, 2022

The meeting of the Operations Committee of Metro Water Recovery was held Tuesday, December 6, 2022 at 11:30 a.m., in the Boardroom.

Vice Chair Ray chaired the meeting on behalf of Chair Williams.

Roll Call

Ms. Kohlmeier called the roll.

Members Present

Bill Ray, Vice Chair
Nadine Caldwell
John Chavez
David Councilman
Clark Davenport
James DeHerrera
Robert Duncanson
Mary Gearhart*
Joan Iler
Martin Majors*
Steve Pott
Kim Schoen
Greg Sekera
Mary Beth Susman
Amerigo Svaldi
Scott Twombly

Members Absent

Jennifer Williams, Chair
Bob LeGare
Jamie Miller
Dennis Towndrow

Others Present

Mickey Conway
Emily Jackson
Liam Cavanaugh
Martin Alvis
Dawn Ambrosio
Kim Cowan
Colleen Dempsey
Shawn Fredrickson
Perry Holland
Ruth Kedzior
Molly Kostelecky
Andy Nelson
Sherman Papke
Jennifer Robinett
Pat Stanley
Blair Wisdom
Matt Duncan
Reed Koenig
Yvonne Kohlmeier
Jessica Maloney
Mike Montez
Lydia Nkem*
Brittany Peshek
Edyta Stec-Uddin
Dan Stillwell
Dan Wcislo

*Attended virtually

Public Comment

There was none.

Action Items

Chief Executive Officer (CEO) Conway reviewed the following Action Items, and he and Metro Water Recovery staff answered Directors' questions.

1. Consideration of Rescinding Unexpended Appropriations

Director Caldwell moved and Director Davenport seconded the motion to recommend rescinding the unexpended appropriations listed on the attached Schedules from the General Fund Capital Project Account, Fixed Asset Replacement Fund, and the Acquisition and Construction Fund in the amount of \$2,539,797.26.

The motion carried unanimously.

2. Consideration of Sludge Processing Improvements Project (PAR 1244) Contract Dewatering Services Agreements

Director Iler moved and Director Sekera seconded the motion to recommend authorizing the CEO to enter into an agreement with P&H Senesac, Inc. to provide contract dewatering services to supplement the existing Sludge Processing Facility at a rate of \$167,000 per month and up to \$70,000 for administrative costs.

Mr. Nelson and Mr. Stillwell gave an overview and update of PAR 1244 delays and Mr. Nelson presented on conditions which require temporary contract dewatering for the upcoming winter months.

The motion carried unanimously.

Information Items

The Operations Committee reviewed the following Information Items.

1. Biosolids Management Program/METROGRO Farm Update

Mr. Stanley gave an overview of the item and answered questions on the Biosolids Management Program.

CEO Conway stated Metro Water Recovery moves 90 plus tons of biosolids out of Metro's facility every day, will never stop, and has to be applied somewhere.

2. Innovation Quarterly

Ms. Wisdom gave an update on recalcitrant nutrient removal and stated staff would give another update in six months when the project will be near completion.

3. Metro Water Recovery Meet the Team – Comprehensive Planners

Mr. Holland introduced the team, highlighting their individual duties accomplishments, and how their work as comprehensive wastewater workers supports the organization.

Vice Chair Ray expressed appreciation for the team's work and the chance to learn about Metro Water Recovery's employees.

4. Status of Capital Improvement Projects Report
5. Current Activities/Operational Performance Report
6. Financial Reports
7. Upcoming Events

Other Information

Ms. Ambrosio stated Metro Water Recovery is looking into participating in local holiday parades in the future.

Vice Chair Ray adjourned the meeting at 12:36 p.m.

MC:raklyjk

METRO WATER RECOVERY

Finance Committee Meeting Minutes

Thursday, December 8, 2022

The meeting of the Finance Committee of Metro Water Recovery was held Thursday, December 8, 2022 at 7:30 a.m., in the Boardroom.

Roll Call

Chair Roth called the roll.

Members Present

Bob Roth, Chair
Janet Kieler, Vice Chair
Curt Aldstadt
Peter Baertlein
Greg Baker
Phil Burgi
Deborah Crisp
Jo Ann Giddings
Andrew Johnston
Craig Kocian
Doug Lazure*
Charlie Long
Charlie Miller
Sarah Niyork
Del Smith
Peter Spanberger
Ronald Younger*

Members Absent

Laura Kroeger
Kathy Laurienti

Other Directors Present

Jennifer Williams*
Bob LeGare*

Others Present

Mickey Conway
Emily Jackson
Liam Cavanaugh
Martin Alvis
Dawn Ambrosio
Kim Cowan
Colleen Dempsey
Shawn Fredrickson
Perry Holland
Ruth Kedzior
Molly Kostelecky
Andy Nelson
Sherman Papke
Jennifer Robinett
Pat Stanley
Orren West
Blair Wisdom
Matt Duncan
Yvonne Kohlmeier
Jessica Maloney
Mike Montez
Lydia Nkem*
Brittany Peshek
Dan Stillwell
Dan Wcislo

*Attended virtually

Public Comment

There was none.

Action Items

Chief Executive Officer (CEO) Conway reviewed the following Action Items, and he and Metro Water Recovery staff answered Directors' questions.

1. **Consideration of Rescinding Unexpended Appropriations**

Director Burgi moved and Director Baker seconded the motion to recommend rescinding the unexpended appropriations listed on the attached Schedules from the General Fund Capital Project Account, Fixed Asset Replacement Fund, and the Acquisition and Construction Fund in the amount of \$2,539,797.26.

Mr. Nelson answered a question regarding the timing of the Acquisition and Construction Fund rescission.

The motion carried unanimously.

2. **Consideration of Sludge Processing Improvements Project (PAR 1244) Contract Dewatering Services Agreements**

Director Johnston moved and Director Niyork seconded the motion to recommend authorizing the CEO to enter into an agreement with P&H Senesac, Inc. to provide contract dewatering services to supplement the existing Sludge Processing Facility at a rate of \$167,000 per month and up to \$70,000 for administrative costs.

Mr. Nelson and Mr. Stillwell gave an overview and update of the PAR 1244 delays and Mr. Nelson presented on conditions which require temporary contract dewatering for the upcoming winter months.

Mr. Nelson responded to questions concerning impacts from the two-year, the cause of the damaged tiles and the responsibility borne by MWH Constructors (MWH).

CEO Conway noted it is the responsibility MWH to resolve the issues with their subcontractors.

The motion carried unanimously.

Information Items

The Finance Committee reviewed the following Information Items.

1. Biosolids Management Program/METROGRO Farm Update

CEO Conway provided a recap of the Biosolids Management Program and METROGRO Farm (Farm).

Mr. Stanley and Ms. Robinett answered a question about the private composter and timely test results.

Mr. Stanley responded to questions about the percentage of biosolids applied on the Farm and difference from five years ago.

Mr. Cavanaugh noted hauling the Northern Treatment Plant biosolids to a private composter was due to a delay in analytical results not the operational treatment process.

Mr. Cavanaugh noted offsetting necessary expenses in operating the Farm is in Metro's best interest.

Mr. Stanley explained why grazing was pulled from the Farm.

Director Baertlein appreciated the Farm report and the approach Metro is taking.

2. Innovation Quarterly

Ms. Wisdom gave an update on recalcitrant nutrient removal and stated staff would give another update when the project is completed.

Director Johnston expressed appreciation for the collaboration with external entities.

3. Metro Water Recovery Meet the Team – Comprehensive Planners

Mr. Holland introduced the team, highlighting their individual duties accomplishments, and how their work as comprehensive wastewater workers support the organization.

Directors Smith, Niyork, and Johnston expressed appreciation for the team's work and the chance to learn about Metro Water Recovery's employees.

4. Status of Capital Improvement Projects Report

5. Current Activities/Operational Performance Report

6. Financial Reports

7. Upcoming Events

CEO Conway reminded Directors of the upcoming December Board meeting with a special reception and presentation to recognize outstanding employees.

Other Information

Director LeGare remarked on his positive virtual meeting experience in spite of the Boardroom's technology failure and gave kudos to the staff who made it happen.

CEO Conway answered a question and explained Metro Water Recovery's association with the National Western Complex and stated a tour will be scheduled in the spring of 2023. He also confirmed the Farm tour will be rescheduled next year.

Director Smith commented the Sludge Processing Improvements Project (PAR 1244) was small in comparison to the Chernobyl disaster, which he recently read about, and to have perspective on the scope of the situation.

Chair Roth adjourned the meeting at 8:45 a.m.

MC:raklyjk

METRO WATER RECOVERY

Executive Committee Meeting Minutes

Tuesday, December 13, 2022

The meeting of the Executive Committee of Metro Water Recovery was held Tuesday, December 13, 2022 at 11:30 a.m., in the Boardroom.

Roll Call

Chair Johnston called the roll.

Members Present

Andrew Johnston, Chair
Sarah Niyork, Chair Pro Tem
Jo Ann Giddings, Secretary
Del Smith, Treasurer*
Bob LeGare
Charles Long
Bob Roth*
Scott Twombly
Jennifer Williams

Members Absent

Other Directors Present

Peter Baertlein, Advisory
Philip Burgi, Advisory*

Others Present

Mickey Conway
Emily Jackson
Liam Cavanagh
Molly Kostelecky
Ruth Kedzior
Andy Nelson
Sherman Papke
Yvonne Kohlmeier
Lydia Nkem
Brittany Peshek

*Attended virtually

Public Comment

There was none.

Action Items

1. Consideration of Rescinding Unexpended Appropriations

Director Baertlein moved and Director Niyork seconded the motion to recommend rescinding the unexpended appropriations listed on the attached Schedules from the General Fund Capital Project Account, Fixed Asset Replacement Fund, and the Acquisition and Construction Fund in the amount of \$2,539,797.26.

The motion carried unanimously.

2. Consideration of Sludge Processing Improvements Project (PAR 1244) Contract Dewatering Services Agreements

Director Baertlein moved and Director Niyork seconded the motion to recommend authorizing the CEO to enter into an agreement with P&H Senesac, Inc. to provide contract dewatering services to supplement the existing Sludge Processing Facility at a rate of \$167,000 per month and up to \$70,000 for administrative costs.

The motion carried unanimously.

Information Items Discussed/Presented at Standing Committees

The Executive Committee reviewed the following Information Items.

1. Biosolids Management Program/METROGRO Farm Update
2. Innovation Quarterly
3. Metro Water Recovery Meet the Team – Comprehensive Planners
4. Status of Capital Improvement Projects Report
5. Current Activities/Operational Performance Report
6. Financial Reports
7. Upcoming Events

Information Items

1. Purchasing and Contracts Policy Update

Ms. Kostelecky presented the recommended updates to the *Purchasing and Contracting Policies*. After discussion regarding annual contract value versus total contract value and spending authorities, the Committee recommends increasing the expenditure and contracting limit for the Chief Executive Officer (CEO) from \$250,000 to \$500,000; for the Executive Committee from \$500,000 to \$750,000; and keeping the Board participation in Selection Committees at \$1.5 million.

Director Long expressed concern for removing the Conflict of Interest language and CEO Conway stated there will be a follow-up.

2. Legal Update

The Chair moved this item in front of the Property Acquisition Update.

Chair Johnston 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 Temples Case Trinity Hearing. As a reminder, no formal action may be taken in executive session. Additionally, the discussion must be confined to this topic."

Director Bartlein moved and Director Nlyork seconded the motion to enter executive session. The motion carried unanimously, and the Committee entered executive session at 12:59 p.m.

Chair Johnston reconvened the regular meeting at 1:08 p.m.

3. Property Acquisition Update

Chair Johnston stated “This discussion will be conducted in executive session as authorized by C.R.S. 24-6-402(4)(a) which authorizes executive sessions relating to the purchase, acquisition, lease, transfer, or sale of any property, real or personal. The matter to be discussed in this executive session is Property Acquisition Update. No formal action may be taken in executive session and the discussion must be confined to this topic.”

Director Williams moved and Director Giddings seconded the motion to enter executive session. The motion carried unanimously, and the Committee entered executive session at 1:09 p.m.

Chair Johnston reconvened the regular meeting at 1:17 p.m.

Other Information

CEO Conway gave an update on the Boardroom audio visual equipment.

Mr. Conway answered a question concerning the warranty status of the failed equipment.

Chair Johnston adjourned the meeting at 1:19 p.m.

MC:raklyjk



You Are Invited
to a Celebration of Metro Water
Recovery Staff and Presentation of
the Board Chair Award
December 20, 2022, 4:45 p.m.

Please join us for a special reception and celebration of Metro Water Recovery staff at **4:45 p.m.** in the Administration Building Lunchroom just prior to the Board of Directors' Meeting.

During the Board Meeting, employees will be recognized and the recipient of the 2022 Board Chair Award will be announced.



Compensation and Benefits Team:

Norma Arnwine, Brian Haggerty, Miracle Ott

Elevated Ops Team:

Matt Duncan, Kelsey Gedge, Josh Malloreay, Lance Wenholz, Orren West

Operations Planners:

Caleb Frandsen, Jim Nickolette, Gene Taylor

Terra Gator Rebuild Program Team:

Doug Connolly, Nick Hoffman, Pat Moncrief, Brandon Tymkovich

Transforming Wastewater Team:

Liam Cavanaugh, Kim Cowan, Caleb Frandsen, Dan Freedman, Jack Hennes, Muzit Kiflai, Andy Nelson, Rienna Nuber, Sherman Papke, Jordan Parman, Jennifer Robinett, Theresa Stone, Blair Wisdom