

**Eagle River Water & Sanitation District
Upper Eagle Regional Water Authority
Special Joint Meeting
November 30, 2023
MINUTES**

A special joint meeting of the Boards of Directors of the Upper Eagle Regional Water Authority (Authority) and the Eagle River Water & Sanitation District (District) was held November 30, 2023, at 9:00 a.m., in the Walter Kirch Room of the District, 846 Forest Road, Vail, Eagle County, Colorado, in accordance with the applicable statutes of the state of Colorado.

ATTENDANCE

The following Authority Directors were present and acting:

Geoff Dreyer, Arrowhead Metropolitan District
George Gregory, Berry Creek Metropolitan District
Kevin Hillgren, Beaver Creek Metropolitan District
Mike Trueblood, Edwards Metropolitan District
Kim Bell Williams, EagleVail Metropolitan District

The following Authority Director was absent and excused:

Tamra Underwood, Town of Avon

The following Authority Alternate Director was presenting and acting:

Eric Heil, Town of Avon

The following District Directors were present and acting:

Dick Cleveland
Steve Coyer
Sarah Smith Hymes
Rick Pylman
Robert Warner, Jr.

The following District Directors were absent and excused:

Kate Burchenal
Timm Paxson

Also in attendance were:

District Staff

Jason Cowles
Jesse Hooker
Diane Johnson
David Norris
Siri Roman
Brian Thompson
Brad Zachman

Consultants

Steve Bushong, Bushong & Holleman PC
Kristin Moseley, Somach Simmons & Dunn
Kathryn Winn, Collins Cole Flynn Winn & Ulmer PLLC

Public

Zoe Goldstein, Vail Daily
Mike Towler, Beaver Creek Metropolitan District Alternate

DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

Each of the respective Boards noted it had received more than 72 hours prior to the meeting certain disclosures of Potential Conflicts of Interest Statements for the following Directors indicating the following conflicts:

For the Authority:

Director Gregory disclosed that he occasionally undertakes minor development and construction activities within the Authority's service area. Director Bell Williams disclosed that she is the Housing Director for Eagle County and works with the Eagle County Housing and Development Authority Advisory Committee. Director Dreyer disclosed that he is a board member and secretary of Bachelor Springs Homeowners' Association.

For the District:

Director Pylman disclosed that he owns a land planning consulting company doing business in the District's service area that has represented entities that have and may do business with the District. Director Warner disclosed that he is a Board Member of Arrowhead Metropolitan District, a former builder/developer in the District, a Member of the Eagle County Planning Commission and Board of Adjustment, and President of McCoy Springs at Arrowhead Homeowners Association. Director Burchenal disclosed that she is an employee of Airborne Snow Observatories, Inc., which does not currently do business with the District but there may be a time in the future when they do business with the District or other partners in the District's service area.

CALL TO ORDER

Having determined there was a quorum, Authority Chair Gregory called the meeting to order at 9:00 a.m.

District Chair Cleveland concurred.

**Eagle River Water & Sanitation District
Upper Eagle Regional Water Authority**

PUBLIC COMMENT

Public comment was called for and there was none.

PFAS Class Action Settlements

Mr. Zachman discussed the limited data regarding per- and polyfluoroalkyl substances (PFAS) in the District and Authority service areas. He reminded the boards that no treatment facility has ever detected PFAS levels at or above the EPA Proposed Maximum Contaminant Levels. He also said sampling data and other information regarding PFAS is publicly available on the ERWSD website. Discussion ensued regarding the unknown potential impacts of PFAS on water and wastewater operations and the associated treatment costs, which will be incomparably greater than the potential compensation provided in these proposed settlements. Mr. Bushong then presented a memorandum, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference. He reminded the boards that the District and Authority, as operators of a Public Water System, are Class Members of the proposed settlements. He also said that despite the lack of clear information, each board should decide whether to stay in the Class or be excluded from the 3M and Dupont settlements today in order to meet the first exclusion deadline. Further discussion ensued regarding the potential implications of staying in or opting out of these settlements. Board members unanimously agreed that it was important that both boards make a unified decision. There was further consensus that the guaranteed compensation was too insubstantial to forfeit future legal rights under the vague terms of the settlement agreements. Upon motions duly made and seconded, it was unanimously

RESOLVED by the Upper Eagle Regional Water Authority Board of Directors to direct Bushong & Holleman, PC, to take such actions as necessary for the Authority to opt out of the PFAS class action settlements with 3M and DuPont; and it was unanimously

RESOLVED by the Eagle River Water & Sanitation District Board of Directors to direct Bushong & Holleman, PC, to take such actions as necessary for the District to opt out of the PFAS class action settlements with 3M and DuPont.

ADJOURNMENT

There being no further business to come before the board at this meeting and upon motion duly moved and seconded, it was unanimously

RESOLVED, that the signing of the minutes of this meeting shall be deemed to constitute full and complete adoption, ratification, and approval of the business conducted and the resolutions passed; and be it

FURTHER RESOLVED, that the meeting be adjourned at 10:26 a.m.

Secretary to the Meeting