

**Eagle River Water & Sanitation District  
Upper Eagle Regional Water Authority  
Joint Meeting  
March 24, 2022  
MINUTES**

1 A joint meeting of the Boards of Directors of the Upper Eagle Regional Water Authority (**Authority**) and the  
2 Eagle River Water & Sanitation District (**District**) was held Mar. 24, 2022, at 11:00 a.m., via Microsoft  
3 Teams, in accordance with the applicable statutes of the State of Colorado.

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5 **ATTENDANCE**

6 **The following Authority Directors were present, thereby constituting a quorum:**

7 Geoff Dreyer, Arrowhead Metropolitan District  
8 Pam Elsner, Beaver Creek Metropolitan District  
9 George Gregory, Berry Creek Metropolitan District  
10 Sarah Smith Hymes, Town of Avon  
11 Kim Bell Williams, EagleVail Metropolitan District  
12 Mick Woodworth, Edwards Metropolitan District

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14 **The following District Directors were present, thereby constituting a quorum:**

15 Kate Burchenal  
16 Dick Cleveland  
17 Steve Coyer  
18 George Gregory  
19 Timm Paxson  
20 Bill Simmons  
21 Robert Warner Jr.

22 **Also in attendance were:**

23 **ERWSD Staff**

24 Linn Brooks  
25 Sarah Crawford  
26 Jason Cowles  
27 Jesse Hooker  
28 Diane Johnson  
29 David Norris  
30 Siri Roman  
31 Jeff Schneider  
32 Len Wright  
33 Brad Zachman

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**Consultants**

36 Jim Collins, Collins Cole Flynn Winn & Ulmer, PLLC  
37 Mark Mitisek, LRE Water  
38 Kristin Moseley, Somach Simmons & Dunn  
39 Page Weil, Lynker

**Public**

42 none

44 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

45 The Boards noted they had received more than 72 hours prior to the meeting certain disclosures of Potential Conflicts of Interest  
46 Statements for the following Directors indicating the following conflicts:

47 **For the Authority:**

48 Director Elsner disclosed her membership with the Vilar Performing Arts Center Guild, which operates within the Authority's service  
49 area. Director Gregory and alternate Director Simmons disclosed that they serve on the Board of the Eagle River Water and Sanitation  
50 District. Director Gregory also disclosed that he occasionally undertakes small development and construction activities within the  
51 Authority and District service areas. Alternate Director Simmons noted he serves on the board of the Eagle River Fire Protection  
52 District and is employed by Beaver Creek Metropolitan District, an Authority member. Director Williams disclosed that she is the Eagle  
53 County Housing Director. Director Woodworth disclosed that he is employed by the Eagle River Fire Protection District, which operates  
54 within the Authority's service area.

55 **For the District:**

56 Director Burchenal disclosed that she serves on the board of the Eagle River Watershed Council. Director Gregory disclosed that  
57 he serves on the board of the Upper Eagle Regional Water Authority (Authority) and occasionally undertakes development and  
58 construction activities within the District and Authority service areas. Director Simmons disclosed that he is the General Manager  
59 of the Beaver Creek Metropolitan District, an alternate Authority Director, and serves on the board of the Eagle River Fire  
60 Protection District. Director Warner disclosed that he is a developer within the District's service area and serves on the Eagle  
61 County Planning Commission, which occasionally has dealings with the District.

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

**1 CALL TO ORDER**

2 Chair Simmons of the Eagle River Water & Sanitation District called the meeting to order at 11:00 a.m., Chair  
3 Gregory of the Upper Eagle Regional Water Authority concurred.

**4 INTRODUCTIONS**

5 Mr. Cowles introduced Mr. Mitisek and Mr. Weil.

**6 PUBLIC COMMENT**

7 Public comment was called for and there was none.

**8 CLIMATE IMPACTS ON LOCAL WATER SUPPLY**

9 Ms. Brooks shared a PowerPoint presentation, a copy of which is attached hereto as **Exhibit A** and  
10 incorporated herein by this reference, about climate impacts on local water supply. She noted the speed  
11 of climate change had recently increased which intensifies local detrimental effects, including reducing  
12 local water supplies. She noted conservation efforts, customer water use, pricing structures, and  
13 modeling results, stating that a diminishing water supply due to climate change means that our water use  
14 as a community needs to decrease. This decrease largely needs to come from outdoor water use as  
15 outdoor use has the greatest impact on local water supply.

**16 EXECUTIVE SESSION**

17 Mr. Collins and Ms. Moseley requested the Boards enter Executive Session to receive legal advice of  
18 counsel and discuss negotiations regarding the Eagle River MOU, the draft Homestake Creek Transit  
19 Loss Study, and Bolts Lake / Minturn matters, per §24-6-402(4)(b) and (e) C.R.S. They asked that no  
20 electronic record be made, as the discussion would be entirely privileged attorney-client communications.  
21 Upon motion duly made and seconded, it was unanimously.

22 **RESOLVED** to enter Executive Session at 11:29 a.m. to receive advice of counsel and  
23 discuss negotiations regarding the Eagle River MOU, the draft Homestake Creek Transit  
24 Loss Study, and Bolts Lake / Minturn matters pursuant to §24-6-402(4)(b) and (e) C.R.S. with  
25 no electronic record created as Ms. Winn and Ms. Moseley opined the contents of the  
26 discussion would contain privileged attorney-client communications.\*

27 The regular meeting resumed at 12:51 p.m.

**28 JOINT RESOLUTION CONCERNING REPAYMENT OF TRESTLE WORK AREA DONATION**

29 Mr. Collins reviewed the Resolution, a copy of which is attached hereto as **Exhibit B** and incorporated  
30 herein by this reference. After discussion and upon motions duly made and seconded, it was unanimously

31 **RESOLVED** by the Upper Eagle Regional Water Authority board to approve and accept the  
32 Resolution Concerning Repayment of Trestle Work Area Donation, as presented.

33 **RESOLVED** by the Eagle River Water & Sanitation District board to approve and accept the  
34 Resolution Concerning Repayment of Trestle Work Area Donation, as presented.

35 Directors expressed gratitude for the Donor's foresight that stimulated the progress made on the Bolts  
36 Lake project and asked Mr. Collins to convey their heartiest and most sincere appreciation to the Donor.

846 Forest Road

Vail, Colorado 81657

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

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**ADJOURNMENT**

There being no further business to come before the Boards, the meeting adjourned at 12:56 p.m.

Respectfully submitted,

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Secretary to the Meeting