

Upper Eagle Regional Water Authority

Board of Directors Meeting

April 28, 2022

MINUTES

1 A remote regular meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority)
2 was held Apr. 28, 2022, at 8:30 a.m., in accordance with the applicable statutes of the state of Colorado.

3 4 **ATTENDANCE**

5 **The following Directors were present via Microsoft Teams, thereby constituting a quorum:**

6 Geoff Dreyer, Arrowhead Metropolitan District
7 Pam Elsner, Beaver Creek Metropolitan District
8 George Gregory, Berry Creek Metropolitan District
9 Kim Bell Williams, EagleVail Metropolitan District
10 Mick Woodworth, Edwards Metropolitan District

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12 **The following Director was absent and excused:**

13 Sarah Smith Hymes, Town of Avon

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15 **The following Alternate Director was present and acting:**

16 Eric Heil, Town of Avon

17 18 **Also in attendance were:**

19 <u>District Staff</u>	32	Chris Wolff
20 Tom Borawski	33	Len Wright
21 Linn Brooks	34	Brad Zachman
22 Jim Cannava	35	
23 Sarah Crawford	36	<u>Consultants</u>
24 Diane Johnson	37	Kathryn Winn, Collins Cole Flynn Winn & Ulmer, PLLC
25 Kira Koppel	38	Kristin Moseley, Somach Simmons & Dunn
26 David Norris	39	
27 Chuck Owen	40	<u>Public</u>
28 Rob Ringle	41	Kevin Hillgren, Beaver Creek Metro District alternate
29 Siri Roman	42	Kris Miller
30 Jeffrey Schneider	43	
31 Justin Way		

32 33 34 35 36 37 38 39 40 41 42 43 44 45 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

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

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 & 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
53 Eagle County Housing Director. Director Woodworth disclosed that he is employed by the Eagle River Fire Protection District, which
54 operates within the Authority's service area.

55 **CALL TO ORDER**

56 Chair Gregory called the meeting to order at 8:30 a.m.

57 **INTRODUCTIONS**

58 There were no guest or consultant introductions.

59 **PUBLIC COMMENT**

60 Public comment was called for and there was none.

61 **ACTION ITEMS**

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1 **Consideration of Minutes** – The minutes of the Mar. 24, 2022, regular meeting and joint meeting with
2 the Eagle River Water & Sanitation District were considered. Upon motion duly made and seconded, it
3 was unanimously

4 **RESOLVED** that the minutes of the Mar. 24, 2022, regular meeting and joint meeting be
5 accepted and hereby are approved as presented.

6 **Information Reports** – The board reviewed board committee membership, the March meeting summary,
7 and the contract log, copies of which are attached hereto as **Exhibits A, B, and C**, respectively, and
8 incorporated herein by this reference.

9 **STRATEGY ITEMS**

10 **Board Member Input** – Chair Gregory asked for general input and there was none.

11 **GENERAL MANAGER REPORT**

12 Ms. Brooks noted she did not include a written report.

13 **New reports** – Ms. Brooks noted that new reports had been added to the agenda under the
14 Business Administration Report, including the Human Resources update, which is normally only
15 reported to the District.

16 **BUSINESS ADMINISTRATION REPORT**

17 **Quarterly Financial Report** – Mr. Norris introduced Finance Manager Jim Cannava, who
18 presented the Quarterly Financials, a copy of which is attached hereto as **Exhibit D** and
19 incorporated herein by this reference. He reviewed various financial benchmarks and noted the
20 Authority plans to issue bonds later this year, subject to need and market factors.

21 **Human Resources Update** – Mr. Borawski presented his report, a copy of which is attached
22 hereto as **Exhibit E** and incorporated herein by this reference. He said the Classification and
23 Compensation Study that the District has undertaken will determine the future of District staffing.
24 He shared data about cost-of-living and wage differences across Colorado, along with wage
25 compression issues. Directors discussed balancing pressures on staffing and customer rates, as
26 well as inflation and an ever more challenging housing market – even while the District is an
27 employee housing leader – among other things. Mr. Borawski summarized that the District is
28 working on every angle to retain employees and the Study is a critical component.

29 **OPERATIONS REPORT**

30 Ms. Roman presented the operations report, a copy of which is attached hereto as **Exhibit F** and
31 incorporated herein by this reference.

32 **COVID-19 wastewater surveillance** – Mr. Ringle presented his memo along with a PowerPoint
33 presentation, copies of which are attached hereto as **Exhibits G and H**, respectively, and
34 incorporated herein by this reference. He said that Eagle River Water & Sanitation District joined
35 the Colorado SARS-CoV-2 Wastewater Surveillance Collaborative in March and provided the
36 program rationale, an overview of how it operates, how samples are tested, and how the state

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1 shows results. He said Colorado Department of Public Health and Environment representatives
2 see significance in the increasing trend in results from the Vail wastewater treatment facility.

3 **Eagle Park Reservoir Company meeting update** – Ms. Roman summarized topics discussed
4 at the March 29 EPRC board meeting, including the East Fork Pump Station project, budgeting
5 for fiscal year 2023, and the expected transition of two Vail Resorts' directors.

6 **ENGINEERING AND WATER RESOURCES REPORT**

7 Ms. Brooks presented Mr. Cowles' report, a copy of which is attached hereto as **Exhibit I** and
8 incorporated herein by this reference, as he was unavailable. Chair Gregory noted the Authority's 227.31
9 acre-feet of unallocated water includes the unrestricted Eagle Park Reservoir water of 51.19 AF (that
10 further includes 25AF pledged to the Authority by the District) and 78.13 AF that is earmarked for Eagle
11 County affordable housing. He said this leaves the Authority in a tenuous position to serve future uses.

12 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

13 Ms. Johnson presented her report, a copy of which is attached hereto as **Exhibit J** and incorporated
14 herein by this reference. She noted the Eagle River Valley State of the River event is returning this year
15 on June 2 at Colorado Mountain College in collaboration with the Colorado River District. She reported on
16 recent developments in Colorado River operations as conditions continue to deteriorate in the basin.

17 **GENERAL COUNSEL REPORT**

18 Ms. Winn reported on House Bill 22-1363 that would have changed many special district requirements,
19 which was substantially amended earlier in the week and no longer has an impact on service districts.

20 **WATER COUNSEL REPORT**

21 Ms. Moseley said the last day of Colorado's legislative session is May 11 and reported that the water
22 speculation bill is all but dead, the turf replacement bill is in appropriations, and Governor Polis signed a
23 change so the Interim Water Resources Review Committee will now be the Water Resources and
24 Agricultural Review Committee. In response to a question, Ms. Moseley said the bill to ban PFAS in
25 products was still moving through the legislature.

26 **EXECUTIVE SESSION**

27 Ms. Winn requested the Board enter Executive Session to receive legal advice of counsel and discuss
28 negotiations related to cybersecurity impacts and risk mitigation pursuant to §24-6-402(4)(b)(d) and (e)
29 C.R.S. She asked that no electronic record be made, as the discussion would be entirely privileged
30 attorney-client communications. Upon motion duly made and seconded, it was unanimously

31 **RESOLVED** to enter Executive Session at 9:46 a.m. to discuss cybersecurity pursuant to
32 §24-6-402(4)(b)(d) and (e) C.R.S. with no electronic record created as Ms. Winn opined the
33 contents of the discussion would contain privileged attorney-client communications.*

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35 The regular meeting resumed at 10:02 a.m.
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1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 10:03 a.m.

3 Respectfully submitted,

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6 Secretary to the Meeting

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8 **MINUTES APPROVED, FORMAL CALL, AND**
9 **NOTICE OF MEETING WAIVED**

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11 _____
12 **Arrowhead Metropolitan District**

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15 **Town of Avon**

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18 **Beaver Creek Metropolitan District**

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21 **Berry Creek Metropolitan District**

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24 **EagleVail Metropolitan District**

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27 **Edwards Metropolitan District**

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36 *The undersigned attorney for the applicable Executive Session affirms that the portion of the discussion
37 in Executive Session not recorded constituted privileged attorney-client communications.
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42 **Kathryn Winn, General Counsel**

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42 **Kristin Moseley, Water Counsel**