

# Upper Eagle Regional Water Authority

## Board of Directors Meeting

July 28, 2022

### MINUTES

1  
2 A regular meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority) was  
3 held July 28, 2022, at 8:30 a.m., in the Walter Kirch Room of the Eagle River Water & Sanitation District  
4 (District), 846 Forest Road, Vail, Eagle County, Colorado, in accordance with the applicable statutes of the  
5 state of Colorado.

#### 6 7 **ATTENDANCE**

##### 8 **The following Directors were present and acting:**

9 George Gregory, Berry Creek Metropolitan District  
10 Kevin Hillgren, Beaver Creek Metropolitan District  
11 Sarah Smith Hymes, Town of Avon Metropolitan District  
12 Kim Bell Williams, EagleVail Metropolitan District

##### 13 **The following Directors were absent and excused:**

14 Geoff Dreyer, Arrowhead Metropolitan District  
15 Mick Woodworth, Edwards Metropolitan District

##### 16 **The following Alternate Directors were present and acting:**

17 Bill Roe, Arrowhead Metropolitan District  
18 Mike Trueblood, Edwards Metropolitan District

##### 19 20 **Also in attendance were:**

21 <u>District Staff</u>	34	Siri Roman
22 Tom Borawski	35	Jeffrey Schneider
23 Linn Brooks	36	Brian Thompson
24 Jim Cannava	37	
25 Ray Dixon	38	<u>Consultants</u>
26 Allison Ebbets	39	Jim Collins, Collins Cole Flynn Winn & Ulmer, PLLC
27 Jesse Hooker	40	Kristin Moseley, Somach Simmons & Dunn
28 Diane Johnson	41	
29 Kira Koppel	42	<u>Public</u>
30 Andrew Knapp	43	William McKinzie
31 David Norris	44	Melissa Nelson, Berry Creek Metropolitan District Alternate
32 Chuck Owen	45	Mike Towler, Beaver Creek Metropolitan District Alternate
33 Michael Rae	46	

#### 47 48 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

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

51 Director Gregory disclosed that he serves on the board of the Eagle River Water & Sanitation District; also that he occasionally  
52 undertakes small development and construction activities within the Authority and District service areas. Director Bell Williams  
53 disclosed that she is the Eagle County Housing Director. Director Woodworth disclosed that he is employed by the Eagle River Fire  
54 Protection District, which operates within the Authority's service area.

#### 55 56 **CALL TO ORDER**

57 Having determined that quorum was established, Chair Gregory called the meeting to order at 8:30 a.m.

#### 58 **CONSULTANT/GUEST INTRODUCTION**

59 Chair Gregory welcomed District staff members: Water Use Customer Outreach Coordinator Allison  
60 Ebbets and Safety & Risk Coordinator Michael Rae.

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## OATH OF OFFICE

Chair Gregory administered the oath of office to Alternate Director Roe, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference. Ms. Johnson filed the certificate of appointment with the Eagle County Clerk and Recorder.

## PUBLIC COMMENT

Chair Gregory called for public comment. William McKinzie, an Edwards resident and customer, expressed support for more sustainable irrigation and landscaping practices and greater collaboration between community organizations, HOAs, and property managers.

## PUBLIC HEARING CONCERNING CERTAIN WATER SERVICE FEES

Mr. Norris presented a memorandum, a copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference. Chair Gregory opened the public hearing and called for comment. Hearing none, he then closed the public hearing. Mr. Norris presented the Resolution Concerning Certain Water Service Fees, a copy of which is attached hereto as **Exhibit C** and incorporated herein by this reference. He said these fees would cover costs directly from customers receiving services rather than such costs being distributed across all ratepayers. Upon motion duly made and seconded, it was unanimously

**RESOLVED** that the Resolution Concerning Certain Water Services Fees be approved and adopted as presented.

## ACTION ITEMS

**Consideration of Minutes** – The minutes of the June 23, 2022, regular meeting were considered. Upon motion duly made and seconded, it was unanimously

**RESOLVED** that the minutes of the June 23, 2022, regular meeting be accepted and hereby are approved as presented.

**Information Reports** – Directors reviewed the development report, board committees, June meeting summary, and contract log, copies of which are attached hereto as **Exhibits D, E, F, and G**, respectively, and incorporated herein by this reference.

## STRATEGY ITEMS

Chair Gregory asked for general input from directors. Director Hillgren expressed support for Bolts Lake and conservation projects; he also reported that Beaver Creek Metro District passed a resolution rejecting inclusion into the Eagle River Water & Sanitation District. Alternate Director Trueblood and Alternate Director Roe reported their respective metropolitan districts feel it may not be the right time to unify the Authority and the District. Vice Chair Hymes expressed support for Ms. Brooks' July 20 letter to customers urging permanent water use reductions due to warming temperatures and diminishing supplies. Chair Gregory commended staff's work on the installation of the District's new utility bridge and sewer main in Dowd Junction.

**WATER BUDGETING AND DROUGHT CASE STUDY** – Ms. Brooks presented a PowerPoint, a copy of which is attached hereto as **Exhibit H** and incorporated herein by this reference. She reported on her visit

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1 to the Las Virgenes (CA) Municipal Water District. Based on data and observations of their water  
2 budgeting program, Ms. Brooks noted the effectiveness of budgeting when implemented with rationales,  
3 enforcement policies, and customer messaging that are transparent and consistent. While the drought  
4 conditions in Las Virgenes are more critical than the Authority's service area, directors discussed parallels  
5 to the case study's budget calculation factors and outreach strategies.

### **GENERAL MANAGER REPORT**

7 Ms. Brooks described the search process for the next District General Manager.

### **BUSINESS ADMINISTRATION REPORT**

9 **Quarterly Financial Report** – Mr. Norris introduced Finance Manager Jim Cannava, who  
10 presented the report, a copy of which is attached hereto as **Exhibit I** and incorporated herein by this  
11 reference. In response to a question, Mr. Cannava noted that increased revenues from Tier 4 and Tier 5  
12 users are greater than 2021 due to changes in rates at those levels and are not a result of increased use.

### **OPERATIONS REPORT**

14 Ms. Roman presented the report, a copy of which is attached hereto as **Exhibit J** and incorporated herein  
15 by this reference. She said water production and wastewater flows since early May are lower than the  
16 same period in 2021. She also reported on staff response to a recent water main break in Cordillera.

### **ENGINEERING AND WATER RESOURCES REPORT**

18 Ms. Brooks presented Mr. Cowles' report, a copy of which is attached hereto as **Exhibit K** and  
19 incorporated herein by this reference.

### **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

21 Ms. Johnson reported on the success of the Hydration Station at the Vail Farmers' Market. She also  
22 reported that feedback from Ms. Brooks' aforementioned customer letter urging permanent water use  
23 reduction has been primarily positive, though some customers oppose using the phrase "climate change."

### **GENERAL COUNSEL REPORT**

25 Mr. Collins had no further items for open session.

### **WATER COUNSEL REPORT**

27 Ms. Moseley presented a memorandum, a copy of which is attached hereto as **Exhibit L** and  
28 incorporated herein by this reference, and noted that the Authority has entered into a stipulation and  
29 agreement with the State and Division Engineers in a diligence proceeding for water rights associated  
30 with the Edwards Drinking Water Facility. Further, the final decree was recently received. Diligence will be  
31 due for the remaining conditional portion in July 2028.

### **EXECUTIVE SESSION**

33 Mr. Collins requested the Board enter Executive Session to receive legal advice of counsel related to  
34 establishing a no-fault damages program. Upon motion duly made and seconded, it was unanimously

35 **RESOLVED** to enter into Executive Session at 10:22 a.m. to discuss establishing a no-  
36 fault damages program pursuant to §24-6-402(4)(b), C.R.S, with no electronic record

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1 created as Mr. Collins opined the contents of the discussion would contain privileged  
2 attorney-client communications\*

3 Ms. Moseley requested the Board continue Executive Session to receive legal advice of counsel related  
4 to Colorado River Cooperative Agreement matters. Upon motion duly made and seconded, it was  
5 unanimously

6 **RESOLVED** to enter into Executive Session at 10:36 a.m. to discuss Colorado River  
7 Cooperative Agreement matters pursuant to §24-6-402(4)(b), C.R.S, with no electronic  
8 record created as Ms. Moseley opined the contents of the discussion would contain  
9 privileged attorney-client communications\*

10 Ms. Moseley requested the Board continue Executive Session to receive legal advice of counsel related  
11 to the Mill Creek spill. Upon motion duly made and seconded, it was unanimously

12 **RESOLVED** to enter into Executive Session at 10:40 a.m. to discuss the Mill Creek spill  
13 pursuant to §24-6-402(4)(b), C.R.S, with no electronic record created as Ms. Moseley  
14 opined the contents of the discussion would contain privileged attorney-client  
15 communications\*

16 The regular meeting resumed at 10:45 a.m. During Executive Session, the Board did not take any formal  
17 action or engage in substantive discussion of any matters not enumerated in §24-6-402(4), C.R.S.

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1 **ADJOURNMENT**

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

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

7 **FURTHER RESOLVED**, that the meeting be adjourned at 10:46 a.m.

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9 Respectfully submitted,

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13 Secretary to the Meeting

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16 **MINUTES APPROVED, FORMAL CALL, AND**  
17 **NOTICE OF MEETING WAIVED**

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21 **Arrowhead Metropolitan District**

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25 **Town of Avon**

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29 **Beaver Creek Metropolitan District**

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33 **Berry Creek Metropolitan District**

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37 **EagleVail Metropolitan District**

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41 **Edwards Metropolitan District**

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44 The undersigned attorney for the applicable Executive Session affirms that the portion of the discussion  
45 in Executive Session not recorded constituted privileged attorney-client communications.

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49 \_\_\_\_\_  
50 **Jim Collins, General Counsel**

\_\_\_\_\_

51 **Kristin Moseley, Water Counsel**