

# Upper Eagle Regional Water Authority

## Board of Directors Meeting

August 25, 2022

### MINUTES

1  
2 A regular meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority) was  
3 held August 25, 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 Geoff Dreyer, Arrowhead Metropolitan District  
10 George Gregory, Berry Creek Metropolitan District  
11 Kevin Hillgren, Beaver Creek Metropolitan District  
12 Kim Bell Williams, EagleVail Metropolitan District  
13 Mick Woodworth, Edwards Metropolitan District

14 **The following Director was present and acting for part of the meeting:**  
15 Sarah Smith Hymes, Town of Avon (acting from 8:30-9:55)

16 **The following Alternate Director was present and acting for part of the meeting:**  
17 Eric Heil, Town of Avon (acting from 9:55-10:40)

#### 18 19 **Also in attendance were:**

20 <u>District Staff</u>	31 <u>Consultants</u>
21 Jason Cowles	32 Kristin Moseley, Somach Simmons & Dunn
22 Tim Friday	33 Allison Ulmer, Collins Cole Flynn Winn & Ulmer, PLLC
23 Jesse Hooker	34 Kathryn Winn, Collins Cole Flynn Winn & Ulmer, PLLC
24 Diane Johnson	35
25 Kira Koppel	36 <u>Public</u>
26 David Norris	37 James Dilzell
27 Chuck Owen	38 Mike Towler, Beaver Creek Metropolitan District Alternate
28 Jeffrey Schneider	39 Mike Trueblood, Edwards Metropolitan District Alternate
29 Brian Thompson	40
30 Chris Wolff	

#### 41 42 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

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

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

#### 49 50 **CALL TO ORDER**

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

#### 52 **CONSULTANT/GUEST INTRODUCTION**

53 Chair Gregory welcomed James Dilzell, Executive Director of the Eagle River Watershed Council. Mr.

54 Cowles introduced the District's new Planning and Water Resources Manager, Tim Friday.

#### 55 **PUBLIC COMMENT**

56 Public comment was called for and there was none.

57

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## ACTION ITEMS

**Consideration of Minutes** – The minutes of the July 28, 2022, regular meeting were considered. Upon motion duly made and seconded, it was unanimously

**RESOLVED** that the minutes of the July 28, 2022, regular meeting be accepted and hereby are approved as presented, with Director Woodworth abstaining as he was not present at the meeting.

**No-Fault Damages Program** – Ms. Winn presented the Joint Resolution Establishing a No-Fault Damages Program, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference. Upon discussion and motion duly made and seconded, it was unanimously

**RESOLVED** that the Board approve and accept the Joint Resolution Establishing a No-Fault Damages Program as presented.

**Resolution in Support of the Wildfire Response and Drought Resiliency Act** – Ms. Moseley presented a memorandum and the Joint Resolution in Support of H.R. 5118 – Wildfire Response and Drought Resiliency Act, copies of which are attached hereto as **Exhibit B** and **C**, respectively, and incorporated herein by this reference. Upon discussion and motion duly made and seconded, it was unanimously

**RESOLVED** that the Board approve and accept the Joint Resolution in Support of H.R. 5118 – Wildfire Response and Drought Resiliency Act as presented.

**Consideration of Tralee Affordable Mountain Apartments indoor efficiency rebate request** – Mr. Cowles presented a memorandum, a copy of which is attached hereto as **Exhibit D** and incorporated herein by this reference. He said that the proposed rebate to replace inefficient toilets supports the conservations goals of the water efficiency plan because of substantive water supply savings associated with the apartments' location within the Edwards gap, the number of affordable housing units targeted, and the significant amount of savings that can go toward strategic reserves. Chair Gregory expressed support for a policy to provide indoor rebates for projects that promote conservation on multifamily units, preferably geared toward workforce housing, and that are constructed prior to the 1994 water efficient plumbing codes. Upon motion duly made and seconded, it was unanimously

**RESOLVED** that the Board approve the water efficiency rebate for the Tralee Affordable Mountain Apartments toilet replacement project in the amount of \$20,000 as presented.

## INFORMATION REPORTS

Directors reviewed the development report, board committees, and July meeting summary, copies of which are attached hereto as **Exhibits E, F, and G**, respectively, and incorporated herein by this reference. The board noted there is no contract log for August.

## STRATEGY ITEMS

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

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1 **Eagle River Watershed Council (ERWC) Funding Request for 2023** – Ms. Johnson introduced  
2 Mr. Dilzell and explained that if the board approves, this funding request will be included in the  
3 proposed 2023 budget. Mr. Dilzell presented a letter and a PowerPoint, copies of which are  
4 attached hereto as **Exhibit H** and **I**, respectively, and incorporated herein by this reference. He  
5 provided an overview of the ERWC mission and its programs, and thanked the Authority for its  
6 support. For 2023, ERWC will request the same funding level as 2022: \$25,000 towards the  
7 Water Quality Monitoring and Assessment program and \$25,000 towards general administration,  
8 which includes education and outreach events. In response to a question, he said the “Eagle  
9 River Fund” is a program of the ERWC, with separate funding sources, but its administration will  
10 be absorbed by existing ERWC staff. In response to a question, Ms. Johnson said ERWC  
11 monitoring is synergistic and not redundant to the Authority’s scope of work. Mr. Dilzell said the  
12 ERWC covers the entire Eagle River watershed, from Camp Hale to Glenwood Canyon, plus 55  
13 miles of the Upper Colorado River that flows through Eagle County.

### 14 **ACTING GENERAL MANAGER REPORT**

#### 15 **BUSINESS ADMINISTRATION REPORT**

16 Mr. Norris had no items to discuss.

#### 17 **OPERATIONS REPORT**

18 Mr. Schneider presented the report, a copy of which is attached hereto as **Exhibit J** and incorporated  
19 herein by this reference. He reminded directors that Colorado Department of Public Health and  
20 Environment staff is currently onsite conducting the Vail water system Sanitary Survey. In response to a  
21 question, he said shoring is being installed at the Minturn lift station and the new sewer main is in service.

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

23 Mr. Cowles presented the report, a copy of which is attached hereto as **Exhibit K** and incorporated herein  
24 by this reference. He provided an update on the request from the owner of Edwards River Park to extend  
25 the Authority’s conditional capacity to serve commitment. In response to a question, he said the current  
26 letter to serve expired on August 16.

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

28 Ms. Johnson presented the report, a copy of which is attached hereto as **Exhibit L** and incorporated  
29 herein by this reference. She acknowledged Ms. Rosema and Ms. Crawford for their work on a recent  
30 press release informing customers about the new EPA PFAS Health Advisory. In response to a question,  
31 she relayed the district and authority’s voluntary sampling conducted in 2020 which had levels well below  
32 the 2016 advisory level of 70 parts-per-trillion though some samples are above the new advisory level of  
33 0.004 parts-per-trillion; this level is below current detection abilities of analytical equipment. Ms. Johnson  
34 also provided an update on the Colorado River basin system and said the U.S. Bureau of Reclamation  
35 (USBR) released its August 24-Monthly Study, which sets operations for the upcoming year. In response  
36 to a question, she noted that reservoir releases are based on elevations at lakes Powell and Mead, as

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1 well as other negotiated agreements among the Colorado River Basin states. The USBR Commissioner's  
2 deadline for basin states to save two to four million acre-feet has passed. Ms. Moseley added that the  
3 Inflation Reduction Act would provide funds to address drought issues in the upper and lower basin, but  
4 this would be a temporary solution.

### 5 WATER COUNSEL REPORT

6 Ms. Moseley had no further items for open session.

### 7 GENERAL COUNSEL REPORT

8 Ms. Winn had no further items for open session.

### 9 EXECUTIVE SESSION

10 Ms. Ulmer requested the Board enter Executive Session to receive legal advice of counsel involving the  
11 Fenno Wellhouse project. Upon motion duly made and seconded, it was unanimously

12 **RESOLVED** to enter into Executive Session at 10:04 a.m. to receive legal advice of  
13 counsel involving the Fenno Wellhouse project pursuant to §24-6-402(4)(b), C.R.S, with  
14 no electronic record created as Ms. Ulmer opined the contents of the discussion would  
15 contain privileged attorney-client communications\*

16 Ms. Moseley requested the Board continue Executive Session to receive legal advice of counsel involving  
17 the federal nexus associated with reservoirs pursuant to §24-6-402(4)(b), C.R.S. Upon motion duly made  
18 and seconded, it was unanimously

19 **RESOLVED** to enter into Executive Session at 10:22 a.m. to receive legal advice of  
20 counsel involving the federal nexus associated with reservoirs pursuant to §24-6-  
21 402(4)(b), C.R.S., with no electronic record created as Ms. Moseley opined the contents  
22 of the discussion would contain privileged attorney-client communications\*

23 The regular meeting resumed at 10:24 a.m. During Executive Session, the Board did not take any formal  
24 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 10:25 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 **Allison Ulmer, General Counsel**

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51 **Kristin Moseley, Water Counsel**