

**Eagle River Water & Sanitation District**  
**Board of Directors Meeting**  
**September 22, 2022**  
**MINUTES**

A special meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held September 22, 2022, at 12:00 p.m., in the Walter Kirch Room of the Eagle River Water & Sanitation District (District), 846 Forest Road, Vail, Eagle County, Colorado, in accordance with the applicable statutes of the state of Colorado.

**ATTENDANCE**

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

Kate Burchenal  
Dick Cleveland  
Steve Coyer  
George Gregory  
Timm Paxson  
Rick Pylman  
Bob Warner

**Also in attendance were:**

<u>District Staff</u>	34	Austin Robinson
Viktoria Beardsley	35	Siri Roman
Tom Borawski	36	Dee Romano
Linn Brooks	37	Kailey Rosema
Daniel Caffery	38	Tracy Rymph
Jim Cannava	39	Jeff Schneider
Karen Carter	40	Dan Seibert
Brad Cogswell	41	Shane Swartwout
Jason Cowles	42	Jeremy Taylor
Bill Foster	43	Nick Tessmer
Tim Friday	44	Brian Thompson
Zach Green	45	Justin Way
Jesse Hooker	46	Kelsey Wren
Diane Johnson	47	Brad Zachman
Ali Kelkenberg	48	
Kira Koppel	49	<u>Consultants</u>
Greg Luther	50	Kathryn Winn, Collins Cole Flynn Winn & Ulmer PLLC
Niko Nemcanin	51	
David Norris	52	<u>Public</u>
Chuck Owen	53	Tammy Baker
Michael Rae	54	Geoff Dreyer
Rob Ringle	55	

**DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

The Board 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: Director Gregory disclosed that he serves on the board of the Upper Eagle Regional Water Authority (Authority) and occasionally undertakes development and construction activities within the District and Authority service areas. Director Warner disclosed that he is a developer within the District's service area and serves on the Eagle County Planning Commission, which occasionally has dealings with the District. Director Pylman disclosed that he owns a land planning consulting company, which occasionally has dealings with the District.

**CALL TO ORDER**

Having determined there was a quorum, Chair Cleveland called the meeting to order at 12:00 p.m.

**MOTION TO CHANGE THE AGENDA**

Chair Cleveland suggested a change to the agenda to move the selection of the successor general manager to immediately follow the Rocky Mountain Water Environment Association Sustainability Award recognition. Upon motion duly made and seconded, it was unanimously

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1           **RESOLVED** to change the agenda as presented.

2           **CONSULTANT/GUEST INTRODUCTION**

3           Six new employees were introduced: Mr. Ringle introduced wastewater operators Jeremy Taylor and  
4           Greg Luther. Mr. Cannava introduced accountant Viktoria Beardsley. Mr. Way introduced systems  
5           administrator Brad Cogswell. Mr. Caffery introduced operations technician Bill Foster. Mr. Borawski  
6           introduced recruiting intern Dee Romano.

7           **PUBLIC COMMENT**

8           Public comment was called for and there was none.

9           **ROCKY MOUNTAIN WATER ENVIRONMENT ASSOCIATION SUSTAINABILITY (RMWEA) AWARD**

10          Ms. Koppel presented a memorandum, a copy of which is attached hereto as **Exhibit A** and incorporated  
11          herein by this reference. RMWEA recognized the Edwards Wastewater Treatment Facility (EWWTF) for  
12          reducing energy consumption during times of peak energy demand. Mr. Tessmer provided an overview of  
13          EWWTF's conservation program. Ms. Koppel congratulated the EWWTF team on the cost and energy  
14          savings that have been created since the program was established in 2019.

15          **SELECTION OF SUCCESSOR GENERAL MANAGER**

16          Chair Cleveland said the Board will vote at this meeting to appoint a General Manager effective Jan. 1,  
17          2023, to align with the retirement of Ms. Brooks. District directors and Authority director Kim Bell Williams  
18          interviewed two internal candidates on Sept. 21, 2022: Siri Roman and Jason Cowles. Chair Cleveland  
19          said directors deliberated and chose Ms. Roman as the successor, which will be confirmed by board  
20          motion. Chair Cleveland and Ms. Brooks recognized both candidates for their significant contributions to  
21          the District. In response to a question, Chair Cleveland said the organizational development  
22          subcommittee will be responsible for negotiating and finalizing Ms. Roman's contract. Director Warner  
23          thanked Mr. Borawski and Ms. Winn for their guidance during the selection process. Upon motion duly  
24          made and seconded, it was unanimously

25                 **RESOLVED** that the Board appoint Siri Roman as the District's General Manager pursuant to  
26                 §24-6-402(3.5), C.R.S., subject to the terms of the contract finalized by the organizational  
27                 development subcommittee.

28          Ms. Roman said she was honored and humbled; she appreciates working with the district team and  
29          thanked the board for their confidence and Ms. Brooks for her guidance.

30          **ACTION ITEMS**

31                 **Consideration of Minutes** – The minutes of the August 25, 2022, special meeting were  
32                 considered. Director Burchenal said she no longer serves on the Eagle River Watershed Council  
33                 board of directors. Ms. Johnson said this will be removed from the Disclosure of Potential  
34                 Conflicts of Interest section. Upon motion duly made and seconded, it was unanimously

35                         **RESOLVED** that the minutes of the August 25, 2022, special meeting be accepted and  
36                         hereby are approved as presented, with Director Burchenal abstaining as she was absent  
37                         from the meeting.

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1       **Contract Log** – The Board reviewed the contract log, a copy of which is attached hereto as  
2       **Exhibit B** and incorporated herein by this reference. Upon motion duly made and seconded, it  
3       was unanimously

4               **RESOLVED** that the contract log be accepted and hereby is approved as presented.

5       **Indoor efficiency rebate policy** – Mr. Cowles presented a memorandum, a copy of which is  
6       attached hereto as **Exhibit B** and incorporated herein by this reference. He said water efficiency  
7       rebate programs strategically target outdoor conservation, but there are instances where indoor  
8       efficiency rebates can result in water use savings and supply benefits. In response to a question,  
9       he said the proposed policy requires that a rebate assist with lowering the monthly costs of water  
10      and sewer service for affordable and workforce housing types built before the 1994 plumbing  
11      codes and can provide greater water supply benefits for certain properties served by the  
12      authority’s water supply system located in the Edwards gap. Directors discussed whether rebates  
13      should be expanded to other housing types. In response to a question, Ms. Winn said the Board  
14      has discretion to consider requests on a case-by-case basis so long as decisions are not overly  
15      arbitrary. Upon motion duly made and seconded, it was unanimously

16              **RESOLVED** that the Board approve the indoor efficiency rebate policy as presented.

17      **Merge public water systems regulatory compliance programs** – Mr. Zachman presented a  
18      memorandum, a copy of which is attached hereto as **Exhibit D** and incorporated herein by this  
19      reference. He said a single public water system identification number (PWSID) would create  
20      efficiencies and better reflect how the Authority and District systems currently operate. He also  
21      said the Authority’s directors unanimously supported that the merged system be known as “Eagle  
22      River Water and Sanitation District.” Upon motion duly made and seconded, it was unanimously

23              **RESOLVED** that the Board authorize staff to submit a formal request to CDPHE to combine the  
24      District and Authority PWSIDs into a single PWSID for regulatory compliance purposes.

25      **Adoption of Compensation and Classification Study recommendations on wage adjustment  
26      and annual cost-of living adjustment (COLA)** – Mr. Norris and Mr. Borawski presented a

27      memorandum and a PowerPoint, copies of which are attached hereto as **Exhibits E and F**,  
28      respectively, and incorporated herein by this reference. Mr. Borawski provided an overview of the  
29      recommendations from the Compensation and Classification Study conducted by CPS HR and  
30      said directors should receive the full report by January 2023. Mr. Norris said staff put forth two  
31      Board requests based on these recommendations: 1) approve Option A outlined in Exhibit E that  
32      provides a one-time wage adjustment for the remainder of 2022 and an increase in total payroll for  
33      2023 based on updated classification structures; 2) adopt a policy going forward that includes the  
34      concepts of merit increases and COLA to be implemented in the FY 2023 budget. In response to a  
35      question, Mr. Norris said both requests will result in greater internal equity and strategic wage  
36      range growth. Directors discussed potential implications on capital project budgets and bonds.  
37      Upon motion duly made and seconded, it was unanimously

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1           **RESOLVED** that the Board accept and adopt the Wage Adjustment Recommendation outlined in  
2           Option A of Exhibit E as presented; and it was

3           **RESOLVED** that the Board accept and adopt the Proposed Annual Wage Policy as presented,  
4           with Treasurer Coyer approving the merit increase provisions and opposing the institutionalizing  
5           of COLA due to concerns over the potential impact on inflation.

## 6    **INFORMATION REPORTS**

7    Directors reviewed the development report, board committees, and Authority August meeting summary,  
8    copies of which are attached hereto as **Exhibits G, H, and I**, respectively, and incorporated herein by this  
9    reference.

## 10 **STRATEGY ITEMS**

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

## 12 **GENERAL MANAGER REPORT**

13    Ms. Brooks referenced her confidential memorandum in the General Counsel report. She had no further  
14    items to discuss.

## 15 **BUSINESS ADMINISTRATION REPORT**

16    Mr. Norris had no items to discuss.

### 17           **Colorado Paid Family and Medical Leave Insurance (FAMLI) Program and the Opt-Out**

18           **Process** – Mr. Borawski presented a memorandum, a copy of which is attached hereto as  
19           **Exhibit J** and incorporated herein by this reference. He said the Board can vote to opt out of  
20           FAMLI by Jan. 1, 2023. In response to a question, he said that a substitute employer-provided  
21           policy is not required as a local government, but it is recommended to remain competitive. In  
22           response to a question, Ms. Winn said if an employer opts out of FAMLI, individual employees  
23           can still participate at no cost to the District.

## 24 **OPERATIONS REPORT**

25    Ms. Roman presented the report, a copy of which is attached hereto as **Exhibit K** and incorporated  
26    herein by this reference. Mr. Nemcanin said a sewer pipe on Metcalf Road was damaged during gas  
27    line construction with no contamination. In response to a question, he said the pipe will be repaired at  
28    the expense of the contractor. Ms. Roman said the Eagle Park Reservoir Company (EPRC) board of  
29    directors attended an onboarding program and tour of the reservoir site. The EPRC board also  
30    approved the FY 2023 Operations Agreement with the District at its quarterly meeting. Mr. Cowles  
31    said the District increased releases from Eagle Park Reservoir in response to an instream flow call by  
32    the Colorado Water Conservation Board.

33           **Sanitary survey update** – Mr. Zachman presented a PowerPoint, a copy of which is attached  
34           hereto as **Exhibit L** and incorporated herein by this reference. He recognized staff for their  
35           outstanding preparation for the recent Sanitary Survey of the district system conducted by the  
36           Colorado Department of Public Health and Environment (CDHPE). He said CDPHE recently

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1 issued final letters with no violations cited or questions about data or programs. Chair Cleveland  
2 congratulated Mr. Zachman and the entire team.

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

4 Mr. Cowles presented the report, a copy of which is attached hereto as **Exhibit M** and incorporated  
5 herein by this reference. He had no further items to discuss.

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

7 Ms. Johnson reported on the Colorado River District's annual water seminar and said speakers urged all  
8 Colorado River system users to reduce overall water use in response to the continuing drought and  
9 depleted system storage. Treasurer Coyer said he was impressed with the urgency expressed by  
10 attendees from all basin states.

### 11 **WATER COUNSEL REPORT**

12 The Board noted Ms. Moseley's written report, a copy of which is attached hereto as **Exhibit N** and  
13 incorporated herein by this reference.

### 14 **SPECIAL WATER COUNSEL REPORT**

15 The Board noted Mr. Porzak's privileged written report.

### 16 **GENERAL COUNSEL REPORT**

17 The Board noted Ms. Winn's privileged written report. In response to a question, she said the District is  
18 preparing to provide comments to Minturn regarding an intergovernmental agreement.

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1 **ADJOURNMENT**

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

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

7 **FURTHER RESOLVED**, that the meeting be adjourned at 3:28 p.m.

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Secretary to the Meeting