

**Eagle River Water and Sanitation District
Upper Eagle Regional Water Authority
Joint Special Meeting
February 13, 2018
MINUTES**

A Special Meeting of the Boards of Directors of the Eagle River Water & Sanitation District (District) and Upper Eagle Regional Water Authority (Authority) was held February 13, 2018, at 1:00 p.m., in the District's Walter Kirch Room, 846 Forest Road, Vail, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

ATTENDANCE

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

2 Bob Armour
3 Steve Coyer
4 George Gregory
5 Frederick P. Sackbauer IV, *via phone*
6 Bill Simmons
7 Brian Sipes

8 **The following District Director was absent and excused:**

9 Steve Friedman

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

11 Geoff Dreyer, Arrowhead Metropolitan District
12 George Gregory, Berry Creek Metropolitan District
13 Sarah Smith Hymes, Town of Avon
14 Kim Bell Williams, EagleVail Metropolitan District
15 Mick Woodworth, Edwards Metropolitan District

16 **The following Authority Director was absent and excused:**

17 Pam Elsner, Beaver Creek Metropolitan District

18 **The following Authority Alternate Director was present and acting:**

19 Bill Simmons, Beaver Creek Metropolitan District

20 **Also in attendance were:**

<u>District Staff</u>		<u>Consultants</u>
21 Linn Brooks	26	27 Jim Collins, Collins Cockrel & Cole
22 Jason Cowles	27	28 Glenn Porzak, Porzak Browning & Bushong LLP
23 Catherine Hayes	28	
24 Diane Johnson		

29 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

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

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

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

41 Director Armour disclosed that he is employed by Vail Resorts and the Vail Recreation District. Director Friedman serves on the
42 Boards of the Beaver Creek Metropolitan District and the Vail Valley Foundation. Director Gregory disclosed that he serves on the
43 Boards of the Upper Eagle Regional Water Authority (Authority) and the Berry Creek Metropolitan District and occasionally
44 undertakes development and construction activities within the District and Authority service areas. Director Sackbauer is employed
45 by Vail Resorts, Inc., which has significant land ownership and business interests within the District. Director Simmons disclosed
46 that he is the General Manager of the Beaver Creek Metropolitan District, an alternate Authority Director, and serves on the board of
47 the Edwards Metropolitan District.

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

1 **CALL TO ORDER**

2 Acting District Chair Gregory called the meeting to order at 1:04 p.m., and Director Simmons concurred.

3 **PUBLIC COMMENT**

4 Public comment was called for and there was none.

5 **EXECUTIVE SESSION**

6 Mr. Collins requested the Board enter Executive Session to receive legal advice regarding the Eagle River
7 MOU matters, pursuant to §24-6-402(4)(b) and (e) C.R.S. He asked that no electronic record be made, as the
8 discussion would be entirely privileged attorney-client communications. Upon motion duly made and
9 seconded, it was unanimously

10 **RESOLVED** to enter executive session at 1:05 p.m. to discuss attorney-client privileged
11 issues concerning Eagle River MOU matters, pursuant to §24-6-402(4)(b) and (e) C.R.S. with
12 no electronic record created as Mr. Collins opined the contents of the discussion would
13 contain privileged attorney-client communications.*

14 The regular meeting resumed at 2:06 p.m.

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

1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 2:07 p.m.

3 Respectfully submitted,

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7 _____
8 Secretary to the Meeting

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

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15 **Bob Armour, Director**

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19 **Steve Coyer, Treasurer**

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23 **Stephen Friedman, Vice Chair**

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27 **George Gregory, Secretary**

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31 **Frederick P. Sackbauer IV, President/Chair**

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35 **Bill Simmons, Director**

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39 **Brian Sipes, Director**

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

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47 **Glenn Porzak, Water Counsel**

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Jim Collins, General Counsel

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

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UPPER EAGLE REGIONAL WATER AUTHORITY

Arrowhead Metropolitan District

Town of Avon

Beaver Creek Metropolitan District

Berry Creek Metropolitan District

EagleVail Metropolitan District

Edwards Metropolitan District