Eagle River Water and Sanitation District
Upper Eagle Regional Water Authority
Joint Special Meeting
September 27, 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 September 27, 2018, at 11:00 a.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

The following District Directors were present, thereby constituting a quorum:
1. Dick Cleveland
2. Steve Coyer, via phone
3. Steve Friedman
4. George Gregory
5. Timm Paxson
6. Bill Simmons
7. Brian Sipes

The following Authority Directors were present, thereby constituting a quorum:
9. Geoff Dreyer, Arrowhead Metropolitan District
10. Pam Elsner, Beaver Creek Metropolitan District
11. George Gregory, Berry Creek Metropolitan District
12. Sarah Smith Hymes, Town of Avon
13. Kim Bell Williams, EagleVail Metropolitan District
14. Mick Woodworth, Edwards Metropolitan District

Also in attendance were:
17. District Staff
18. Linn Brooks
19. Shane Cerny
20. Jason Cowles
21. Catherine Hayes
22. Diane Johnson
23. John McCaulley
24. Seth Perry
25. Siri Roman
26. Amy Vogt
27. James Wilkins
28. Len Wright
29. Consultants
31. Cortney Brand, Leonard Rice Engineers
32. Jim Collins, Collins Cockrel & Cole
33. Scott Fifer, Resource Engineering, Inc.
34. Dan Gillham, Helton & Williamsen PC
35. Eric Heil, Heil Law & Planning LLC
36. Mark Mitisek, Leonard Rice Engineers
37. Ashley Moffat, Resource Engineering, Inc.
38. Kristin Moseley, Porzak Browning & Bushong LLP, via phone
39. Glenn Porzak, Porzak Browning & Bushong LLP
40. Bob Weaver, Leonard Rice Engineers, via phone
41. Page Weil, Lynkertech, via phone
42. Tom Williamsen, Helton & Williamsen PC
43. Alternate Director Simmons noted he serves on the Edwards Metropolitan District board and is employed by Beaver Creek Metropolitan District, an Authority member. Director Williams disclosed that she is the Eagle County Housing Director.
44. Director Gregory also disclosed that he occasionally undertakes small development and construction activities within the Authority and District service areas. Alternate Director Simmons noted he serves on the Edwards Metropolitan District board and is employed by Beaver Creek Metropolitan District, an Authority member. Director Williams disclosed that she is the Eagle County Housing Director.
45. Director Cleveland disclosed that he serves on the board of Vail Health. Director Friedman serves on the Boards of the Beaver Creek Metropolitan District and the Vail Valley Foundation. Director Gregory disclosed that he serves on the Boards of the Upper Eagle Regional Water Authority (Authority) and the Berry Creek Metropolitan District and occasionally undertakes development and construction activities within the District and Authority service areas. Director Simmons disclosed that he is the General Manager of the Beaver Creek Metropolitan District, an alternate Authority Director, and serves on the board of the Edwards Metropolitan District.

DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

The Authority 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:
CALL TO ORDER
District Chair Friedman called the meeting to order at 11:12 a.m., and Authority Chair Gregory concurred.

INTRODUCTIONS
Staff, consultants, and guests were introduced.

PUBLIC COMMENT
Public comment was called for and there was none.

EXECUTIVE SESSION
Mr. Porzak requested the Board enter Executive Session to receive legal advice regarding the water rights hydrology modeling and Eagle River MOU matters, pursuant to §24-6-402(4)(b) and (e) C.R.S. He asked that no electronic record be made, as the discussion would be entirely privileged attorney-client communications.

Upon motion duly made and seconded, it was unanimously RESOLVED to enter executive session at 11:13 p.m. to discuss attorney-client privileged issues concerning water rights hydrology modeling and Eagle River MOU matters, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as Mr. Porzak opined the contents of the discussion would contain privileged attorney-client communications.*

The regular meeting resumed at 1:05 p.m.
ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 1:06 p.m.

Respectfully submitted,

________________________________________
Secretary to the Meeting

MINUTES APPROVED, FORMAL CALL, AND
NOTICE OF MEETING WAIVED

________________________________________
Dick Cleveland, Director

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Steve Coyer, Treasurer

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Stephen Friedman, Chair

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George Gregory, Secretary

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Timm Paxson, Director

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Bill Simmons, Director

________________________________________
Brian Sipes, Director

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

________________________________________
Glenn Porzak, Water Counsel

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Jim Collins, General Counsel
UPPER EAGLE REGIONAL WATER AUTHORITY

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Arrowhead Metropolitan District

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Town of Avon

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Beaver Creek Metropolitan District

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Berry Creek Metropolitan District

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EagleVail Metropolitan District

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Edwards Metropolitan District