

**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

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

9 **The following Authority Directors were present, thereby constituting a quorum:**
 10 Geoff Dreyer, Arrowhead Metropolitan District
 11 Pam Elsner, Beaver Creek 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 **Also in attendance were:**

<u>District Staff</u>		<u>Consultants</u>
17 Linn Brooks	31	Cortney Brand, Leonard Rice Engineers
18 Shane Cerny	32	Jim Collins, Collins Cockrel & Cole
19 Jason Cowles	33	Scott Fifer, Resource Engineering, Inc.
20 Catherine Hayes	34	Dan Gillham, Helton & Williamsen PC
21 Diane Johnson	35	Eric Heil, Heil Law & Planning LLC
22 John McCaulley	36	Mark Mitisek, Leonard Rice Engineers
23 Seth Perry	37	Ashley Moffat, Resource Engineering, Inc.
24 Siri Roman	38	Kristin Moseley, Porzak Browning & Bushong LLP, <i>via phone</i>
25 Amy Vogt	39	Glenn Porzak, Porzak Browning & Bushong LLP
26 James Wilkins	40	Bob Weaver, Leonard Rice Engineers, <i>via phone</i>
27 Len Wright	41	Page Weil, Lynkertech, <i>via phone</i>
28	42	Tom Williamsen, Helton & Williamsen PC
29	43	
30		

31 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

32 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:

33 Director Elsner disclosed her membership with the Vilar Performing Arts Center Guild, which operates within the Authority's service area. Director Gregory and alternate Director Simmons disclosed that they serve on the Board of the Eagle River Water and Sanitation District. 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. Director Woodworth disclosed that he is employed by the Eagle River Fire Protection District, which operates within the Authority's service area.

34 The District 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:

35 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.

36 846 Forest Road

Vail, Colorado 81657

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

1 **CALL TO ORDER**

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

3 **INTRODUCTIONS**

4 Staff, consultants, and guests were introduced.

5 **PUBLIC COMMENT**

6 Public comment was called for and there was none.

7 **EXECUTIVE SESSION**

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

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

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

17

**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 1:06 p.m.

3 Respectfully submitted,

4
5
6
7 _____
8 Secretary to the Meeting

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

11
12
13
14 _____ **Dick Cleveland, Director**

15
16
17
18 _____ **Steve Coyer, Treasurer**

19
20
21
22 _____ **Stephen Friedman, Chair**

23
24
25
26 _____ **George Gregory, Secretary**

27
28
29
30 _____ **Timm Paxson, Director**

31
32
33
34 _____ **Bill Simmons, Director**

35
36
37
38 _____ **Brian Sipes, Director**

39
40
41
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.

44
45
46 _____ **Glenn Porzak, Water Counsel**

47 _____ **Jim Collins, General Counsel**

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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