

**Eagle River Water and Sanitation District
Upper Eagle Regional Water Authority
Joint Special Meeting
May 23, 2019
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 October 25, 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:

Dick Cleveland
Steve Coyer
Steve Friedman
Timm Paxson
Bill Simmons

The following District Directors were absent and excused:

Brian Sipes
George Gregory

The following Authority Directors and Alternates were present, thereby constituting a quorum:

Geoff Dreyer, Arrowhead Metropolitan District
Pam Elsner, Beaver Creek Metropolitan District
Sarah Smith Hymes, Town of Avon
Melissa Nelson, Berry Creek Metropolitan District
Kim Bell Williams, EagleVail Metropolitan District

The following Authority Director was absent and excused:

George Gregory, Berry Creek Metropolitan District
Mick Woodworth, Edwards Metropolitan District

Also in attendance were:

<u>District Staff</u>		<u>Consultants</u>
Linn Brooks	30	Cortney Brand, Leonard Rice Engineers
Jason Cowles	31	Jim Collins, Collins Cockrel & Cole
Catherine Hayes	32	Scott Fifer, Resource Engineering
Diane Johnson	33	Mark Mitisek, Leonard Rice Engineers
Siri Roman	34	Gunnar Paulsen, Porzak Browning & Bushong LLP, <i>via phone</i>
Jason Sica	35	Page Weil, Lynker, <i>via phone</i>
Amy Vogt	36	Glenn Porzak, Porzak Browning & Bushong LLP
James Wilkins	37	
Len Wright		

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:

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.

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:

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.

CALL TO ORDER

District Chair Friedman called the meeting to order at 11:00 a.m., and Authority Acting Chair Smith Hymes concurred.

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

1 **INTRODUCTIONS**

2 Staff, consultants, and guests were introduced including Messrs. Brand, Fifer, and Mitisek, who would be
3 presenting information at the meeting regarding purpose and need.

4 **PUBLIC COMMENT**

5 Public comment was called for and there was none.

6 **EXECUTIVE SESSION**

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

11 **RESOLVED** to continue Executive Session at 11:02 a.m. to discuss attorney-client privileged
12 issues concerning water rights hydrology modeling, pursuant to §24-6-402(4)(b) and (e)
13 C.R.S. with no electronic record created as Mr. Porzak opined the contents of the discussion
14 would contain privileged attorney-client communications.*

15 The regular meeting resumed at 12:47 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 12:48 p.m.

3 Respectfully submitted,

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Secretary to the Meeting

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

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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

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Brian Sipes, Director

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

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46 **Glenn Porzak, Water Counsel**

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**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