

**Eagle River Water and Sanitation District
Upper Eagle Regional Water Authority
Joint Special Meeting
July 25, 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 July 25, 2019, 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 Friedman
4 George Gregory
5 Timm Paxson
6 Bill Simmons
7 Brian Sipes

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

9 Steve Coyer

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

11 Geoff Dreyer, Arrowhead Metropolitan District
12 Pam Elsner, Beaver Creek Metropolitan District
13 George Gregory, Berry Creek Metropolitan District
14 Sarah Smith Hymes, Town of Avon, *via phone*
15 Mick Woodworth, Edwards Metropolitan District

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

17 Kim Bell Williams, EagleVail Metropolitan District

18 **Also in attendance were:**

19	<u>District Staff</u>	28	
20	Linn Brooks	29	James Wilkins
21	Jason Cowles, <i>via phone</i>	30	Len Wright
22	Carol Dickman	31	<u>Consultants</u>
23	Catherine Hayes	32	Jim Collins, Collins Cockrel & Cole, <i>via phone</i>
24	Diane Johnson	33	Kristin Moseley, Porzak Browning & Bushong, LLP
25	Melissa Mills McLoota	34	Glenn Porzak, Porzak Browning & Bushong LLP
26	Siri Roman	35	Kathryn Winn, Collins Cockrel & Cole
27	Justin Way		

36 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

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

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

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

48 Director Cleveland disclosed that he serves on the board of Vail Health. Director Friedman serves on the Board of the Beaver Creek
49 Metropolitan District. Director Gregory disclosed that he serves on the Boards of the Upper Eagle Regional Water Authority
50 (Authority) and the Berry Creek Metropolitan District and occasionally undertakes development and construction activities within the
51 District and Authority service areas. Director Simmons disclosed that he is the General Manager of the Beaver Creek Metropolitan
52 District, an alternate Authority Director, and serves on the board of the Edwards Metropolitan District.

53 **CALL TO ORDER**

54 District Chair Friedman called the meeting to order at 11:00 a.m., and Authority Chair Gregory concurred.

55 **PUBLIC COMMENT**

56 Public comment was called for and there was none.

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

1 **EXECUTIVE SESSION**

2 Mr. Porzak requested the Board enter Executive Session to receive legal advice regarding Minturn, Battle
3 North, and Bolts Lake Matters, as well as the Whitney Reservoir Project, pursuant to §24-6-402(4)(b) and
4 (e) C.R.S. He asked that no electronic record be made, as the discussion would be entirely privileged
5 attorney-client communications. Upon motion duly made and seconded, it was unanimously

6 **RESOLVED** to enter Executive Session at 11:02 a.m. to discuss attorney-client privileged
7 issues concerning Minturn, Battle North, and Bolts Lake Matters, as well as the Whitney
8 Reservoir Project, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record
9 created as Mr. Porzak opined the contents of the discussion would contain privileged
10 attorney-client communications.*

11 The regular meeting resumed at 12:09 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 12:10 p.m.

3 Respectfully submitted,

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6 _____
7 Secretary to the Meeting

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

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14 **Dick Cleveland, Director**

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18 **Steve Coyer, Treasurer**

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22 **Stephen Friedman, Chair**

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26 **George Gregory, Secretary**

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30 **Timm Paxson, Director**

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34 **Bill Simmons, Director**

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38 **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**

**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