A regular, virtual meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held October 22, 2020, at 1:00 p.m., in accordance with the applicable statutes of the State of Colorado.

ATTENDANCE
The following Directors were present via Skype, thereby constituting a quorum:

1. Dick Cleveland
2. Steve Coyer
3. George Gregory
4. Timm Paxson
5. Bill Simmons
6. Robert Warner

Also in attendance were:
7. District Staff
8. Linn Brooks
9. Troy Clous
10. Jason Cowles
11. Carol Dickman
12. Catherine Hayes
13. Diane Johnson
14. Kira Koppel
15. Melissa Mills McLoota
16. Parker Newbanks III
17. Siri Roman

Consultants
18. Jeff Schneider
19. Shane Swartwout
20. Amy Vogt
21. Len Wright
22. Brad Zachman

DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST
The 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:

1. Director Cleveland disclosed that he serves on the board of Vail Health.
2. 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.
3. Director Simmons disclosed that he is the General Manager of the Beaver Creek Metropolitan District, an alternate Authority Director, and serves on the boards of the Edwards Metropolitan District and Eagle River Fire Protection District.
4. Director Warner disclosed that he is a developer within the District’s service area and serves on the Eagle County Planning Commission, which occasionally has dealings with the District.

CALL TO ORDER
Chair Simmons called the meeting to order at 1:30 p.m.

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

ACTION ITEMS

Appointment of Director to Fill Vacancy in Director District 5 – Chair Simmons noted he and Director Cleveland interviewed four candidates who submitted application materials for the vacancy in Director District 5. This vacancy was created when former Director Brian Sipes moved out of his district.

After discussion and upon motion duly made and accepted, it was RESOLVED that the board appoint Anna Katherine Burchenal to fill the vacancy.

The notice of appointment and oath of office are attached hereto as Exhibits A and B, respectively, and incorporated herein by this reference.

Board Committees – The Board agreed to appoint Director Warner to the Rules and Regulations committee; other committee appointments and filling of vacancies will be considered at the November board meeting.
Consideration of Minutes – The minutes of the joint, special meeting of September 24, 2020, with the Upper Eagle Regional Water Authority were considered. Upon motion duly made and seconded, it was unanimously

RESOLVED that the minutes of the September 24, 2020, regular meeting be accepted and hereby are approved as presented.

Resolution of Support for Eagle River Fire Protection District Ballot Issue A – The board considered a resolution of support for the ballot issue, which if approved would stabilize revenues for Eagle River Fire Protection District, a copy of which is attached hereto as Exhibit C and incorporated herein by this reference. Its revenues come largely from property taxes, which continue to decline due to the Gallagher Amendment. Upon motion duly made and seconded, it was unanimously

RESOLVED that the resolution of support for Eagle River Fire Protection District Ballot Issue A be and hereby is approved as presented.

Information Reports – The information reports were acknowledged and are attached hereto as Exhibit C and incorporated herein by this reference.

STRATEGY ITEMS

Board Member Input – Board member input was requested and there was none.

GENERAL MANAGER REPORT

Parker Newbanks' William D. Hatfield Award by Water Environment Foundation (WEF) – Ms. Roman discussed the prestigious award received by Mr. Newbanks for his outstanding performance and professionalism in the wastewater industry. The award is presented by the Rocky Mountain Water Environment Association. A copy of the press release is attached hereto as Exhibit D and incorporated herein by this reference.

Mr. Newbanks left the meeting at 1:10 p.m.

Budget Process – Ms. Roman discussed the ongoing budget process. A draft budget was sent to board members on Oct. 15, in compliance with the statutory requirement. Ms. Roman is awaiting finalization of modeling, after which the expected rate increase can be determined. A budget subcommittee meeting is scheduled for next week, with final budget approval by the entire board expected at the Nov. 19 meeting.

OPERATIONS REPORT

Ms. Roman presented the operations report, a copy of which is attached hereto as Exhibit E and incorporated herein by this reference.

Gilman Mine Fire Overview – Ms. Roman discussed a recent fire at the Eagle Mine, during which sparks from a saw ignited some old timber inside the mine shaft. The sawing was part of an effort to seal the mine shaft. Staff collaborated with Eagle River Fire Protection District and other mine stakeholders. The fire is out and the incident is now closed.
Eagle River Water & Sanitation District

CDOT West Vail Pass Environmental Assessment – Ms. Roman said staff was working on comments regarding the environmental assessment (EA) and continues to be vocal about the desire to protect water quality throughout the project. She noted most of the Authority and District’s comments were incorporated into the EA. Ms. Roman also said CDOT committed to the in-basin restoration of any wetlands affected by the project; 19 acres of wetland are expected to be affected in the course of the project.

Eagle Mine Consent Decree – Ms. Roman said staff and consultants reviewed the draft Eagle Mine consent decree, which looks favorable. The Authority and District requested a 30-day extension of the original Nov. 4 public comment deadline to ensure staff can prepare detailed comments with the help of consultants. She said coordination and relationships with stakeholders has been positive, particularly with employees Dustin McNeil (CDPHE) and Jamie Miller (Environmental Protection Agency).

ENGINEERING REPORT
Mr. Cowles noted he did not include a written report in packets.

COMMUNICATIONS AND PUBLIC AFFAIRS REPORT
Ms. Johnson presented her report, a copy of which is attached hereto as Exhibit F and incorporated herein by this reference.

GENERAL COUNSEL REPORT
Mr. Collins referred to his confidential legal report included in the confidential packet.

WATER COUNSEL REPORT
Mr. Porzak referred to his confidential legal report included in the confidential packet.

At 12:15 p.m., Mses. Dickman, Koppel, and Vogt, and Messrs. Cerny, Schneider, and Wright left the meeting.

EXECUTIVE SESSION
Mr. Collins requested the Board enter Executive Session to receive legal advice of counsel regarding the Bighorn Terrace Subdistrict and the Capital Cost Recovery Policy, pursuant to §24-6-402(4)(a)(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 1:30 p.m. to receive advice of counsel regarding Bighorn Terrace Subdistrict and the Capital Cost Recovery Policy, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as Mr. Collins opined the contents of the discussion would contain privileged attorney-client communications.*

The regular meeting resumed at 2:51 p.m.
Eagle River Water & Sanitation District

ADJOURNMENT
There being no further business to come before the Board, the meeting adjourned at 2:52 p.m.

Respectfully submitted,

________________________________________
Secretary to the Meeting

MINUTES APPROVED, FORMAL CALL, AND
NOTICE OF MEETING WAIVED

________________________________________
Dick Cleveland, Director

________________________________________
Steve Coyer, Treasurer

________________________________________
George Gregory, Secretary

________________________________________
Timm Paxson, Director

________________________________________
Bill Simmons, Chair

________________________________________
Robert Warner, 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.

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James P. Collins, General Counsel