

**Eagle River Water and Sanitation District
Upper Eagle Regional Water Authority
Joint Special Meeting
October 22, 2020
MINUTES**

1 A joint special meeting of the Boards of Directors of the Upper Eagle Regional Water Authority (**Authority**)
2 and Eagle River Water and Sanitation District (**District**) was held October 22, 2020, at 11:00 a.m., via
3 Microsoft Teams, in accordance with the applicable statutes of the State of Colorado.

4 **ATTENDANCE**

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

6 Geoff Dreyer, Arrowhead Metropolitan District
7 Pam Elsner, Beaver Creek Metropolitan District
8 George Gregory, Berry Creek Metropolitan District
9 Sarah Smith Hymes, town of Avon
10 Kim Bell Williams, EagleVail Metropolitan District
11 Mick Woodworth, Edwards Metropolitan District

12 **The following District Directors were present, thereby constituting a quorum:**

13 Dick Cleveland
14 Steve Coyer
15 George Gregory
16 Timm Paxson
17 Bill Simmons
18 Robert Warner

19 **Also in attendance were:**

20 **ERWSD Staff**

21 Linn Brooks
22 Jason Cowles
23 Catherine Hayes
24 Diane Johnson
25 Siri Roman

26

Consultants

27 Steve Bushong, Porzak Browning & Bushong LLP
28 Jim Collins, Collins Cockrel & Cole
29 Joe Middleton, Middleton Environmental Law
30 Kristin Moseley, Porzak Browning & Bushong LLP
31 Glenn Porzak, Porzak Browning & Bushong LLP

32 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

33 The Boards noted they had received more than 72 hours prior to the meeting certain disclosures of Potential Conflicts of Interest
34 Statements for the following Directors indicating the following conflicts:

35 **For the Authority:**

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

43 **For the District:**

44 Director Cleveland disclosed that he serves on the board of Vail Health. Director Gregory disclosed that he serves on the Boards
45 of the Upper Eagle Regional Water Authority (Authority and the Berry Creek Metropolitan District and occasionally undertakes
46 development and construction activities within the District and Authority service areas. Director Simmons disclosed that he is the
47 General Manager of the Beaver Creek Metropolitan District, an alternate Authority Director, and serves on the boards of the
48 Edwards Metropolitan District and Eagle River Fire Protection District. Director Warner disclosed that he is a developer within the
49 District's service area and serves on the Eagle County Planning Commission, which occasionally has dealings with the District.

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51 **CALL TO ORDER**

52 Chair Simmons of the Eagle River Water and Sanitation District called the meeting to order at 11:00 a.m., and
53 Chair Gregory of the Upper Eagle Regional Water Authority concurred.

54 **PUBLIC COMMENT**

55 Public comment was called for and there was none.

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

1 **EXECUTIVE SESSION**

2 Mr. Collins requested the Boards enter Executive Session to receive legal advice of counsel, pursuant to
3 §24-6-402(4)(a)(b) and (e) C.R.S. He asked that no electronic record be made, as the discussion would
4 be entirely privileged attorney-client communications. Upon motion duly made and seconded, it was
5 unanimously

6 **RESOLVED** to enter Executive Session at 11:00 a.m. to receive advice of counsel regarding
7 Bolts Lake, pursuant to §24-6-402(4)(a)(b) and (e) C.R.S. with no electronic record created
8 as Mr. Collins opined the contents of the discussion would contain privileged attorney-client
9 communications.*

10 The regular meeting resumed at 12:41 p.m.

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

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ADJOURNMENT

There being no further business to come before the Boards, the meeting adjourned at 12:42 p.m.

Respectfully submitted,

Secretary to the Meeting

EAGLE RIVER WATER & SANITATION DISTRICT

Dick Cleveland, Director

Steve Coyer, Treasurer

George Gregory, Secretary

Timm Paxson, Director

Bill Simmons, Chair

Robert Warner, Director

Eagle River Water and Sanitation District
Upper Eagle Regional Water Authority

UPPER EAGLE REGIONAL WATER AUTHORITY

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Arrowhead Metropolitan District

Town of Avon

Beaver Creek Metropolitan District

Berry Creek Metropolitan District

EagleVail Metropolitan District

Edwards Metropolitan District

*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.

James P. Collins, General Counsel

Glenn Porzak, Water Counsel