

Upper Eagle Regional Water Authority

Board of Directors Meeting

October 22, 2020

MINUTES

1 A regular, virtual meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority)
2 was held October 22, 2020, at 8:30 a.m., in accordance with the applicable statutes of the State of Colorado.

3 **The following Directors and alternate were present and acting via Microsoft Teams, thereby**
4 **constituting a quorum:**

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

11 **Also in attendance were:**

12 <u>District Staff</u>	24	Jason Sica
13 Linn Brooks	25	Amy Vogt
14 Allen Cerny	26	Chris Wolff
15 Troy Clous	27	Len Wright
16 Jason Cowles	28	Brad Zachman
17 Carol Dickman	29	<u>Consultants</u>
18 Catherine Hayes	30	Jim Collins, Collins Cockrel & Cole
19 Diane Johnson	31	Glenn Porzak, Porzak Browning & Bushong LLP
20 Melissa Mills McLoota	32	<u>Public</u>
21 Parker Newbanks III	33	<i>none</i>
22 Siri Roman		
23 Jeff Schneider		

DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

34 The Board noted it had received more than 72 hours prior to the meeting certain disclosures of Potential Conflicts of Interest
35 Statements for the following Directors indicating the following conflicts:
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37 Director Elsner disclosed her membership with the Vilar Performing Arts Center Guild, which operates within the Authority's service
38 area. Director Gregory and alternate Director Simmons disclosed that they serve on the Board of the Eagle River Water and Sanitation
39 District. Director Gregory also disclosed that he occasionally undertakes small development and construction activities within the
40 Authority and District service areas. Alternate Director Simmons noted he serves on the boards of the Eagle River Fire Protection
41 District and Edwards Metropolitan District and is employed by Beaver Creek Metropolitan District, an Authority member. Director
42 Williams disclosed that she is the Eagle County Housing Director. Director Woodworth disclosed that he is employed by the Eagle
43 River Fire Protection District, which operates within the Authority's service area.

CALL TO ORDER

44 Chair Gregory called the meeting to order at 8:30 a.m.

PUBLIC COMMENT

45 Public comment was called for and there was none.

ACTION and OTHER ITEMS

46 **Consideration of Minutes** – The minutes of the joint, special meeting of September 24, 2020, with the
47 Eagle River Water & Sanitation District were considered. Upon motion duly made and seconded, it was
48 unanimously

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

51 **Avon Drinking Water Facility Programmable Logic Controller Project IPD Resolution** – Mr.
52 Schneider discussed the resolution regarding integrated project delivery for the ADWF project, a copy of
53 which is attached hereto as **Exhibit A** and incorporated herein by this reference. Upgrades to the
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Upper Eagle Regional Water Authority

1 programmable logic controllers will serve to mitigate existing faults and resiliency concerns, provide
2 standardized hardware and programming, and will support centralized management while improving
3 overall system security. Upon motion duly made and seconded it was unanimously

4 **RESOLVED** that the resolution for integrated project delivery for the Avon Drinking Water Facility
5 programmable logic controller project be and hereby is approve as presented.

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

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

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

15 STRATEGY ITEMS

16 **Board Member Input** – The board discussed the desire to meet in person when it is safe to do
17 so. Discussion included difficulty in maintaining social distance and or the requirement to wear
18 masks for a lengthy period of time indoors. Ms. Brooks said staff would continue to explore this
19 possibility, but public health and safety were the main concern, and as local coronavirus cases
20 increase, now does not seem like a safe time to conduct in-person meetings.

21 GENERAL MANAGER REPORT

22 Ms. Brooks discussed her report, a copy of which is attached hereto as **Exhibit D** and incorporated
23 herein by this reference.

24 **Parker Newbanks' William D. Hatfield Award by Water Environment Foundation (WEF)** –

25 Ms. Roman discussed the prestigious award received by Mr. Newbanks for his outstanding
26 performance and professionalism in the wastewater industry. The award is presented by the
27 Rocky Mountain Water Environment Association. A copy of the press release is attached hereto
28 as **Exhibit E** and incorporated herein by this reference.

29 **Authority Bond Update** – Mr. Smith discussed the Authority bond offering the day prior, which
30 was met with high interest from the bond market and resulted in strong pricing and a low-interest
31 borrowing cost. Mr. Smith thanked the involved staff for their efforts in making this bond offering a
32 success.

33 **Budget Process** – Ms. Roman discussed the ongoing budget process. A draft budget was sent
34 to board members on Oct. 15, in compliance with the statutory requirement. Ms. Roman is
35 awaiting finalization of modeling, after which the expected rate increase can be determined. A

Upper Eagle Regional Water Authority

1 budget subcommittee meeting is scheduled for next week, with final budget approval by the entire
2 board expected at the Nov. 19 meeting.

3 **OPERATIONS REPORT**

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

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

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

16 **Eagle Mine Consent Decree** – Ms. Roman said staff and consultants reviewed the draft Eagle
17 Mine consent decree, which looks favorable. The Authority and District requested a 30-day
18 extension of the original Nov. 4 public comment deadline to ensure staff can prepare detailed
19 comments with the help of consultants.

20 **ENGINEERING REPORT**

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

22 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

23 Ms. Johnson presented her report, a copy of which is attached hereto as **Exhibit G** and incorporated
24 herein by this reference.

25 **GENERAL COUNSEL REPORT**

26 Mr. Collins referred to his confidential legal report included in the confidential packet.

27 **WATER COUNSEL REPORT**

28 Mr. Porzak referred to his confidential legal report included in the confidential packet.

29 At 9:10 a.m., Ms. Vogt and Messrs. Cerny, Clous and Schneider, and Dr. Wright left the meeting.

30 **EXECUTIVE SESSION**

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

Upper Eagle Regional Water Authority

1 **RESOLVED** to enter Executive Session at 9:28 a.m. to receive advice of counsel regarding
2 water rights issues, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record
3 created as Mr. Collins opined the contents of the discussion would contain privileged
4 attorney-client communications.*

5 The regular meeting resumed at 10:08 a.m.

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Upper Eagle Regional Water Authority

1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 10:09 a.m.

3 Respectfully submitted,

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6 Secretary to the Meeting

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

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11 _____
12 **Arrowhead Metropolitan District**

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15 **Town of Avon**

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18 **Beaver Creek Metropolitan District**

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21 **Berry Creek Metropolitan District**

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24 **EagleVail Metropolitan District**

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27 **Edwards Metropolitan District**

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

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42 **James P. Collins, General Counsel**

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44 **Glenn Porzak, Water Counsel**