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

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

- Geoff Dreyer, Arrowhead Metropolitan District
- George Gregory, Berry Creek Metropolitan District
- Pam Elsner, Beaver Creek Metropolitan District
- Sarah Smith Hymes, Town of Avon alternate
- Kim Bell Williams, EagleVail Metropolitan District
- Mick Woodworth, Edwards Metropolitan District

Also in attendance were:

- District Staff
- Linn Brooks
- Allen Cerny
- Troy Clous
- Jason Cowles
- Carol Dickman
- Catherine Hayes
- Diane Johnson
- Melissa Mills McLoota
- Parker Newbanks III
- Siri Roman
- Jeff Schneider
- Jason Sica
- Amy Vogt
- Chris Wolff
- Len Wright
- Brad Zachman
- Consultants
- Jim Collins, Collins Cockrel & Cole
- Glenn Porzak, Porzak Browning & Bushong LLP
- Public
- none

**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:

- 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 boards of the Eagle River Fire Protection District and Edwards Metropolitan District 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.

**CALL TO ORDER**

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

**PUBLIC COMMENT**

Public comment was called for and there was none.

**ACTION and OTHER ITEMS**

- **Consideration of Minutes** – The minutes of the joint, special meeting of September 24, 2020, with the Eagle River Water & Sanitation District 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.

- **Avon Drinking Water Facility Programmable Logic Controller Project IPD Resolution** – Mr. Schneider discussed the resolution regarding integrated project delivery for the ADWF project, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. Upgrades to the
programmable logic controllers will serve to mitigate existing faults and resiliency concerns, provide
standardized hardware and programming, and will support centralized management while improving
overall system security. Upon motion duly made and seconded it was unanimously
RESOLVED that the resolution for integrated project delivery for the Avon Drinking Water Facility
programmable logic controller project be and hereby is approve 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 B 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 – The board discussed the desire to meet in person when it is safe to do
so. Discussion included difficulty in maintaining social distance and or the requirement to wear
masks for a lengthy period of time indoors. Ms. Brooks said staff would continue to explore this
possibility, but public health and safety were the main concern, and as local coronavirus cases
increase, now does not seem like a safe time to conduct in-person meetings.

GENERAL MANAGER REPORT

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

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 E and incorporated herein by this reference.

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

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 F 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.

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.

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

EXECUTIVE SESSION

Mr. Collins requested the Board enter Executive Session to receive legal advice of counsel regarding the water rights issues, 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...
Upper Eagle Regional Water Authority

RESOLVED to enter Executive Session at 9:28 a.m. to receive advice of counsel regarding water rights issues, 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 10:08 a.m.
ADJOURNMENT
There being no further business to come before the Board, the meeting adjourned at 10:09 a.m.

Respectfully submitted,

___________________________________
Secretary to the Meeting

MINUTES APPROVED, FORMAL CALL, AND NOTICE OF MEETING WAIVED

___________________________________
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