

Upper Eagle Regional Water Authority

Board of Directors Meeting

February 24, 2022

MINUTES

1 A remote regular meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority)
2 was held Feb. 24, 2022, at 8:30 a.m., in accordance with the applicable statutes of the state of Colorado.

3 4 **ATTENDANCE**

5 **The following Directors were present via Microsoft Teams, 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
12 **The following Director was absent and excused:**

13 Mick Woodworth, Edwards Metropolitan District
14

15 **Also in attendance were:**

16 <u>District Staff</u>	28	Micah Schuette
17 Tug Birk	29	Len Wright
18 Linn Brooks	30	Brad Zachman
19 Jason Cowles	31	
20 Leah Cribari	32	<u>Consultants</u>
21 Jesse Hooker	33	Kristin Moseley, Somach Simmons & Dunn
22 Diane Johnson	34	Glenn Porzak, Porzak Law, LLC
23 Kira Koppel	35	Kathryn Winn, Collins Cole Flynn Winn & Ulmer, PLLC
24 David Norris	36	
25 Siri Roman	37	<u>Public</u>
26 Kailey Rosema	38	Eric Heil
27 Jeffrey Schneider	39	

40 41 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

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

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

51 **CALL TO ORDER**

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

53 **INTRODUCTIONS**

54 There were no new employee or consultant introductions.

55 **PUBLIC COMMENT**

56 Public comment was called for and there was none.

57 **ACTION ITEMS**

58 **Consideration of Minutes** – The minutes of the Jan. 27, 2022, regular meeting and joint meeting with
59 the Eagle River Water & Sanitation District were considered. Upon motion duly made and seconded, it
60 was unanimously

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1 **RESOLVED** that the minutes of the Jan. 27, 2022, regular meeting and joint meeting be
2 accepted and hereby are approved as presented.

3 **Rules and Regulations update** – Mr. Birk presented a memo and a redline of the sections proposed for
4 revision, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference. In
5 response to a question, he said the changes were minor. Mr. Cowles highlighted Section 4.5.6, when
6 connection fees are due. After discussion and upon motion duly made and seconded, it was unanimously

7 **RESOLVED** to approve and accept the revisions to the Rules and Regulations as presented.

8 **NorthStar PUD request** – Mr. Schuette presented a memo and supporting documentation, a copy of
9 which is attached hereto as **Exhibit B** and incorporated herein by this reference. After discussion and
10 upon motion duly made and seconded, it was unanimously

11 **RESOLVED** to approve and accept a \$146,524 cash payment in lieu of the NorthStar PUD
12 Amendment's 4.44 acre-feet water rights dedication requirement as presented, and to instruct
13 staff to execute a Water and Wastewater Service Agreement for the Development.

14 **Information Reports** – The board reviewed the monthly development report, board committee
15 membership, and the January meeting summary, copies of which are attached hereto as **Exhibits C, D,**
16 **and E**, respectively, and incorporated herein by this reference. Vice-Chair Hymes said the McGrady
17 Acres parcel is an active development and should be reflected on the development report.

18 **STRATEGY ITEMS**

19 **Board Member Input** – Chair Gregory congratulated consultants and staff for their work to close
20 on the Bolts Lake parcel. Vice-Chair Hymes asked about the timing of the “Call for Nominations”
21 related to the May 3 Eagle River Water & Sanitation District board of directors’ election. Ms.
22 Johnson said the required legal notice was published Feb. 3; additional public notice was given
23 via the February billing statements, local radio, and a Feb. 21 news release.

24 **Sustainability update and 2021 Accomplishments** – Ms. Koppel briefly reviewed local climate
25 events and overall challenges via a PowerPoint presentation, a copy of which is attached hereto
26 as **Exhibit F**. She reviewed 2021 organizational accomplishments including various certifications
27 and awards, local events, greenhouse gas emission reductions, employee engagement, and
28 revenue made from sustainability programs. She also provided a brief look at 2022 plans.
29 Directors commented on the important work and thanked Ms. Koppel. Director Dreyer
30 commented that using a reductionist approach is not enough to address the climate crisis and
31 advocated for carbon sequestration efforts.

32 **GENERAL MANAGER REPORT**

33 Ms. Brooks referenced the General Manager Report, a copy of which is attached here as **Exhibit G** and
34 incorporated herein by this reference.

35 **COVID-19 update** – Ms. Brooks relayed local COVID-19 trends and said the staff incident
36 response team had decided to maintain mask wearing onsite for a while longer.

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1 OPERATIONS REPORT

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

4 **Gore Creek Watershed Source Water Protection Plan** – Ms. Cribari referenced a memo and
5 shared a PowerPoint presentation, copies of which are attached hereto as **Exhibits I and J**,
6 respectively, and incorporated herein by this reference. She and Ms. Rosema summarized the
7 work, partners, funding, regulatory framework, background, and findings of the Source Water
8 Protection Plan for the Gore Creek watershed. Similar work will start this year for the Authority's
9 service area, to create a Source Water Protection Plan for the Eagle River watershed.

10 **Frozen Service Lines** – Ms. Roman mentioned that Field Operations staff are dealing with an
11 uptick of frozen service lines this winter; possible causes include lack of insulating snow and
12 aging infrastructure.

13 ENGINEERING AND WATER RESOURCES REPORT

14 Mr. Cowles referenced the unallocated water update, a copy of which is attached hereto as **Exhibit K** and
15 incorporated herein by this reference. He said the unallocated water amounts were adjusted based on the
16 final calculations for the NorthStar PUD, which leaves 54.31 acre-feet of unrestricted unallocated water
17 for the Authority to serve future uses, which includes 25AF pledged to the Authority by the District. In
18 response to a question about the effect of the future Bolts Lake, Mr. Cowles and Ms. Brooks noted that
19 much would be dedicated to a strategic reserve that is critical to operating in multi-year droughts.

20 COMMUNICATIONS AND PUBLIC AFFAIRS REPORT

21 Ms. Johnson referenced her report, a copy of which is attached hereto as **Exhibit L** and incorporated
22 herein by this reference. She reminded directors that Ms. Brooks was speaking at the Feb. 24 Walking
23 Mountains Science Center's Climate Speaker Series which could be attended in person at Colorado
24 Mountain College or viewed on YouTube.

25 WATER COUNSEL REPORT

26 **Legislative Update** – Ms. Moseley mentioned House Bill 22-1151, Turf Replacement Program,
27 which would provide state funds to finance the voluntary replacement of irrigated turf. She also
28 said Senate Bill 22-029, Investment Water Speculation, may be difficult to progress and that the
29 proposed "RIVR" (recreation in-channel values reach) legislation is yet to be introduced.

30 **Hill v Warsewa case** – Ms. Moseley mentioned a news story about this case, a copy of which is
31 attached hereto as **Exhibit M** and incorporated herein by this reference. Ms. Brooks stated that
32 the Colorado Water Congress's water stewardship project is drafting an amicus brief to support
33 the state's position and asked the board to consider a \$500 contribution for that effort. The board
34 approved of funds being spent for this purpose and directed staff to make the contribution.

35 **Waters of the U.S. case** – Ms. Moseley provided an article about the evolving WOTUS rule, a
36 copy of which is attached hereto as **Exhibit N** and incorporated herein by this reference.

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1 **GENERAL COUNSEL REPORT**

2 Ms. Wynn stated all documents related to the closing of Bolts Lake had been executed and recorded.

3 **EXECUTIVE SESSION**

4 Mr. Porzak requested the Board enter Executive Session to receive legal advice of counsel and discuss
5 negotiations related to Colorado River Cooperative Agreement matters pursuant to §24-6-402(4)(b) and
6 (e) C.R.S. He asked that no electronic record be made, as the discussion would be entirely privileged
7 attorney-client communications. Upon motion duly made and seconded, it was unanimously

8 **RESOLVED** to enter Executive Session at 10:16 a.m. to discuss CRCA matters pursuant to
9 §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as Mr. Porzak opined the
10 contents of the discussion would contain privileged attorney-client communications.*

11 Ms. Moseley requested the Board continue Executive Session to receive legal advice of counsel and
12 discuss negotiations related to the Intergovernmental Agreement with Minturn and Bolts Lake pursuant to
13 §24-6-402(4)(b) and (e) C.R.S. She asked that no electronic record be made, as the discussion would be
14 entirely privileged attorney-client communications. Upon motion duly made and seconded, it was
15 unanimously

16 **RESOLVED** to enter Executive Session at 10:55 a.m. to receive advice of counsel and
17 discuss negotiations regarding the IGA and Bolts Lake, pursuant to §24-6-402(4)(b)(d) and
18 (e) C.R.S. with no electronic record created as Ms. Moseley opined the contents of the
19 discussion would contain privileged attorney-client communications.*

20 The regular meeting resumed at 11:14 a.m.

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22
23 **ADJOURNMENT**

24 There being no further business to come before the Board, the meeting adjourned at 11:15 a.m.

25 Respectfully submitted,

26
27 _____
28 Secretary to the Meeting