

**Eagle River Water & Sanitation District
Upper Eagle Regional Water Authority
Joint Meeting
April 28, 2022
MINUTES**

1 A joint meeting of the Boards of Directors of the Upper Eagle Regional Water Authority (**Authority**) and the
2 Eagle River Water & Sanitation District (**District**) was held Apr. 24, 2022, at 11:00 a.m., via Microsoft
3 Teams, in accordance with the applicable statutes of the State of Colorado.
4

5 **ATTENDANCE**

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

7 Geoff Dreyer, Arrowhead Metropolitan District
8 Pam Elsner, Beaver Creek Metropolitan District
9 George Gregory, Berry Creek Metropolitan District
10 Kim Bell Williams, EagleVail Metropolitan District
11 Mick Woodworth, Edwards Metropolitan District
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13 **The following Authority Director was absent and excused:**

14 Sarah Smith Hymes, Town of Avon
15

16 **The following Authority Alternate Director was present and acting:**

17 Eric Heil, Town of Avon
18

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

20 Kate Burchenal
21 Dick Cleveland
22 Steve Coyer
23 George Gregory
24 Timm Paxson
25 Bill Simmons
26 Robert Warner Jr.

27 **Also in attendance were:**

28 <u>ERWSD Staff</u>	39	Len Wright
29 Allison Ebbets	40	Brad Zachman
30 Linn Brooks	41	
31 Sarah Crawford	42	<u>Consultants</u>
32 Diane Johnson	43	Kristin Moseley, Somach Simmons & Dunn
33 David Norris	44	Kathryn Winn, Collins Cole Flynn Winn & Ulmer, PLLC
34 Siri Roman	45	
35 Jeff Schneider	46	<u>Public</u>
36 Justin Way	47	Kevin Hillgren, Beaver Creek Metropolitan District
37 Chris Wolff	48	

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49 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

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

52 **For the Authority:**

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

60 **For the District:**

61 Director Burchenal disclosed that she serves on the board of the Eagle River Watershed Council. Director Gregory disclosed that
62 he serves on the board of the Upper Eagle Regional Water Authority (Authority) and occasionally undertakes development and
63 construction activities within the District and Authority service areas. Director Simmons disclosed that he is the General Manager

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1 of the Beaver Creek Metropolitan District, an alternate Authority Director, and serves on the board of the Eagle River Fire
2 Protection District. Director Warner disclosed that he is a developer within the District's service area and serves on the Eagle
3 County Planning Commission, which occasionally has dealings with the District.

4 **CALL TO ORDER**

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

7 **INTRODUCTIONS**

8 There were no guest or consultant introductions.

9 **PUBLIC COMMENT**

10 Public comment was called for and there was none.

11 **BOLTS LAKE UPDATE**

12 Ms. Winn said she and Mr. Cowles are working with town of Minturn representative on the needed
13 Intergovernmental Agreement that will address Minturn's 1041 land use requirements for Bolts Lake. Due
14 to conflicting priorities, Ms. Brooks and Minturn Town Manager Michelle Metteer agreed to move the
15 deadline for a final draft to June.

16 **WATER DEMAND MANAGEMENT 2022 PROGRAM OVERVIEW**

17 Ms. Brooks shared a PowerPoint presentation, a copy of which is attached hereto as **Exhibit A** and
18 incorporated herein by this reference, with the proposed 2022 water demand management plan. She
19 reviewed previous water conservation activities that began in earnest with the 2002 drought, the history of
20 District and Authority tiered rates, water use regulations, climate change impacts, and conclusions and
21 actions from the hydrologic model which shows a greater risk to the Authority's water supply. She noted
22 challenges in developing water budgets along with water demand management program goals that could
23 ultimately conserve 300 acre-feet of in-basin augmentation by 2027. The plan includes acquiring needed
24 staff and skillsets, water efficiency rebates with emphasis on turf replacement, developing water budgets,
25 and outreach to customers providing the rationale for aggressive water conservation efforts. Directors
26 supported the overall approach and goals while encouraging a quicker pace and aggressive
27 implementation. The boards agreed with the need to repurpose a current position, to implement the turf
28 replacement program at \$1 per square foot, and they approved sending a letter to all customers
29 requesting significant reduction in outdoor watering to support Authority and District efforts to reduce total
30 water use in response to diminishing water supply due to a warming climate. They also emphasized the
31 importance of land use authorities updating landscaping guidelines and other rules that work against
32 water conservation and efficiency. District Chair Simmons concluded if conservation saves the targeted
33 300AF, then this program and Bolts Lake are the two most important things that can be done for the
34 water supply moving forward.

35 **JOINT RESOLUTION REGARDING BOLTS DITCH FEDERAL LEGISLATION**

36 Ms. Moseley presented her memo and the Resolution, copies of which are attached hereto as **Exhibits B**
37 **and C**, respectively, and incorporated herein by this reference. She noted the town of Minturn's support

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1 for the District and Authority to be able to operate Bolts Ditch in the future. After discussion and upon
2 motions duly made and seconded, it was unanimously

3 **RESOLVED** by the Upper Eagle Regional Water Authority board to approve and accept the
4 Resolution Regarding Bolts Ditch Federal Legislation, as presented.

5 **RESOLVED** by the Eagle River Water & Sanitation District board to approve and accept the
6 Resolution Regarding Bolts Ditch Federal Legislation, as presented.

7 The boards also directed Ms. Moseley to retain a lobbyist who previously worked on the effort to allow the
8 town of Minturn access to operate the Bolts Ditch.

9 **REIMBURSEMENT RESOLUTION**

10 Ms. Winn presented individual Resolutions for the District and Authority, copies of which are attached
11 hereto as **Exhibits D and E**, respectively, and incorporated herein by this reference. She said per an IRS
12 requirement, the Resolutions set up the District and Authority to issue bonds in the future to pay for Bolts
13 Lake construction costs. After discussion and upon motions duly made and seconded, it was unanimously

14 **RESOLVED** by the Eagle River Water & Sanitation District board to approve and accept the
15 Reimbursement Resolution, as presented.

16 **RESOLVED** by the Upper Eagle Regional Water Authority board to approve and accept the
17 Reimbursement Resolution, as presented.

18 **EXECUTIVE SESSION**

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

23 **RESOLVED** to enter Executive Session at 12:26 p.m. to receive advice of counsel and
24 discuss negotiations regarding Colorado River Cooperative matters pursuant to §24-6-
25 402(4)(b) and (e) C.R.S. with no electronic record created as Mr. Porzak opined the contents
26 of the discussion would contain privileged attorney-client communications.*

27 Ms. Moseley requested the Boards continue Executive Session to receive legal advice of counsel and
28 discuss negotiations regarding the Eagle River MOU per §24-6-402(4)(b) and (e) C.R.S. They asked that
29 no electronic record be made, as the discussion would be entirely privileged attorney-client
30 communications. Upon motion duly made and seconded, it was unanimously.

31 **RESOLVED** to enter Executive Session at 12:59 p.m. to receive advice of counsel and
32 discuss negotiations regarding the Eagle River MOU pursuant to §24-6-402(4)(b) and (e)
33 C.R.S. with no electronic record created as Ms. Moseley opined the contents of the
34 discussion would contain privileged attorney-client communications.*

35 The regular meeting resumed at 1:01 p.m.

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1 ADJOURNMENT

2 There being no further business to come before the Boards, the meeting adjourned at 1:02 p.m.

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Respectfully submitted,

Secretary to the Meeting