

Eagle River Water & Sanitation District
Board of Directors Meeting
August 25, 2022
MINUTES

A special meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held August 25, 2022, at 12:00 p.m., in the Walter Kirch Room of the Eagle River Water & Sanitation District (District), 846 Forest Road, Vail, Eagle County, Colorado, in accordance with the applicable statutes of the state of Colorado.

ATTENDANCE

The following Directors were present and acting:

Dick Cleveland
Steve Coyer
George Gregory
Timm Paxson
Rick Pylman
Bob Warner

The following Directors were absent and excused:

Kate Burchenal

Also in attendance were:

<u>District Staff</u>	25	Justin Way
Michael Beardsley	26	Chris Wolff
Tom Borawski	27	
Jason Cowles	28	<u>Consultants</u>
Tim Friday	29	Kristin Moseley, Somach Simmons & Dunn
Jesse Hooker	30	Kathryn Winn, Collins Cole Flynn Winn & Ulmer PLLC
Diane Johnson	31	
Kira Koppel	32	<u>Public</u>
David Norris	33	Tammy Baker
Siri Roman	34	Laura Bohannon
Jeff Schneider	35	James Dilzell
Brian Thompson	36	Cliff Thompson

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 Burchenal disclosed that she is on the Eagle River Watershed Council board of directors. Director Gregory disclosed that he serves on the board of the Upper Eagle Regional Water Authority (Authority) and occasionally undertakes development and construction activities within the District and Authority service areas. Director Warner disclosed that he is a developer within the District's service area and serves on the Eagle County Planning Commission, which occasionally has dealings with the District. Director Pylman disclosed that he owns a land planning consulting company, which occasionally has dealings with the District.

CALL TO ORDER

Having determined there was a quorum, Chair Cleveland called the meeting to order at 12:05 p.m.

CONSULTANT/GUEST INTRODUCTION

Chair Cleveland welcomed James Dilzell, Executive Director of the Eagle River Watershed Council. Two new District employees were introduced: Mr. Cowles introduced Planning and Water Resources Manager Tim Friday and Mr. Norris introduced Housing Manager Michael Beardsley. Cliff Thompson introduced Laura Bohannon, District Manager of the Eagle County Conservation District.

PUBLIC COMMENT

Public comment was called for and there was none.

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ACTION ITEMS

Consideration of Minutes – The minutes of the July 28, 2022, special meeting were considered. Upon motion duly made and seconded, it was unanimously

RESOLVED that the minutes of the July 28, 2022, special meeting be accepted and hereby are approved as presented.

Contract Log – The Board reviewed the contract log, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference. In response to a question, Mr. Schneider said that the Columbine Drive service repair is in response to lines freezing last winter. Upon motion duly made and seconded, it was unanimously

RESOLVED that the contract log be accepted and hereby is approved as presented.

Resolution in Support of the Wildfire Response and Drought Resiliency Act – Ms. Moseley presented a memorandum and the Joint Resolution in Support of H.R. 5118 – Wildfire Response and Drought Resiliency Act, copy of which are attached hereto as **Exhibit B** and **C**, respectively, and incorporated herein by this reference. She said that the Authority approved the joint resolution at their meeting. Upon motion duly made and seconded, it was unanimously

RESOLVED that the Board approve and accept the Joint Resolution in Support of H.R. 5118 – Wildfire Response and Drought Resiliency Act as presented.

INFORMATION REPORTS

The Board reviewed the development report, board committees, and the Authority July meeting summary, copies of which are attached hereto as **Exhibits D, E, and F**, respectively, and incorporated herein by this reference.

STRATEGY ITEMS

Board Member Input – Chair Cleveland asked for general input and there was none.

Eagle River Watershed Council (ERWC) Funding Request for 2023 – Ms. Johnson introduced Mr. Dilzell and explained that if the board approves, this funding request will be included in the proposed 2023 budget. Mr. Dilzell presented a letter and PowerPoint, copies of which are attached hereto as **Exhibit G** and **H**, respectively, and incorporated herein by this reference. He provided an overview of the ERWC mission and its programs, and thanked the District for its support. For 2023, ERWC will request the same funding level as 2022: \$25,000 towards the Water Quality Monitoring and Assessment program and \$25,000 towards general administration, which includes education and outreach events. He directed the Board to the ERWC annual impact report and biennial monitoring report card for summaries of deliverables. In response to a question, he said ERWC has four full-time employees and one employee that is shared between them and the Eagle Valley Land Trust. In response to a question, Ms. Johnson said ERWC monitoring is synergistic and not redundant to the District's scope of work.

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1 **ACTING GENERAL MANAGER REPORT**

2 **BUSINESS ADMINISTRATION REPORT**

3 Mr. Norris had no written report. He updated on the 2023 budget process and said subcommittees will
4 begin meeting in mid-September. In response to a question, he said managers will base their budget
5 requests around strategic priorities and data from the classification and compensation study.

6 **OPERATIONS REPORT**

7 Mr. Schneider presented the report, a copy of which is attached hereto as **Exhibit I** and incorporated
8 herein by this reference. He reminded directors that Colorado Department of Public Health and
9 Environment staff is currently onsite conducting the Vail water system Sanitary Survey. He also said a
10 police report was filed in response to graffiti that was found on a storage tank.

11 **ENGINEERING AND WATER RESOURCES REPORT**

12 Mr. Cowles presented the report, a copy of which is attached hereto as **Exhibit J** and incorporated herein
13 by this reference. He had no further items to discuss.

14 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

15 Ms. Johnson presented the report, a copy of which is attached hereto as **Exhibit K** and incorporated
16 herein by this reference. She acknowledged Ms. Rosema and Ms. Crawford for their work on a recent
17 press release informing customers about the new EPA PFAS Health Advisory. In response to a question,
18 she relayed the district and authority's voluntary sampling conducted in 2020 which had levels well below
19 the 2016 advisory level of 70 parts-per-trillion though some samples are above the new advisory level of
20 0.004 parts-per-trillion; this level is below current detection abilities of analytical equipment. Ms. Johnson
21 also provided an update on the Colorado River basin system and said the Bureau of Reclamation (USBR)
22 released its August 24-Monthly Study, which sets operations for the upcoming year. In response to a
23 question, she noted that reservoir releases are based on elevations at lakes Powell and Mead, as well as
24 other negotiated agreements among the Colorado River Basin states. The USBR Commissioner's
25 deadline for basin states to save two to four million acre-feet has passed. Ms. Moseley added that the
26 Inflation Reduction Act would provide funds to address drought issues in the upper and lower basin, but
27 this would be a temporary solution. Ms. Johnson also provided an update on potential legislation to
28 address the issue of sewer backups and blockages caused by flushed wipes. Brian Thompson said that
29 state government can mandate "Do Not Flush" labels on consensus non-flushable wipes, which is limited
30 to baby and diapering wipes and cleaning wipes made from petrochemical-derived fibers, but they cannot
31 create additional restrictions on other wipes marketed as "flushable." He also said that federal legislation
32 would help create a consensus standard of flushability, but current bills are not likely to be passed in this
33 Congress. He also noted that State Representative Dylan Roberts is interested in working with the District
34 on a "Do Not Flush" labeling bill. Ms. Moseley added that the first step would be to build a coalition. The
35 Board expressed support for staff and counsel to work on this legislation. In response to a question, Ms.
36 Johnson said staff will also prioritize outreach and education about wipes.

37

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1 **WATER COUNSEL REPORT**

2 Ms. Moseley had no further items for open session.

3 **GENERAL COUNSEL REPORT**

4 Ms. Winn had no further items for open session.

5 **EXECUTIVE SESSION**

6 Ms. Moseley requested the Board continue Executive Session to receive legal advice involving the
7 federal nexus associated with reservoirs pursuant to §24-6-402(4)(b), C.R.S. Upon motion duly made and
8 seconded, it was unanimously

9 **RESOLVED** to enter into Executive Session at 1:44 p.m. to receive legal advice involving
10 the federal nexus associated with reservoirs pursuant to §24-6-402(4)(b), C.R.S., with no
11 electronic record created as Ms. Moseley opined the contents of the discussion would
12 contain privileged attorney-client communications*

13 Ms. Winn requested the Board continue Executive Session to receive legal advice and discuss security
14 arrangements involving Personally Identifiable Information, cyber risk assessment, and cybersecurity
15 pursuant to §§24-6-402(4)(b) and (d), C.R.S. Upon motion duly made and seconded, it was unanimously

16 **RESOLVED** to enter into Executive Session at 1:45 p.m. to receive legal advice and
17 discuss security arrangements involving Personally Identifiable Information, cyber risk
18 assessment, and cybersecurity pursuant to §24-6-402(4)(b) and (d), C.R.S., with no
19 electronic record created as Ms. Winn opined the contents of the discussion would
20 contain privileged attorney-client communications*

21 Ms. Winn requested the Board continue Executive Session to receive legal advice involving Bolts Lake,
22 pursuant to §24-6-402(4)(b), C.R.S. Upon motion duly made and seconded, it was unanimously

23 **RESOLVED** to enter into Executive Session at 2:10 p.m. to receive legal advice involving
24 Bolts Lake, pursuant to §24-6-402(4)(b), C.R.S., with no electronic record created as Ms.
25 Winn opined the contents of the discussion would contain privileged attorney-client
26 communications*

27 Ms. Winn requested the Board continue Executive Session to receive legal advice involving development
28 of employee housing on District-owned property, pursuant to §24-6-402(4)(b), C.R.S. Upon motion duly
29 made and seconded, it was unanimously

30 **RESOLVED** to enter into Executive Session at 2:13 p.m. to receive legal advice involving
31 development of employee housing on District-owned property, pursuant to §24-6-
32 402(4)(b), C.R.S., with no electronic record created as Ms. Winn opined the contents of
33 the discussion would contain privileged attorney-client communications*

34 Ms. Winn requested the Board continue Executive Session to receive legal advice and discuss personnel
35 matters involving the General Manager position, pursuant to §24-6-402(4)(b) and (f), C.R.S. Upon motion
36 duly made and seconded, it was unanimously

