

Upper Eagle Regional Water Authority

Board of Directors Meeting

September 22, 2022

MINUTES

1
2 A regular meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority) was
3 held September 22, 2022, at 8:30 a.m., in the Walter Kirch Room of the Eagle River Water & Sanitation
4 District (District), 846 Forest Road, Vail, Eagle County, Colorado, in accordance with the applicable statutes
5 of the state of Colorado.
6

7 **ATTENDANCE**

8 **The following Directors were present and acting:**

9 Geoff Dreyer, Arrowhead Metropolitan District
10 George Gregory, Berry Creek Metropolitan District
11 Kevin Hillgren, Beaver Creek Metropolitan District
12 Sarah Smith Hymes, Town of Avon
13 Kim Bell Williams, EagleVail Metropolitan District
14 Mick Woodworth, Edwards Metropolitan District
15

16 **Also in attendance were:**

17 <u>District Staff</u>	31	Micah Schuette
18 Tom Borawski	32	Daniel Siebert
19 Linn Brooks	33	Brian Thompson
20 Jason Cowles	34	Brad Zachman
21 Tim Friday	35	
22 Jesse Hooker	36	<u>Consultants</u>
23 Diane Johnson	37	Kathryn Winn, Collins Cole Flynn Winn & Ulmer, PLLC
24 Niko Nemcanin	38	
25 David Norris	39	<u>Public</u>
26 Chuck Owen	40	James Dilzell, Eagle River Watershed Council
27 Michael Rae	41	Melissa Nelson, Berry Creek Metropolitan District Alternate
28 Siri Roman	42	Mike Towler, Beaver Creek Metropolitan District Alternate
29 Kailey Rosema	43	Mike Trueblood, Edwards Metropolitan District Alternate
30 Jeffrey Schneider	44	

46 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

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

49 Director Gregory disclosed that he serves on the board of the Eagle River Water & Sanitation District; also that he occasionally
50 undertakes small development and construction activities within the Authority and District service areas. Director Bell Williams
51 disclosed that she is the Eagle County Housing Director. Director Woodworth disclosed that he is employed by the Eagle River Fire
52 Protection District, which operates within the Authority's service area.
53

54 **CALL TO ORDER**

55 Having determined that quorum was established, Chair Gregory called the meeting to order at 8:30 a.m.

56 **MOTION TO CHANGE THE AGENDA**

57 Chair Gregory suggested a change to the agenda to add an item in executive session for the purposes of
58 receiving legal advice related to Colorado River Cooperative Agreement matters. The new item will be
59 discussed once all other business concludes. Upon motion duly made and seconded, it was unanimously

60 **RESOLVED** to change the agenda as presented.

61 **PUBLIC COMMENT**

62 Public comment was called for and there was none.

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ACTION ITEMS

1 **Consideration of Minutes** – The minutes of the August 25, 2022, regular meeting were considered.
2
3 Upon motion duly made and seconded, it was unanimously

4 **RESOLVED** that the minutes of the August 25, 2022, regular meeting be accepted and hereby
5 are approved as presented.

6 **Request to pay cash in lieu of dedicating water rights for Riverwalk at Edwards Planned**
7 **Unit Development (PUD) Amendment** – Mr. Schuette presented a memorandum, a copy of

8 which is attached hereto as **Exhibit A** and incorporated herein by this reference. He said the
9 Riverwalk property owners association is seeking to expand the theater building which requires
10 an additional 2.14 acre feet of water. The proposed PUD Amendment has been scaled back from
11 information presented in April 2021. In response to a question, Ms. Brooks said the current policy
12 whereby the dedication of water rights must provide the Authority with a dependable legal supply
13 of water equal to 120% of the water rights necessary to serve new or increased water
14 requirements associated with new development or redevelopment may need revising to consider
15 type of use and strategic reserve. Upon motion duly made and seconded, it was unanimously

16 **RESOLVED** that the Board accept a \$76,792 cash payment in lieu of a 2.14 acre-foot water
17 rights dedication for added service created by the 2022 Riverwalk at Edwards PUD Amendment
18 and instruct staff to execute a Water and Wastewater Service Agreement for the project.

19 **Indoor water efficiency rebate policy** – Mr. Cowles presented a memorandum, a copy of which
20 is attached hereto as **Exhibit B** and incorporated herein by this reference. He said water
21 efficiency rebate programs strategically target outdoor conservation, but there are instances
22 where indoor efficiency rebates can result in water use savings and supply benefits. In response
23 to a question, he said the proposed policy requires that a rebate assists with lowering the monthly
24 costs of water and sewer service for affordable and workforce housing types built before the 1994
25 plumbing codes, and the rebate could provide greater water supply benefits for certain property
26 location served by the authority's water supply system located within the Edwards gap. Chair
27 Gregory supported the policy because there is a narrow band of units that meet such criteria, of
28 which the Board can consider requests on a case-by-case basis. In response to a question, Mr.
29 Cowles said that water savings will result in increased system reliability by helping achieve
30 strategic reserve goals and should not be considered for commitment to other uses. Upon motion
31 duly made and seconded, it was unanimously

32 **RESOLVED** that the Board approve the indoor efficiency rebate policy as presented.

33 **Merge public water systems regulatory compliance programs** – Mr. Zachman presented a
34 memorandum, a copy of which is attached hereto as **Exhibit C** and incorporated herein by this
35 reference. He said a single public water system identification number (PWSID) would create
36 efficiencies and better reflect how the Authority and District systems currently operate. In response

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1 to a question, he said the Colorado Department of Public Health and Environment (CDPHE)
2 confirmed that merging compliance programs will not result in capital implications or new
3 regulations. Directors unanimously supported that the merged system be known as “Eagle River
4 Water and Sanitation District.” Upon motion duly made and seconded, it was unanimously

5 **RESOLVED** that the Board authorize staff to submit a formal request to CDPHE to combine the
6 District and Authority PWSIDs into a single PWSID for regulatory compliance purposes.

7 **INFORMATION REPORTS**

8 Directors reviewed the development report, board committees, August meeting summary, and contract log, copies
9 of which are attached hereto as **Exhibits D, E, F, and G**, respectively, and incorporated herein by this reference.

10 **STRATEGY ITEMS**

11 **Board Member Input** – Chair Gregory asked for general input. Vice President Smith Hymes
12 asked about the status of the Traer Creek tank. Mr. Schneider said the tank is still undergoing
13 testing and staff is advocating for a prompt completion to the project.

14 **GENERAL MANAGER REPORT**

15 Ms. Brooks referenced her confidential memorandum in the General Counsel report. She had no further
16 items to discuss.

17 **BUSINESS ADMINISTRATION REPORT**

18 Mr. Norris had no items to discuss.

19 **OPERATIONS REPORT**

20 Ms. Roman presented the report, a copy of which is attached hereto as **Exhibit H** and incorporated
21 herein by this reference. She had no further items to discuss.

22 **Sanitary survey update** – Mr. Zachman presented a PowerPoint, a copy of which is attached
23 hereto as **Exhibit I** and incorporated herein by this reference. He recognized staff for their
24 outstanding preparation for the recent Sanitary Survey of the district system conducted by
25 CDPHE. He said CDPHE recently issued final letters with no violations cited or questions about
26 data or programs. Chair Gregory congratulated Mr. Zachman and the entire team.

27 **ENGINEERING AND WATER RESOURCES REPORT**

28 Mr. Cowles presented the report, a copy of which is attached hereto as **Exhibit J** and incorporated herein
29 by this reference. He said field activities will begin at Bolts Lake at the end of September.

30 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

31 Ms. Johnson said the Eagle Park Reservoir Company board of directors attended an onboarding program
32 and tour of the reservoir site. She also reported on the Colorado River District's annual water seminar and
33 said speakers urged all Colorado River system users to reduce overall water use in response to the
34 continuing drought and depleted system storage.

35 **WATER COUNSEL REPORT**

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1 The Board noted Ms. Moseley's written report, a copy of which is attached hereto as **Exhibit K** and
2 incorporated herein by this reference.

3 **SPECIAL WATER COUNSEL REPORT**

4 The Board noted Mr. Porzak's privileged written report.

5 **GENERAL COUNSEL REPORT**

6 The Board noted Ms. Winn's privileged written report.

7 **EXECUTIVE SESSION**

8 Ms. Winn requested the Board enter into executive session to receive legal advice of counsel related to
9 Colorado River Cooperative Agreement matters. Upon motion duly made and seconded, it was
10 unanimously

11 **RESOLVED** to enter into executive session at 9:38 a.m. to discuss Colorado River
12 Cooperative Agreement matters pursuant to §24-6-402(4)(b), C.R.S, with no electronic
13 record created as Ms. Winn opined the contents of the discussion would contain
14 privileged attorney-client communications*

15 The open session resumed at 9:41 a.m. During the executive session, the Board did not take any formal
16 action or discuss any matters not enumerated in §24-6-402(4), C.R.S.

17

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1 **ADJOURNMENT**

2 There being no further business to come before the board at this meeting and upon motion duly moved
3 and seconded, it was unanimously

4 **RESOLVED**, that the signing of the minutes of this meeting shall be deemed to constitute
5 full and complete adoption, ratification, and approval of the business conducted and the
6 resolutions passed; and be it

7 **FURTHER RESOLVED**, that the meeting be adjourned at 9:41 a.m.

8
9 Respectfully submitted,

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13 _____
14 Secretary to the Meeting

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16 **MINUTES APPROVED, FORMAL CALL, AND**
17 **NOTICE OF MEETING WAIVED**

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22 **Arrowhead Metropolitan District**

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26 **Town of Avon**

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30 **Beaver Creek Metropolitan District**

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34 **Berry Creek Metropolitan District**

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38 **EagleVail Metropolitan District**

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42 **Edwards Metropolitan District**

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

46
47
48 _____
49 **Kathryn Winn, General Counsel**