

Upper Eagle Regional Water Authority

Board of Directors Meeting

December 15, 2022

MINUTES

1 A regular meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority) was
2 held December 15, 2022, at 8:30 a.m., in the Walter Kirch Room of the Eagle River Water & Sanitation
3 District (District), 846 Forest Road, Vail, Eagle County, Colorado, in accordance with the applicable
4 statutes of the state of Colorado.

ATTENDANCE

The following Directors were present and acting:

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8 Geoff Dreyer, Arrowhead Metropolitan District
9 George Gregory, Berry Creek Metropolitan District
10 Sarah Smith Hymes, Town of Avon
11 Kim Bell Williams, EagleVail Metropolitan District
12 Mick Woodworth, Edwards Metropolitan District

The following Director was present and acting for part of the meeting:

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14 Kevin Hillgren, Beaver Creek Metropolitan District (acting from 8:30-9:30)

The following Alternate Director was present and acting for part of the meeting:

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16 Mike Towler, Beaver Creek Metropolitan District Alternate (acting from 9:30-9:59)

Also in attendance were:

17	<u>District Staff</u>	29	Jeffrey Schneider
18	Tug Birk	30	Brian Thompson
19	Linn Brooks	31	Brad Zachman
20	Jason Cowles	32	
21	Tim Friday	33	<u>Consultants</u>
22	Jesse Hooker	34	Kristin Moseley, Somach Simmons & Dunn
23	Diane Johnson	35	Kathryn Winn, Collins Cole Flynn Winn & Ulmer PLLC
24	Niko Nemcanin	36	
25	David Norris	37	<u>Public</u>
26	Chuck Owen	38	Eric Heil, Town of Avon Alternate
27	Siri Roman	39	Mike Trueblood, Edwards Metropolitan District Alternate
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DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

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

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

CALL TO ORDER

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

PUBLIC COMMENT

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52 Public comment was called for and there was none.

RECOGNITION OF OUTGOING GENERAL MANAGER LINN BROOKS

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54 Chair Gregory read the Joint Resolution and Proclamation Recognizing Linn Brooks for her Dedication
55 and Leadership, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this
56 reference. Directors commended Ms. Brooks for her thoughtful and selfless leadership. Ms. Brooks
57 thanked the board and acknowledged the directors, consultants, and staff with whom she collaborated
58 with throughout her tenure. Upon motion duly made and seconded, it was unanimously

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1 **RESOLVED** that the Resolution and Proclamation Recognizing Linn Brooks for her Dedication
2 and Leadership be accepted and hereby is approved as presented.

3 **ACTION ITEMS**

4 **Consideration of Minutes** – The minutes of the November 17, 2022, regular meeting were considered.
5 Upon motion duly made and seconded, it was unanimously

6 **RESOLVED** that the minutes of the November 17, 2022, regular meeting be accepted and
7 hereby are approved as presented.

8 **Resolution Authorizing the Vacation of Easement** – Mr. Birk presented a memorandum and
9 the Resolution with exhibits, copies of which are attached hereto as **Exhibits B and C**,
10 respectively, and incorporated herein by this reference. In response to a question, he said the
11 proposed vacation would not impact easement infrastructure or maintenance. Upon motion duly
12 made and seconded, it was unanimously

13 **RESOLVED** that the Resolution Authorizing the Vacation of Easement be accepted and
14 hereby is approved as presented.

15 **INFORMATION REPORTS**

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

19 **STRATEGY ITEMS**

20 **Board Member Input** –Treasurer Dreyer suggested there be standard information about any
21 anticipated impacts to Authority water rights due to federal mandates on the Colorado River. Ms.
22 Moseley said it's an unprecedented time, there is uncertainty surrounding potential federal action,
23 and any federal action would only affect federal water projects. Further, federal projects do not
24 provide any of the Authority's physical supply, they serve as augmentation sources. Directors
25 discussed the need for permanent local water use reductions to adapt to changing hydrology and
26 diminishing supplies within the Eagle River watershed.

27 **Water Supply Planning Overview** – Ms. Brooks presented a PowerPoint, a copy of which is
28 attached hereto as **Exhibit H** and incorporated herein by this reference. She provided an
29 overview of the development of Authority and District water rights portfolios and the water supply
30 planning model. She said the presentation concepts will help directors better understand water
31 rights reports, evaluate risks of water shortage, and guide strategies to protect water supply. She
32 also said the model incorporates various climate scenarios developed for Colorado's Water Plan,
33 and that staff will present model output to the board in February.

34 **GENERAL MANAGER REPORT**

35 Ms. Roman reminded directors of the Dec. 16. District holiday party. Ms. Brooks had no further items.
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BUSINESS ADMINISTRATION REPORT

Mr. Norris had no items to discuss.

OPERATIONS REPORT

Ms. Roman presented the report, a copy of which is attached hereto as **Exhibit I** and incorporated herein by this reference. She said the Backflow Prevention and Cross Connection Control program achieved compliance on Dec. 2. She also said Mr. Zachman has been promoted to Director of Operations. Finally, she said Gypsum's wastewater rates will markedly increase over the next four years due to escalating construction costs for a facility upgrade to meet increasingly stringent regulations. This trend is impacting utilities statewide and Ms. Roman suggested pursuing collaborative solutions.

ENGINEERING AND WATER RESOURCES REPORT

Mr. Cowles presented the report, a copy of which is attached hereto as **Exhibit J** and incorporated herein by this reference. He said a Colorado water plan grant application was submitted to the Colorado Water Conversation Board to help fund the preliminary design phase of Bolts Lake.

COMMUNICATIONS AND PUBLIC AFFAIRS REPORT

Ms. Johnson mentioned Northern Water's Northern Integrated Water Supply (NISP) project that recently received a U.S. Army Corps of Engineers permit after nearly twenty years of work to illustrate the myriad of issues that can affect timelines on complex projects like Bolts Lake.

2023 proposed regular board meeting schedule – Ms. Johnson presented a memorandum, a copy of which is attached hereto as **Exhibit K** and incorporated by this reference. She said under the proposed schedule, the Authority will continue to hold its regular board meetings on the fourth Thursday of Jan. through Oct. and the third Thursday of Nov. and Dec. The regular meeting time will continue to be 8:30 a.m. Ms. Johnson also said monthly joint meetings with the District board are scheduled for Jan. through Mar. and other joint meetings may be scheduled as needed. The board unanimously supported including the schedule as presented in the Resolution Designating Location to Post Notice, which the board must approve at the first regular meeting of 2023.

GENERAL COUNSEL REPORT

The board noted Ms. Winn's privileged written report. She had no items for open session.

WATER COUNSEL REPORT

Ms. Moseley had no items for open session.

EXECUTIVE SESSION

Ms. Moseley requested the board move into Executive Session to receive legal advice of counsel and discuss matters in negotiation related to bulk water service. Upon motion duly made and seconded, it was unanimously

RESOLVED to enter into Executive Session at 9:46 a.m. to discuss matters related to bulk water service pursuant to §24-6-402(4)(b) and (e), C.R.S, with no electronic record

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1 created as Ms. Moseley opined the contents of the discussion would contain privileged
2 attorney-client communications*

3 The open session resumed at 9:59 a.m. During the executive session, the board did not take any formal
4 action or discuss any matters not enumerated in §24-6-402(4), C.R.S.

5 **ADJOURNMENT**

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

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

11 **FURTHER RESOLVED**, that the meeting be adjourned at 9:59 a.m.

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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.

Kristin Moseley, Water Counsel