

# Upper Eagle Regional Water Authority

## Board of Directors Meeting

January 26, 2023

### MINUTES

1 A regular meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority) was  
2 held January 26, 2023, 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:

8 Geoff Dreyer, Arrowhead Metropolitan District  
9 George Gregory, Berry Creek Metropolitan District  
10 Kevin Hillgren, Beaver Creek Metropolitan District  
11 Tamra Underwood, Town of Avon  
12 Kim Bell Williams, EagleVail Metropolitan District  
13 Mick Woodworth, Edwards Metropolitan District

##### Also in attendance were:

16 <u>District Staff</u>	27	Jeffrey Schneider
17 Jim Cannava	28	Brian Thompson
18 Jason Cowles	29	Brad Zachman
19 Tim Friday	30	
20 Jesse Hooker	31	<u>Consultants</u>
21 Robyn Janssen	32	Kristin Moseley, Somach Simmons & Dunn
22 Diane Johnson	33	Kathryn Winn, Collins Cole Flynn Winn & Ulmer PLLC
23 Niko Nemcanin	34	
24 David Norris	35	<u>Public</u>
25 Siri Roman	36	Eric Heil, Town of Avon Alternate
26 Kailey Rosema	37	Mike Towler, Beaver Creek Metropolitan District Alternate

#### DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

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

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

#### CALL TO ORDER

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

#### INTRODUCTIONS

50 Chair Gregory introduced newly appointed director Tamra Underwood. The board noted the Town of  
51 Avon's Certificate of Appointment, a copy of which is attached hereto as **Exhibit A** and incorporated  
52 herein by this reference, which appoints Mayor Pro Tem Underwood as the representative, Councilor  
53 Chico Thuon as first alternate, and town manager Eric Heil as second alternate. The board also noted  
54 Director Underwood's Oath of Office, a copy of which is attached hereto as **Exhibit B** and incorporated  
55 herein by this reference, which was administered on Jan. 24 and filed with the Eagle Clerk and Recorder.

#### PUBLIC COMMENT

57 Public comment was called for and there was none.

# Upper Eagle Regional Water Authority

## ACTION ITEMS

**Consideration of Minutes** – The minutes of the Dec. 15, 2022, regular meeting were considered. Upon motion duly made and seconded, it was unanimously

**RESOLVED** that the minutes of the Dec. 15, 2022, regular meeting be accepted and hereby are approved as presented.

**Resolution & Proclamation for Sarah Smith Hymes** – The board tabled Res. No. 2023-01 until a future meeting when Ms. Smith Hymes can be present.

**Resolution & Proclamation for Mick Woodworth** – Chair Gregory said today was Director Woodworth's last meeting serving as the Edwards Metropolitan District representative. Chair Gregory read Res. No. 2023-02, a copy of which is attached hereto as **Exhibit C** and incorporated herein by this reference, which was adopted unanimously by the board. The board commended Director Woodworth for his diplomacy and steadiness throughout his tenure. Director Woodworth thanked the board and encouraged directors to continue working together to serve the whole community.

**Resolution Designating Location to Post Notice** – The board noted a memo and the Resolution with its attached schedule of 2023 regular and joint meeting dates, copies of which are attached hereto as **Exhibits D and E**, respectively, and incorporated herein by this reference. Upon motion duly made, it was unanimously

**RESOLVED** to approve and accept Resolution No. 2023-03, Designating Location to Post Notice with its Exhibit A, 2023 board meeting schedule, as presented.

**Updating board committees** – The board noted a memorandum and the board committee list, copies of which are attached hereto as **Exhibits F and G**, respectively, and incorporated herein by this reference. The board tabled discussion on updating committee assignments.

## INFORMATION REPORTS

Directors reviewed the development report, December meeting summary, and contract log, copies of which are attached hereto as **Exhibits H, I, and J**, respectively, and incorporated herein by this reference.

## BOARD MEMBER INPUT

Alternate Director Heil said the Town of Avon is working to install demonstration gardens around Nottingham Lake and has applied for a grant through the Colorado Water Conservation Board.

## GENERAL MANAGER REPORT

Ms. Roman said she met with town and county officials to discuss water supply and affordable housing issues. She also said water rights reports will be presented to the boards in February. She concluded by recognizing general staff achievements of 2022.

## BUSINESS ADMINISTRATION REPORT

Mr. Norris said the fund balance has grown to about \$8 million and additional bond funding will be needed to complete 2023 projects. Mr. Norris and Mr. Cowles also provided updates on the Bolts Lake Reservoir budget and funding opportunities.

## Upper Eagle Regional Water Authority

1           **Quarterly financial report** – Mr. Cannava presented the report, a copy of which is attached  
2           hereto as **Exhibit K** and incorporated herein by this reference. In response to a question, he said  
3           2022 operating revenue was slightly below budget projections due to decreased water use during  
4           irrigation season.

### 5           **OPERATIONS REPORT**

6           Mr. Zachman presented the report and a PowerPoint, copies of which are attached hereto as **Exhibits L**  
7           **and M**, respectively, and incorporated herein by this reference. He referenced discussion from the June  
8           23, 2022, board meeting related to the (then) new EPA interim lifetime health advisories for per- and  
9           polyfluoroalkyl substances (PFAS), which were greatly reduced from the previous 2016 health advisory.  
10          Mr. Zachman reminded the board that a health advisory is not a regulation. He also said the District and  
11          Authority are partners with the Colorado Department of Public Health and Environment as early adopters  
12          of voluntary PFAS sampling. Ms. Rosema reviewed sampling results received on Jan. 20 and noted that  
13          levels of two PFAS chemicals exceeded the new health advisory levels at facilities in both water systems.  
14          She said account holders will be directly notified per CDPHE requirements. In response to a question, Mr.  
15          Zachman said the science, data, and regulatory process related to PFAS need to evolve before utilities  
16          can develop appropriate mitigation strategies because the advisory level is below what analytical methods  
17          can detect. In response to another question, Ms. Rosema said she is not aware of any PFAS testing that  
18          has been conducted on bottled water.

### 19          **ENGINEERING AND WATER RESOURCES REPORT**

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

### 22          **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

23          Ms. Johnson presented the report, a copy of which is attached hereto as **Exhibit O** and incorporated  
24          herein by this reference. She said the District monitors relevant legislation through counsel and partner  
25          agencies. She reported that Kathy Chandler-Henry, Eagle County's representative to the Colorado River  
26          Water Conservation District, was elected president of its board of directors. Finally, she referred to news  
27          article links in Exhibit O related to Colorado River basin issues.

### 28          **WATER COUNSEL REPORT**

29          **"Do Not Flush" wipes legislation** – Ms. Moseley presented a copy of "Legislative Primer: 'Do Not Flush'  
30          Labeling for Disposable Wipe Packaging," a copy of which is attached hereto as **Exhibit P** and  
31          incorporated herein by this reference. She said the District is working with state Senator Dylan Roberts to  
32          introduce legislation requiring "Do Not Flush" labeling on certain types of disposable wipes sold in  
33          Colorado. She also said the proposed legislation has received strong support from wastewater agencies  
34          and the House and Senate bills will be introduced by bipartisan co-prime sponsors.

## Upper Eagle Regional Water Authority

1 **Conditional water rights deadlines** – Ms. Moseley presented a memorandum, a copy of which is  
2 attached hereto as **Exhibit Q** and incorporated herein by this reference. She discussed upcoming  
3 diligence deadlines on several of the Authority’s conditional water rights.

### 4 **GENERAL COUNSEL REPORT**

5 The board noted Ms. Winn’s privileged written report. Ms. Winn said House Bill 23-1023 would raise the  
6 threshold on contract costs requiring public bids on special district construction projects. She also said a  
7 1041 intergovernmental agreement will be presented for review to the Minturn Town Council, the District  
8 board, and the Authority board at their respective February meetings.

### 9 **EXECUTIVE SESSION**

10 Ms. Moseley requested the board move into Executive Session to receive legal advice of counsel and  
11 discuss matters in negotiation related to the Colorado River Cooperative Agreement. Upon motion duly  
12 made and seconded, it was unanimously

13 **RESOLVED** to enter into Executive Session at 9:59 a.m. to discuss matters related to the  
14 Colorado River Cooperative Agreement pursuant to §24-6-402(4)(b) and (e), C.R.S., with  
15 no electronic record created as Ms. Moseley opined the contents of the discussion would  
16 contain privileged attorney-client communications\*

17 Ms. Moseley requested the board move into Executive Session to receive legal advice of counsel related  
18 to Senate Bill 23-01. Upon motion duly made and seconded, it was unanimously

19 **RESOLVED** to enter into Executive Session at 10:07 a.m. to discuss matters related to  
20 Senate Bill 23-01 pursuant to §24-6-402(4)(b), C.R.S., with no electronic record created  
21 as Ms. Moseley opined the contents of the discussion would contain privileged attorney-  
22 client communications\*

23 The open session resumed at 10:18 a.m. During the executive session, the board did not take any formal  
24 action or discuss any matters not enumerated in §24-6-402(4), C.R.S.

25

# Upper Eagle Regional Water Authority

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 10:18 a.m.

8  
9 Respectfully submitted,

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13 \_\_\_\_\_  
14 Secretary to the Meeting

15  
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.

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49 **Kristin Moseley, General Counsel**  
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