

**Eagle River Water and Sanitation District  
Upper Eagle Regional Water Authority  
Joint Special Meeting  
January 28, 2021  
MINUTES**

1 A joint special meeting of the Boards of Directors of the Upper Eagle Regional Water Authority (**Authority**)  
2 and Eagle River Water and Sanitation District (**District**) was held January 28, 2021, at 11:16 a.m., via  
3 Microsoft Teams, in accordance with the applicable statutes of the State of Colorado.

4 **ATTENDANCE**

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

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

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

13 Kate Burchenal  
14 Dick Cleveland  
15 Steve Coyer  
16 George Gregory  
17 Timm Paxson  
18 Bill Simmons  
19 Robert Warner

20 **Also in attendance were:**

21 **ERWSD Staff**

22 Linn Brooks  
23 Jason Cowles  
24 Catherine Hayes  
25 Diane Johnson  
26 David Norris  
27 Siri Roman

29 Jim Collins, Collins Cockrel & Cole  
30 Joe Middleton, Middleton Environmental Law  
31 Kristin Moseley, Porzak Browning & Bushong LLP  
32 Glenn Porzak, Porzak Browning & Bushong LLP  
33 Kathryn Winn, Collins Cockrel & Cole

34 **Guests**

35 Steve Barber, EagleVail Metropolitan District  
36 Melissa Nelson, Berry Creek Metropolitan District

28 **Consultants**

37 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

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

40 **For the Authority:**

41 Director Elsner disclosed her membership with the Vilar Performing Arts Center Guild, which operates within the Authority's service  
42 area. Director Gregory and alternate Director Simmons disclosed that they serve on the Board of the Eagle River Water and Sanitation  
43 District. Director Gregory also disclosed that he occasionally undertakes small development and construction activities within the  
44 Authority and District service areas. Alternate Director Simmons noted he serves on the boards of the Eagle River Fire Protection  
45 District and Edwards Metropolitan District and is employed by Beaver Creek Metropolitan District, an Authority member. Director  
46 Williams disclosed that she is the Eagle County Housing Director. Director Woodworth disclosed that he is employed by the Eagle  
47 River Fire Protection District, which operates within the Authority's service area.

48 **For the District:**

49 Director Burchenal disclosed that she serves on the board of the Eagle River Watershed Council. Director Gregory disclosed that  
50 he serves on the Boards of the Upper Eagle Regional Water Authority (Authority and the Berry Creek Metropolitan District and  
51 occasionally undertakes development and construction activities within the District and Authority service areas. Director Simmons  
52 disclosed that he is the General Manager of the Beaver Creek Metropolitan District, an alternate Authority Director, and serves on  
53 the boards of the Edwards Metropolitan District and Eagle River Fire Protection District. Director Warner disclosed that he is a  
54 developer within the District's service area and serves on the Eagle County Planning Commission, which occasionally has  
55 dealings with the District.

56 **CALL TO ORDER**

57 Chair Simmons of the Eagle River Water and Sanitation District called the meeting to order at 11:16 a.m., and  
58 Chair Gregory of the Upper Eagle Regional Water Authority concurred.

**Eagle River Water and Sanitation District  
Upper Eagle Regional Water Authority**

1    **PUBLIC COMMENT**

2    Public comment was called for and there was none.

3    **EXECUTIVE SESSION**

4    Mr. Collins requested the Boards enter Executive Session to receive legal advice of counsel regarding  
5    Bolts Lake pursuant to §24-6-402(4)(a)(b) and (e) C.R.S. He asked that no electronic record be made, as  
6    the discussion would be entirely privileged attorney-client communications. Upon motion duly made and  
7    seconded, it was unanimously

8                    **RESOLVED** to enter Executive Session at 11:17 a.m. to receive advice of counsel regarding  
9                    Bolts Lake pursuant to §24-6-402(4)(a)(b) and (e) C.R.S. with no electronic record created as  
10                   Mr. Collins opined the contents of the discussion would contain privileged attorney-client  
11                   communications.\*

12   The regular meeting resumed at 12:00 p.m.

13  
14   **Bolts Lake Agreement** – After discussion and upon motion duly made and seconded by the board of the  
15   Eagle River Water & Sanitation District, it was unanimously

16                   **RESOLVED** to approve the Agreement with the terms presented, unless any Board  
17                   Member of the District or Authority, within four days following receipt of the final  
18                   Agreement, requests that it be further discussed at the next board meeting.

19   After discussion and upon motion duly made and seconded by the board of the Upper Eagle Regional  
20   Water Authority, it was unanimously

21                   **RESOLVED** to approve the Agreement with the terms presented, unless any Board  
22                   Member of the District or Authority, within four days following receipt of the final  
23                   Agreement, requests that it be further discussed at the next board meeting.

24   **Donor Agreement** – After discussion and upon motion duly made and seconded by the board of the  
25   Eagle River Water & Sanitation District, it was unanimously

26                   **RESOLVED** that the Donor Agreement be and hereby is approved as presented.

27   **Donor Agreement** – After discussion and upon motion duly made and seconded by the board of the  
28   Upper Eagle Regional Water Authority, it was unanimously

29                   **RESOLVED** that the Donor Agreement be and hereby is approved as presented.

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**Eagle River Water and Sanitation District  
Upper Eagle Regional Water Authority**

1    **ADJOURNMENT**

2    There being no further business to come before the Boards, the meeting adjourned at 12:05 p.m.

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Respectfully submitted,

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Secretary to the Meeting