

# Upper Eagle Regional Water Authority

## Board of Directors Meeting

February 25, 2021

### MINUTES

1 A regular, virtual meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority)  
2 was held February 25, 2021, at 8:30 a.m., in accordance with the applicable statutes of the State of  
3 Colorado.

4 **The following Directors and alternate were present and acting via Microsoft Teams, thereby**  
5 **constituting a quorum:**

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

12 **Also in attendance were:**

13 <u>District Staff</u>	25	Rob Ringle
14 Tug Birk	26	Siri Roman
15 Linn Brooks	27	Jeff Schneider
16 Allen Cerny	28	Shane Swartwout
17 Jason Cowles	29	Chris Wolff
18 Catherine Hayes	30	Len Wright
19 Diane Johnson	31	Brad Zachman
20 Kira Koppel	32	<u>Consultants</u>
21 Craig Malkmes	33	Jim Collins, Collins Cockrel & Cole
22 Melissa Marts	34	Kristin Moseley, Porzak Browning & Bushong LLP
23 David Norris	35	Glenn Porzak, Porzak Browning & Bushong LLP
24 Esther Perrigaud		

### DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

36 The Board noted it had received more than 72 hours prior to the meeting certain disclosures of Potential Conflicts of Interest  
37 Statements for the following Directors indicating the following conflicts:  
38

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

### CALL TO ORDER

46 Chair Gregory called the meeting to order at 8:30 a.m.

### INTRODUCTIONS

47 New employees were introduced, including Ms. Perrigaud, a new customer service specialist, and Mr.  
48 Ringle, the new wastewater manager.

### PUBLIC COMMENT

49 Public comment was called for and there was none.

### ACTION and OTHER ITEMS

50 **Consideration of Minutes** – The minutes of the meeting of January 28, 2021, were considered. Upon  
51 motion duly made and seconded, it was unanimously

52 **RESOLVED** that the minutes of the January 28, 2021, regular meeting be accepted and hereby  
53 are approved as presented.

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1 The minutes of the joint, special meeting of January 28, 2021, with the Eagle River Water & Sanitation  
2 District were considered. Upon motion duly made and seconded, it was unanimously

3 **RESOLVED** that the minutes of the joint special January 28, 2021, special meeting be accepted  
4 and hereby are approved as presented.

5 **Resolution Authorizing Signatures** – A resolution was presented that authorizes certain jobs/positions  
6 to sign documents on behalf of the Authority, a copy of which is attached hereto as **Exhibit A** and  
7 incorporated herein by this reference. Certain positions have updated titles, and the resolution reflects  
8 these changes. After discussion and upon motion duly made and seconded, it was unanimously

9 **RESOLVED** that the resolution authorizing signatures be and hereby is approved as presented.

10 **Rules and Regulations Updates** – Mr. Birk discussed proposed updates to the Rules and Regulations, a  
11 copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference. Discussion  
12 ensued regarding feedback from District director Warner, who questioned the prohibition of some outdoor  
13 water features in the updated version. After further discussion and upon motion duly made and seconded,  
14 it was unanimously

15 **RESOLVED** that Rules and Regulations updates be and hereby are approved as presented.

16 Mr. Birk left the meeting at 8:45 a.m.

17 **Information Reports** – The information reports were acknowledged and are attached hereto as **Exhibit C** and  
18 incorporated herein by this reference.

### 19 **STRATEGY ITEMS**

20 **Board Member Input** – Board member input was requested and none was received.

21 **Sustainability Update** – Ms. Koppel summarized 2020 sustainability accomplishments at the  
22 District, including community partnerships, energy savings, emissions reductions, and employee  
23 engagement. Rebates and savings in 2020 totaled nearly \$125,000 through sustainability-related  
24 efforts. The board thanked Ms. Koppel for her update and congratulated her and staff on the  
25 many accomplishments.

26 **Drought Update** – Dr. Wright updated the board on current drought conditions. While recent  
27 snow improved the outlook slightly, there is still much concern with warmer, drier conditions and  
28 lack of winter precipitation.

### 29 **GENERAL MANAGER REPORT**

30 Ms. Brooks referenced her report, a copy of which is attached hereto as **Exhibit D** and incorporated  
31 herein by this reference.

32 **COVID-19 Update** – Ms. Brooks noted the District response returned to its sustain stage, along  
33 with Eagle County's return to Level Yellow on the state dial 2.0. Local case numbers are still  
34 higher than the national average and are sixth highest in Colorado. Ms. Brooks reported there

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1 was still no transmission at work between employees and expressed gratitude for every  
2 employee's professional response to the pandemic, which has now been ongoing for a year.

### 3 **FINANCE REPORT**

4 **Quarterly Financials** – Mr. Norris presented the Authority's quarterly financials, a copy of which  
5 is attached hereto as **Exhibit E** and incorporated herein by this reference. He reported water  
6 service revenues were higher than expected. Mr. Norris also wants to improve budgeting for this  
7 and other items in the future.

8 **Housing Program Update** – Mr. Norris also reported on the District's housing program, which he  
9 now oversees. His goal is to ensure the District continues to provide this important benefit to its  
10 employees while ensuring District costs are covered. He reported 43% of all District employees  
11 utilize the program, which is operating at a net income loss. Mr. Norris suggested continued  
12 research into the program and a strategic plan to meet its goals.

### 13 **OPERATIONS REPORT**

14 Ms. Roman presented the operations report, a copy of which is attached hereto as **Exhibit F** and  
15 incorporated herein by this reference.

16 **Avon WWTF Nutrient Upgrade Project** – Ms. Marts updated the board on the Avon WWTF  
17 Nutrient Upgrade Project, which is ongoing at the AWWTF. Significant progress continues, and  
18 staff is working closely with community partners, including the town of Avon neighboring  
19 properties. The project is on time and on budget, with projected completion slated for 2022.

20 **New Wastewater Discharge Permits** – Ms. Roman reported on new permits issued for the  
21 District's three wastewater treatment facilities. The discharge limits were stringent and largely  
22 unachievable in both terms and timing. This led to a meeting with the state and ultimately a permit  
23 modification with a more reasonable copper limit. Ms. Roman noted there were still many details  
24 to work out regarding other areas of the permits.

### 25 **ENGINEERING AND WATER RESOURCES REPORT**

26 Mr. Cowles noted he did not include a written report in packets.

27 **Northstar Redevelopment** – Mr. Cowles discussed a request for a conditional capacity to serve  
28 letter for a proposed PUD amendment in Edwards. The redevelopment would include a  
29 behavioral health facility, parking lot, and redevelopment of two other buildings. Staff will bring a  
30 draft conditional capacity to serve letter back for board review at a future meeting.

### 31 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

32 Ms. Johnson presented her report, a copy of which is attached hereto as **Exhibit G** and incorporated  
33 herein by this reference.

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### GENERAL COUNSEL REPORT

Mr. Collins referred to his confidential legal report included in the confidential packet.

### WATER COUNSEL REPORT

Mr. Porzak referred to his confidential legal report included in the confidential packet.

**Case No. 20CW30c1** – Mr. Porzak updated on the Authority’s omnibus diligence application for a series of conditional water rights owned by the Authority and its members. They settled with the sole objector, and the referee entered the proposed ruling the Authority admitted. The application is awaiting signature.

At 9:45 a.m., Mses. Koppel, Marts and Perrigaud and Messrs. Cerny, Malkmes, Schneider, and Wolff, and Dr. Wright left the meeting.

### **EXECUTIVE SESSION**

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

**RESOLVED** to enter Executive Session at 9:46 a.m. to receive advice of counsel regarding permit application planning and Bolts Lake, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as Mr. Collins opined the contents of the discussion would contain privileged attorney-client communications.\*

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

**RESOLVED** to enter Executive Session at 9:55 a.m. to receive advice of counsel regarding permit application planning and Bolts Lake, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as Mr. Porzak opined the contents of the discussion would contain privileged attorney-client communications.\*

The regular meeting resumed at 10:00 a.m.

