

Eagle River Water & Sanitation District
Board of Directors Meeting
March 25, 2021
MINUTES

A special, virtual meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held March 25, 2021, at 1:00 p.m., in accordance with the applicable statutes of the State of Colorado.

ATTENDANCE

The following Directors were present via Microsoft Teams, thereby constituting a quorum:

Kate Burchenal
Dick Cleveland
Steve Coyer
George Gregory
Timm Paxson
Bill Simmons
Robert Warner

Also in attendance were:

<u>District Staff</u>	25	Siri Roman
Linn Brooks	26	Jeff Schneider
Allen Cerny	27	Shane Swartwout
Jason Cowles	28	Len Wright
Catherine Hayes	29	Brad Zachman
Diane Johnson	30	<u>Consultants</u>
Kira Koppel	31	Jim Collins, Collins Cockrel & Cole
Craig Malkmes	32	Kristin Moseley, Porzak Browning & Bushong LLP
Melissa Marts	33	Glenn Porzak, Porzak Browning & Bushong LLP
Melissa Mills McLoota	34	Kathryn Winn, Collins Cockrel & Cole
David Norris	35	
Chuck Owen	36	<u>Public</u>
David Pena	37	Tammy Baker
Rob Ringle	38	Merrill Stillwell

DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

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

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

CALL TO ORDER

Chair Simmons called the meeting to order at 1:00 p.m.

INTRODUCTIONS

New IT employees, Mr. Owens and Mr. Pena, were introduced. Guests were also introduced, including Ms. Baker and Mr. Stillwell.

PUBLIC COMMENT

Public comment was called for and there was none.

ACTION ITEMS

Consideration of Minutes – The minutes of the meeting of February 25, 2021, were considered. Upon motion duly made and seconded, it was unanimously

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1 **RESOLVED** that the minutes of the February 25, 2021, special meeting be accepted and hereby
2 are approved as presented.

3 The minutes of the joint, special meeting of February 25, 2021, with Upper Eagle Regional Water
4 Authority were considered. Upon motion duly made and seconded, it was unanimously

5 **RESOLVED** that the minutes of the joint special February 25, 2021, special meeting be accepted
6 and hereby are approved as presented.

7 **Water System Reliability and Strategic Reserve Target Policy** – Mr. Cowles presented a proposed
8 resolution regarding this policy, a copy of which is attached hereto as **Exhibit A** and incorporated herein
9 by this reference. The policy supports the objective of the District water resources master plan. This
10 objective is to ensure a reliable physical and legal water supply to existing and approved development
11 and adequate future water supply to meet the land use goals of local land use authorities (LUAs), while
12 protecting environmental and recreational uses of streamflows. Discussion ensued regarding the policy
13 and the aspirational goals of the water resources master plan. Dr. Wright emphasized the use of
14 modeling to determine frequency of dipping into the reserve. After discussion and upon motion duly made
15 and seconded, it was unanimously

16 **RESOLVED** that the resolution regarding the water system reliability and strategic reserve policy
17 be and hereby is approved as presented.

18 **Staffing Request** – Ms. Brooks and Ms. Johnson discussed the request to convert an approved half-time
19 year-round position to a full-time position. A copy of the request is attached hereto as **Exhibit B** and
20 incorporated herein by this reference. Discussion ensued regarding need, cost, and permanency. Upon
21 motion duly made and seconded, it was unanimously

22 **RESOLVED** that the addition of a full-time position be and hereby is approved as presented.

23 Mr. Birk left the meeting at 1:20 p.m.

24 **Consent Agenda** – The consent agenda was approved, a copy of which is attached hereto as **Exhibit C**
25 and incorporated herein by this reference.

26 **Information Reports** – The information reports are attached hereto as **Exhibit D** and incorporated herein
27 by this reference.

28 **STRATEGY ITEMS**

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

30 **Drought Update** – Dr. Wright discussed local conditions, snowpack and precipitation forecasts.
31 Recent snowfall has provided some relief, but more moisture is needed in the coming months to
32 mitigate the dry conditions and soil moisture deficit from previous years.

33 **GENERAL MANAGER REPORT**

34 Ms. Brooks referenced her report, a copy of which is attached hereto as **Exhibit E** and incorporated
35 herein by this reference.

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1 **COVID-19 Update** – Ms. Brooks noted the District response remained in the sustain stage. In
2 response to an internal request, employees voluntarily self-reported 65% of staff was vaccinated.
3 Understanding percentage of staff vaccinated will help inform updated protocols and policies for
4 staff. However, the District will continue to follow all public health orders and guidelines.

5 **OPERATIONS REPORT**

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

8 **Eagle Mine Spill** – Ms. Roman noted a recent spill at the Eagle Mine, which was reported to the
9 town of Minturn by a trespasser on the site. The spill was expediently handled by an on-site Eagle
10 Mine staff member who also notified District staff quickly. Sampling is ongoing, and some soil
11 remediation may be needed, as the spill was estimated at 36,000 gallons.

12 **Eagle Park Reservoir Company Quarterly Report** – Ms. Roman noted the confidential EPRC
13 quarterly report.

14 **ENGINEERING AND WATER RESOURCES REPORT**

15 Mr. Cowles presented his report, a copy of which is attached hereto as **Exhibit G** and incorporated herein
16 by this reference.

17 **Promotions** – Mr. Cowles congratulated Mr. Schneider and Dr. Wright on their respective
18 promotions to Engineering Manager and Planning and Water Resources Manager.

19 **Colorado River District Demand Management Advisory Committee** – Mr. Cowles discussed
20 his participation in this advisory committee, which is part of the Colorado Water Conservation
21 Board's efforts to explore feasibility of the demand management program. There are many details
22 yet to be understood in this Front Range and West Slope effort, including the proportionality of
23 water each side would be expected to provide, per the CWCB's aspirational goal. Mr. Cowles
24 noted two different scenarios, one of which could disproportionately affect West Slope water
25 users with water rights junior to the Colorado Compact. Mr. Cowles noted committee meetings
26 were scheduled every three weeks, and he would continue to report back to the board.

27 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

28 Ms. Johnson noted she did not include a written report.

29 **Whitney Creek Reservoir** – Ms. Johnson noted a variety of media stories regarding the Forest
30 Service's recent approval of test-well drilling by the Homestake Partners in the Homestake Valley.

31 **GENERAL COUNSEL REPORT**

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

33 **WATER COUNSEL REPORT**

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

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1 At 2:28 p.m. Msses. Baker, Koppel and Marts, and Messrs. Cerny, Owen, Pena, and Stillwell left
2 the meeting.

3 **EXECUTIVE SESSION**

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

8 **RESOLVED** to enter Executive Session at 2:29 p.m. to receive advice of counsel regarding
9 CRCA Matters, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created
10 as Mr. Porzak opined the contents of the discussion would contain privileged attorney-client
11 communications.*

12 The regular meeting resumed at 3:00 p.m.

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1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 3:00 p.m.

3 Respectfully submitted,

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Secretary to the Meeting