

# Upper Eagle Regional Water Authority

## Board of Directors Meeting

March 25, 2021

### MINUTES

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

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

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

11 **Also in attendance were:**

12 <u>District Staff</u>	25	Shane Swartwout
13 Linn Brooks	26	Chris Wolff
14 Allen Cerny	27	Len Wright
15 Jason Cowles	28	Brad Zachman
16 Catherine Hayes	29	<u>Consultants</u>
17 Diane Johnson	30	Jim Collins, Collins Cockrel & Cole
18 Kira Koppel	31	Kristin Moseley, Porzak Browning & Bushong LLP
19 David Norris	32	Glenn Porzak, Porzak Browning & Bushong LLP
20 Chuck Owen	33	Kathryn Winn, Collins Cockrel & Cole
21 David Pena	34	<u>Public</u>
22 Rob Ringle	35	Eric Heil, town of Avon
23 Siri Roman	36	Melissa Nelson, Berry Creek Metropolitan District
24 Jeff Schneider		

### DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

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

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

### CALL TO ORDER

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

### INTRODUCTIONS

48 New employees were introduced, including Messrs. Owen and Pena, both of whom joined the IT team as  
49 helpdesk technicians.

### PUBLIC COMMENT

50 Public comment was called for and there was none.

### ACTION and OTHER ITEMS

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

53 **RESOLVED** that the minutes of the February 25, 2021, regular meeting be accepted and hereby  
54 are approved as presented.

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1 The minutes of the joint, special meeting of February 25, 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 February 25, 2021, special meeting be accepted  
4 and hereby are approved as presented.

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

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

14 **Rules and Regulations Updates** – Mr. Cowles noted a slight modification to the Rules and Regulations  
15 approved last month, which was proposed by the District board. The board unanimously approved the  
16 revision, which removes any reference to regulating small, personal water features. Upon motion duly  
17 made and seconded, it was unanimously

18 **RESOLVED** that Rules and Regulations updates be and hereby are approved as amended.

19 **Information Reports** – The information reports were acknowledged and are attached hereto as **Exhibit C** and  
20 incorporated herein by this reference. Discussion ensued regarding various planned developments. In response  
21 to a question, Mr. Cowles noted the Colorado World Resort site east of the Ascent in Avon was bank-owned and  
22 accepting offers.

### 23 **STRATEGY ITEMS**

24 **Board Member Input** – The board discussed differing local design guidelines for various HOAs,  
25 metropolitan districts, and the like. The board agreed that it would be beneficial to have  
26 consistency among such entities' rules regarding efficient water use.

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

### 30 **GENERAL MANAGER REPORT**

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

33 **COVID-19 Update** – Ms. Brooks noted the District response remained in the sustain stage. In  
34 response to an internal request, employees voluntarily self-reported 65% of staff was vaccinated.

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1 Understanding percentage of staff vaccinated will help inform updated protocols and policies for  
2 staff. However, the District will continue to follow all public health orders and guidelines.

### 3 OPERATIONS REPORT

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

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

10 **Authority Sanitary Survey Preparation** – Ms. Roman reported staff created a task force to  
11 prepare for the Authority’s sanitary survey, within the facilities and in the field. The survey is  
12 expected this summer between June and August.

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

### 15 ENGINEERING AND WATER RESOURCES REPORT

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

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

20 **Traer Creek Tank Update** – Mr. Schneider updated on Traer Creek tank construction. Piers are  
21 being drilled and filled currently. Mr. Schneider cited muddy, wet conditions at the site, but offered  
22 a site tour for any interested directors.

23 **Colorado River District Demand Management Advisory Committee** – Mr. Cowles discussed  
24 his participation in this advisory committee, which is part of the Colorado Water Conservation  
25 Board’s efforts to explore feasibility of the demand management program. There are many details  
26 yet to be understood in this Front Range and West Slope effort, including the proportionality of  
27 water each side would be expected to provide, per the CWCB’s aspirational goal. Mr. Cowles  
28 suggested a local or regional effort may be more effective for West Slope entities than a  
29 statewide effort.

### 30 COMMUNICATIONS AND PUBLIC AFFAIRS REPORT

31 Ms. Johnson noted she did not include a report in packets.

32 **Waters of the United States (WOTUS)** – Ms. Johnson noted the Waters of the US (WOTUS)  
33 had been under an administrative stay in Colorado. The stay was lifted as the court ruled  
34 irreparable harm was not demonstrated, as claimed by the Water Quality Control Division Clean

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1 Water Program Manager. WOTUS is now effective nationwide, but there continue to be various  
2 legal challenges across the country, and it is unclear how this will be enforced.

### 3 **GENERAL COUNSEL REPORT**

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

### 5 **WATER COUNSEL REPORT**

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

7 **Diligence Applications** – Mr. Porzak updated on a variety of diligence cases that were recently  
8 decreed by or pending before the water court, a copy of which is attached hereto as **Exhibit G**  
9 and incorporated herein by this reference. The decree makes absolute an additional amount of  
10 Edwards Water District well no. 2 and grants a finding of reasonable diligence for a large number  
11 of conditional water rights owned by or leased to the Authority.

12 At 9:45 a.m., Ms. Koppel, and Messrs. Cerny, Owen, Pena, and Wolff left the meeting.

### 13 **EXECUTIVE SESSION**

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

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

22 The regular meeting resumed at 10:02 a.m.  
23

