

**Eagle River Water and Sanitation District  
Upper Eagle Regional Water Authority  
Joint Special Meeting  
October 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 October 28, 2021, at 11:15 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 Steve Coyer  
15 Dick Cleveland  
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 Beth Doliboa

25 Catherine Hayes

26 Christine Heimerl

27 Diane Johnson

28 David Norris

29 Siri Roman

30 Len Wright

31 **Consultants**

32 Joe Middleton, Middleton Environmental Law

33 Kristin Moseley, Somach Simmons & Dunn

34 Kathryn Winn, Collins Cockrel & Cole

35 **Other**

36 Eric Heil, Town of Avon

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 Gregory of the Upper Eagle Regional Water Authority called the meeting to order at 11:15 a.m. Chair  
58 Simmons of the Eagle River Water and Sanitation District concurred.

59 **PUBLIC COMMENT**

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

1 Public comment was called for and there was none.

2 **EXECUTIVE SESSION**

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

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

11 The regular meeting resumed at 12:41 p.m.

12 **ACTION ITEMS**

13 **Environmental Matters and Bolts Lake Transaction** – Mr. Middleton referenced the board action  
14 request on the Settlement Agreement between Battle North, LLC, the Eagle River Water & Sanitation  
15 District and the Upper Eagle Regional Water Authority. Some additional revisions were discussed and  
16 agreed upon by the boards. Upon motion duly made and seconded, the Eagle River Water & Sanitation  
17 District unanimously

18 **RESOLVED** to enter the motion on settlement agreement, move to approve as amended.  
19 The Upper Eagle Regional Water Authority also

20 **RESOLVED** to enter the motion on settlement agreement and moved to approve as amended.

21 A copy of the agreement is attached hereto as **Exhibit A** and incorporated herein by this reference.

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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 12:43 a.m.

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Respectfully submitted,

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Secretary to the Meeting