

Upper Eagle Regional Water Authority

Board of Directors Meeting

October 28, 2021

MINUTES

1 A regular, virtual meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority)
2 was held October 28, 2021, at 8:30 a.m., in accordance with the applicable statutes of the State of Colorado.

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

5 Geoff Dreyer, Arrowhead Metropolitan District
6 Pam Elsner, Beaver Creek Metropolitan District
7 George Gregory, Berry 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>	31 David Norris
13 Tom Borawski	32 Chuck Owen
14 Liz Carter	33 Amber Parmet
15 John Castillo	34 Rajesh Patel
16 Jim Cannava	35 Rob Ringle
17 Kyle Collins	36 Siri Roman
18 Jason Cowles	37 Jeffrey Schneider
19 Sarah Crawford	38 Justin Way
20 Tim Drescher	39 Chris Wolff
21 Beth Doliboa	40 Len Wright
22 Catherine Hayes	41 Brad Zachman
23 Christine Heimerl	42 <u>Consultants</u>
24 Jesse Hooker	43 Kristin Moseley, Somach Simmons & Dunn
25 Kate Isaacson	44 Kathryn Winn, Collins Cockrel & Cole
26 Diane Johnson	45 <u>Public</u>
27 Elena Jones	46 Mike Eytel, Colorado River District
28 Kira Koppel	47 Eric Hjermsstad, Washington Weather Consultants
29 Craig Malkmes	48 Andrew Rickert, Colorado Water Conservation Board
30 Nikola Nemcanin	

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50 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

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

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

60 **CALL TO ORDER**

61 Chair Gregory called the meeting to order at 8:31 a.m.

62 **INTRODUCTIONS**

63 The following new employees were introduced to the board, Kate Isaacson, Lab Analyst; Liz Carter,
64 Fields Operations Coordinator; Matt Sears, Wastewater Operator; Amber Parmet, Project Engineer;
65 Jesse Hooker, IT Helpdesk Technician; and Rajesh Patel, IT Systems Administrator.

66 **PUBLIC COMMENT**

67 Public comment was called for and there was none.

Upper Eagle Regional Water Authority

ACTION ITEMS

Consideration of Minutes – The minutes of the meeting of September 23, 2021, were considered. Upon motion duly made and seconded, it was unanimously

RESOLVED that the minutes of the September 23, 2021, regular meeting be accepted and hereby are approved as presented.

The minutes of the joint, special meeting of September 23, 2021, with the Eagle River Water and Sanitation District were considered. Upon motion duly made and seconded, it was unanimously

RESOLVED that the minutes of the September 23, 2021, joint special meeting be accepted and hereby are approved as presented.

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

STRATEGY ITEMS

Board Member Input – Board member input was requested. Ms. Elsner requested the unallocated water spreadsheet on behalf of the Beaver Creek Metro Board. Ms. Hymes informed the board that the Town of Avon instituted a vaccination mandate for its staff.

Budget Presentation – Mr. Norris and Mr. Cavanna presented the 2022 budget and outlined the process, including the fund balances, proposed expenses and rates, and the fund structure. Staff encourages board directors to thoroughly review the budget. It will be included in the November board packet for approval.

ERWC Funding Request for 2022 - Ms. Roman discussed the informational memo, a copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference. The memo outlined an annually budgeted request for \$25,000 from ERWSD and \$25,000 from UERWA for the Eagle River Watershed Counsel's Water Quality Monitoring and Assessment Program. Ms. Hymes requested information on other funding sources used to fund the Eagle River Watershed Council.

Employee Survey Results – Tom Borawski presented the 2021 Employee Engagement Survey results. There was participation by 106 of 121 of employees, and the overall favorability score was 84%. There was discussion about the results, and Mr. Borawski shared that a consultant is performing a pay classification study, which should help staff address one of the lower scoring areas on the survey – growth.

GENERAL MANAGER REPORT

Ms. Brooks referenced the general managers report, a copy of which is attached hereto as **Exhibit C** and incorporated herein by this reference.

Cloud Seeding – Guests from the Colorado River District and Colorado Water Conservation board discussed the results of the 2020/2021 ski season cloud seeding program and how it assisted with snowpack in the area.

Upper Eagle Regional Water Authority

1 They noted Vail Resorts again declined to participate in the program, and the Authority approved a contribution
2 of \$15,000 for the 2021/2022 cloud seeding effort.

3 **FINANCE**

4 Mr. Norris included the Quarterly reports, a copy of which is attached hereto as **Exhibit D** and
5 incorporated herein by this reference.

6 **OPERATIONS REPORT**

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

9 **Mill Creek Aquatic Die-off Update** – Ms. Roman included a memo to update on the Mill Creek
10 aquatic die-off, a copy of which is attached hereto as **Exhibit F** and incorporated herein by this
11 reference. Vail Resorts made the initial report to Colorado Department of Public Health and
12 Environment’s (CDPHE) spill hotline on Sept. 21. CDPHE issued a compliance advisory to Vail
13 Resorts on Sept. 24 advising Vail Resorts of alleged violations of the Colorado Water Quality
14 Control Act and requested VR submit a Colorado Discharge Permit System permit application for
15 the outfall. Vail Resorts’ deadline to respond to the compliance advisory was extended to Oct. 29
16 so Vail Resorts and CDPHE could discuss the event during a scheduled Oct. 19 meeting.
17 Colorado Parks and Wildlife continues to investigate the cause of the aquatic life mortality.
18 Documents related to the event are available on [CDPHE's website](#).

19 **ENGINEERING AND WATER RESOURCES REPORT**

20 Mr. Cowles noted he did not include an engineering and water resources report.

21 **Edwards River Park Update** – Mr. Cowles noted the Edwards River Park development was
22 approved by the county commissioners and included deed-restricted and employee housing units
23 for rent and sale. Jason noted some of the Eagle Park water conveyed from Eagle County to the
24 Authority can be used for this project, which will require approximately 70 acre feet of
25 augmentation water.

26 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

27 Ms. Johnson referenced her report, a copy of which is attached hereto as **Exhibit G** and incorporated
28 herein by this reference.

29 **GENERAL COUNSEL REPORT**

30 Ms. Winn had no updates for the regular meeting and referenced her confidential legal report in the
31 confidential packet.

32 **WATER COUNSEL REPORT**

33 **Updated Water Dedication Policy** - Ms. Moseley referenced the Proposed Updated Water
34 Dedication Policy, a copy of which is attached hereto as **Exhibit H** and incorporated herein by

Upper Eagle Regional Water Authority

1 this reference. Conversation ensued on policy changes. Ms. Moseley committed to changing
2 policy effective date to January 1, 2022.

3 **RESOLVED** that the Proposed Water Dedication Policy be and hereby is approved with
4 the effective date being revised to January 1, 2022.

5 **Piney River Unit Update** - Ms. Moseley referenced the Piney River Unit Conditional Water Right
6 Diligence memo, a copy of which is attached hereto as **Exhibit I** and incorporated herein by this
7 reference.

8 **EXECUTIVE SESSION**

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

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

17 Ms. Moseley requested the Board continue Executive Session to receive legal advice of counsel
18 regarding Eagle River MOU, Regulatory Matters, and the Eagle Park Reservoir Company Settlement
19 pursuant to §24-6-402(4)(b) and (e) C.R.S. She asked that no electronic record be made, as the
20 discussion would be entirely privileged attorney-client communications. Upon motion duly made and
21 seconded, it was unanimously

22 **RESOLVED** to continue Executive Session at 10:41 a.m. to receive advice of counsel
23 regarding Eagle River MOU, Regulatory Matters, and the Eagle Park Reservoir Company
24 Settlement to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as Ms.
25 Moseley opined the contents of the discussion would contain privileged attorney-client
26 communications. *

27 The regular meeting resumed at 10:56 a.m.

Upper Eagle Regional Water Authority

1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 10:58 a.m.

3 Respectfully submitted,

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5 _____
6 Secretary to the Meeting
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