

Upper Eagle Regional Water Authority

Board of Directors Meeting

November 18, 2021

MINUTES

1 A regular, virtual meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority)
2 was held November 18, 2021, at 8:30 a.m., in accordance with the applicable statutes of the State of
3 Colorado.

4 5 **ATTENDANCE**

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

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

13 **Also in attendance were:**

14 <u>District Staff</u>	26	Siri Roman
15 Tom Borawski	27	Jeffrey Schneider
16 Linn Brooks	28	Justin Way
17 Jim Cannava	29	Chris Wolff
18 Jason Cowles	30	Len Wright
19 Sarah Crawford	31	Brad Zachman
20 Beth Doliboa	32	<u>Consultants</u>
21 Catherine Hayes	33	Kristin Moseley, Somach Simmons & Dunn
22 Christine Heimerl	34	Jim Collins, Collins Cockrel & Cole
23 Diane Johnson	35	<u>Public</u>
24 Kira Koppel	36	Kris Miller
25 David Norris		

37 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

38 The Board noted it 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 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.

47 **CALL TO ORDER**

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

49 **INTRODUCTIONS**

50 There were no new employee introductions.

51 **PUBLIC COMMENT**

52 Public comment was called for and there was none.

53 **ACTION ITEMS**

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

56 **RESOLVED** that the minutes of the October 28, 2021, regular meeting be accepted and hereby
57 are approved as presented.

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

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

5 **PUBLIC HEARING: 2022 Proposed Budget**

6 Chair Gregory opened a public hearing at 8:34 a.m. to discuss the 2022 budget, a copy of which is
7 attached hereto as **Exhibit A** and incorporated herein by this reference. A call for public input solicited no
8 response. The public hearing was closed at 8:40 a.m. Discussion ensued, including questions regarding
9 personnel costs and the Traer Creek tank project, which is estimated to be completed under budget. Mr.

10 Norris presented Resolutions to Adopt the 2022 Budget and Certification of Budget and to Appropriate
11 Sums of Money, copies of which are attached hereto as **Exhibits B** and **C**, respectively, and incorporated
12 herein by this reference. After discussion and upon motion duly made and seconded, it was unanimously

13 **RESOLVED** that the Resolutions to Adopt the 2022 Budget and Appropriate Sums of Money be
14 and hereby are approved as presented

15 **PUBLIC HEARING: 2022 Proposed Rates**

16 Chairman Gregory opened a public hearing at 8:42 a.m. to discuss the 2022 budget, rates and fees
17 resolution and schedule, a copy of which is attached hereto as **Exhibit D** and incorporated herein by this
18 reference. A call for public input solicited no response. The public hearing was closed at 8:49 a.m. There
19 was a discussion of how the tiered rates were determined, after which Mr. Norris presented a resolution to
20 adopt the 2022 rates, a copy of which is attached hereto as **Exhibit E** and incorporated herein by this
21 reference. After discussion and upon motion duly made and seconded, it was unanimously

22 **RESOLVED** that the resolution to adopt the 2022 rates be and hereby is approved as presented.

23 **2022 Authority Operations Agreement** – The board considered the 2022 Authority Operations
24 Agreement with the Eagle River Water & Sanitation District. A copy of the board action request and
25 agreement are attached hereto as **Exhibits F** and incorporated herein by this reference. Upon motion
26 duly made and seconded, it was unanimously

27 **RESOLVED** that the 2022 Authority Operations Agreement be and hereby are approved as
28 presented.

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

31 **STRATEGY ITEMS**

32 **Board Member Input** – Board member input was requested. Ms. Smith Hymes informed the
33 board that the old town hall in Avon was demolished, and the town is planning a replacement. A
34 xeriscape garden will also be installed in the spring to demonstrate efficient irrigation and
35 landscape practices for the community. The board thanked the Town of Avon for dedicating this

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1 space to the important topic of water conservation. Chair Gregory questioned water use alerts
2 received at his property, and discussion ensued on when WaterSmart alerts are prompted.

3 **GENERAL MANAGER REPORT**

4 Ms. Brooks noted she did not include a written report.

5 **OPERATIONS REPORT**

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

8 **ENGINEERING AND WATER RESOURCES REPORT**

9 Mr. Cowles referenced the engineering and water resources report, a copy of which is attached hereto as
10 **Exhibit I** and incorporated herein by this reference.

11 **Edwards West End Development** – Mr. Cowles discussed the request for a conditional capacity
12 to serve letter for the West End Development. He noted that the project's water augmentation
13 needs fall within the Authority's existing water service commitment and will have no impact on the
14 Authority's projected unallocated water supply.

15 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

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

17 **GENERAL COUNSEL REPORT**

18 Mr. Collins referenced a new firm announcement and letter of engagement, copies of which are attached
19 hereto as **Exhibit J** and **K** and incorporated herein by this reference. After discussion and upon motion
20 duly made and seconded, it was unanimously

21 **RESOLVED** to enter the motion on the letter of engagement, move to approve as
22 presented.

23 **WATER COUNSEL REPORT**

24 Ms. Moseley noted she had no updates for the regular meeting.

25 **EXECUTIVE SESSION**

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

30 **RESOLVED** to enter Executive Session at 9:10 a.m. to receive advice of counsel regarding
31 unification and total compensation updates, pursuant to §24-6-402(4)(b) and (e) C.R.S. with
32 no electronic record created as Ms. Winn opined the contents of the discussion would contain
33 privileged attorney-client communications. *

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1 Ms. Moseley requested the Board continue Executive Session to receive legal advice of counsel
2 regarding Regulatory Matters pursuant to §24-6-402(4)(b) and (e) C.R.S. She asked that no electronic
3 record be made, as the discussion would be entirely privileged attorney-client communications. Upon
4 motion duly made and seconded, it was unanimously

5 **RESOLVED** to continue Executive Session at 9:25 a.m. to receive advice of counsel
6 regarding Regulatory Matters to §24-6-402(4)(b) and (e) C.R.S. with no electronic record
7 created as Ms. Moseley opined the contents of the discussion would contain privileged
8 attorney-client communications. *

9 The regular meeting resumed at 9:40 a.m.

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1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 9:41 a.m.

3 Respectfully submitted,

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5 _____
6 Secretary to the Meeting