

Upper Eagle Regional Water Authority

Board of Directors Meeting

May 27, 2021

MINUTES

1 A regular, virtual meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority)
2 was held May 27, 2021, at 8:30 a.m., in accordance with the applicable statutes of the State of Colorado.

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

6 Geoff Dreyer, Arrowhead Metropolitan District
7 George Gregory, Berry Creek Metropolitan District
8 Pam Elsner, Beaver 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 Director was absent and excused:**

13 **Also in attendance were:**

14 <u>District Staff</u>	27	Shane Swartwout
15 Jenna Beairsto	28	Chris Wolff
16 Linn Brooks	29	Len Wright
17 Jim Cannava	30	Brad Zachman
18 Catherine Hayes	31	<u>Consultants</u>
19 Christine Heimerl	32	Jim Collins, Collins Cockrel & Cole
20 Diane Johnson	33	Kristin Moseley, Porzak Browning & Bushong LLP
21 Nikola Nemcanin	34	Glenn Porzak, Porzak Browning & Bushong LLP
22 David Norris	35	Kathryn Winn, Collins Cockrel & Cole
23 Chuck Owen	36	<u>Public</u>
24 Kailey Rosema	37	Eric Heil
25 Jeffrey Schneider		
26 Jason Sica		

DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

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

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.

CALL TO ORDER

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

INTRODUCTIONS

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51 New employees were introduced, including Ms. Doliboa and Ms. Heimerl from the administration
52 department and Mr. Cannava from the finance department.

PUBLIC COMMENT

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54 Public comment was called for and there was none.

ACTION ITEMS

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56 **Consideration of Minutes** – The minutes of the meeting of April 22, 2021, were considered. Upon
57 motion duly made and seconded, it was unanimously.

Upper Eagle Regional Water Authority

1 **RESOLVED** that the minutes of the April 22, 2021, special meeting be accepted and hereby are
2 approved as presented.

3 The minutes of the joint, special meeting of April 22, 2021, with Upper Eagle Regional Water Authority
4 were considered. Upon motion duly made and seconded, it was unanimously.

5 **RESOLVED** that the minutes of the joint special April 22, 2021, special meeting be accepted and
6 hereby are approved as presented.

7 **Assessing Late Fees** – Mr. Norris noted the board action request for reinstatement of late fees, a copy
8 of which is attached hereto as **Exhibit A** and incorporated herein by this reference. Late fees were
9 waived during the COVID-19 pandemic via Governor Polis’s executive order, which expired on April 29,
10 2021. After discussion and upon motion duly made and seconded, it was unanimously.

11 **RESOLVED** that the request to reinstate customer late fees be and hereby is approved as
12 presented.

13 **Coverage-Based Irrigation Rate** – Mr. Norris noted the board action request to accommodate a move
14 from three to five tiers, which will better align irrigation rate tiers with residential water use tiers. A copy of
15 the request is attached hereto as **Exhibit B** and incorporated herein by this reference. After discussion
16 and upon motion duly made and seconded, it was unanimously.

17 **RESOLVED** that the request be and hereby is approved as presented.

18 **Termination of Joint Emergency Disaster Declaration** – Mr. Brooks noted the board action request to
19 terminate the emergency disaster declaration, a copy of which is attached hereto as **Exhibit C** and
20 incorporated herein by this reference. Ms. Brooks noted Eagle County Public Health and Environment
21 terminated its local disaster declaration due to the decline in local and statewide COVID-19 cases. After
22 discussion and upon motion duly made and seconded, it was unanimously.

23 **RESOLVED** that the resolution to rescind the emergency disaster declaration be and hereby is
24 approved as presented.

25 **Information Reports** – The information reports are attached hereto as **Exhibits D, E, F and G**
26 incorporated herein by this reference.

27 **STRATEGY ITEMS**

28 **Board Member Input** – Board member input was requested there was none.

29 **Drought Update** – Dr. Wright presented an update on current drought conditions; the Upper
30 Colorado Basin remains in severe and exceptional drought. Ms. Johnson updated on
31 communication and how the local community is being informed on drought conditions. Ms.
32 Johnson discussed accounts using water in Tiers 4 and 5 and the letter that was distributed to
33 these users encouraging more efficient water use. Mr. Norris discussed how Tier 4 and 5 users
34 responded to the letter and the script the customer service representatives were using when
35 speaking to callers about the letter. A copy of the script is attached hereto as **Exhibit H** and
36 incorporated herein by this reference.

Upper Eagle Regional Water Authority

GENERAL MANAGER REPORT

Ms. Brooks noted she did not include a written packet report this month.

COVID-19 Update – Ms. Brooks noted 83% of staff was vaccinated based on employee self-reporting rates. She also said staff was preparing to hold in-person board meetings in June, with a virtual attendance option available as well.

Best Place to Work Award – Eagle River Water and Sanitation District received Vail Valley Partnership's Best Place to Work Award for 2020. Ms. Hayes discussed the application process, which highlighted employee culture and specifically the behind-the-scenes efforts of the IT and HR departments during the pandemic.

OPERATIONS REPORT

Mr. Zachman presented the operations report, a copy of which is attached hereto as **Exhibit I** and incorporated herein by this reference.

Lead and Copper Rule Update – A planned presentation on the lead and copper rule was tabled to the following meeting.

Dowd Junction Collection System Project Update – Mr. Schneider, Mr. Nemcanin and Ms. Beairsto presented an update on the Dowd Junction Collection System Improvements project. A memo was also discussed, a copy of which is attached hereto as **Exhibit J** and incorporated herein by this reference.

PRV Failure in Homestead – Mr. Zachman discussed the failure of a pressure-reducing valve (PRV) on Homestead Road in Edwards, which filled a vault and will require repairs to the infrastructure and nearby roadway. Needed parts are expected to arrive in 6 – 7 weeks.

ENGINEERING AND WATER RESOURCES REPORT

In Mr. Cowles' absence, Dr. Wright referenced the engineering report, a copy of which is attached hereto as **Exhibit K** and incorporated herein by this reference.

Wolford Mountain Dam Safety Update – Dr. Wright briefly discussed updates involving ongoing issues with the Wolford Mountain Reservoir Dam. A comprehensive dam safety evaluation identified elevated levels of risk associated with the dam that will require mitigation. The Authority and District have some contract water supplies in Wolford Reservoir, but other sources are available if the reservoir needs to be lowered for risk mitigation or repairs.

Eagle Park Seep Investigation – Dr. Wright discussed a planned seep investigation for the fall at Eagle Park Reservoir under the direction of the Dam Safety Branch. Prework for this investigation was completed last fall to use a dye-based method to observe the seep and determine next steps.

COMMUNICATIONS AND PUBLIC AFFAIRS REPORT

Upper Eagle Regional Water Authority

1 Ms. Johnson referenced her report, a copy of which is attached hereto as **Exhibit L** and incorporated
2 herein by this reference.

3 **GENERAL COUNSEL REPORT**

4 Ms. Winn had no updates for the regular meeting. She referenced her confidential legal report included in
5 the confidential packet.

6 **WATER COUNSEL REPORT**

7 Mr. Porzak referenced his confidential legal report included in the confidential packet.

8 **Authority Water Rights Report** – Mr. Porzak noted work would begin shortly on the Authority's
9 water rights report, which is updated at least every two years.

10 **EXECUTIVE SESSION**

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

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

19 Mr. Porzak requested the Board enter Executive Session to receive legal advice of counsel regarding the
20 Eagle River MOU matters, CRCA matters, and water rights diligence and Brett & Creamery Ditches
21 matters pursuant to §24-6-402(4)(b) and (e) C.R.S. He asked that no electronic record be made, as the
22 discussion would be entirely privileged attorney-client communications. Upon motion duly made and
23 seconded, it was unanimously.

24 **RESOLVED** to enter Executive Session at 10:30 a.m. to receive advice of counsel regarding
25 Eagle River MOU matters, CRCA matters, water rights diligence and Brett & Creamery
26 Ditches matters pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created
27 as Mr. Porzak opined the contents of the discussion would contain privileged attorney-client
28 communications. *

29 The regular meeting resumed at 10:54 a.m..

Upper Eagle Regional Water Authority

1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 10:55 a.m.

3 Respectfully submitted,

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5 _____
6 Secretary to the Meeting
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