

Eagle River Water & Sanitation District
Board of Directors Meeting
April 22, 2021
MINUTES

A special, virtual meeting of the Board of Directors of the Eagle River Water & Sanitation District (District) was held April 22, 2021, at 1:00 p.m., in accordance with the applicable statutes of the State of Colorado.

ATTENDANCE

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

Kate Burchenal
Dick Cleveland
Steve Coyer
George Gregory
Timm Paxson
Bill Simmons
Robert Warner

Also in attendance were:

| | | |
|-----------------------|----|--|
| <u>District Staff</u> | 24 | Kailey Rosema |
| Jenna Beirsto | 25 | Shane Swartwout |
| Linn Brooks | 26 | Chris Wolff |
| Jason Cowles | 27 | Brad Zachman |
| Catherine Hayes | 28 | <u>Consultants</u> |
| Diane Johnson | 29 | Jim Collins, Collins Cockrel & Cole |
| Kira Koppel | 30 | Kristin Moseley, Porzak Browning & Bushong LLP |
| Melissa Marts | 31 | Glenn Porzak, Porzak Browning & Bushong LLP |
| Melissa Mills McLoota | 32 | Kathryn Winn, Collins Cockrel & Cole |
| David Norris | 33 | |
| Chuck Owen | 34 | <u>Public</u> |
| David Pena | 35 | Tammy Baker |

Rob Ringle

DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST

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

Director Burchenal disclosed that she in on the Eagle River Watershed Council board of directors. Director Gregory disclosed that he serves on the Boards of the Upper Eagle Regional Water Authority (Authority and the Berry Creek Metropolitan District and occasionally undertakes development and construction activities within the District and Authority service areas. Director Simmons disclosed that he is the General Manager of the Beaver Creek Metropolitan District, an alternate Authority Director, and serves on the boards of the Edwards Metropolitan District and Eagle River Fire Protection District. Director Warner disclosed that he is a developer within the District's service area and serves on the Eagle County Planning Commission, which occasionally has dealings with the District.

CALL TO ORDER

Chair Simmons called the meeting to order at 1:00 p.m.

INTRODUCTIONS

New employee, Ms. Beirsto, was introduced. She joins the engineering department.

PUBLIC COMMENT

Public comment was called for and there was none.

ACTION ITEMS

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

RESOLVED that the minutes of the March 25, 2021, special meeting be accepted and hereby are approved as presented.

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1 The minutes of the joint, special meeting of March 25, 2021, with Upper Eagle Regional Water Authority
2 were considered. Upon motion duly made and seconded, it was unanimously

3 **RESOLVED** that the minutes of the joint special March 25, 2021, special meeting be accepted
4 and hereby are approved as presented.

5 **Cash-in Lieu of Water Rights Request: Middle Creek Lot 3** – Mr. Cowles noted the board action
6 request for cash-in-lieu of water rights, a copy of which is attached hereto as **Exhibit A** and incorporated
7 herein by this reference. After discussion and upon motion duly made and seconded, it was unanimously

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

9 **Cash-in Lieu of Water Rights Request: Highline Hotel** – Mr. Cowles noted the board action request for
10 cash-in-lieu of water rights, a copy of which is attached hereto as **Exhibit B** and incorporated herein by
11 this reference. After discussion and upon motion duly made and seconded, it was unanimously

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

13 **Irrigation Rates** – Mr. Cowles presented a request regarding irrigation rates, a copy of which is attached
14 hereto as **Exhibit C** and incorporated herein by this reference. Discussed ensued, with Mr. Cowles
15 clarifying the rates apply only to commercial irrigation accounts. After discussion and upon motion duly
16 made and seconded, it was unanimously

17 **RESOLVED** that the proposed irrigation rates be and hereby are approved as presented, after
18 completion of the 30-day notice period is complete, which is required for any rate increase.

19 **Climate Action Collaborative Resolution and Memorandum of Understanding** – Ms. Hayes
20 discussed her request, a copy of which is attached hereto as **Exhibit D** and incorporated herein by this
21 reference. She noted the Collaborative proposed more stringent goals for carbon emissions reductions,
22 which would result in a greater, more positive impact for the community, which were outlined in the
23 resolution. A copy of the resolution is attached hereto as **Exhibit E** and incorporated herein by this
24 reference. Ms. Hayes also discussed the MOU, which supported the formation of a governing body for the
25 Collaborative. A copy of the MOU is attached hereto as **Exhibit F** and incorporated herein by this
26 reference. After discussion and upon motion duly made and seconded, it was unanimously

27 **RESOLVED** that the resolution supporting the goals of the Climate Action Collaborative be and
28 hereby is approved as presented; and

29 **FURTHER RESOLVED** that the memorandum of understanding be and hereby is approved as
30 presented.

31 **Rules and Regulations Updates** – Ms. Brooks and Ms. Johnson discussed an update to the Rules and
32 Regulations to revise Article XI regarding the water supply response plan. A copy of the request and
33 proposed changes are attached hereto as **Exhibit G** and incorporated herein by this reference. The
34 update was necessitated by the recent changes to the tiered rate structure and water resources master
35 plan efforts, which focus on eliminating excessive and unsuitable water use. In response to a question,
36 Ms. Brooks clarified that she would consult with the boards prior to declaring a water supply emergency.
37 After discussion and upon motion duly made and seconded, it was unanimously

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1 **RESOLVED** that Rules and Regulations updates be and hereby are approved as presented.

2 **Consent Agenda** – The consent agenda was approved, a copy of which is attached hereto as **Exhibit H**
3 and incorporated herein by this reference.

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

6 **STRATEGY ITEMS**

7 **Board Member Input** – Board member input was requested and none was received.

8 **Drought Update** – Ms. Brooks and Ms. Johnson updated on local drought conditions, which have
9 improved slightly since last month; a related memo is attached hereto as **Exhibit G** and
10 incorporated herein by this reference. Ms. Johnson outlined mitigation strategies for the summer,
11 including water use reduction in Tiers 4 and 5, which is considered unsustainable use. Outreach
12 efforts to stakeholders will be coordinated among a variety of departments.

13 **Pulse Survey Results** – Ms. McLoota discussed results of the pulse survey, which was an
14 abbreviated survey to gage employee well being after a year of pandemic operations. There was
15 94% participation, which was an excellent turnout. The results saw 80% favorable responses to
16 the ten questions asked, and lots of employee agreement that the District's pandemic response
17 was effective and appropriate. The board thanked Ms. McLoota for the information.

18 **GENERAL MANAGER REPORT**

19 Ms. Brooks referenced her report, a copy of which is attached hereto as **Exhibit H** and incorporated
20 herein by this reference.

21 **COVID-19 Update** – Ms. Brooks noted the District response remained in the sustain stage. In
22 response to an internal request, employees voluntarily self-reported 88% of staff was vaccinated..

23 **OPERATIONS REPORT**

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

26 **Nutrient Upgrade Project** – Ms. Marts updated the board on the Avon Wastewater Treatment
27 Facility nutrient upgrade project. The project is going well and continues to be on schedule and
28 on budget.

29 **Lead and Copper Rule Update** – A planned presentation on the lead and copper rule was tabled
30 to the following meeting due to time constraints.

31 **ENGINEERING AND WATER RESOURCES REPORT**

32 Mr. Cowles noted he did not include a written report this month.

33 **Community Water Plan Update** – Mr. Cowles noted agreement by the Homestake Partners that
34 the Authority and District's model could be used for the community water plan. Mr. Cowles will

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1 work with the Homestake Partners to get the output needed, after which representation of the
2 model's output will need to be determined.

3 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

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

5 **GENERAL COUNSEL REPORT**

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

7 **WATER COUNSEL REPORT**

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

9 At 2:28 p.m. Msses. Baker, Koppel and Marts, and Messrs. Owen and Pena left the meeting.

10 **EXECUTIVE SESSION**

11 Mr. Porzak requested the Board enter Executive Session to receive legal advice of counsel regarding the
12 Eagle River MOU matters, Green Mountain Reservoir Historic Users Pool, Homestake Reservoir Release
13 Report, pursuant to §24-6-402(4)(a)(b) and (e) C.R.S. He asked that no electronic record be made, as the
14 discussion would be entirely privileged attorney-client communications. Upon motion duly made and
15 seconded, it was unanimously

16 **RESOLVED** to enter Executive Session at 3:03 a.m. to receive advice of counsel regarding
17 Eagle River MOU matters, Green Mountain Reservoir Historic Users Pool, Homestake
18 Reservoir Release Report, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic
19 record created as Mr. Porzak opined the contents of the discussion would contain privileged
20 attorney-client communications.*

21 The regular meeting resumed at 4:05 p.m.

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1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 3:00 p.m.

3 Respectfully submitted,

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Secretary to the Meeting