

Upper Eagle Regional Water Authority

Board of Directors Meeting

April 22, 2021

MINUTES

1 A regular, virtual meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority)
2 was held April 22, 2021, at 8:30 a.m., in accordance with the applicable statutes of the State of Colorado.

3
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 Mick Woodworth, Edwards Metropolitan District

11 **The following Director was absent and excused:**

12 Kim Bell Williams, EagleVail Metropolitan District

13 **Also in attendance were:**

14 District Staff

15 Jenna Beirsto

16 Linn Brooks

17 Jason Cowles

18 Catherine Hayes

19 Diane Johnson

20 Kira Koppel

21 Melissa Marts

22 David Norris

23 Chuck Owen

24 David Pena

25 Rob Ringle

26 Kailey Rosema

27 Shane Swartwout

28 Chris Wolff

29 Brad Zachman

30 Consultants

31 Jim Collins, Collins Cockrel & Cole

32 Kristin Moseley, Porzak Browning & Bushong LLP

33 Glenn Porzak, Porzak Browning & Bushong LLP

34 Kathryn Winn, Collins Cockrel & Cole

35 Public

36 *none*

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 8:30 a.m.

49 **INTRODUCTIONS**

50 New engineering employee, Ms. Beirsto, was introduced.

51 **PUBLIC COMMENT**

52 Public comment was called for and there was none.

53 **ACTION and OTHER ITEMS**

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

56 **RESOLVED** that the minutes of the March 25, 2021, regular meeting be accepted and hereby are
57 approved as presented.

Upper Eagle Regional Water Authority

1 The minutes of the joint, special meeting of March 25, 2021, with the Eagle River Water & Sanitation
2 District 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 **Irrigation Rates** – Mr. Cowles presented a request regarding irrigation rates, a copy of which is attached
6 hereto as **Exhibit A** and incorporated herein by this reference. Discussed ensued, with Mr. Cowles
7 clarifying the rates apply only to commercial irrigation accounts. After discussion and upon motion duly
8 made and seconded, it was unanimously

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

11 **Climate Action Collaborative Resolution and Memorandum of Understanding** – Ms. Hayes
12 discussed her request, a copy of which is attached hereto as **Exhibit B** and incorporated herein by this
13 reference. She noted the Collaborative proposed more stringent goals for carbon emissions reductions,
14 which would result in a greater, more positive impact for the community, which were outlined in the
15 resolution. A copy of the resolution is attached hereto as **Exhibit C** and incorporated herein by this
16 reference. Ms. Hayes also discussed the MOU, which supported the formation of a governing body for the
17 Collaborative. A copy of the MOU is attached hereto as **Exhibit D** and incorporated herein by this
18 reference. After discussion and upon motion duly made and seconded, it was unanimously

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

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

23 **Rules and Regulations Updates** – Ms. Brooks and Ms. Johnson discussed an update to the Rules and
24 Regulations to revise Article XI regarding the water supply response plan. A copy of the request and
25 proposed changes are attached hereto as **Exhibit E** and incorporated herein by this reference. The
26 update was necessitated by the recent changes to the tiered rate structure and water resources master
27 plan efforts, which focus on eliminating excessive and unsuitable water use. After discussion and upon
28 motion duly made and seconded, it was unanimously

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

30 **Information Reports** – The information reports were acknowledged and are attached hereto as **Exhibit C** and
31 incorporated herein by this reference. Discussion ensued regarding the contract for tank inspections, which
32 requires diving and marine services. Ms. Brooks confirmed that the workers ensure no contaminants are
33 introduced into the tanks' water supply.

34 **STRATEGY ITEMS**

35 **Board Member Input** – The board suggested including more usage information in the body of
36 customer invoice emails. This could assist customers in paying closer attention to water usage.

Upper Eagle Regional Water Authority

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

6 **GENERAL MANAGER REPORT**

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

9 **FINANCE REPORT**

10 **Quarterly Finance Report** – Mr. Norris presented the report, a copy of which is attached hereto
11 as **Exhibit I** and incorporated herein by this reference. He compared current conditions to those
12 in 2020, noting capital and tap fees were higher in 2021; this is understandable as large capital
13 projects move forward this year. The board complimented Mr. Norris on the updated format,
14 which is very comprehensive and contains many visuals.

15 **OPERATIONS REPORT**

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

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

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

23 **ENGINEERING AND WATER RESOURCES REPORT**

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

25 **Community Water Plan Update** – Mr. Cowles noted agreement by the Homestake Partners that
26 the Authority and District's model could be used for the community water plan. Mr. Cowles will
27 work with the Homestake Partners to get the output needed, after which representation of the
28 model's output will need to be determined.

29 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

30 Ms. Johnson noted she did not include a report in packets.

31 **GENERAL COUNSEL REPORT**

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

33 **WATER COUNSEL REPORT**

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

Upper Eagle Regional Water Authority

1 At 9:45 a.m., Mses. Beairsto, Koppel and Marts and Messrs. Owen, Pena, and Wolff left the meeting.

2 **EXECUTIVE SESSION**

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

9 **RESOLVED** to enter Executive Session at 9:46 a.m. to receive advice of counsel regarding
10 Edwards Drinking Water Facility water right, Eagle River MOU matters, Green Mountain
11 Reservoir Historic Users Pool, Homestake Reservoir Release Report, and Authority
12 Diligence, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic record created as
13 Mr. Porzak opined the contents of the discussion would contain privileged attorney-client
14 communications.*

15 Mr. Collins requested the Board continue Executive Session to receive legal advice of counsel regarding
16 unification and the Riverpark PUD, pursuant to §24-6-402(4)(a)(b) and (e) C.R.S. He asked that no
17 electronic record be made, as the discussion would be entirely privileged attorney-client communications.
18 Upon motion duly made and seconded, it was unanimously

19 **RESOLVED** to enter Executive Session at 10:45 a.m. to receive advice of counsel regarding
20 unification and the Riverpark PUD, pursuant to §24-6-402(4)(b) and (e) C.R.S. with no
21 electronic record created as Mr. Collins opined the contents of the discussion would contain
22 privileged attorney-client communications.*

23 The regular meeting resumed at 11:10 a.m.

24 **Riverpark PUD Amendment** – The board discussed Mr. Cowles board action request regarding the
25 Riverpark PUD, a copy of which is attached hereto as **Exhibit K** and incorporated herein by this
26 reference. Mr. Cowles discussed the request from the Riverwalk PUD for a conditional capacity to serve
27 letter based on water demand projections. After discussion and upon motion duly made and seconded, it
28 was unanimously

29 **RESOLVED** that the request to issue a conditional capacity to serve letter for the Riverwalk PUD
30 be and hereby is approved as presented.

