

Upper Eagle Regional Water Authority

Board of Directors Meeting

June 24, 2021

MINUTES

1 A regular, virtual meeting of the Board of Directors of the Upper Eagle Regional Water Authority (Authority)
2 was held June 24, 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 in person or via Microsoft Teams,**
5 **thereby 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 Jeffrey Schneider
15 Linn Brooks	28 Shane Swartwout
16 Karen Carter	29 Sally Ward
17 Jason Cowles	30 Caleb Wegener
18 Sarah Crawford	31 Len Wright
19 Catherine Hayes	32 <u>Consultants</u>
20 Christine Heimerl	33 Kristin Moseley, Porzak Browning & Bushong LLP
21 Diane Johnson	34 Glenn Porzak, Porzak Browning & Bushong LLP
22 Kira Koppel	35 Kathryn Winn, Collins Cockrel & Cole
23 David Norris	36 <u>Public</u>
24 Chuck Owen	37 <i>None.</i>
25 Siri Roman	
26 Kailey Rosema	

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 Sarah Crawford, the new Community Relations Specialist and
52 Sally Ward the new GIS Intern.

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 May 27, 2021 were considered. Upon
57 motion duly made and seconded, it was unanimously

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1 **RESOLVED** that the minutes of the May 27, 2021 special meeting be accepted and hereby are
2 approved as presented.

3 The minutes of the joint, special meeting of May 27, 2021 with the Eagle River Water and Sanitation
4 District were considered. Upon motion duly made and seconded, it was unanimously

5 **RESOLVED** that the minutes of the May 27, 2021 joint special meeting be accepted and hereby
6 are approved as presented.

7 **Election of Authority representative to Eagle Park Reservoir Company BOD** – The board discussed
8 the Authority’s appointee to the Eagle Park Reservoir Company Board of Directors. After discussion and
9 upon motion duly made and seconded, it was unanimously

10 **RESOLVED** that Chair Gregory continue to serve as the Authority’s representative on the Eagle
11 Park Reservoir Company Board of Directors.

12 **Information Reports** – The information reports are attached hereto as **Exhibits A, B, C and D**
13 incorporated herein by this reference.

14 **STRATEGY ITEMS**

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

16 **Drought Update** – Dr. Wright updated on current drought conditions. Storage in Black Lakes is
17 6” from full, and Eagle Park Reservoir is 105-acre feet from full. Ms. Johnson updated on direct
18 customer outreach messaging. Mr. Norris updated on letters sent to customers using water in
19 Tiers 4 and 5, and the process for driving change in water use behavior.

20 **GENERAL MANAGER REPORT**

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

22 **General Manager Information Items** – Ms. Brooks discussed the prior day’s all staff, in person
23 BBQ for District employees. District staff appreciates the support from directors through the
24 pandemic. Ms. Brooks also suggested moving the Eagle Park Reservoir Company meetings to a
25 different day than the Authority and District meetings going forward.

26 **OPERATIONS REPORT**

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

29 **Regulation 31 Rulemaking Hearing** – Ms. Roman updated the board on the Regulation 31
30 Rulemaking hearing. Staff and consultants commented on stream temperature standards, as a
31 new temperature limit was received for the Vail facility, which is unachievable and unnecessary to
32 protect aquatic life. The state agreed to form a working group with District staff to further
33 investigate alternatives. Ms. Roman also noted successful town of Vail efforts to cool the river by
34 encouraging shading with shrubs and trees along the riverbank.

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1 **Authority Sanitary Survey** – Ms. Roman also informed the board of the Authority’s sanitary
2 survey that will take place in August. The surveys are state mandated and conducted every three
3 years to inspect facilities and infrastructure.

4 **Fire Mitigation** – Ms. Roman noted ongoing efforts to ensure the safety of Authority and District
5 facilities and infrastructure by removing fire hazards. She also said operations protocols were in
6 place to reduce fire risk.

7 **Lead and Copper Rule Update** – Ms. Rosema presented on the Lead and Copper Rule
8 compliance program and the Optimal Corrosion Control Treatment Evaluation undertaken by the
9 water department.. Nearly all work was completed in house, and results varied based on different
10 parts of the service area and other factors. The study results indicated the District and Authority
11 can safely remove orthophosphate from its water supply while still meeting its regulatory limits.
12 Increased monitoring temporarily will be required as orthophosphate is slowly reduced in the
13 treatment process.

14 **Eagle Park Reservoir Quarterly Operations Report** – The confidential EPRC quarterly
15 operations report was referenced.

16 **ENGINEERING AND WATER RESOURCES REPORT**

17 Mr. Cowles referenced the engineering and water resources report, a copy of which is attached hereto as
18 **Exhibit F** and incorporated herein by this reference. There was discussion on Edwards River Park PUD.

19 **Edwards River Park Project Update** – Mr. Cowles discussed this project, for which the Authority
20 issued a conditional capacity to serve letter. The project was recently tabled and the development
21 plan was revised to reduce density and include more affordable housing, reducing the amount of
22 needed water. The board authorized Mr. Cowles to issue an updated conditional capacity to
23 serve letter based on the new estimate. Based on these changes, Mr. Cowles recommended
24 dedicating 50% of the outdoor water-intensive amount calculated by the water demand worksheet
25 for developments going forward to ensure water efficient landscaping. Discussion ensued
26 regarding the Authority’s role as a water provider, but not a land use authority.

27 **Shoshone Outage Protocol** – Mr. Cowles noted the Shoshone outage protocol was in effect,
28 beginning the prior week. The protocol allows the Authority and District to operate the Homestake
29 Exchange and bank water in Homestake. Mr. Cowles believes 200 – 300 acre feet of water may
30 be exchanged through this method.

31 **Construction Materials Update** – Mr. Schneider referenced his memo, a copy of which is
32 attached hereto as **Exhibit G** and incorporated herein by this reference. Construction costs have
33 increased dramatically since the pandemic began in March 2020

34 **COMMUNICATIONS AND PUBLIC AFFAIRS REPORT**

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

3 **GENERAL COUNSEL REPORT**

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

6 **WATER COUNSEL REPORT**

7 Mr. Porzak had no updates for the regular meeting.

8 **Brett and Creamery Ditch Water Rights** – Mr. Porzak included a memo re Brett & Creamery
9 Ditch water rights, a copy of which is attached hereto as **Exhibit I**.

10 **EXECUTIVE SESSION**

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

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

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

23 **RESOLVED** to continue Executive Session at 10:18 a.m. to receive advice of counsel
24 regarding water rights report pursuant to §24-6-402(4)(b) and (e) C.R.S. with no electronic
25 record created as Mr. Porzak opined the contents of the discussion would contain privileged
26 attorney-client communications. *

27 The regular meeting resumed at 10:45 a.m..

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1 **ADJOURNMENT**

2 There being no further business to come before the Board, the meeting adjourned at 10:45 a.m.

3 Respectfully submitted,

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5 _____
6 Secretary to the Meeting
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