

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE NORTH WELD COUNTY WATER DISTRICT

Held: November 12, 2024, at 8:30 A.M.

The meeting was conducted via teleconference.

ATTENDANCE

The meeting was held in accordance with the laws of the State of Colorado. The following directors were in attendance:

Tad Stout, President
Nels Nelson, Treasurer
Anne Hennen, Assistant Secretary
Matt Pettinger, Assistant Secretary
Scott Cockroft, Secretary (arrived late)

Also present were Eric Reckentine and Garrett Mick, General Manager of the District; Zachary P. White, Esq., and Jon Wagner, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Jamie Dickinson, Spencer Fane, District special counsel; Richard Raines Water Resources; Loren Eldridge-Looker, Tri-Hydro; Wendy Greenwald, The Solution PR; Ms. Hatcher, Clear Water Consulting and members of the public.

ADMINISTRATIVE MATTERS

Call to Order

The meeting was called to order at 8:33 A.M.

Declaration of Quorum and Confirmation of Director Qualifications

Mr. Stout noted that a quorum for the Board was present and that the directors had confirmed their qualification to serve.

Reaffirmation of Disclosures of Potential or Existing Conflicts of Interest

Mr. Wagner advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. Wagner reported that disclosures for those directors that provided WHITE BEAR ANKELE TANAKA & WALDRON with notice of potential or existing conflicts of interest, if any, were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. Wagner inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest about any matters scheduled for discussion at the meeting. All directors reviewed the agenda for the meeting and confirmed that they have no additional conflicts of interest in connection with any of the matters listed on the agenda.

Approval of Agenda Mr. Reckentine presented the Board with the agenda for the meeting. Upon motion of Mr. Nelson, seconded by Ms. Hennen, the Board unanimously approved the agenda as amended.

PUBLIC COMMENT Status of WSSC change case and BPCCC policy and fees was provided to the public based on a request

CONSENT MATTERS **AGENDA** Upon a motion of Mr. Nelson, seconded by Ms. Hennen, the following items on the consent agenda were unanimously approved, ratified and adopted:

- a. Minutes from October 14, 2024, Regular Meeting
- b. Draft Financials October 2024
- c. Invoices through November 12, 2024
- d. Approve Letter of Intent
- e. Zone 1 West Transmission Line Easement Acquisition
 - i. Schmidtbauer
 - ii. AGIG LLC

North Weld County Water District Draft 2025 Annual Budget Mr. Reckentine presented the draft 2025 budget to the Board. The Board engaged in discussion regarding capital improvement projects and fees. No action was taken. Mr. Cockroft asked questions about use of water surcharge dollars and wanted to see those revenues directly allocated in the budget to water acquisition. Following discussion, Mr. Cockroft will meet with Mr. Reckentine to review the budget. The final budget will be presented at the December meeting.

- NWCWD 2025 Draft Budget Memo
- SCWTA 2025 Final Budget Memo

Consider Approval of Revised and Updated Manual, Plans and Agreements Ms. Hatcher (Clear Water Consulting) presented the 7 Year State of Colorado Water Efficiency Plan to the Board. Following discussion, upon a motion by Mr. Nelson, seconded by Mr. Pettinger, the Board unanimously approved the plan.

- NWCWD 7 Year State of Colorado Updated Water Efficiency Plan

Mr. Reckentine presented the Updated Creation Agreement to the Board. The Amended Creation Agreement was approved unanimously

- SCWTA Updated Creation Agreement – Capacity Increase

The Board engaged in a general discussion regarding the Rules and Regulations of the District. Mr. White will provide the first draft of the revised rules and regulations for a post-meeting work session and will revise them annually.

- NWCWD Rules and Regulations

Update on Tolling Agreement with Dairies The Board discussed the proposed agreement in Executive Session.

Consider Approval of Amended and Restated Water Service Agreement with the Town of Eaton The Board engaged in a general discussion regarding the Amended and Restated Water Service Agreement with the Town of Eaton. No action taken.

NWCWD Draft Regional Master Plan Review The Board engaged in a general discussion regarding the NWCWD Draft Regional Master Plan Review. No action taken.

Consider Approval of Raw Water Acquisition and Dedication Agreements The Board discussed the proposed agreement in Executive Session.

Executive Session: The Board reserves the right to enter into Executive Session for the following purposes: Receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(b) & (e), C.R.S. related to Draft Regional Master Plan, Acquisition of Water Rights, Water Service Agreement Eaton and Commercial Animal Tap Tolling Agreement, Water Acquisitions and Dedication Agreements, Tolling Agreement with Dairies and Amended and Restated Water Service Agreement with Town of Eaton

Upon a motion duly made and seconded, followed by an affirmative vote of at least two-thirds of the quorum present, the Board(s) enter into executive session at 9:46 a.m. for the purpose of receiving legal advice on and discussing matters pursuant to Section 24-6-402(4)(b) & (e), C.R.S. related to Draft Regional Master Plan, Acquisition of Water Rights, Water Service Agreement Eaton and Commercial Animal Tap Tolling Agreement, Water Acquisitions and Dedication Agreements, Tolling Agreement with Dairies and Amended and Restated Water Service Agreement with Town of Eaton.

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of legal counsel to the District, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

Also pursuant to Section 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during the executive session.

The Board reconvened in regular session at 11:08 a.m.

Consider Approval of Resolution No. 20241112-01 Concerning Development Review Moratorium The Board unanimously approved the proposed raw water acquisition agreement.

Consider Approval of New Development Variance Request Mr. Reckentine presented the Resolution Concerning Development Review Moratorium. He indicated that the District has capacity to begin reviewing development applications again. Following discussion, upon a motion by Ms. Hennen, seconded by Mr. Nelson, the Board unanimously adopted the Resolution.

- Bower
- Cordero
- Everitt
- Podtburg Dairy

Mr. Reckentine indicated with the approval of Resolution No. 20241112-01, the requested variances will not be required, and development review can commence. No action taken.

- Cockroft Feedlot
- Chapparall
- Northlake

DISTRICT MANAGER'S REPORT

Tap Sales	Mr. Reckentine reported to the Board there were 80 taps sold to date.
NEWT III Transmission Line	Mr. Reckentine discussed the NEWT III Transmission Line with the Board. No action taken.
District's New Website Launched	Mr. Reckentine updated the Board that the new website is live.
Timnath 36-Inch Line Lowering Project and NEWT III Connection to 36-Inch Line, December 2024	Mr. Reckentine informed the Board that the project will be completed in December.
Wholesale Customer Rate and Fee Increase Notice 10/8/24	Mr. Reckentine updated that rate increase notices were sent to the Towns.
All Wholesale Customers Provided Revised WSA Template	Mr. Reckentine updated the Board that all Towns have been provided with the template Water Service Agreement.
LCR Notification Letter to Customers	Mr. Reckentine provided an update to the Board that the LCR Notification Letters have been sent.

OTHER BUSINESS

The Board engaged in a general discussion regarding the Certification Resolution. Following discussion, upon a motion by Ms. Hennen, seconded by Mr. Nelson, the Board unanimously approved the resolution.

The Board engaged in a general discussion regarding the Christmas Party.

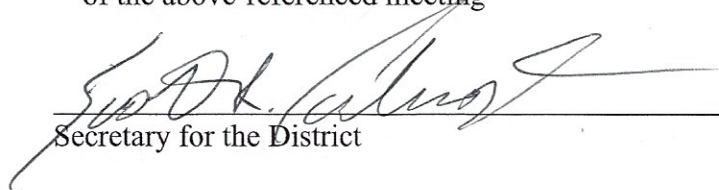
The Board engaged in a general discussion regarding reviewing the backflow cross connection process. The Board directed Mr. Reckentine to review the process to avoid and/or quantify the additional cost for the District testing and certification services.

The Board engaged in a general discussion regarding the policy addressing the construction meters. No action taken.

ADJOURNMENT

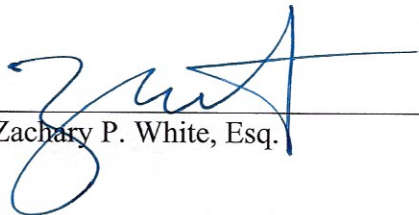
There being no further business to be conducted, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting


Secretary for the District

ATTORNEY STATEMENT
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing North Weld County Water District, I attended the executive session at the regular meeting of North Weld County Water District convened at 9:46 a.m. on November 12, 2024 for the sole purpose of discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(b)&(e), C.R.S. related to Draft Regional Master Plan, Acquisition of Water Rights, Water Service Agreement Eaton and Commercial Animal Tap Tolling Agreement, Water Acquisitions and Dedication Agreements, Tolling Agreement with Dairies and Amended and Restated Water Service Agreement with Town of Eaton. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.



Zachary P. White, Esq.