

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

Held: Monday, the 10<sup>th</sup> day of January, 2022, at 1:00 P.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:

Gene Stille, President  
Ron Buxman, Treasurer  
Scott Cockroft, Secretary  
Brad Cook, Assistant Secretary  
Tad Stout, Assistant Secretary

Also present were: Eric Reckentine, General Manager of the District; Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Darin Pytlik, Daniel Rice, Providence Infrastructure Consultants, District Engineers; George Oamek, Headwaters Corp; Paul Weiss, Williams and Weiss Consulting; Kerry Allen, member of the public.

**ADMINISTRATIVE MATTERS**

Call to Order

The meeting was called to order at 1:05 P.M.

Declaration of Quorum and Confirmation of Director Qualifications

Mr. Stille 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. White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White 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. White 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. Cockroft, seconded by Mr.

Buxman, the Board unanimously approved the agenda, as amended to remove Agenda Item 5.

## **CONSENT AGENDA MATTERS**

Mr. Reckentine presented the Board with the consent agenda items.

Upon motion of Mr. Stout, seconded by Mr. Buxman, the Board unanimously took the following actions:

- a. Approval of Minutes from November 8, 2021 and December 13, 2021 Regular Meetings
- b. Acceptance of Unaudited December 2021 Financial Statements
- c. Approval of Invoices through January 10, 2022
- d. Approval of Providence Infrastructure Consultants Task Order Amendments

Discussion: Update on Fee Schedule

Mr. Reckentine presented the current NWCWD Fee Schedule to the Board and discussed the Allocation Surcharge Fee with the Board. It was suggested that the Allocation Surcharge Fee should be as high as \$18.51 based on current C-BT market value. The Board discussed the proposed increase and whether it wanted to do an immediate increase or phased increase to give customers time to catch up. The Board requested to see an incremental increase for 2022 in the Allocation Surcharge Fee in order to give customers time to catch up.

No action was taken.

Discussion re NWCWD Commercial and Residential Drought Triggers

Mr. Weiss presented an updated Technical Memorandum regarding drought mitigation with updates regarding commercial drought triggers and recommendations. Mr. Reckentine discussed with the Board the District's water supply and issues. The Board discussed overuse by commercial users and ways to encourage commercial users to see other water sources or to provide additional water resources to the District. The Board discussed requiring additional water dedications from under allocated users and reviewed the allocations and use of its commercial users. It was suggested that customers could make use of groundwater sources to supplement supply, or to bring leased water to the District under drought conditions. The Board also discussed the District making efforts to lease water each year and to use leased water first in order to preserve its water supply. Finally, the Board discussed installing flow control devices on commercial users, and establishing a policy to limit commercial users to their three-year historic flows.

No action was taken.



**Consider Approval of Agreement for Purchase and Sale of Real Estates, SPABS, LLC**

Mr. Reckentine reviewed with the Board a proposed Agreement for Purchase and Sale of Real Estate with SPABS, LLC in order to acquire the real property interest required to construct a new Tank 7. Following discussion, upon motion of Mr. Stout, seconded by Mr. Buxman, the Agreement was unanimously approved.

**EXECUTIVE SESSION**

Upon motion of Mr. Cockroft, seconded by Mr. Buxman, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session for the purpose of receiving legal advice regarding Moratorium and related legal issues pursuant to §§ 24-6-402(4)(b), C.R.S.

Pursuant to § 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 the District's attorney, constitutes privileged attorney-client communication pursuant to § 24-6-402(4)(b), C.R.S.

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

The Board directed staff and legal counsel to work on a proposed policy for consideration at the February 14, 2022 regular meeting to lift the moratorium and allow for limited tap sales.

**DISTRICT MANAGER'S REPORT**

Mr. Reckentine reported the following to the Board:

- The Old Eaton Pipeline project has been completed.
- Pump Station 1 will be tested in February.
- The Soldier Canyon Water Treatment Authority will be meeting in January to talk about hiring a new plant manager.

**PUBLIC COMMENT**

A local homebuilder discussed concerns about the moratorium and delays it is causing to construction.

Kerry Allen read a letter to the Board regarding the impact of the moratorium on her family and their ability to construct a new home.

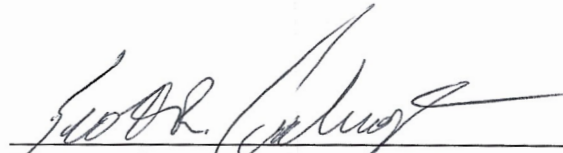
**OTHER BUSINESS**

None.

**ADJOURNMENT**

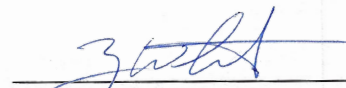
There being no further business to be conducted, the meeting was adjourned.

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 § 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that in my capacity as the attorney representing the North Weld County Water District (the "District"), I attended the Executive Session on January 10, 2022, for the sole purposes of conferencing with the District's Board of Directors for the purpose of giving legal advice on specific legal questions as authorized by §§ 24-6-402(4)(b), C.R.S. I further attest that it is my opinion that all or a portion of the executive session discussion constituted attorney-client privileged communication as provided by § 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 § 24-6-402(2)(d.5)(II)(B), C.R.S.

  
Zachary P. White, Esq.  
WHITE BEAR ANKELE TANAKA & WALDRON  
General Counsel to the District