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## RECORD OF PROCEEDINGS

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### **Minutes of the Special Meeting of the Board of Directors of Berry Creek Metropolitan District on September 27, 2021**

The Special Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held virtually September 27, 2021, at 3:00 p.m., in accordance with the applicable statutes of the State of Colorado.

#### **VIRTUAL ATTENDANCE**

The following BCMD Directors were present and acting:

- Courtney Holm
- Katie Rothenberg
- Melissa Nelson
- Mike Reisinger

Also, in attendance were:

- Linn Brooks, ERWSD
- Jason Cowles, ERWSD
- Diane Johnson, ERWSD
- Nina Timm, Community Manager
- Chris Neuswanger, Owner
- George Gregory, BCMD's Representative to UERWA

#### **CALL TO ORDER**

Director Holm called the Special Meeting of the Board of Directors of Berry Creek Metropolitan District to order on September 27, 2021, at 3:01 p.m., noting a quorum was present.

#### **DISCLOSURE MATTERS**

Pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Board member disclosed their conflicts of interest, stating the fact and summary nature of any matters as required under Colorado law, to permit official action be taken at the meeting. The Board determined that the participation of the member's present was necessary to obtain a quorum or otherwise enable the Board to act.

#### **AGENDA**

There were no changes to the agenda.

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**PROPOSED UNIFICATION OF ERWSD AND UERWA**

George Gregory introduced Linn Brooks, Jason Cowles, and Diane Johnson of the Eagle River Water and Sanitation District (ERWSD) and provided a brief overview of BCMD's water rights and the lease with the Upper Eagle Regional Water Authority (UERWA). BCMD is a member of the UERWA and to ensure secure water year-round BCMD and all the other member districts leased their water rights to UERWA. To ensure more reliable water supply as the area developed, the UERWA also built and operates the Eagle Park Reservoir.

Looking forward, to ensure long-term reliable water supply it has determined the best course of action is to unite ERWSD and UERWA into one water district. Districts have the benefit of taxing and condemnation authority. The ERWSD and UERWA boards have had a unanimous consensus on their goals and objectives throughout the years. A unified water district board would eliminate each metro district's direct appointed board representation, as State Statute requires District boards be limited to 7-members who are elected rather than appointed.

BCMD is the last member District to receive this request to proceed with the drafting of an Inclusion Agreement and Consent Resolution for consideration by the parties that could allow for the unification. The request is being made to the town of Avon on September 28. At this point in time, all Districts except for Beaver Creek have supported the request. Beaver Creek is concerned about losing direct representation on the unified district board. ERWSD staff is working to address their concerns.

The BCMD was assured their water rights and service would remain as-is and they could also have a representative attend the unified board meetings. There was some concern about losing direct representation as it exists today on the UERWA board.

Following the discussion, by motion duly made and seconded it was unanimously

**RESOLVED** to request ERWSD and UERWA proceed with the drafting of an Inclusion Agreement and Consent Resolution for consideration by the parties.

**ADJOURNMENT**

There being no further business to come before the Board, by motion duly made and seconded it was unanimously

**RESOLVED** to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 27<sup>th</sup> day of September 2021.

Respectfully submitted,

Nina Timm