



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

GOVERNED BY:

The Metropolitan
Districts of:
Arrowhead
Beaver Creek
Berry Creek
EagleVail
Edwards

The Town of Avon

M E M O R A N D U M

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Supervisor
DATE: May 17, 2024
RE: May 23, 2024, Board Meeting

This memorandum shall serve as notice of the Regular Meeting of the Board of Directors of the Upper Eagle Regional Water Authority:

**Thursday, May 23, 2024
8:30 a.m.**

This meeting will be held in-person

Walter Kirch Room
Eagle River Water & Sanitation District Vail office
846 Forest Road
Vail, Colorado

The meeting can also be accessed on Microsoft Teams. Login information can be requested by sending an email at least 24 hours in advance to info@erwsd.org.

Input from members of the public is welcomed during the meeting's designated Public Comment consistent with § 18-9-108, C.R.S. Speakers may address the Board on a first-recognized basis by the Chair. Public Comments are limited to three minutes per speaker on relevant matters not listed on the agenda.



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

BOARD OF DIRECTORS REGULAR MEETING

May 23, 2024

8:30 a.m.

Walter Kirch Conference Room

AGENDA

GOVERNED BY:

The Metropolitan
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Beaver Creek

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Attachment Link

- 1. Introductions**
- 2. Public Comment**
- 3. Organizational Items**
 - 3.1.** Extending board officer terms to May 2025 [Action Item](#)
 - 3.2.** Appointing representative to Eagle Park Reservoir Co. Board of Directors [Action Item](#)
 - 3.3.** Consideration of updated bylaws [Action Item](#)
 - 3.4.** Disclosures of potential conflicts of interest [Informational](#)
- 4. Action Items**
 - 4.1.** Minutes from Apr. 4, 2024, Regular Meeting [Action Item](#)
- 5. Information Reports**
 - 5.1.** Board committees [Informational](#)
 - 5.2.** April meeting summary – draft [Confidential](#)
 - 5.3.** Contract log [Informational](#)
- 6. Board Member Input**
- 7. 2025 Rate Restructure Analysis – David Norris** [Informational](#)
- 8. Policy Update Introductions**
 - 8.1.** Digital accessibility policy [Informational](#)
 - 8.2.** Sunsetting 2017 Policy for Use-Based Tap Fee Calculation [Informational](#)
 - 8.3.** Amended Tap Fee Policy for Public Use Facilities [Informational](#)
- 9. General Manager Report – Siri Roman**
 - 9.1.** GM information items [Informational](#)
 - 9.1.1.** Shoshone Water Right Preservation Campaign [Informational](#)
 - 9.2.** Business Administration report – David Norris [Informational](#)
 - 9.2.1.** Quarterly financials [Informational](#)
 - 9.3.** Operations report – Brad Zachman [Informational](#)
 - 9.4.** Engineering and Water Resources report – Jason Cowles [Informational](#)
 - 9.5.** Communications and Public Affairs report – Diane Johnson [Informational](#)
- 10. Water Counsel Report – Kristin Moseley**
- 11. General Counsel Report – Kathryn Winn**

12. Executive Session

- 12.1. Receive legal advice regarding Water Court Case No. 23CW3205, pursuant to §24-6-402(4)(b), C.R.S. Confidential
- 12.2. Receive legal advice regarding Bolts Lake and Battle North/Minturn Case Nos. 21CW3029 and 21CW3030 and matters related to title on property surrounding Bolts Lake, pursuant to §24-6-402(4)(b), C.R.S. Confidential

13. Any Action as a Result of Executive Session

14. Adjournment



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TO: Board of Directors
FROM: Brian Thompson, Government Affairs Supervisor
DATE: May 17, 2024
RE: Organizational Items

Directors typically discuss organizational items each year at the May board meeting. In years when there is a regular special district election (which impacts five of the Authority member entities), these organizational items prepare the board for a new term. In non-election years (such as 2024), this annual housekeeping is helpful to refresh directors on board governance matters.

At the May 23 board meeting, staff proposes to discuss the following items:

Board Officers

Under the current bylaws, board officers serve two-year terms with officer elections held on even-numbered years. This cycle had aligned with regular special district elections until HB18-1039 transitioned elections from even-numbered years to odd-numbered years. With the next regular special district election scheduled for May 6, 2025, there is a misalignment with current officer terms that are set to expire in May 2024. This misalignment will be resolved with the bylaw amendments referenced below.

In lieu of holding officer elections for a one-year term, the board may consider a motion to keep the current roster of officers intact until May 2025, at which time board officer elections will realign with regular special district elections. On May 7, I emailed the board proposing this approach, and the directors who responded were unanimously in support.

The current board officers are **Chair/President:** George Gregory; **Secretary:** Kim Bell Williams; **Treasurer:** Geoff Dreyer; **Assistant Secretary/Treasurer:** Kevin Hillgren, Joanna Kerwin, Tamra Underwood

Suggested motion: I move to extend the terms of the current board officers until the first regular board meeting following the 2025 Regular Special District Election.

Designating a Representative to the Eagle Park Reservoir Company Board of Directors

As a shareholder of the Eagle Park Reservoir Company (EPRC), the Authority must designate a representative to serve on the EPRC Board of Directors prior to the June 25 annual shareholders meeting. This board is charged with managing the business and affairs of the corporation. The current Authority representative is Geoff Dreyer.

Suggested motion: I move to appoint _____ as the Authority's representative on the Eagle Park Reservoir Company Board of Directors for the 2025 Fiscal Year.

Consideration of Updated Bylaws

At the Apr. 4 board meeting, a draft of updated bylaws was introduced for the board's review. The proposed amendments are recommended to align the bylaws with current practices and relevant statutory changes. A redlined draft of the updated bylaws is attached to this memo.

Suggested motion: I move to approve and adopt the updated bylaws of the Upper Eagle Regional Water Authority, as presented.

Disclosures of Potential Conflicts of Interest

An annual overview of conflicts of interest helps protect directors from potential perceptions of biases in their actions and decisions as a board member. It is also recommended that each director update their Disclosure of Potential Conflicts of Interest Questionnaires annually.

On May 13 and 14, Peggy Rupp, paralegal at the Authority's general counsel firm, Collins Cole Flynn Winn & Ulmer, emailed each director requesting that you review your 2023 Questionnaire and update if there have been any changes. If you have not responded to Peggy's email, please reply by May 31 so we can ensure all potential conflicts of interest are up to date.

At the May 23 board meeting, Kathryn Winn will discuss conflicts of interest laws and help directors consider whether any potential or actual conflicts exist. Please refer to Kathryn's attached memo.

In addition to conflicts of interest, there are other ethical principles that should be regularly reviewed by the board. At the June 27 board meeting, staff will present a compliance training that we plan on providing annually. As each director serves as the public face of the Authority, we appreciate the board's participation.

Thank you for your attention to these organizational items. Please let us know if you have any questions.

Attached Supporting Documentation:

- Redlined draft of updated bylaws
- Conflicts of interest memo from Kathryn Winn

AUTHORITY BYLAWS

SECTION 1. AUTHORITY. The Upper Eagle Regional Water Authority (“Authority”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a body corporate with those powers of a public or quasi municipal corporation which are specifically authorized by, and in compliance with, Section 29-1-204.2 et seq., C.R.S. The Authority was formed by Intergovernmental Agreement in 1984 for the purpose of providing regional water service to its Participating Members, and is located in the County of Eagle.

SECTION 2. PURPOSE. It is hereby declared that the Bylaws hereinafter set forth will serve a public purpose.

SECTION 3. POLICIES OF THE BOARD. It shall be the policy of the Board of Directors (“Board”) of the Authority, consistent with the availability of revenues, personnel and equipment, to use its best efforts to provide the quality services as authorized under the 1984 Establishing Agreement and the 1998 Master Service Contract, or by law, or any replacement Authority Agreement.

SECTION 4. BOARD OF DIRECTORS. All powers, privileges and duties vested in, or imposed upon, the Authority by law shall be exercised and performed by and through the Board, whether set forth specifically or impliedly in these Bylaws. The Board may delegate to officers, employees, and agents of the Authority any or all administrative and ministerial powers.

Without restricting the general powers conferred by these Bylaws, it is hereby expressly declared that the Board shall have the following powers and duties:

- a. To confer upon any appointed officer or employee of the Authority the power to choose, remove or suspend employees or agents upon such terms and conditions as may seem fair and just and in the best interests of the Authority.
- b. To determine and designate, except as otherwise provided by law or these Bylaws, who shall be authorized to make purchases, negotiate leases, and sign receipts, endorsements, checks, releases and other documents. The Board may, on a limited basis and by resolution, give General Manager or other appointed signatory the power to sign contracts and other official documents on behalf of Authority.
- c. To create standing or special committees and to delegate such power and authority thereto as the Board deems necessary and proper for the performance of such committee’s functions and obligations.
- d. To prepare or cause to be prepared financial reports, other than the statutory audit, covering each year’s fiscal activities; and such reports shall be available for inspection by the public, as requested.

SECTION 5. OFFICE.

- a. **Business Office.** The principal business office of Authority shall be at 846 Forest Road, Vail, Colorado 81657, until otherwise designated by the Board.
- b. **Establishing Other Offices and Relocation.** The Board, by resolution, may from time to time, designate, locate and relocate its executive and business office and such other offices as, in its judgment, are necessary to conduct the business of the Authority.

SECTION 6. MEETINGS.

- a. **Regular Meetings.** Regular meetings of the Board shall be conducted at the date and time adopted by the Board on the fourth Thursday of the month at 8:30 a.m., and held at the business office, unless otherwise noticed and posted.
- b. **Meetings Open to the Public.** All meetings of the Board, other than executive sessions and chance meetings or social gatherings where discussion of public business is not the central purpose, shall be open to the public.
- c. **Notice of Meetings.** Adoption of a regular meeting schedule by the Board shall constitute~~Section 6.a~~ shall constitute formal notice of regular meetings to Board members, and no other notice shall be required to be given to the Board, other than the permanent posting. Written waivers of notice by Board members are not necessary. The Authority shall provide full and timely notice of all public meetings in compliance with §32-1-903 et seq, C.R.S. and § 24-6-402 et seq, C.R.S. Permanent posting of the time and place of such meetings shall be posted at the designated posting location adopted by the board (“Designated Posting Location”).
- d. **Special Meetings.** Special meetings of the Board may be called upon twenty-four (24) hours written notice. Special meetings shall be noticed at the Designated Posting Location and an electronic copy shall be provided to each Director, which shall be posted at the designated posting location (which is the District’s website), with a copy provided to each director.
- e. **No Informal Action by Directors/Executive Sessions.** All official business of the Board shall be conducted at regular or special meetings. Executive sessions may be called at regular or special meetings, and conducted according to the following guidelines:
 - 1. **Calling the Executive Session.** The topic for discussion in the executive session shall be announced in a motion, and the specific statute that authorizes the executive session shall be cited. The matter to be discussed shall be described in as much detail as

possible without compromising the purpose of being in executive session. An affirmative vote of two-thirds (2/3rd) of the quorum present shall be required to establish an executive session.

2. Conducting the Executive Session. No adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall take place in an executive session. The discussion in executive session shall be limited to the reasons for which the executive session was called. An electronic record (~~such as an audio tape~~) of the actual contents of the discussion in the executive session shall be kept. No electronic or other record is necessary to be kept for any portions of the discussion which the Authority's attorney reasonably believes constitute attorney-client privileged communication. The attorney shall state on the electronic record when any portion of the executive session is not recorded as an attorney-client privileged communication or sign a statement to the same effect.

3. Records of Executive Sessions. The electronic record of any executive session shall be retained by the Authority for ninety (90) days from the date of the executive session and then destroyed. Electronic recordings of the executive session, or transcripts or other reproduction of the same, shall not be released to the general public for review under any circumstances, except as required by law.

f. Adjournment and Continuance of Meetings. When a regular or special meeting is for any reason continued to another time and place, notice need not be given of the continued meeting if the time and place of such meeting are announced at the meeting at which the continuance is taken, except as required by law. At the continued meeting, any business may be transacted which could have been transacted at the original meeting.

g. Emergency Meetings. Notwithstanding any other provisions in this Section ~~6~~, emergency meetings may be called by the Chair or any two (2) Board members in the event of an emergency that requires the immediate action of the Board in order to protect the public health, safety and welfare of the property owners and electors of the Authority, without notice if notice is not practicable. If possible, notice of such emergency meeting may be given to the Board by ~~telephone or whatever other~~ means are reasonable to meet the circumstances of the emergency. At such emergency meeting, any action within the power of the Board that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided, however, that any action taken at an emergency meeting shall be effective only until the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Board at which the emergency issue is on the public notice of the meeting. At such

subsequent meeting, the Board may ratify any emergency action taken. If any emergency action taken is not ratified, then it shall be deemed rescinded as of the date of such subsequent meeting.

- h. **Email Meetings.** ~~Section 24-6-402, C.R.S., requires that e~~Certain e-mail ~~exchanged~~ between three (3) Directors (or, when two Directors constitutes a quorum, two Directors) that discusses pending resolutions or other Authority business shall be considered a public meeting subject to the requirements of the Colorado Open Meetings Law, §24-6-402, C.R.S.
- i. **Recordings.** A good faith effort will be made to record regular and special meetings of the Board, with the recordings kept for 6 months after approval of the meeting minutes, as is consistent with the State Archivist's Special Districts Records Management Manual.

SECTION 7. CONDUCT OF BUSINESS.

- a. **Quorum.** All official business of the Board shall be transacted at a regular or special meeting at which a quorum (majority) of the Directors shall be present in person or ~~telephonically~~remotely, except as provided in Section ~~6~~.h. above and Section ~~7~~.b.
- b. **Vote Requirements.** Any action of the Board shall require the affirmative vote of a majority of the Directors present and voting. When special or emergency circumstances affecting the affairs of the Authority and the health and safety of Authority residents so dictate, then those Directors available at the time may undertake whatever action is considered necessary and may so instruct the Authority's employees, agents and contractors. Such actions shall later be ratified by the Board.
- c. **Electronic Signatures.** In the event the signature(s) of one or more members of the Board or appointed signatories are required to execute a written document, contract, note, bond, deed, and/or other official papers of the Authority, and the appropriate individual(s) is unable to be physically present to sign said documentation, such individual or individuals are authorized to execute the documentation electronically ~~via facsimile or e-mail signature~~, unless said documentation provides otherwise. Any electronic signature so affixed to a document shall carry the full legal force and effect of any original, handwritten signature pursuant to the Uniform Electronic Transactions Act, §24-71.3-109, C.R.S. Except as approved herein, this provision of these Bylaws shall not be interpreted as establishing Authority's consent or authorization to bind Authority to any transaction by the use of electronic records or electronic means. ~~This provision is made pursuant to Article 71.3 of Title 24, C.R.S., also known as the Uniform Electronic Transactions Act.~~

d. Order of Business. The business of all regular meetings of the Board shall be properly noticed and shall describe in as much detail as is possible the topics planned for discussion within each category noticed in the Agenda. The order of business shall be established in the Agenda and may proceed in the following general order:

1. Call to order and roll call of Directors
2. Changes to Agenda;
3. Public comment (for any matters on the Agenda and not otherwise open to public comment or a public hearing, and any matters not otherwise on the agenda; 3 minute time limit/no disrupting, pursuant to §18-9-108, C.R.S.);
4. Public hearings (if any) (3 minute time limit);
5. Consent matters, including approval or modifications of the Minutes of a previous meeting or others matters as determined by the Board to be routine in nature;
6. Action items, including items requiring approval by the Board
7. Board member input
- ~~4.8. Non-action items, including staff and consultant reports~~
- ~~2. Changes to Agenda;~~
- ~~3. Approval (or approval, as modified) of the Minutes of the previous meeting;~~
- ~~1. Public input (for any matters on the Agenda and not otherwise open to public comment or a public hearing, and any matters not otherwise on the agenda; 3 minute time limit/no disrupting, pursuant to §18-9-108, C.R.S.);~~
- ~~2. Public hearings (if any) (3 minute time limit);~~
- ~~3. Officers, Committees and professional consultants;~~
- ~~4. Unfinished business;~~
- ~~5. New business and special orders;~~
- 6.9. Executive Session, if needed; and
- 7.10. Adjournment

d.e. Public Conduct at Meetings. Comments by members of the public shall be made only during the “Public ~~Comment~~~~input~~” or any “Public Hearing” portion of the meeting, and limited to three minutes per person/20 minutes per topic, unless additional opportunity is given at the Board’s discretion. Disorderly conduct, harassment, or obstruction of or interference with meetings by physical action, verbal utterance, nuisance or any other means are hereby prohibited and constitute a violation of Authority rules. Such conduct may result in removal of person(s) responsible for such behavior from the meeting and/or criminal charges filed against such person(s). To the extent such occurrences arise and the person(s) responsible refuse to leave the premises, law enforcement authorities will be summoned. Prosecution will be pursued under all applicable laws, including without limitation ~~Sections~~ §18-9-108, C.R.S. (disrupting lawful assembly), §18-9-110, C.R.S. (public buildings - trespass, interference), and/or §18-9-117, C.R.S. (unlawful conduct on public property). Law enforcement may be requested to attend meetings at any time in which the Board believes their presence will be an asset to the keeping of peace and the conducting of public business. 911 will be called at any time that the Board or staff feels threatened or endangered during a public meeting.

e.f. Motions and Resolutions. Each and every action of the Board necessary for the governance and management of the affairs of Authority, for the execution of the powers vested in Authority, and for carrying into effect the provisions of Article 1 of Title 32, C.R.S., shall be taken by the passage of motions or resolutions.

f.g. Minutes. Within a reasonable time after passage, all resolutions, motions and minutes of Board meetings shall be recorded in a visual text format that may be transmitted electronically and kept for that purpose and shall be attested by the Recording Secretary. Minutes of regular sessions shall be available for public review as soon as practicable following acceptance of the minutes by adoption of a motion therefore by the Board. Executive sessions shall be electronically recorded (except for Advice of Counsel) ~~on audio tape or other electronic media,~~ and such electronic recording or reproduction of the same shall be kept separate from minutes of regular sessions as described in Section 6.e of these Bylaws and shall not be open to the public except as required by law.

SECTION 8. DIRECTORS, OFFICERS AND PERSONNEL.

a. Director Qualifications and Terms. Directors shall be appointed by the Contracting Parties. The number, appointment, and terms of Directors shall be pursuant to Section 8 of the Authority Agreement Amending and Restating the Agreement Establishing the Upper Eagle Regional Water Authority and the Master Service Contract, dated May 27, 2015 (“Authority Agreement”). Each Director shall sign an oath of office.

a.b.

~~b. **Faithful Performance Bonds.** Pursuant to Section 9(d) of the Authority Agreement, Each Director shall to furnish, at the expense of the Authority, a bond in such sum and with such surety as the Board shall determine, an individual, schedule or blanket surety bond in the sum of not less than \$1,000 each, conditioned on the faithful performance of the duties of his/her office. In addition, the Treasurer shall furnish a bond, at the expense of the Authority, in such sum and with such surety as the Board shall determine. The Board, in its discretion, may also require any other Officer, agent or employee of the Authority to furnish a bond, at the expense of the Authority, in such amount and with such surety as shall be determined. a corporate fidelity bond in a sum of not less than \$5,000, conditioned on the faithful performance of the duties of his/her office.~~

c. **Director's Performance of Duties.** A Director of the Authority shall perform all duties of a Director, including duties as a member of any committee of the Board upon which the Director may serve, in good faith, in a manner which the Director reasonably believes to be in the best interests of Authority, and with such care as an ordinarily prudent person in a like position would use under similar circumstances. In performing the Director's duties, the Director shall be entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, in each case prepared or presented by persons and groups listed in subparagraphs 1, 2 and 3 of this subsection c. The Director shall not be considered to be acting in good faith if (s)he has knowledge concerning the matter in question that would cause such reliance to be unwarranted. A person who so performs the Director's duties shall not have any liability by reason of being or having been a Director of the Authority. Those programs and groups upon whose information, opinions, reports, and statements a Director is entitled to rely are:

1. One or more officers or employees of the Authority whom the Director reasonably believes to be reliable and competent in the matters presented;
2. Counsel, public accountants, or other persons as to matters which the Director reasonably believes to be within such persons' professional knowledge or expertise; and
3. A committee of the Board upon which the Director does not serve, duly designated in accordance with the provisions of the Bylaws, as to matters within its designated authority, which committee the Director reasonably believes to merit confidence.

- d. **Oath of Office.** Each member of the Board, before assuming the responsibilities of his or her office, shall take and subscribe an oath of office in the form prescribed by law.
- e. **Election of Officers.** The Board of Directors shall elect from its membership a Chair and President, Vice Chair/ Vice President, Secretary, Treasurer, and Assistant Secretaries and/or Assistant Treasurers who shall be the officers of the Board of Directors and of the Authority. The Assistant Secretaries and/or Assistant Treasurers shall have all powers of the offices of Secretary and/or Treasurer as applicable, in the absence of such officers. The officers shall be elected by a majority of the Directors voting at such election. The Board may, from time to time, appoint an acting officer in the absence, or at the request, of any individual officer. The election of the officers shall be conducted at the first regular meeting of the Board following a Regular Special District Election, as prescribed by statute. ~~The election of the officers shall be conducted biennially at the first regular meeting of the Board following the regular biennial election of the Contracting Parties Directors held in May of even numbered years.~~ Each officer so elected shall serve for a term of two (2) years, or as otherwise directed by the Board. Under any circumstance, the term shall continue until the election of his or her successor.
- f. **Chair and President.** The Chair shall preside at all meetings. The Chair shall also be the President of the Authority. The President is authorized to sign all contracts, deeds, notes, debentures, warrants and other instruments on behalf of the Authority when authorized by Board action. The Chair shall assist the General Manager in interpreting Board direction, represent the Authority at official functions, and assist in developing agendas for Board meetings as required. Otherwise, the Chair shall have no greater authority than any other Board member.
- g. **Vice Chair/Vice President.** The Vice Chair is also Vice President is also authorized to sign all contracts, deeds, notes, debentures, warrants, checks, and other instruments on behalf of the Authority.
- h. **Secretary.** In the absence of the Chair, the Secretary shall preside at all meetings. The Secretary (or designee) shall be responsible for the records of the Authority; may act as Secretary at meetings of the Board and record all votes; shall be responsible for composing a record of the proceedings of the Board in a visual text format that may be transmitted electronically and kept for that purpose, which shall be an official record of the Board; and shall perform all duties incident to that office. The Secretary shall be the custodian of the seal of Authority. The Secretary shall have the authority to affix such seal to and attest all contracts and instruments authorized to be executed by the Board.

- i. **Treasurer.** The Treasurer (or designee) shall be authorized to invest or cause to be invested all surplus funds or other available funds of the Authority in permitted investments authorized by law or as specified by the Board. The Treasurer shall ~~be chairman of the~~ serve on the Budget Committee and ~~of~~ the Audit Committee. The Treasurer shall keep or cause to be kept strict and accurate accounts of all money received by and disbursed for and on behalf of Authority in permanent records.

- j. **Assistant Secretaries and/or Treasurers.** The Assistant Secretaries and/or Treasurers shall have all powers of the offices of Secretary and/or Treasurer, as applicable, in the absence of such officers. The Assistant Secretaries and/or Treasurers are also authorized to sign all contracts, deeds, notes, debentures, warrants, checks, and other instruments on behalf of the Authority. In the event that dual signatures of Authority officers are required on any instrument, then two (2) different officers shall sign such instrument.

- k. **Recording Secretary.** The Board shall have the authority to appoint a recording secretary who need not be a member of the Board of Directors, and who shall be responsible for recording all votes and composing a record of the proceedings of the Board in a visual text format that may be transmitted electronically and kept for that purpose, which shall be the official record of the Board. The recording secretary shall not be required to take an oath of office, nor shall the recording secretary be required to post a performance bond.

- l. **Additional Duties.** The officers of the Board shall perform such other duties and functions as may from time to time be required by the Board, by the Bylaws or rules and regulations of the Authority, by law, or by special exigencies, which shall later be ratified by the Board.

- m. **General Manager.** ~~The Board may appoint a General Manager to serve for such term and upon such conditions, including compensation, as the Board may establish.~~ The General Manager of the Eagle River Water and Sanitation District serves as the General Manager for the Authority, unless otherwise determined by the Board. Such General Manager shall have general supervision over the administration of the affairs, employees and business of the Authority and shall be charged with the hiring and discharging of employees and the management of Authority properties. Such General Manager shall have the care and custody of the general funds of the Authority and shall deposit or cause to be deposited the same in the name of Authority in such banks or savings associations as the Board may select. Such General Manager will approve or establish a system for approval for all vouchers, orders and checks for payment, and shall cause to be kept regular books of account of all Authority transactions and shall obtain, at the Authority's expense, such bond for the faithful performance of duties as the Board may designate. The Board

does delegate specific powers and duties to the General Manager as follows:

- Hiring, promotion, demotion, and removal of all other employees.
- Oversee and coordinate the activities of all consultants.
- Execution of contracts for budgeted expenditures.
- Negotiation of agreements and purchases for approved projects.
- Represent and speak on behalf of the Authority in all forums.
- Prepare and propose policies and projects for Board consideration.
- Orchestrate communications among the Board, staff, and consultants.
- ~~Execute real property conveyances approved by the Board, including Trench Agreements, easements, licenses, leases, employee housing conveyances and purchases, and any other similar document that may be necessary to effect the acquisition, disposition or encumbrance of Authority property rights and interests, and to delegate to management-level employees (such as the Director of Finance, the Director of Operations, the Engineering Manager) the authority to execute such agreements in the General Manager's absence.~~ Execute real property conveyances, including easements, vacations of easements, trench agreements, licenses, leases, employee housing conveyances and purchases, and any other similar documents that may be necessary to effect the acquisition, disposition or encumbrance of Authority property rights and interests when the conveyance is consistent with Board direction or does not deviate from standard templates and terms developed in consultation with the Authority's Legal Counsel; the board shall approve real property conveyances as described herein that exceed or conflict with Board direction or standard templates, or if the conveyance will result in the abandonment, transfer, or alteration of a Authority property right or interest. This determination will be made by the General Manager in consultation with the Board Chair and Legal Counsel. The General Manager may, to the extent provided in these Bylaws, delegate to management-level employees (e.g. Director of Finance, Director of Operations, Engineering Manager) the authority to execute such conveyances in the General Manager's absence.
- Execute settlements within Board approved parameters.

- n. **Personnel Selection and Tenure.** The selection of agents, ~~employees, engineers, accountants, special and~~ consultants, ~~including and~~ attorneys, of the Authority by the Board will be based upon the relative qualifications and capabilities of the applicants and shall not be based on political services or affiliations. Agents and employees shall hold their offices at the pleasure of the Board. Contracts for professional services of

engineers, accountants, special consultants and attorneys may be entered into on such terms and conditions as may seem reasonable and proper to the Board.

SECTION 9. FINANCIAL ADMINISTRATION.

- a. **Fiscal Year.** The fiscal year of the Authority shall commence on January 1st of each year and end on December 31st.
- b. **Budget Committee.** There shall be a permanent Budget Committee composed of the Treasurer, **and at least one** member of the Board **appointed through the affirmative vote of a majority of the Directors present and voting.** ~~appointed by the President, and the administrator, if any, which~~ **The Budget Committee** shall be responsible for preparation of the annual budget of the Authority and such other matters as may be assigned to it by the President or the Board.
- c. **Budget.** On or before October 15th of each year, the Budget Committee shall prepare and submit to the Board a proposed budget for the ensuing fiscal year. Such proposed budget shall be accompanied by a statement which shall describe the important features of the budget plan and by a general summary wherein shall be set forth the aggregate features of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income or other means of financing the proposed budget for the ensuing fiscal year, as contrasted with the corresponding figures for the last completed fiscal year and the current fiscal year. It shall be supported by explanatory schedules or statements classifying the expenditures contained therein by services, subjects and funds. The anticipated income of the Authority shall be classified according to the nature of receipts.
- d. **Notice of Budget.** Upon receipt of the proposed budget, the Board shall cause to be published a notice that the proposed budget is open for inspection by the public at the business office; that the Board will consider the adoption of the proposed budget at a public hearing on a certain date; and that any interested elector may inspect the proposed budget and file or register any objections thereto at any time prior to its final adoption. Notice shall be posted or published in substantial compliance with law.
- e. **Adoption of Budget.** On the day set for consideration of such proposed budget, the Board shall review the proposed budget and revise, alter, increase or decrease the items as it deems necessary in view of the needs of the Authority and the probable income of the Authority. The Board shall then adopt a budget, either during the budget hearing or at a later date and time to be set by the Board, setting forth the expenditures to be made in the ensuing fiscal year. The Board shall provide for sufficient

revenues to finance budgeted expenditures with special consideration given to the proposed ad valorem property tax levy.

f. **Filing of Budget.** On or before January 30th of each year, the Board shall cause a certified copy of such budget to be filed with the Division of Local Government in the Colorado Department of Local Affairs.

g. **Appropriating Resolution.**

1. At the time of adoption of the budget, the Board shall enact a resolution making appropriations for the ensuing fiscal year. The amounts appropriated thereunder shall not exceed the amounts fixed therefor in the adopted budget.
2. The income of the Authority, as estimated in the budget and as provided for in the tax levy resolution and other revenue and borrowing resolutions, shall be allocated in the amounts and according to the funds specified in the budget for the purpose of meeting the expenditures authorized by the appropriation resolution.
3. The Board may make an appropriation to and for a contingent fund to be used in cases of emergency or other unforeseen contingencies.

h. **No Contract to Exceed Appropriation.** The Board shall have no authority to enter into any contract, or otherwise bind or obligate the Authority to any liability for payment of money for any purposes, for which provision is not made in an appropriation resolution, including any legally authorized amendment thereto, in excess of the amounts of such appropriation for that fiscal year. Any contract, verbal or written, contrary to the terms of this Section shall be void ab initio, and no Authority funds shall be expended in payment of such contracts.

i. **Contingencies.**

1. In cases of emergency caused by a natural disaster, public enemy, or other contingency which could not reasonably have been foreseen at the time of the adoption of the budget, the Board may authorize the expenditure of funds in excess of the budget by resolution duly adopted by a two thirds (2/3rd) vote of the Board. Such resolution shall set forth in full the facts concerning the emergency and shall be included in the minutes of such meeting.
2. If so enacted, a copy of the resolution authorizing additional expenditures shall be filed with the Division of Local Government in the Colorado Department of Local Affairs and shall be published in compliance with statutory requirements.

j. Payment of Contingencies.

1. If there is unexpended or uncommitted money in funds other than those to which the emergency relates, the Board shall transfer such available money to the fund from which the emergency expenditure is to be paid.
2. To the extent that transferable funds are insufficient to meet the emergency appropriation, the Board may borrow money through (a) the issuance of bond anticipation notes payable from future bond proceeds or operating revenue, or (b) any other lawful and approved method.

k. Annual Audit.

1. The Board shall cause an annual audit to be made at the end of each fiscal year of all financial affairs of the Authority through December 31st of such fiscal year. In all events, the audit report must be submitted to the Board within six (6) months of the close of such fiscal year or as otherwise provided by law. Such audit shall be conducted in accordance with generally accepted auditing standards by a registered or certified public accountant, who has not maintained the books, records and accounts of Authority during the fiscal year. The auditor shall prepare, and certify as to its accuracy, an audit report, including a financial statement and balance sheet based on such audit, an unqualified opinion or qualified opinion with explanations, and a full disclosure of any violation of Colorado law pursuant to statutory requirements.
2. There shall be a permanent Audit Committee composed of the Treasurer and at least one other member of the board appointed through the affirmative vote of a majority of the Directors present and voting. ~~at least one other member of the Board appointed by the President.~~ The Audit Committee shall be responsible for the appointment, compensation, selection (to be approved by the Board), retention, and oversight of the work of any independent accountants engaged for the purpose of preparing or issuing an independent audit report or performing other independent audit, review or attest services for the Authority. The Audit Committee may, as necessary and to the extent of its ability, provide independent review and oversight of the Authority's financial reporting processes, internal controls and independent auditors. All accountants thus engaged shall report directly to the Audit Committee.
3. A copy of the audit report shall be maintained by the Authority as a public record for public inspection at all reasonable times.

4. A copy of the audit report shall be forwarded to the State Auditor or other appropriate State official pursuant to statutory requirements.
5. Notwithstanding the foregoing audit requirement, the Board may file for an application from exemption from audit if the statutory criteria are met. If an audit extension is requested, the Board will be duly notified of the filing of such request.

SECTION 10. CORPORATE SEAL. The seal of the Authority shall be a circle containing the name of the Authority and shall be used on all documents and in such manner as seals generally are used by public and private corporations. The Secretary shall keep, or cause to be kept, the seal and shall be responsible for its safe keeping and care.

SECTION 11. DISCLOSURE OF CONFLICT OF INTEREST. A potential conflict of interest of any Director shall be disclosed in accordance with State law, particularly Article 18 of Title 24, C.R.S., and Sections 32-1-902(3) and 18-8-308, C.R.S.

SECTION 12. COMPENSATION. Each Director shall receive the maximum compensation authorized by statute, unless otherwise determined by the Board. No Director shall receive compensation as an employee of the Authority, except as may be provided by statute.

SECTION 13. INDEMNIFICATION OF DIRECTORS AND EMPLOYEES. The Authority shall defend, hold harmless and indemnify any Director, officer, agent, or employee, whether elective or appointive, against any tort or liability, claim or demand, without limitation, arising out of any alleged act or omission occurring during the performance of official duty, as more fully defined by law or by an indemnification resolution, if any. The provisions of this Section shall be supplemental and subject to and, to the extent of any inconsistency therewith, shall be modified by the provisions of the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S.

SECTION 14. BIDDING AND CONTRACTING PROCEDURES. Except in cases in which the Authority will receive aid from a government agency, a notice shall be published for bids on all construction contracts for work or material, or both, involving an expense ~~of \$6120,000 or more~~ of Authority funds in or above the amounts set forth in § 32-1-1001(1)(d)(I), C.R.S. The Board may reject any and all bids, and if it appears that the Authority can perform the work or secure material for less than the lowest bid, it may proceed to do so in accordance with law. Notwithstanding the foregoing, the Authority may award an integrated project delivery (IPD) contract to a single participating entity for the design, construction, alteration, operation, repair, improvement, demolition, maintenance, or financing, or any combination of these services, for a public project upon a determination by the Board that IPD represents a timely or cost effective alternative to a conventional bidding process for the public project and notice is published pursuant to relevant statutes. The Authority may accept the proposal that represents the best value to the Authority, not necessarily the low bid.

~~IPD contracts shall be in compliance with all laws applicable to public projects, contract pursuant to § 32-1-1801, et seq., C.R.S. upon (i) the determination of the Board that integrated project delivery represents a timely or cost-effective alternative for a project; (ii) publication of a request for qualifications and/or request for proposals; and (iii) compliance with Part 18 of Article 1, Title 32, C.R.S. All other statutory requirements relating to performance bonds, retainage, and similar matters shall also be complied with.~~

SECTION 15. RECORDS MANAGEMENT. The Authority shall comply with, and adopt and maintain policies as necessary for compliance with, applicable records retention, destruction, and disclosure requirements, including the Colorado Open Records Act, State Archives and Public Records law, and various consumer privacy legislation. The Authority may charge any fees, including a research and retrieval fee, for production of records ~~permitted by law (after the first hour) of not to exceed thirty-three dollars and fifty-eight cents (\$33.58) per hour, or up to~~ the maximum amount allowed by the Executive Committee of the State Legislative Council, whichever is greater.

SECTION 16. MODIFICATION OF BYLAWS. These Bylaws may be altered, amended or repealed at any regular or special meeting of the Board to become effective immediately or at a subsequent date.

SECTION 17. SEVERABILITY. If any part or provision of these Bylaws is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of these Bylaws, it being the Board's intention that the various provisions hereof are severable.

ADOPTED this _____ day of _____, 2019~~24~~, by the Board of Directors of Upper Eagle Regional Water Authority.

**COLLINS | COLE
FLYNN | WINN | ULMER**

May 17, 2024

MEMORANDUM

**ATTORNEY-CLIENT PRIVILEGED
VIA EMAIL**

**TO: Boards of Directors
Eagle River Water & Sanitation District Board of Directors
Upper Eagle Regional Water Authority Board of Directors**

FROM: Kathryn Winn



RE: Conflicts of Interest

This is a good time to remind both District and Authority Directors about the conflicts of interest laws and to consider whether any potential or actual conflicts of interest exists. Generally, a conflict arises anytime you would have a pecuniary interest in a transaction that may be coming before the Board, but it can also arise if you have a personal nonpecuniary interest that gives rise to conflicting loyalties between the District/Authority and some other entity, such as a Homeowners Association. What follows is a brief memo on the subject of conflicts of interest. If you would like a more detailed analysis, please let me know.

DISCLOSURE

Potential conflicts of interest must be disclosed. §24-18-110, C.R.S. supplements §18-8-308, C.R.S. (which requires disclosure of any pecuniary financial interest to avoid criminal conduct) and provides that a Director with a potential conflict of interest must disclose the nature of the interest prior to acting. The disclosure must be made in writing 72 hours in advance of the issue coming before the District/Authority, and orally at the time of acting.

The written disclosure must be made to the Secretary of State and the respective Board, listing the amount of the financial interest, the purpose and duration of the services rendered, and the compensation received for the services, or such other information as is necessary to describe the interest. You must also abstain from any discussion on the matter and abstain from voting, (unless your participation is required to constitute a quorum so that the Board can act).

STANDARDS OF CONDUCT-PROHIBITIONS

Section 24-18-101, *et seq.*, C.R.S., sets forth standards of conduct for public officials. These standards of conduct are based upon your fiduciary duty to serve the District/Authority. As a Director, the statute prescribes that you cannot:

1. Disclose or use confidential information acquired in the course of your official duties in order to further your personal financial interests; or
2. Accept gifts of substantial value or of substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in his public position to depart from the faithful and impartial discharge of his public duties of which he knows, or which a reasonable person should know, is primarily for the purpose of rewarding him for an official action he has taken or could take; or
3. Engage in a substantial financial transaction for your private business purposes with a person whom you inspect or supervise in the course of your official duties; or
4. Perform an official act directly and substantially affecting, to its economic benefit, a business or other undertaking in which you either have a substantial financial interest or are engaged as counsel, consultant, representative or agent; or
5. Be interested in any contract made in your official capacity or by any body, agency, or board of which you are a member or employee.
6. Further, a Director shall not be a purchaser at any sale or a vendor at any purchase, if such transaction is made by such Director in his official capacity.

Violation of any of the above prescriptions is deemed to be a conflict per se.

GUIDELINE PRINCIPLES

In addition, the following principles are intended as guides to conduct; they do not constitute violations of the public trust or employment in local government unless circumstances would otherwise so indicate:

1. A Director should not acquire or hold an interest in any business or undertaking which they have reason to believe may be directly and substantially affected to their economic benefit by official action to be taken by the District/Authority Board.
2. A Director should not, within six (6) months following the termination of their office, obtain employment in which he will take direct advantage, unavailable to others, of matters with which they were directly involved during his term of office. These matters include rules (other than rules of general application) which they actively helped to formulate and applications, claims, or contested cases in the consideration of which they were an active participant.
3. A Director should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he has a substantial financial interest in a competing firm or undertaking.

QUESTIONNAIRE

Enclosed is a questionnaire regarding potential conflict. If you believe there is any possibility of a conflict, please complete the questionnaire and remit it to our office for review. If we find you have a potential conflict that should be reported, we will draft a disclosure letter for you. If you prefer to handle this yourself, let us know.

I hope this is helpful. Please let me know if you have any questions.

Enclosure



BOARD COMMITTEES

DISTRICT

<i>Audit/Budget</i>	Dick Cleveland Steve Coyer *Sarah Smith Hymes
<i>Employee Housing</i>	Steve Coyer Rick Pylman *Robert Warner, Jr.
<i>Retirement Plans</i>	Robert Warner, Jr. Siri Roman David Norris *Dick Cleveland
<i>Organizational Development</i>	Robert Warner, Jr. Dick Cleveland *Timm Paxson
<i>Water Quality</i>	Sarah Smith Hymes Timm Paxson *Steve Coyer

AUTHORITY

<i>Audit/Budget</i>	Geoff Dreyer George Gregory *Joanna Kerwin
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JOINT

<i>Rules and Regulations</i>	Kim Bell Williams (A) Robert Warner, Jr. (D) *George Gregory (A) *Rick Pylman (D)
<i>Water Conservation</i>	Kevin Hillgren (A) Tamra Underwood (A) Kate Burchenal (D) Steve Coyer (D) *Geoff Dreyer (A) *Sarah Smith Hymes (D)

(A) = Authority, (D) = District

**Backup committee member
(serves in the absence of a primary member)*

UPPER EAGLE REGIONAL
WATER AUTHORITY

2024 UERWA CONTRACT LOG

Contract No.	Date Executed	Project Name	Contractor	Contract Amt.	Project Mgr.	Account No.	Total Amount per Account	Contract Type	Status / Description	District Total	Authority Total
24.15.028	03/29/24	ADWF Redundant HVAC Electric and Pin and Sleeve	Triangle Electric, Inc.	\$10,600.00*	J. Beairsto	10.1.2.00.45.329 20.1.2.00.00.019	\$9,575.00 \$1,025.00	Master Services Agreement	Master Services Agreement for redundant HVAC and condenser unit. Reroute lighting as required for HVAC in the new server room. Reconnect pin and sleeve .	\$9,575.00	\$1,025.00
24.15.030	04/21/24	Miscellaneous Services for Collection System - CCTV	Simon Pipeline Services LLC	\$125,000.00*	N. Nemcanin	10.3.9.10.20.520 10.3.9.20.20.520 10.3.9.10.01.043 20.1.9.00.35.500	\$15,000.00 \$5,000.00 \$100,000.00 \$5,000.00	Master Services Agreement	Master Services Agreement for CCTV survey and miscellaneous pipe repairs.	\$120,000.00	\$5,000.00
24.15.031	04/21/24	Miscellaneous Services for Collection System	Simon Pipeline Services LLC	\$75,000.00*	N. Nemcanin	10.3.9.10.20.520 10.3.9.20.20.520 10.3.9.10.01.043 20.1.9.00.35.500	\$15,000.00 \$5,000.00 \$50,000.00 \$5,000.00	Master Services Agreement	Master Services Agreement for various small projects and pipe repairs.	\$70,000.00	\$5,000.00
24.15.034	04/21/24	Miscellaneous Services for Distribution and Collection	360 Civil, Inc.	\$100,000.00*	N. Nemcanin	10.3.9.10.20.520 10.3.9.20.20.520 20.1.9.00.35.500	\$20,000.00 \$40,000.00 \$40,000.00	Master Services Agreement	Master Services Agreement for emergency distribution and collection system repairs.	\$60,000.00	\$40,000.00
24.15.035	04/21/24	Miscellaneous Asphalt Repair Services	360 Paving, LLC	\$100,000.00*	N. Nemcanin	10.3.9.10.20.520 10.3.9.20.20.520 20.1.9.00.35.500	\$20,000.00 \$40,000.00 \$40,000.00	Master Services Agreement	Master Services Agreement for emergency asphalt repairs.	\$60,000.00	\$40,000.00
24.20.005	Pending	Homestead Fire Hydrant Relocation	Gould Construction, Inc.	\$44,140.00	J. Schneider	20.1.2.00.00.999	\$44,140.00	Construction Contract	Relocation of two fire hydrants in lower Homestead.		
24.20.006	05/01/24	Distribution MCC Cleaning and Testing	CBS Field Services LLC	\$47,697.00*	B. Nelson	20.1.9.00.15.408 20.1.9.00.15.409	\$40,000.00 \$7,697.00	Master Services Agreement	Master Services Agreement for cleaning of MCCs and Testing of breakers at various locations.	\$40,000.00	\$7,697.00
24.15.039	Pending	Miscellaneous Services for Distribution and Collection	Faultless Fusion, LLC	\$50,000.00*	N. Nemcanin	10.3.9.10.20.520 10.3.9.20.20.520 10.3.9.20.30.505 20.1.9.00.35.500 20.1.9.00.18.500	\$10,000.00 \$10,000.00 \$10,000.00 \$10,000.00 \$10,000.00	Master Services Agreement	Master Services Agreement for miscellaneous welding and steel manufacturing services.	\$30,000.00	\$20,000.00
24.20.007	Pending	UERWA TOC Supplies	Veolia WTS Analytical Instruments, Inc.	\$27,644.00	K. Rosema	20.1.9.00.15.575	\$27,644.00	Services Agreement	Extension of manufacturer warranty and all guidance, parts, labor, and travel expenses for certified field service engineers to perform onsite repairs.		
24.20.008	Pending	Avon DWF Electrical Service Improvements	Advanced Engineering and Environmental Services, LLC	\$31,400.00	C. Keller	20.1.2.00.00.141	\$31,400.00	Services Agreement	Identification of electrical upgrade to main service, process pumps, and capacity of the main stand alone generator. Evaluation and recommendation for plant improvements.		



MEMORANDUM

TO: Boards of Directors

FROM: David Norris, Director of Business Administration

DATE: May 16, 2024

RE: Rate Restructure Analysis: Commercial, Municipal, Mixed-Use & Multi-Family accounts

Summary: In 2023 staff redesigned the rates for Individually Metered Residential and Irrigation Only account types. The revamped rates targeted a billing methodology flaw and were approved by the boards for adoption in the 2024 rate package. Continuing this effort into 2024, the redesign of the rest of the account types: *Commercial, Municipal, Multi-Family and Mixed-Use* is underway. Similar to last year's redesign, there are other billing methodology flaws with these account types that need adjustment, to be implemented in 2025.

Discussion and Background: The focus of this year's rate redesign is to improve billing methodologies in the remaining four account types based on their water uses and to address a fundamental flaw in the billing structure for these account types.

This month, we will present our analysis of the *Commercial, Municipal, Multi-Family, and Mixed-Use* account types. Per the page 2 table, these four account types represent 13% of the total accounts, 61% of the total water SFEs, and 59% of total 2023 water consumption. As shown in the table below, all accounts in these four account types are currently billed with a single rate structure, however the types of accounts represent a wide variety of water use patterns and needs.

Rate Structure	Billing Multiplier	Key Elements
Commercial, Municipal, Mixed-Use, Multi-Family	Assigned SFE based on square footage, meter size, or number of units	6,000 gallons (6 Kgal) per tier

Staff has diligently focused on establishing a consistent, methodical, and standardized approach to billing for all account types. However, during this process, it became apparent that our current billing methods suffer from fundamental issues (below); these will be thoroughly addressed during the meeting.

1. Inconsistent methods for determining billing multipliers have led to confusion, inconsistencies, and discrepancies.
2. Disparity in billing multipliers exists within our system, with differences between those determined using Square-Footage (SqFt), number of rooms, and meter-size methods. While newer Commercial accounts are more aligned, older Avon and Vail accounts show less alignment.
3. There are inequitable costs for similar water usage, particularly in multi-family (MF) and commercial (CO) properties. The Square-Footage based multiplier often results in cheaper water compared to the meter-size-based multiplier.
4. Inconsistent costs for base service charges further complicate the billing discrepancies. The Square-Footage based multiplier results in higher costs for base service charges compared with meter-size-based multiplier.

- The current application of impact fees has inconsistencies between square footage and meter-size methods, similar to the base service charge issue, leading to disproportionate charges across different property types.

Addressing the issues in our current billing structure is crucial to ensuring fairness and accuracy in our billing practices. The goal of this redesign is to better align impacts to the system with water use, using meter size as the proxy.

A main component of the 2025 redesign is assigning a meter size-based billing multiplier to each account based on the customer's meter size and assigning allotments of water to each account based on this. Meter size-based multipliers for billing follows industry standards for these account types. Meter size is closely aligned with both the maximum potential water use for an account and the amount of water required to serve the water users on the account. Staff have thoroughly evaluated the impact of these issues on billing and the benefits of moving to a rate structure using a meter-based multiplier for all Commercial (CO), Municipal (MU), Mixed Use (MX), and Multi-Family (MF) accounts. The rate structure is based on American Water Works Association methodologies, then tailoring water allotments to our customers' use patterns within each meter-size classification as a baseline.

The table below shows all accounts, by account type, and their percentages of various totals. If the board supports the new rate methodology for the remaining account types (that represent 13% of total accounts and 59% of total 2023 water consumption), it will be incorporated into 2025 budget planning.

Account Type	# of accounts	% Total accounts	2023 Total consumption (AF)	% Total consumption	SFEs	% Total SFEs
Commercial	497	5%	1,303	23%	4,189	14%
Municipal	10	<1%	<4	<1%	12	<1%
Mixed-Use	72	<1%	679	12%	2,805	10%
Multi-Family	773	8%	1,257	23%	10,321	36%
Irrigation Only	377	4%	435	8%	333	1%
Individually Metered Residential	8,313	83%	1,900	34%	11,101	39%
Total	10,042	100%	5,578	100%	28,761	100%

The 2025 budget package would have three main water rate structures, the structures mentioned above, plus the recently redesigned Individually Metered Residential and Irrigation Only structures, accounting for the other 87% of accounts.

Staff recommends **moving all the remaining account types to the meter size-based rate structure, with adjusted allotments and prices in each tier, as well as adjusting impact fees accordingly**, and we'll focus on the effects of each at the meeting.



MEMORANDUM

TO: Board of Directors
FROM: Brian Thompson, Government Affairs Supervisor
DATE: May 17, 2024
RE: Joint Digital Accessibility Policy – Draft

Summary:

A policy on digital accessibility will help articulate the District's and Authority's commitment to providing equitable access to government information and services, as well as guide staff in complying with accessibility legislation and rules.

Background and Discussion:

As discussed at the Apr. 4 board meetings, the District and Authority are required to comply with [8 Colorado Code of Regulations \(CCR\) 1501-11, Rules Establishing Technology Accessibility Standards](#) ("Accessibility Rules") by July 1, 2024. A summary of Colorado's Accessibility Rules was included in the Apr. 4 board packet.

According to the Colorado Governor's Office of Information Technology, a public entity may be considered in compliance with the Accessibility Rules if it:

1. Provides reasonable accommodations or modifications; and
2. Has a published accessibility statement; and
3. Can provide evidence of making good faith progress on their plan to remove accessibility barriers.

It is recommended that the boards adopt a Digital Accessibility Policy to establish organization-wide direction towards accomplishing these objectives.

The attached draft policy outlines the District's and Authority's commitment to improving digital accessibility and complying with the Accessibility Rules by:

- Anchoring to the Web Content Accessibility Guidelines (WCAG) version 2.1, levels A and AA, which is the standard adopted by the state of Colorado and prescribed in the Accessibility Rules.
- Regular monitoring and testing of communication and information technology (ICT), including the District website, which serves both the District and Authority.
- Making good faith efforts to identify and remediate inaccessible ICT.
- Designating a Compliance Officer to manage accessibility issues.
- Implementing a process for any individual with a disability to report inaccessible ICT and request accommodations and modifications, and for the Compliance Officer to provide timely responses to such reports and requests.
- Creating a dedicated accessibility webpage with a fillable form and additional contact methods for submitting reports, requests, and feedback to the Compliance Officer.
- Providing a disclaimer and process for reports of inaccessible ICT controlled by third parties.

The proposed policy also aligns with [HB24-1454, Grace Period Noncompliance Digital Accessibility](#), which passed the Colorado legislature on May 7 and is expected to be signed by Governor Polis. The bill provides a one-year extension to July 1, 2025, of immunity from liability for non-compliance with the

Accessibility Rules if an entity is making good faith efforts toward compliance or toward resolution of any complaint of noncompliance.

To be eligible for this immunity, the District's and Authority's good faith efforts must include:

- Creating a progress-to-date report that demonstrates concrete and specific efforts toward compliance on front-facing web pages.
- Updating the report on a quarterly basis.
- Creating a clear, easy-to-find process for requesting redress for inaccessible ICT, including contact options that are not dependent on web access or digital accessibility and are prominently displayed on all front-facing webpages.

We request that the board review and discuss the attached draft policy at the May 23 meeting and consider it for adoption at the June 27 board meeting so that we can meet the July 1 compliance deadline.

Attached Supporting Documentation: Joint Digital Accessibility Policy – Draft



JOINT BOARD POLICY

Title: Digital Accessibility Policy	Department: Business Administration
Effective Date:	Previous Effective Date(s): N/A

Purpose and Summary:

This joint Digital Accessibility Policy articulates the District's and Authority's commitment to providing equitable access to government information and services, and guides staff in complying with digital accessibility legislation and rules.

Scope:

In February 2024, the Colorado Governor's Office of Information Technology (OIT) permanently adopted rules defining accessibility standards and compliance parameters for information and communication technology ("ICT") owned or controlled by a public entity. The rules apply to both internal and external ICT, which includes, but is not limited to, websites, applications, digital documents, video, and audio. The District and Authority are committed to providing equitable access to its ICT in compliance with Colorado's digital accessibility rules. To this end, the District and Authority have developed a plan to continuously improve their digital accessibility. The District and Authority welcome public feedback and will make good faith efforts to resolve issues in a timely manner if they arise.

The District and Authority are further committed to working towards being in line with the Web Content Accessibility Guidelines (WCAG) version 2.1, levels A and AA criteria. As not all ICT will be immediately capable of meeting these standards, the District and Authority will regularly monitor and test their ICT and will make ongoing good faith efforts to identify and remediate inaccessible ICT.

Pursuant to 8 CCR 1501-11.6, a "Technology Accessibility Statement" will be publicly posted in a conspicuous place on the District website and will include: (1) A commitment to timely responses to reports of inaccessible ICT or requests for reasonable accommodations or modifications; and (2) A prominent notice informing individuals with disabilities how to report inaccessible ICT and request accommodations or modifications, including more than one contact method. A Compliance Officer will be responsible for managing and responding to these reports and requests.

The District and Authority hereby appoint the Government Affairs Supervisor as their respective Compliance Officer. Instructions for submitting reports and requests related to District or Authority ICT will be clearly posted on a dedicated accessibility page on the District's website, which serves both entities. Reports and requests may be submitted by completing an online form or by calling or emailing the Compliance Officer. When a report or request is received, the Compliance Officer will acknowledge receipt within three business days and then collaborate with staff on a timely remediation of the inaccessible ICT. Alternatively, the Compliance Officer may offer a reasonable accommodation or modification to the user, pursuant to 8 CCR 1501-11.11.

For ICT controlled by a third party, the District and Authority cannot make assurances of compliance with accessibility standards. If a report or request is submitted regarding third-party inaccessible ICT, the District and Authority will make good faith efforts to request the remediation of inaccessible ICT by the third party, offer a reasonable accommodation or modification, and negotiate vendor compliance as part of the contracting process.

This policy aligns with the values adopted by the District and Authority of providing fair service and clear transparency. This policy will be reviewed regularly to ensure continued alignment with evolving legal and technical standards, as well as the diverse needs of people with disabilities.



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

M E M O R A N D U M

TO: Board of Directors

FROM: Brian Thompson, Government Affairs Supervisor
Jason Cowles, Director of Engineering & Water Resources

DATE: May 17, 2024

RE: Tap Fee Policies

GOVERNED BY:

The Metropolitan
Districts of:
Arrowhead
Beaver Creek
Berry Creek
EagleVail
Edwards

The Town of Avon

Summary of Subject: As part of the ongoing project of reviewing and updating board-adopted policies, staff recommends sunsetting the Policy for Use-Based Tap Fee Calculation and amending the Plant Investment Fee/Tap Fee Policy for Public Use Facilities. The board will be asked to review these recommendations at the May 23 board meeting and then consider action at the June 27 meeting.

Discussion and Background: We recommend the board sunset the attached **Policy for Use-Based Tap Fee Calculation**, which was adopted on Dec. 6, 2017. This policy provides guidelines for calculating tap fees when a customer applies for a new use for which our standard methods may not be reflective of the use's impact to system capacity. This policy was generally created to address an issue that affected one customer, and it is generally not something that we have put into practice. It also creates challenges with tracking a customer's water use over time and potentially levying new fees in the future. We are also evaluating a potential move from our current tap fee assessment methodology toward a more industry-standard approach based upon meter size that would alleviate the need for this policy going forward.

We also recommend the board amend the **Plant Investment Fee/Tap Fee Policy for Public Use Facilities** as presented in the attached draft. This policy was adopted on Feb. 28, 2008. The only proposed change is removing references to the "Plant Investment Fee" (PIF). The Authority began charging the PIF at the time of its inception in 1984. At that time, the Authority's primary asset was the Avon Drinking Water Facility (ADWF), so the PIF was designed to recoup the cost of capacity in that facility. Over time, as the Authority has made further investment in its water system assets, it was decided to update the terminology from "PIF" to "Water System Impact Fee." We, therefore, recommend removing references to PIF in this policy.

We believe that it is important to maintain the portion of the policy pertaining to tap fees for public use facilities. The Authority frequently receives requests from public entities to waive tap fees, and the incongruity of the boundaries that often occurs between public entities and the Authority results in inequitable subsidizing when fees are not collected at normal rates. The amended **Tap Fee Policy for Public Use Facilities** reaffirms that tap fees should be assessed to avoid these inequities. This mirrors the policy presented to the District board.

Attached Supporting Documentation:

- 2017 Policy for Use-Based Tap Fee Calculation (recommended for sunset)
- Amended Tap Fee Policy for Public Use Facilities (recommended for adoption)

POLICY FOR USE-BASED TAP FEE

This policy applies to Applicants proposing a new, non-residential water and wastewater use as defined in the District and Authority's Rules and Regulations, and recognizes that some uses have significantly more or less impact to system capacity than would be calculated by the application of current tap fee policies and procedures. This policy aims to maintain a rational nexus between the fee charged to a customer and the cost to the water and wastewater provider of serving that customer's proposed use.

1. Policy Goals

The goals of this policy are to:

- Document the water use proposed by the development;
- Ensure that the tap fee collected reflects the anticipated peak impact of the new water use and wastewater conveyance and treatment demand on infrastructure systems;
- Provides certainty of the amount of water and wastewater capacity committed to the new use; and
- Provide a means by which the provider can hold customers accountable to limiting water use to that which was paid for at the time of the commitment to serve.

2. Qualifications

To qualify for calculation of tap fees under this policy, a development must meet the following requirements:

1. The premises must be owned by a governmental entity;
2. Only the indoor component of water use qualifies under this policy; any outdoor water use component on the premises is required to pay a separate tap fee calculated per the guidelines for a sprinkler or irrigation account; and
3. The provider makes a determination that calculation of tap fees under other policies would result in a tap fee not reflective of the actual impact to system capacity.

3. Process & Procedures

Prior to customers receiving water service for proposed new water uses from the Authority, they must meet all applicable requirements of the Authority's Rules and Regulations, which among other requirements include the payment of tap and other application and connections fees and the dedication of water rights sufficient to serve the proposed use.

A customer who applies for calculation of tap fees under this policy is subject to the following additional procedures:

- The District will utilize information provided by the customer to calculate a peak water use that is expected to meet the customer's intended need. A minor safety factor may be applied. The peak use multiplied by the safety factor is the Total Demand Limit. The Total Demand Limit will be converted to an SFE factor for the calculation of monthly base fees and tiered rate use ranges.
- The customer will execute a Use-Based Tap Fee Agreement, which states the Total Demand Limit and the tap fee due based thereon, and pay the fee.
- AMI infrastructure will be installed on the premises and the customer will be required to set up an AMI Customer Portal account so that usage alerts can be set.
- The District will track and review the customer water use monthly. If a customer's water use exceeds the Total Demand Limit, the District will notify the customer of such exceedance to determine if water use can be brought back into compliance. If the customer continues to exceed the Total Demand Limit, the Authority may recalculate the water and wastewater SFE factor, assess an incremental tap fee, and apply the new SFE factor to the monthly base rate and tiered rate ranges.

Monthly billing rates will be those that are in effect for all other customers of the District and Authority.



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

GOVERNED BY:

The Metropolitan
Districts of:

Arrowhead

Beaver Creek

Berry Creek

EagleVail

Edwards

The Town of Avon

BOARD POLICY

Title: Tap Fee Policy for Public Use Facilities	Department: Engineering & Water Resources
Effective Date:	Previous Effective Date(s): 2/28/2008

Background:

The Upper Eagle Regional Water Authority (“Authority”) has received requests for the waiver of tap fees for public buildings, such as schools, ambulance facilities, fire stations, recreational facilities, churches, public administrative offices, etc. The Board of Directors recognizes that public facilities, like any other use within the Authority, create real costs to the Authority.

As public entities seldom have the same boundaries as the Authority, the incongruity of these boundaries results in inequity between the constituents of the public entity when fees are not collected at normal rates. For example, the school district covers most of Eagle County, while the people who would be paying for a waiver of water fees would be only those persons and properties within the Authority. Accordingly, the Authority finds that equity and non-discrimination is most likely to be achieved if all public entities pay their appropriate fees to each other.

Authority:

This policy is consistent with the Authority’s broad authorities as a quasi-municipal entity authorized and empowered to supply water for domestic and other public and private purposes.

Policy:

To avoid the inequities which would occur by different constituencies subsidizing the costs of the provision of water utility services to public facilities, the Board of Directors of the Upper Eagle Regional Water Authority determines that other public entities should be assessed the established fees and service charges applicable to the impact to the water system of which the facilities are connected. Public entities are entitled to the same procedure available to others to appeal the assessment based upon unusual or extenuating circumstances which may exist and may entitle them to adjustments in the applicable fees and charges.

This policy supersedes all previously adopted policies pertaining to tap fees for public use facilities. Furthermore, this policy shall remain active until such time as it may be repealed or amended by the board. The board will regularly review this policy to ensure continued alignment with the best interests of the Authority.



MEMORANDUM

TO: Boards of Directors

FROM: Brian Thompson, Government Affairs Supervisor

DATE: May 17, 2024

RE: Shoshone Water Right Preservation Campaign - Attachments from Colorado River District

The May 23 board meeting agendas for both the District and Authority include continued discussion on the Shoshone Water Right Preservation Campaign under the General Manager's Report (agenda item 9.1.1).

The Colorado River District requested the following documents be shared with the boards:

- May 15, Memorandum from the Colorado River District: *Shoshone Water Rights Preservation*
- Apr. 23, Press Release from Shoshone Water Right Preservation Campaign & Coalition, *Three West Slope Counties Pledge \$4 Million Towards Shoshone Water Right Preservation*

These documents are attached herein to this memo.



COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

MEMORANDUM

TO: BOARD OF DIRECTORS, EAGLE RIVER WATER AND SANITATION DISTRICT
BOARD OF DIRECTORS, UPPER EAGLE REGIONAL WATER AUTHORITY

FROM: ANDY MUELLER, GENERAL MANAGER
ZANE KESSLER, DIRECTOR OF GOVERNMENT RELATIONS
AMY MOYER, DIRECTOR OF STRATEGIC PARTNERSHIPS

SUBJECT: SHOSHONE WATER RIGHTS PRESERVATION

DATE: MAY 15, 2024

REQUESTED ACTION: The Colorado River District respectfully requests that the Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority authorize a joint financial commitment subject to future annual appropriations to support the acquisition and permanent protection of the Shoshone Water Rights.

Securing a strong local funding commitment is a necessary requirement for the River District to close on the final \$99 million deal to acquire the Shoshone Water Rights. Under the current funding strategy, the Colorado River District proposes a local and state funding contribution of at least \$50 million, leaving approximately \$49 million remaining to be secured. The Colorado River District's current funding strategy is to seek \$49 million in funding from the federal government made available through the Inflation Reduction Act. While we have worked diligently to achieve this funding strategy and believe that this project is well-positioned to be competitive for federal funding, it is far from guaranteed to receive the full funding request. We are therefore looking to our coalition partners to fund approximately \$10 to \$20 million. These funding commitments will reduce our reliance on federal funding sources and better allow the West Slope to control our water security in the future. **Therefore, we respectfully request that the Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority jointly consider a funding commitment of at least \$1,000,000.**

To fulfill the River District's funding commitment under the Purchase and Sale Agreement (PSA) with Public Service Company of Colorado (PSCo), all coalition partners will need to deposit their committed funds into an interest-bearing escrow account within thirty days of the River District successfully obtaining a rights change decree in water court. While it is difficult to predict the anticipated length of a change case in water court, we are optimistic that the change decree will be entered before the end of 2026. Under the PSA, the funds deposited by coalition partners will



accrue interest, which will be applied towards the purchase price of the Shoshone Water Rights at the time of closing. However, all funds deposited by partners and held in escrow are fully refundable (with interest) should the PSA be terminated for any reason.

Following any formal commitment of funding, the Colorado River District requests the Boards delegate staff authority to execute a letter indicating the financial commitment of the Eagle River Water and Sanitation District and Upper Eagle Regional Water Authority in alignment with formal action taken. The Colorado River District will utilize this letter to support gathering additional financial contributions from other partners in furtherance of this effort.

LOCAL FUNDING UPDATE

The funding strategy relies on a diverse partnership of local, state, and federal funding sources. The broad-based West Slope Coalition proposes to contribute \$30 to \$40 million, \$20 million of which has already been approved and committed by the River District’s Board of Directors, made possible through increased property tax revenues approved by West Slope voters in 2020 following the passage of ballot question 7A.

Recognizing the importance of Shoshone permanency to current and future water security on Colorado’s Western Slope, local partners are taking action to formalize their financial commitments to this project.

Through initial conversations and formalized commitments, the Colorado River District anticipates receiving between \$15 - \$20 million in local contributions across a growing coalition. The following table indicates additional requests made to coalition partners; however, these amounts have not yet been formally committed and discussions are ongoing. Other local partners continue to express interest in financial support such as the Town of Silt, Town of New Castle, Town of Basalt, Snowmass Water and Sanitation District, Grand Valley Power, Middle Park Water Conservancy District, Climax Molybdenum Company, and the Town of Silverthorne.

Local Funding Requests (as of 5/15/2024)

Garfield County	\$2-4 million
City of Glenwood Springs	\$2 million*
Summit County	\$1 million
Upper Eagle Regional Water Authority & Eagle River Water and Sanitation District	\$1 million
Clinton Ditch and Reservoir Company	\$100,000
Total:	\$6.1 - \$8.1M

**Action scheduled for May 16th.*

Additionally, as of the date of this memo, local partners have formally committed over \$8 million shown on the following table on page 3.



Local Funding Commitments (as of 05/15/2024)

Eagle County	\$2 million
Ute Water Conservancy District	\$2 million
Mesa County	\$1 million
Grand County	\$1 million
City of Grand Junction	\$1 million
Clifton Water District	\$250,000
Grand Valley Irrigation Company	\$250,000
Grand Valley Water Users Association	\$100,000
City of Rifle	\$100,000
Orchard Mesa Irrigation District	\$100,000
Basalt Water Conservancy District	\$100,000
Palisade Irrigation District	\$50,000
Mesa County Irrigation District	\$50,000
West Divide Water Conservancy District	\$50,000
Total:	\$8.05M



SHOSHONE

WATER RIGHT PRESERVATION

FOR IMMEDIATE RELEASE
Tuesday, April 23, 2024

CONTACT:
Grand County, Christine Travis – 970.531.0554
Eagle County, Claire Noble – 970.471.4994
Mesa County, Stephanie Reecy – 970.640.7732
CRD, Lindsay DeFrates – 970.456.8973
Xcel Energy, Tyler Bryant – 813.951.4169

Three West Slope Counties Pledge \$4 Million Towards Shoshone Water Right Preservation

Grand, Eagle, and Mesa County's commitments bring total funding for the Shoshone permanency effort to \$48.05 million.

Glenwood Springs, Colorado — On Tuesday, April 23, the counties of Grand, Eagle, and Mesa pledged \$4 million collectively towards the purchase and permanent protection of the Shoshone water rights. During their respective public board meetings on Tuesday morning, Grand County committed \$1 million through their Open Lands, Rivers and Trails grant fund; Eagle County expressed its intent to commit \$2 million; and Mesa County, \$1 million. As longtime partners in the Shoshone Water Right Preservation Coalition, these diverse counties represent some of the most populous West Slope communities from the headwaters to the state line, all of which depend on the sustained flows of the Colorado River provided by Shoshone's very senior, non-consumptive water rights.

Along with previous commitments from 11 other West Slope partner organizations, the Colorado Water Conservation Board, and the Colorado River District's own Community Funding Partnership, the Coalition has raised \$48.05 million towards the \$99 million purchase price.

"The Colorado River District's acquisition of this water right provides a significant level of protection for agriculture, ranching, and outdoor recreation, safeguarding these activities for Grand County residents for generations to come," said **Grand County Commissioner Chair Merrit Linke**. "There is no other water right that has a greater impact and benefit to our rivers in Grand County than Shoshone."

"This partnership to keep the water flowing through Colorado's namesake river is a once-in-a-lifetime opportunity," said **Eagle County Commissioner Kathy Chandler-Henry**. "Protecting Shoshone's senior water rights benefits both the Roaring Fork and Eagle River Valley portions of Eagle County, as well as the entire state of Colorado. Our agricultural and outdoor recreation economies depend on water, and our quality of life is tied to the benefits of this great flowing river. If the Shoshone Hydro Plant were to cease operation without permanent protection of the water rights, the negative economic and environmental impacts to Western Colorado and the state would be immediate and profound. Eagle County is proud to stand with the Colorado River Water

Conservation District and our many partners in securing this legacy for future generations in the west."

"Mesa County's \$1 million investment in the Shoshone water rights is not just a financial commitment, but a pledge to our community's future," said **Bobbie Daniel, Chair of the Board of Mesa County Commissioners**. "By safeguarding these rights, Mesa County ensures that the West Slope's lifeblood — our beloved Colorado River — continues to sustain our families, farms, and natural habitats. We stand united with our fellow counties and stakeholders in protecting and preserving our most precious resource for future generations."

"We're proud to be a part of the Colorado River District's efforts to preserve the rights allowing water to flow through our Shoshone Hydro Plant turbines on the Colorado River," said **Robert Kenney, president of Xcel Energy – Colorado**. "This is an important agreement for the 1.6 million electric customers and communities we serve statewide by allowing us to continue generating clean electricity as part of our commitment to be good stewards of the Colorado River and all who rely on it."

On December 19, 2023, the Colorado River District signed a Purchase and Sale Agreement with Xcel Energy for the Shoshone water rights on behalf of a diverse and growing group of local governments and water entities. Many organizations that make up the Shoshone Water Right Preservation Coalition were original signatories to the Colorado River Cooperative Agreement and have worked for over twenty years to permanently protect the Shoshone water rights. Currently attached to hydropower production at the Shoshone Hydroelectric Plant in Glenwood Canyon, the full Shoshone "call" can command up to 1,408 cubic feet per second, or up to 1 million acre-feet, of Colorado River water a year.

The finalization of the agreement depends on securing funding and successfully negotiating an instream flow agreement between the Colorado River District and the Colorado Water Conservation Board. The River District will continue to lease the water back to Xcel for clean power generation at no cost, the water rights reverting to instream flow only when the turbines are not active. Xcel Energy must also receive approval from the Public Utilities Commission for the dispersal of profits from the sale.

More information about the Shoshone Water Right Preservation Campaign & Coalition can be found at: www.KeepShoshoneFlowing.org.

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**UPPER EAGLE REGIONAL
WATER AUTHORITY**

**Fiscal Year 2024
Quarterly Financial Report
For the 1st Quarter Ending March 31, 2024**

1. Quarterly Financial Report Cover Memo
2. Net Income & Budget Comparisons
3. 2023 Project Budgets Carried forward to 2024
4. Revenue Comparison
5. Bond Balance
6. Cash & Debt Service



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

To: Board of Directors
From: Jim Cannava, Finance Manager
Date: May 15, 2024
Re: Quarterly Financial Reports – Q1 2024

The 1st quarter 2024 financial reports are attached. Operating revenues for Q1 are 2.8% favorable to the budget despite a 2.8% year-over-year decrease in consumption. The favorable variance is attributed to greater use in tiers 3 & 4. Operating expenses for Q1 are 1.2% unfavorable to budget, primarily due to emergency main repairs.

The net income tables within this report incorporate carryforwards from unspent 2023 project budgets and additional funds allocated for a drought response plan funded by additional grant proceeds.



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

Net Income & Budget Comparisons

UERWA

Operating	Annual Budget	Q1 2024	Variance	Q1 2023
Revenue	\$15,259,787	\$2,697,353	\$12,562,434	\$2,630,890
Expense	\$12,161,346	\$3,418,847	\$8,742,499	\$3,379,053
Net Income	\$3,098,441	(\$721,494)	\$3,819,935	(\$748,163)

Non-Operating	Annual Budget	Q1 2024	Variance	Q1 2023
Revenue	\$4,469,240	\$2,381,194	\$2,088,046	\$1,077,227
Expense	\$5,808,561	\$1,208,014	\$4,600,547	\$748,811
Net Income	(\$1,339,321)	\$1,173,180	(\$2,512,501)	\$3,685,682

Net Income	\$1,759,120	\$451,686	\$1,307,434	\$2,937,519
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Unrestricted Fund Balance	Annual Budget	Q1 2024	YE 2023
Beginning Balance	\$5,199,979	\$5,199,979	\$3,854,285
Net Income	\$1,759,120	\$451,686	\$1,345,694
Ending Balance	\$6,959,099	\$5,651,665	\$5,199,979

- The annual budget reflects carryforwards from the unspent 2023 project budgets.

2023 Project Budget Carryforwards

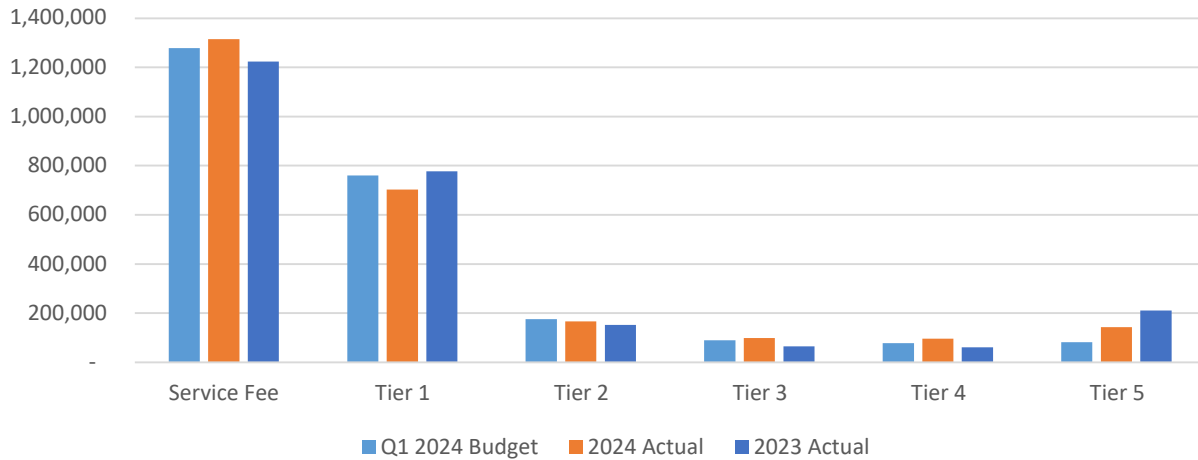
Project	Expected 2023 YE Carryforward to 2024	2023 YE Remaining Budget	Actual 2023 Carryforward to 2024	Under/ (Over)	Notes
ADWF Domestic Lift Station	\$15,607	\$16,484	\$16,484	(\$877)	Spending less than YE Projection
ADWF Bathroom/Kitchen	\$37,426	\$45,303	\$45,303	(\$7,877)	Spending less than YE Projection
Water Treatment Master Plan	\$190,364	\$190,364	\$190,364	\$0	
Wildridge BPS and PRV	\$3,956,585	\$4,063,970	\$4,063,970	(\$107,385)	Spending less than YE Projection
Fenno Well House	\$225,000	\$1,227,367	\$200,000	\$25,000	Scope changed to YE expected
Bolts Lake Reservoir	\$261,812	\$69,958	\$69,958	\$191,854	Spending more than YE Projection
Arrowhead Transmission Main	\$4,584	\$14,518	\$14,518	(\$9,934)	Spending less than YE Projection
Beaver Creek BPS 1, 2, & 3	\$222,537	\$252,917	\$252,917	(\$30,380)	Spending less than YE Projection
Cordillera West Tank 1	\$29,532	\$64,533	\$64,533	(\$35,001)	Spending less than YE Projection
Total	\$4,943,447	\$5,945,414	\$4,918,047	\$25,400	



**UPPER EAGLE REGIONAL
WATER AUTHORITY**

Revenue Comparison

Q1 2024 Operating Revenue



- Total Water Service Revenue is 2.8% favorable to budget.
 - Water tiered use revenues are 1.8% more favorable due to greater consumption in tiers 3-5.
 - Base Service revenues are 2.8% greater than budget primarily due to new development in 2024.

Bond Balance

Bond Funds	Annual Budget	Q1 2024	YE 2023
Beginning Balance	(\$5,712,618)	(\$5,712,618)	(\$1,705,921)
Bond Proceeds	\$22,000,000	\$22,000,000	
Expense	\$11,785,444	\$144,606	\$4,006,697
Bond Balance	\$4,501,938	\$16,142,776	(\$5,712,618)

Project	Budget	Expense	Remaining Budget
Wildridge BPS and PRV Improvements	\$4,607,385	\$62,214	\$4,545,171
Upgrade PLC 6 @ ADWF-Master PLC	\$116,139	\$23,409	\$92,730



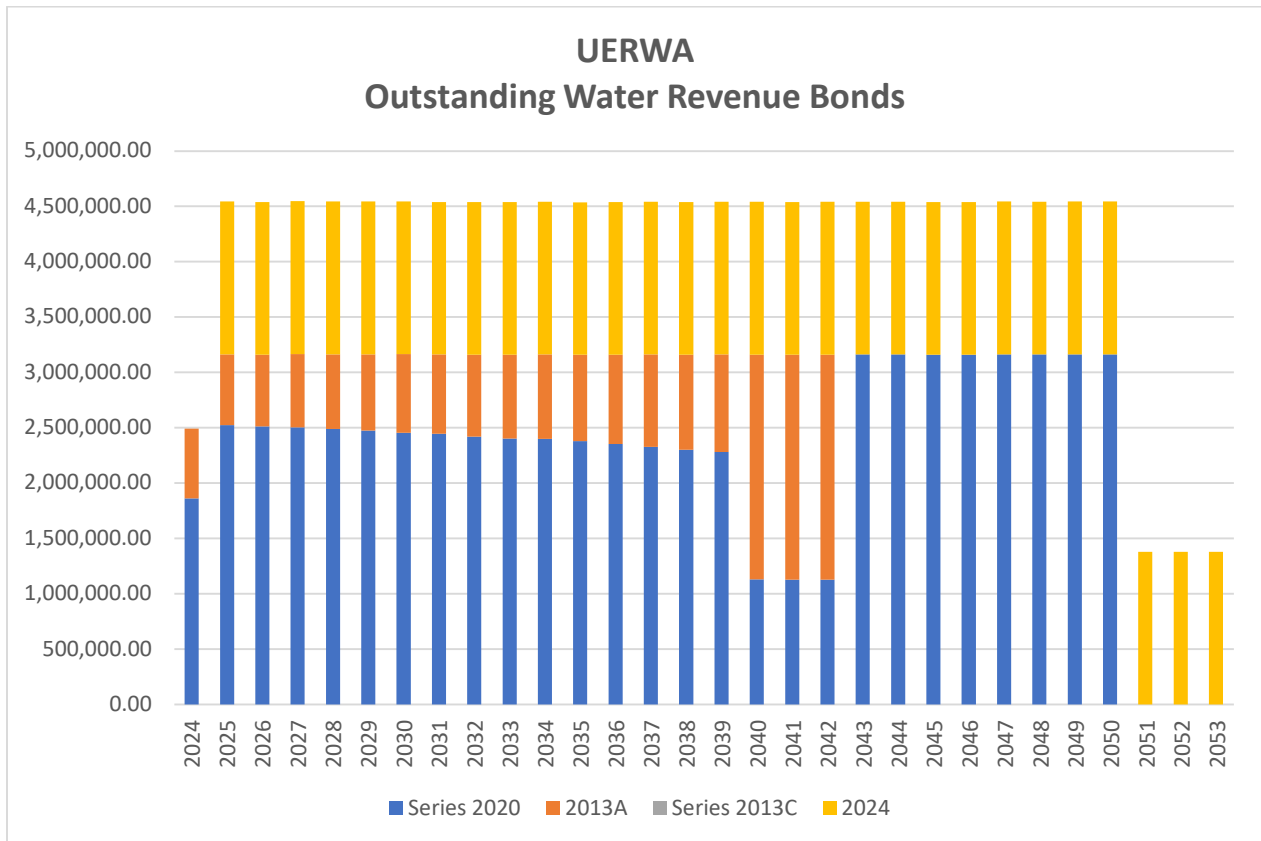
**UPPER EAGLE REGIONAL
WATER AUTHORITY**

Fenno Well House/Raw Water Conveyance	\$200,000	\$0	\$200,000
Bolts Lake Reservoir	\$1,729,952	\$35,638	\$1,694,314
Arrowhead Transmission Main Rehab	\$2,514,518	\$10	\$2,514,508
Beaver Creek BPS 1,2, & 3 Rehabilitation	\$1,252,917	\$0	\$1,252,917
Cordillera West Tank 1 Rehabilitation	\$1,364,533	\$23,334	\$1,341,199
Total	\$11,785,444	\$144,606	\$11,640,839

Cash & Debt Service

UERWA	2024	2023	2022	2021
Cash Balance	\$34,775,712	\$13,738,951	14,417,768	21,742,153

- Cash balance growth primarily due to the 2024 bond issue.



- Total Outstanding Debt Service: \$126,446,077

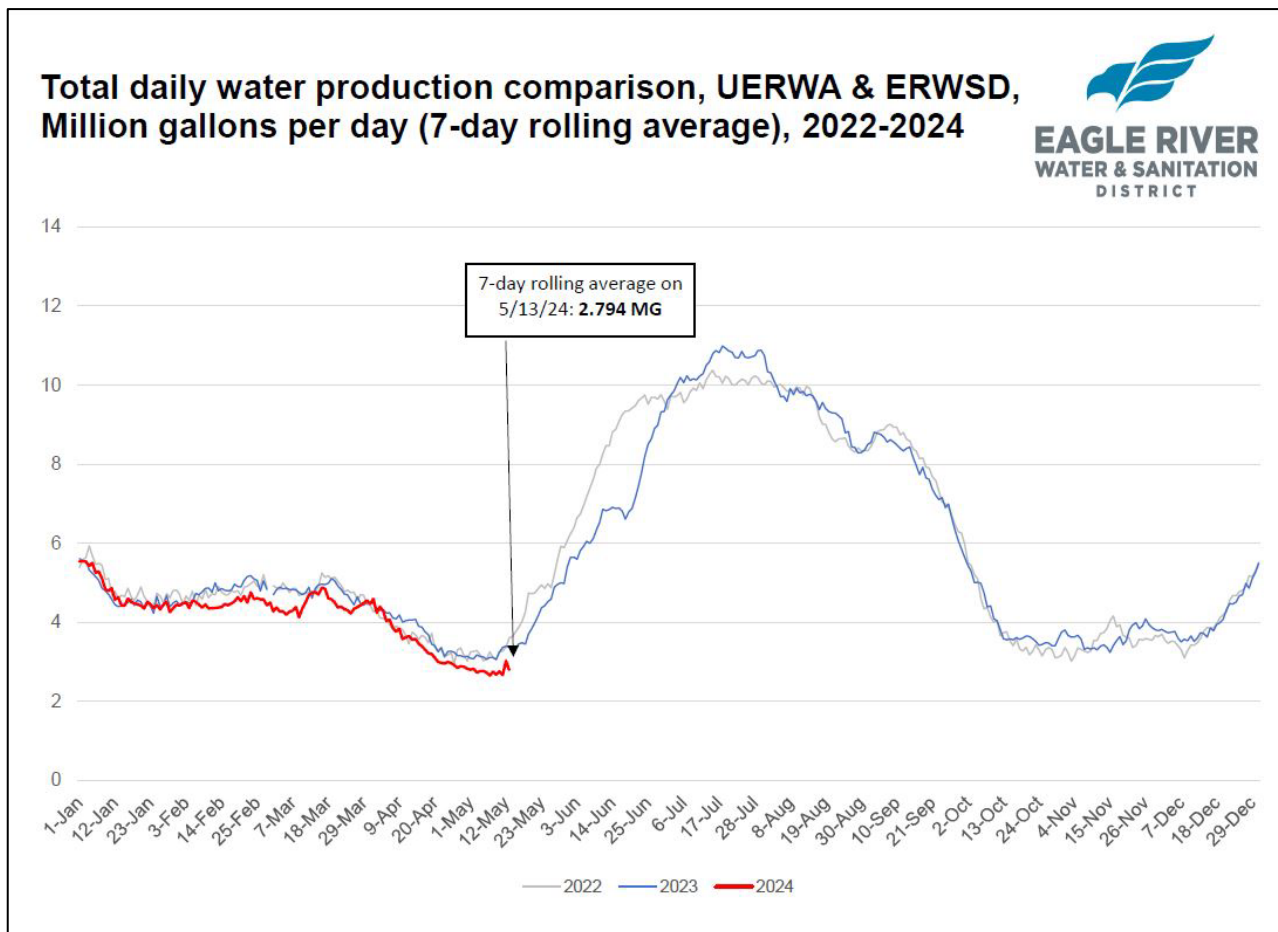


OPERATIONS MONTHLY REPORT MAY 2024

WATER

Kailey Rosema

The system-wide water production comparison was updated through May 13. System demand dropped to seasonal lows in early May. Water operators are currently performing maintenance at all production facilities in preparation for the upcoming irrigation season.



The annual system interconnect water transfer balance was at net-zero by Apr. 30, 2024, in accordance with the District and Authority interconnection agreement.

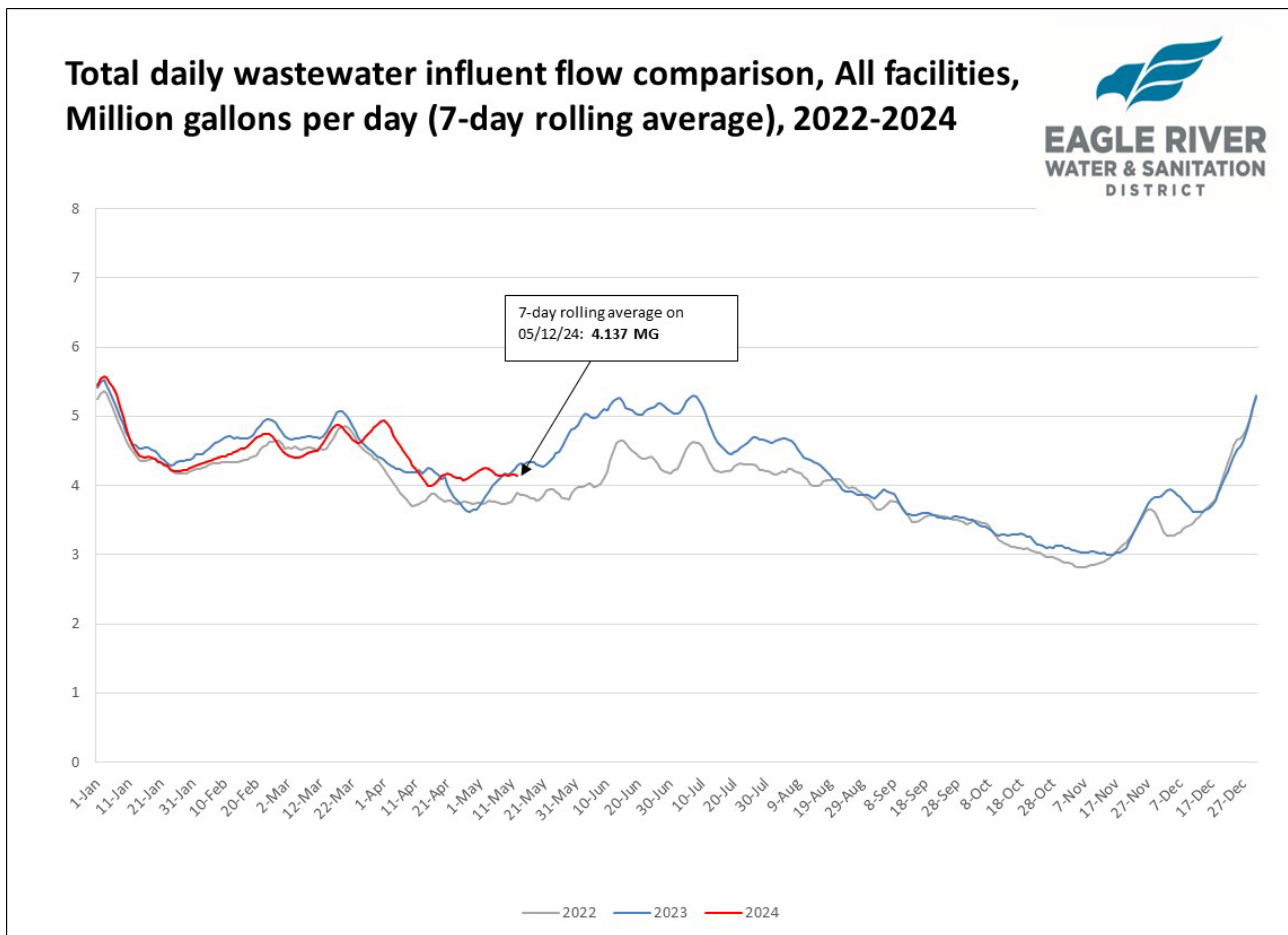
The District has contracted with specialized groundwater well and engineering consultants to evaluate casing repair options for Vail Well R7. A draft evaluation report has been received and is under review. The repair recommendations will be discussed at the upcoming board meeting.

The U.S. Environmental Protection Agency (EPA) finalized the per-and polyfluoroalkyl substances (PFAS) national primary drinking water regulation on Apr. 10. The new regulation establishes legally enforceable maximum contaminant levels (MCLs) for PFAS in drinking water. The limited historical sampling performed in the District/Authority water system shows PFAS levels are below the new regulatory limits. Additional PFAS sampling will be performed in 2025 as part of the fifth round of the Unregulated Contaminant Monitoring Rule (UCMR5).

WASTEWATER

Chris Giesting

Cumulative influent wastewater flow and organic loading are normal for this time of year.



FIELD OPERATIONS

Niko Nemcanin

On Apr. 26, Field Operation staff performed an emergency curb stop repair on Holden Road in Beaver Creek. During the repair, the existing service line was found to not meet current District specifications. District staff is coordinating with the customer to correct the deficiencies.



Curb stop repair (excavation left; leaking valve right)

UTILITY SERVICES

Shane Swartwout

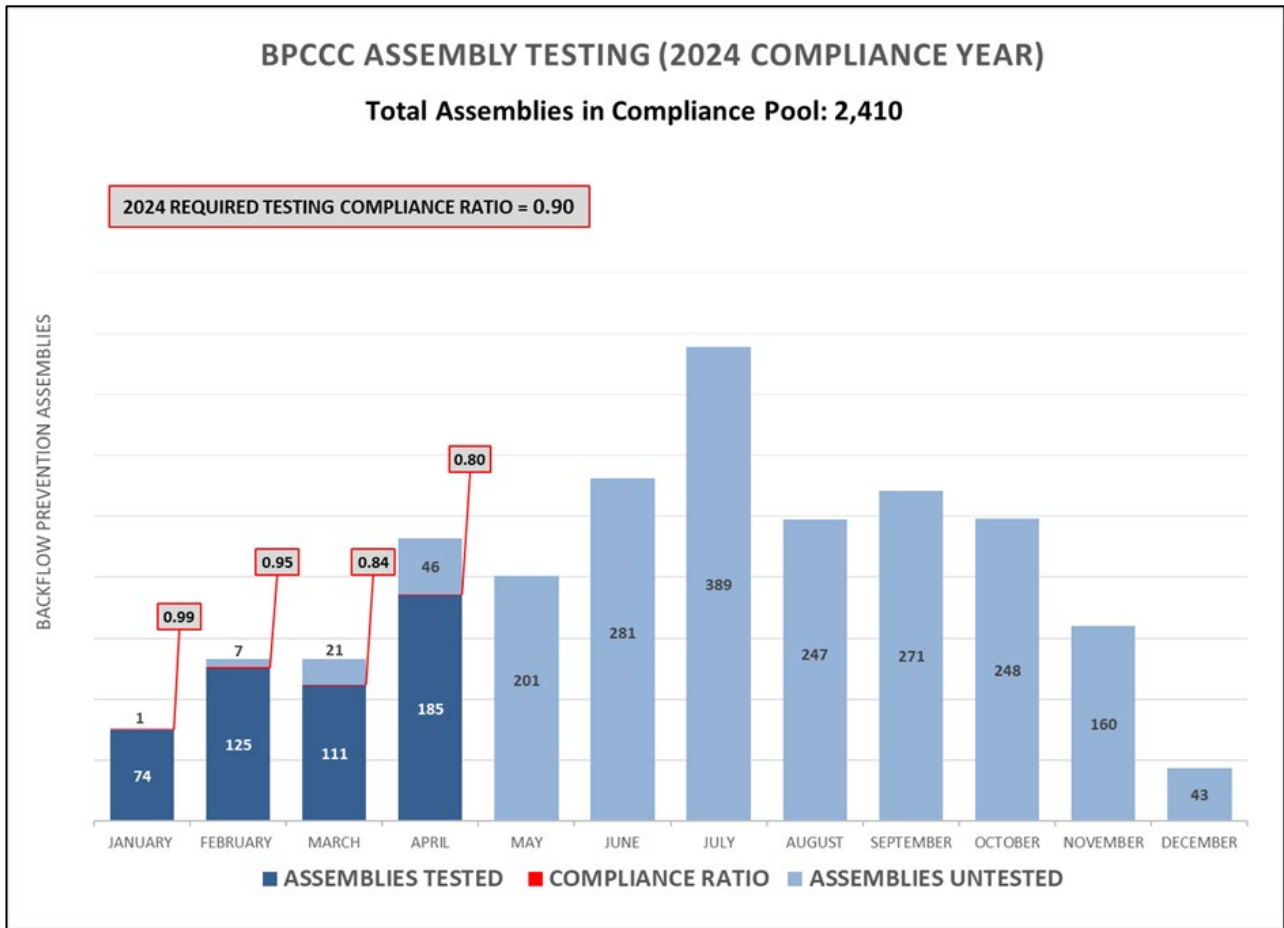
Meter Services

The Meter Services team is focused on replacing outside irrigation meters in preparation for the upcoming irrigation season. The 2024 construction meter rental season (Apr. 15 – Oct. 15) has started and staff has inspected and tested all meter/backflow assembly rental devices. The team is also continuing to work toward 100% AMI conversion in the Authority. An AMI conversion progress report is provided below.

Report Date:	5/14/2024		
AMI SYSTEM STATUS	ERWSD	UERWA	TOTAL
(1) Total No. of Meters	3204	6870	10074
(2) No. of AMI Meters	3204	6452	9656
(3) System Percentage of AMI Meters	100%	94%	97%
Meters Remaining to Reach 100% AMI	0	418	418
<i>Meter Services – Advanced Metering Infrastructure (AMI) Status (Updated 5-14-2024)</i>			

BPCCC Program

The BPCCC team held its annual irrigation backflow tester informational forum on Apr. 24. The purpose of the annual forum is to inform local testers and contractors of recent changes to the District’s Rules and Regulations, introduce new BPCCC program testing deadlines, and enroll testers in the new BPCCC data management solution. A progress update for 2024 backflow prevention assembly testing is provided below.



Fats, Oils, and Grease (FOG) Program

The Utilities Services team mailed out a FOG introductory postcard to all the food service establishments (FSEs) within the District and Authority service areas and started scheduling site visits to introduce the program. The goal is to complete initial site visits with all FSE's by the end of the calendar year.

WATER QUALITY

Leah Cribari

The 2024 National Water Policy Fly-In occurred in Washington D.C. on Apr. 9-10. Two District staff members attended. The Fly-In provided District staff and other regional industry leaders the opportunity to discuss local clean water and drinking water policy needs with congressional representatives.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Jeff Schneider

WATER PROJECTS

Cordillera West 1 Water Storage Tank Rehabilitation

Kevin Nelson

General Project Scope: The Cordillera West 1 Water Storage Tank is a 400,000-gallon, above-ground, steel tank. The project scope involves sandblasting and recoating the tank surfaces, installing a cathodic protection system, and various improvements to the vent, hatch, and overflow/drain systems.

Project Update: The 90-percent design plans and specifications were submitted to CDPHE in early April and the application is under review. The project team is currently developing a plan to temporarily isolate and drain the tank to inspect the tank floor. This investigative work is planned to begin May 21 and will last up to one week. Rehabilitation work is expected to begin in the fall.

North Frontage Road Watermain Improvements

Kevin Nelson

General Project Scope: This project involves construction of approximately 475 linear feet of 10-inch diameter water main from just east of the culvert crossing at Middle Creek, up the hillside to Ma Bell Road, and to the top of the Middle Creek Village complex.

Project Update: Construction contracts, customer notifications, and plans have been finalized. Construction will begin as soon as utility locate requests are completed.

Arrowhead Transmission Main

Mark Mantua

General Project Scope: This project includes replacement of approximately 2,200 linear feet of 16-inch diameter water main from the base of Arrowhead Mountain to Arrowhead Tank 1. The existing pipe is badly corroded. The project also includes installation of a new valve control vault that will help optimize tank filling and balance tank levels in the low-pressure zone.

Project Update: Material procurement and stakeholder coordination is ongoing. Contactor mobilization is scheduled to begin in late May.

Wildridge BPS, PRV, and Tank Improvements

Carter Keller

General Project Scope: This project addresses high priority recommendations from the 2020 Distribution System Master Plan and involves improvements to the pumping, storage, and pressure regulating facilities in the Wildridge service area. The scope includes mechanical, electrical, structural, architectural, and electrical improvements at multiple sites, including installation of an on-site emergency generator at Wildridge Booster Pump Station (BPS) 1.

Project Update: After a planned winter hiatus, the general contractor remobilized in mid-April and resumed work. Construction is currently underway to install waterproofing on the concrete lids of Tanks 1 and 3. The concrete generator pad and wing walls at BPS 1 have also been poured.



New concrete pad for the generator at Wildridge BPS 1



Site preparation for Wildridge Tank 1 waterproofing

WASTEWATER PROJECTS

Vail Wastewater Treatment Facility (VWW) Master Plan Improvements

Mark Mantua

General Project Scope: A condition assessment of the VWW was conducted as part of the 2017 wastewater masterplan. The assessment identified several critical upgrades that are required to keep the facility in reliable and operable condition. The scope of this project includes installation of a new, larger diesel generator, structural repairs in the aeration basin, equalization, and clarifier rooms, replacement of the aging ultraviolet (UV) system, and construction and installation of an external facility bypass.

Project Update: Electrical and controls work is ongoing in preparation for delivery of the new standby generator, which was delayed and is now scheduled to arrive in late May. A major plant shutdown and bypass was implemented to install a new power meter and disconnect. The leaking drains at the parking deck were demolished and will be reinstalled May 16. The team is currently troubleshooting control issues with the new bar screen and UV systems, working through punch list items, and evaluating design options to improve stormwater drainage in the lower parking lot. The team also developed plans and specifications to resolve construction-related conflicts with the non-potable water and the effluent flow metering systems.

Dowd Junction Collection System Improvements

Jenna Beirsto

General Project Scope: The project consists of four major infrastructure improvements: the aerial interceptor crossing at Dowd Junction; Lift Station 4, which conveys all of Minturn's wastewater; the aerial interceptor crossing at the Minturn Road bridge; and the force main downstream of Lift Station 4. The new infrastructure will be sized to accommodate future growth in the service area, most notably the Minturn area.

Project Update: The new lift station is fully operational. The 7-day functional test was successfully completed on Apr. 30. All service connections have been tied in and flow has been permanently routed to the new station. Work to demolish and abandon the old lift station and upstream sanitary sewer main is underway. Final paving is scheduled for May 17. The final punch list and close out work is ongoing and the project is expected to be complete by early June.



Installation of bail to lift grinder for maintenance



Abandonment of manholes in the old gravity sewer line

Edwards Wastewater Treatment Facility (EWW) Nutrient Upgrade

Jenna Beairsto
Madeleine Harris

General Project Scope: The EWW must be upgraded to meet Regulation 85 nutrient limits for final total inorganic nitrogen (TIN) and total phosphorus (TP). Expected improvements include renovation of the preliminary treatment equipment, primary bypass improvements, aeration basin modifications and expansion, blower replacements, chemical feed and storage improvements, return and waste activated sludge (RAS/WAS) pump replacements, centrate storage improvements, and HVAC and electrical upgrades. This project will also resolve existing hydraulic process constraints and address condition assessment needs identified in the Wastewater Master Plan. The project must be completed by the CDPHE compliance deadline of Jan 1, 2029.

Project Update: A request for qualifications (RFQ) for a Construction Manager at Risk (CMAR) contractor was advertised on Mar. 29. The District received Statements of Qualifications (SOQs) from four interested contractors. The project team is currently reviewing the SOQs and expects to conduct interviews with qualified firms in early June. Geotechnical borings at the EWW site began the week of May 13. The second project design workshop was held on May 14 and the third workshop is scheduled for May 21.

ADMINISTRATION PROJECTS

101 Eagle Road Office Improvements

Dan Duerr

General Project Scope: The project scope includes improvements to the roof, office space finishes, IT server room, and various mechanical, electrical, and plumbing (MEP) components, as well as the design and construction of a large conference room.

Project Update: The architectural design for the office improvements and conference room is complete. Mechanical, electrical, and plumbing (MEP) and structural designs are ongoing. The roof replacement and flooring work will begin the second week of June.



MEMORANDUM

TO: District and Authority Boards of Directors
FROM: Jason Cowles, P.E. and Justin Hildreth, P.E.
DATE: May 15, 2024
RE: Engineering & Water Resources Report

Development Report

An updated copy of the Development Report is attached. There is one slight modification to the Authority report and one addition. The proposed Cairns development, which is located on a narrow lot on Highway 6 between the Edwards Interfaith Chapel and the Edwards Self Storage Facility, has reduced its proposed unit count from 11 to 9 townhomes. Additionally, we have received an application for a third 36-unit apartment building on the Colorado Mountain College Campus in Edwards. I'm working through the details of the Berry Creek water rights, but it appears that water rights dedication may be necessary for this project and the Eagle County Project adjacent to the Edwards Field House.

Eagle County Land Use Regulation Reform Project

I attended a kickoff meeting for the Eagle County Land Use Regulation Reform Project's Advisory Committee on May 2. The Advisory Committee will convene over the next 9 months to provide perspective and advice on policy issues and technical aspects of the proposed new land use regulations during their drafting and development. The Land Use Regulation Reform Project is being led by consultant Todd Messenger of Fairfield and Woods, P.C., the County Attorney's Office, and the County Community Development Department. The Advisory Committee is made up of a diverse group of stakeholders from the Eagle and Roaring Fork Valleys including land planners, engineers, architects, real estate specialists, parks and wildlife specialists, environmental specialists, and non-profits. The Advisory Committee will be provided with modules of the draft code for review and comment during its development with the first module anticipated to be published this week. I hope to better integrate water conservation with land planning through my involvement in the committee and will leverage our internal staff to assist during this process and will report on the progress.

Bolts Lake Reservoir Update

The latest developments and plans are summarized below for the Bolts Lake project as discussed in our recent Program Manager kick-off meeting and subsequent sessions. Our team meets twice a month to ensure alignment and progress toward our goals. The team is developing an updated project schedule incorporating the Program Manager's experience on the duration of major project and permitting milestones. We will present the improved schedule to the Boards once it is completed and reviewed by Staff. Here is a summary of our immediate key objectives and actions:

1. Permitting Plan Development:
 - a. Our primary focus is on developing a comprehensive permitting plan, with emphasis on efficiently navigating the NEPA process. We will present the permitting plan to the Boards once completed.
 - b. We recognize the importance of clear and effective communication as part of the permitting process; thus, we're also prioritizing the development of a robust communications plan.
2. Request for Proposals (RFP) for Final Design Team
 - a. We're in the process of preparing the RFP to procure the Final Design Team.
 - b. The selected team will advance the preliminary design to approximately 30%, a crucial milestone before applying for the NEPA permit.
3. Engagement with the USFS:
 - a. We have begun outreach efforts with the US Forest Service (USFS) to initiate the NEPA process.
 - b. A contractor hired by the USFS will review the permit application, streamlining the process and ensuring compliance.
4. Purpose and Needs Statement
 - a. A critical component of the NEPA permitting process is the Purpose and Needs Statement, which justifies the project's necessity.
 - b. We're collaborating with Helton and Williamsen to research and compile the required data justifying the project for the statement, ensuring it aligns with NEPA process standards.

Attachments:

1. Authority Unallocated In-Basin Supply, May 2024
2. ERWSD and UERWA New Development Reports, May 2024

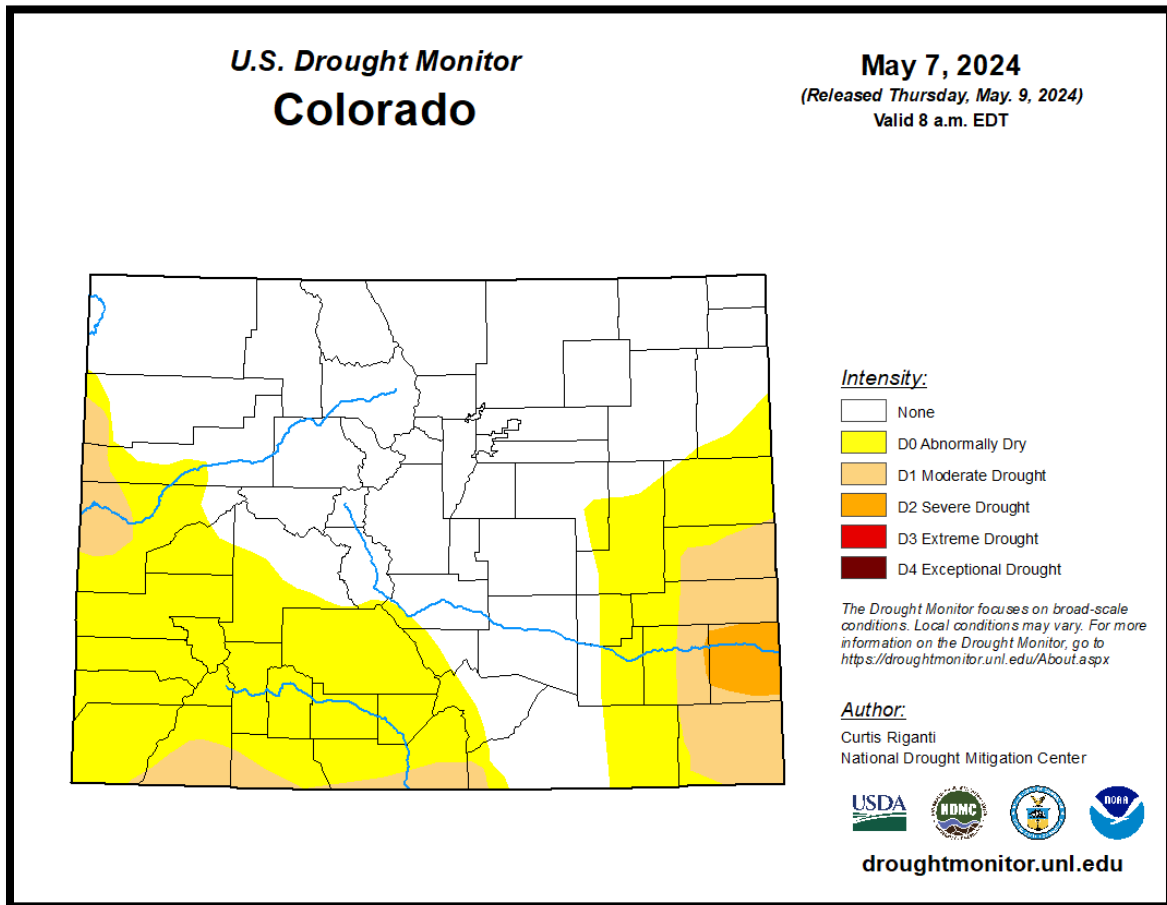
Water Resources Report

Justin Hildreth

Drought Conditions

On May 7, 2024, the U.S. Drought Monitor prepared by the National Drought Mitigation Center classified the upper Colorado River basin including Eagle County as not experiencing drought conditions and classified the southwestern quarter of the state as abnormally dry. The southeastern portion of the state is classified as abnormally dry to severe drought, an increase in the drought classification from the March report.

Figure 1: U.S. Drought Monitor – Colorado. May 7, 2024 (National Drought Mitigation Center)



Temperature and Precipitation Forecasts

Figures 2 and 3 show the current National Weather Service 8-to-14-day temperature and precipitation outlooks. The 2-week outlook for Colorado indicates that the temperatures will be leaning below normal, and precipitation is leaning above normal. The seasonal 3-month temperature and precipitation outlooks, which are less accurate, indicate temperatures are leaning above normal and precipitation leaning below normal.

Figure 2: 8-14 Day Temperature Outlook – May 12, 2024 (NOAA/National Weather Service Climate Prediction Center)

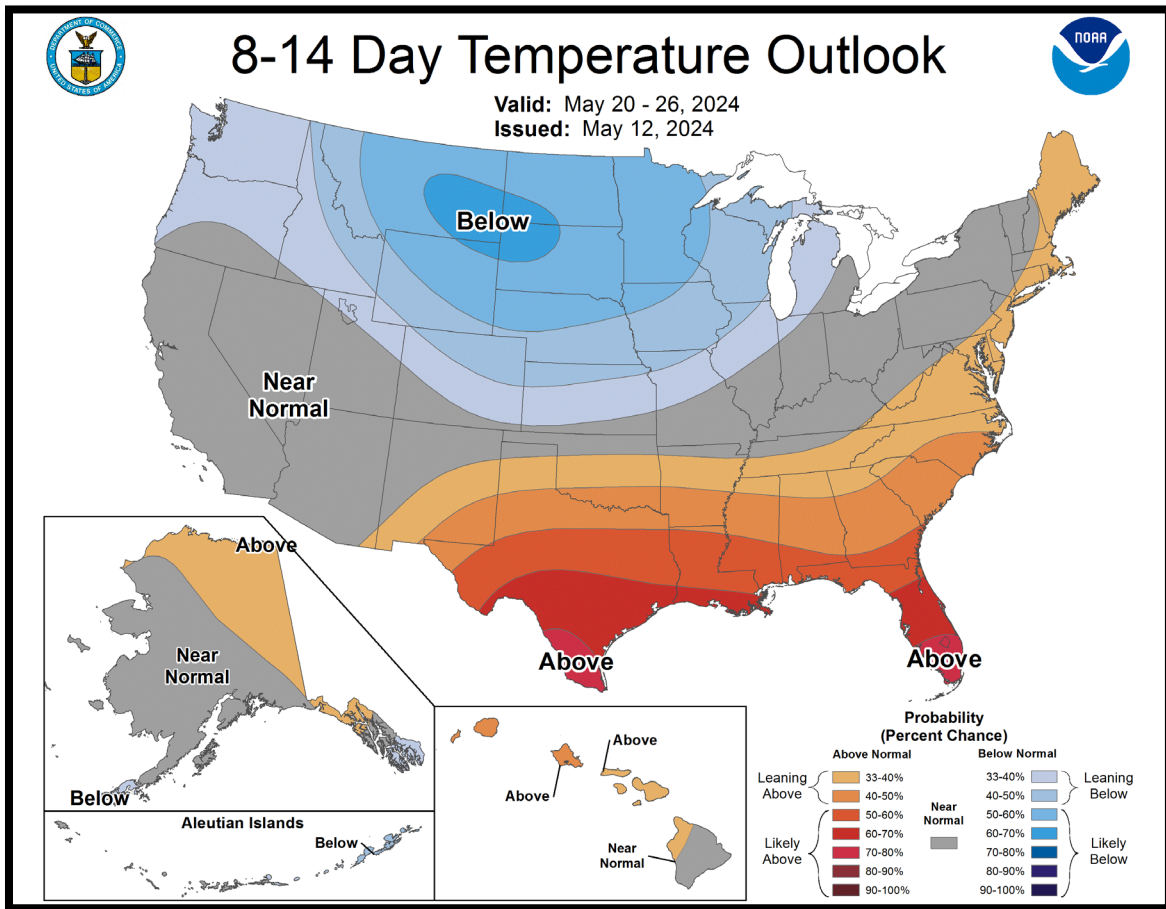
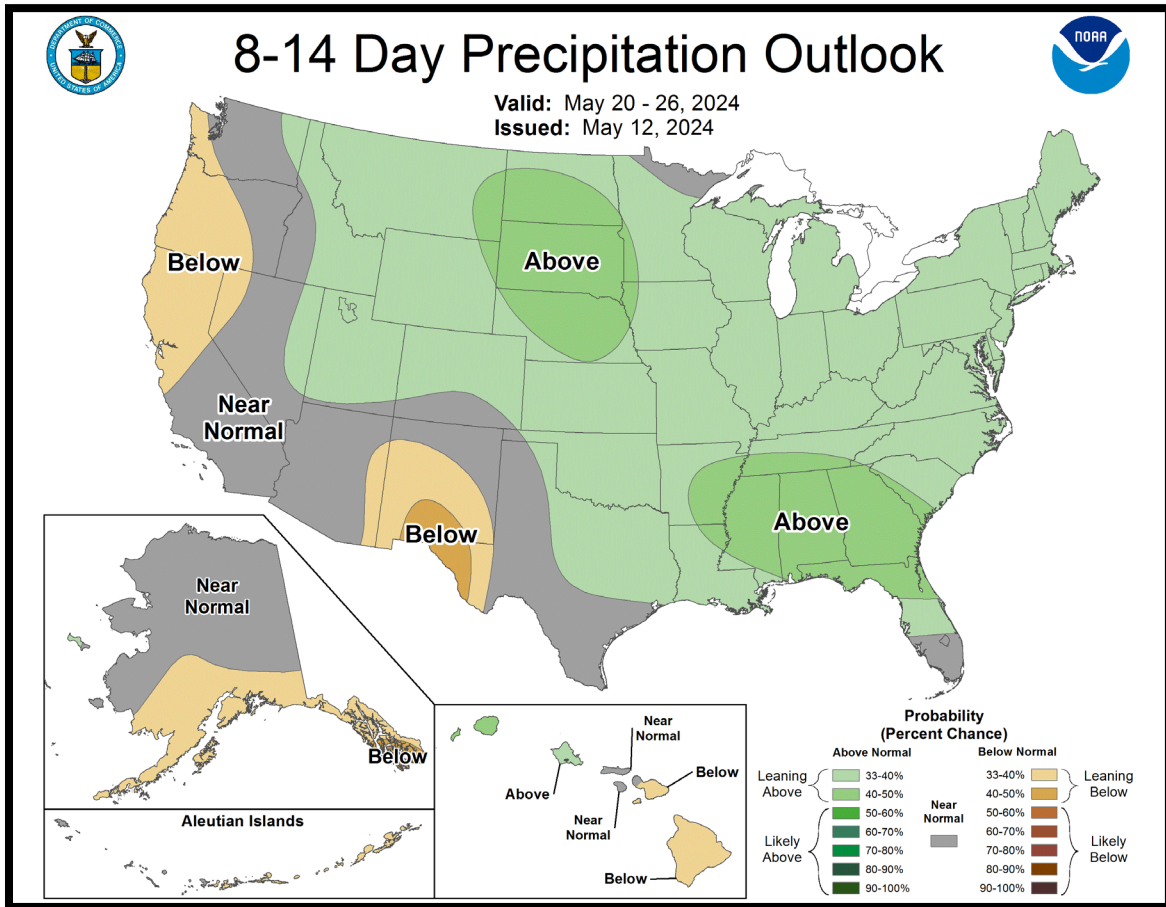


Figure 3: 8-14 Day Precipitation Outlook – May 12, 2024 (NOAA/National Weather Service Climate Prediction Center)



Precipitation Conditions

Figures 4 and 5 represent the snow water equivalent (SWE) at the Vail Mountain and Fremont Pass SNOTEL sites. As of May 13, 2024, Vail Mountain has 18.1” of SWE, 108% of the median and 84% of the seasonal median peak. Fremont Pass has 22.0” of SWE, 111% of the median peak. The cool, wet weather in early May has contributed to the snowpack and delayed the spring runoff.

Figure 4: Accumulated Precipitation at Vail Mountain SNOTEL station, May 13, 2024 (USDA)

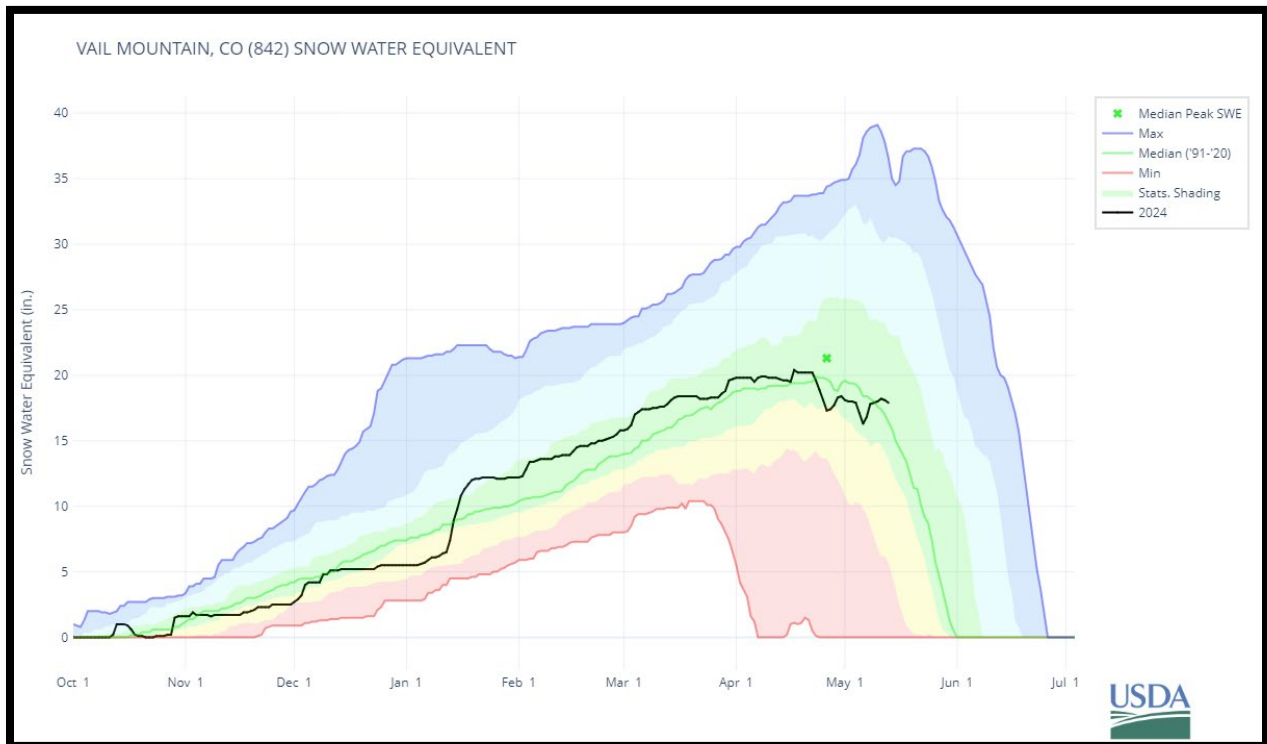
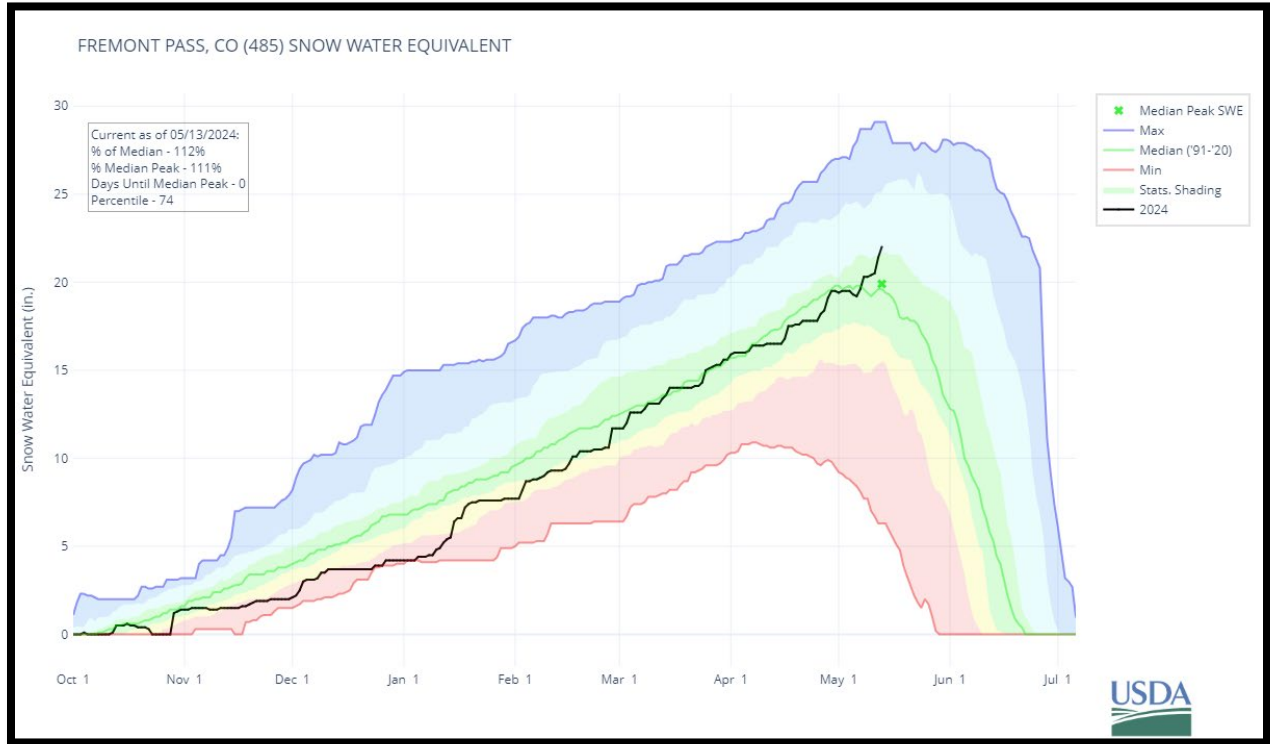


Figure 5: Accumulated Precipitation at Fremont Pass SNOTEL station, May 13, 2024 (USDA)



Reservoir Volumes

Table 1 summarizes the reservoir storage accounts and indicates that the reservoir storage accounts are nearly full. We expect all the reservoirs to completely fill this spring based on the snowpack conditions and existing reservoir levels. Figures 6 and 7 are charts of the Eagle River Water and Sanitation District’s (ERWSD) reservoir contents since November 2022. Figures 8 and 9 are of the Upper Eagle Regional Water Authorities' (UERWA) reservoir contents since November 2022.

Table 1: District and Authority storage accounts for May 1, 2024 (Helton and Williamsen).

May 1, 2024 Volumes in Storage (acre-feet) and Percentages of Full:

Reservoir	ERWSD		UERWA		Total	
Green Mountain	915.16	98%	475	87%	1390.16	94%
Black Lakes	180.6	42%	180.6	60%	180.6	42%
Eagle Park	405.54	99%	672.28	95%	1077.82	97%
Homestake Res	250	100%	256.50	100%	506.50	100%
Wolford Mtn	500	100%	699.77	98%	1199.77	99%

*Homestake Year is currently set as July 1 to June 30.

Figure 6: ERWSD Eagle Park and Black Lake Reservoir Contents

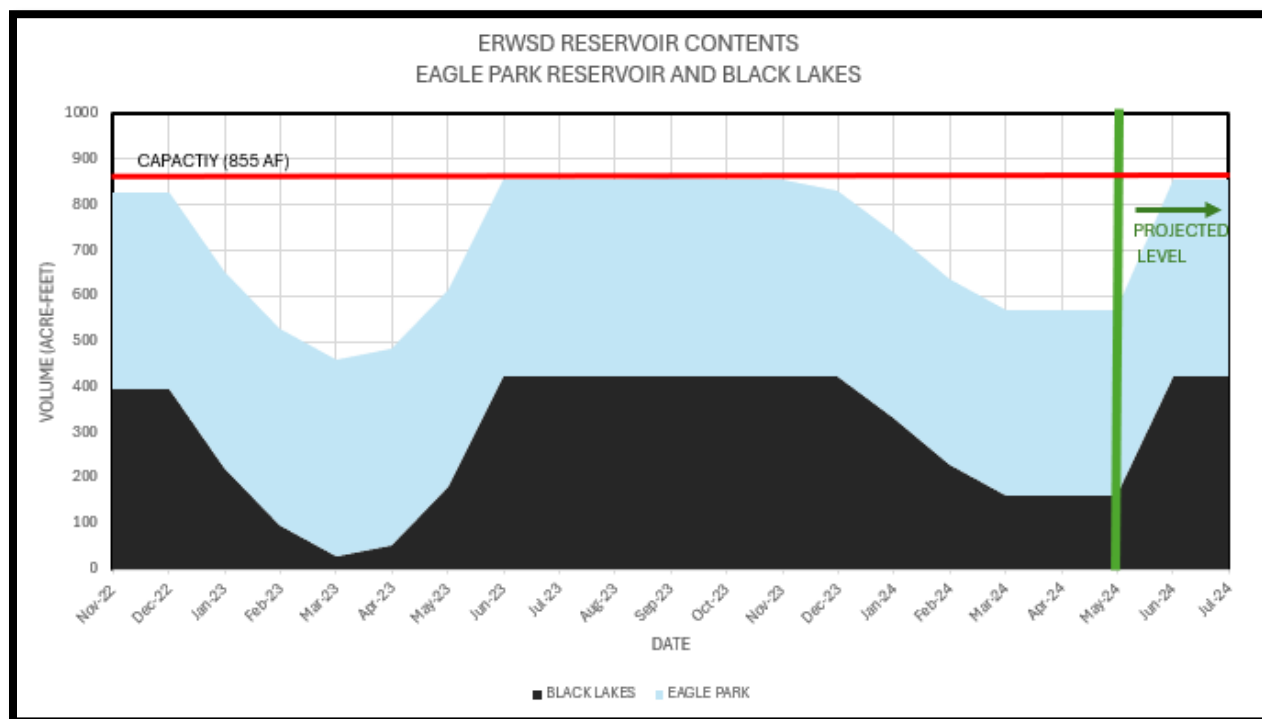


Figure 7: ERWSD Green Mountain and Wolford Reservoir Contents

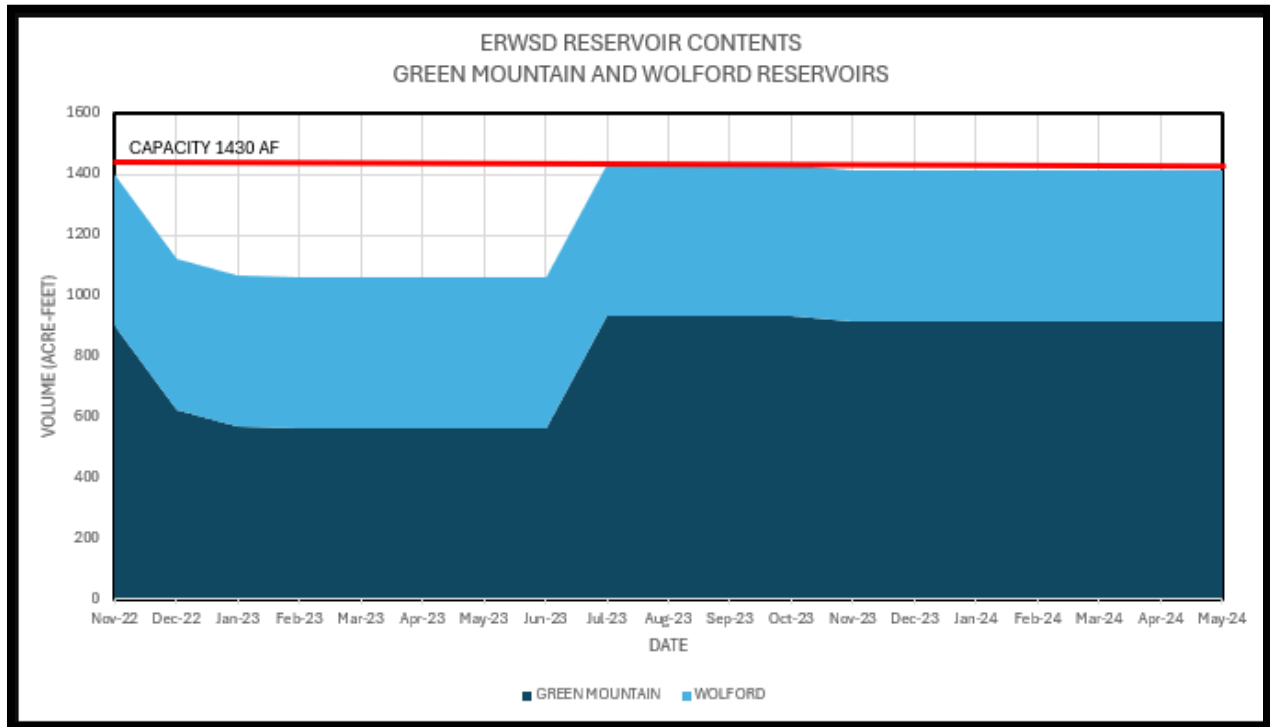


Figure 8: UERWA Eagle Park Reservoir Contents

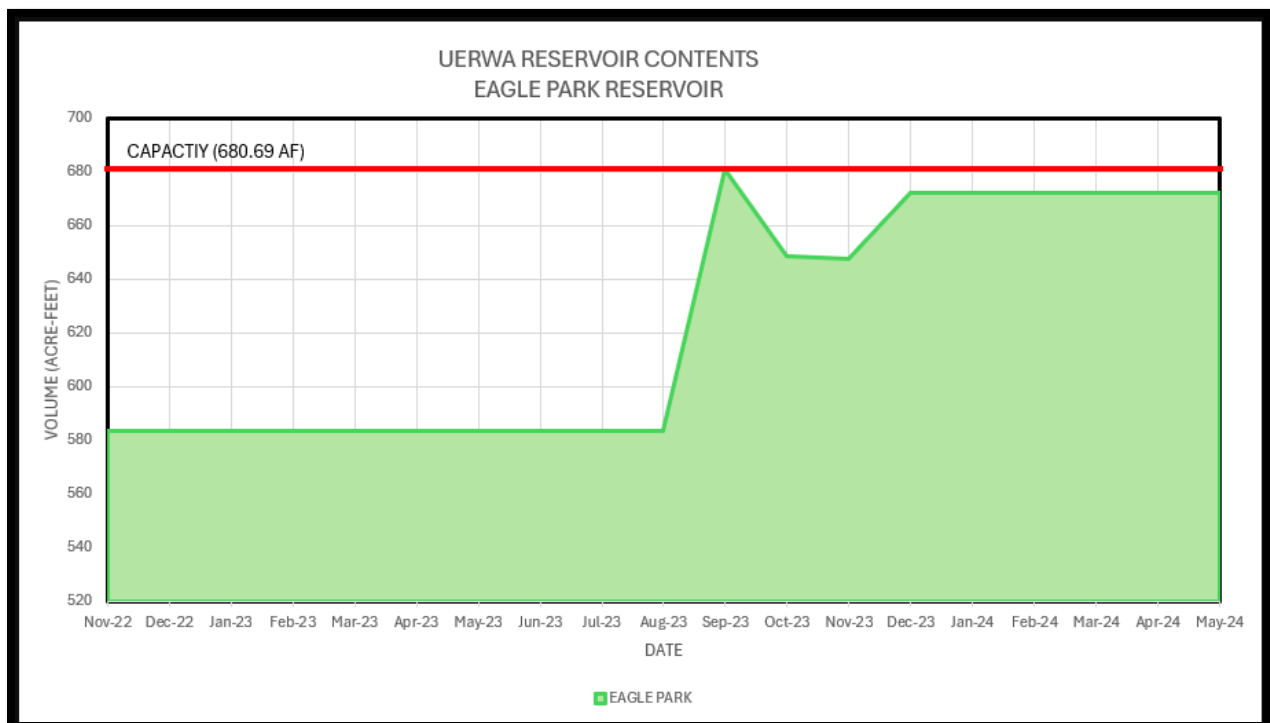
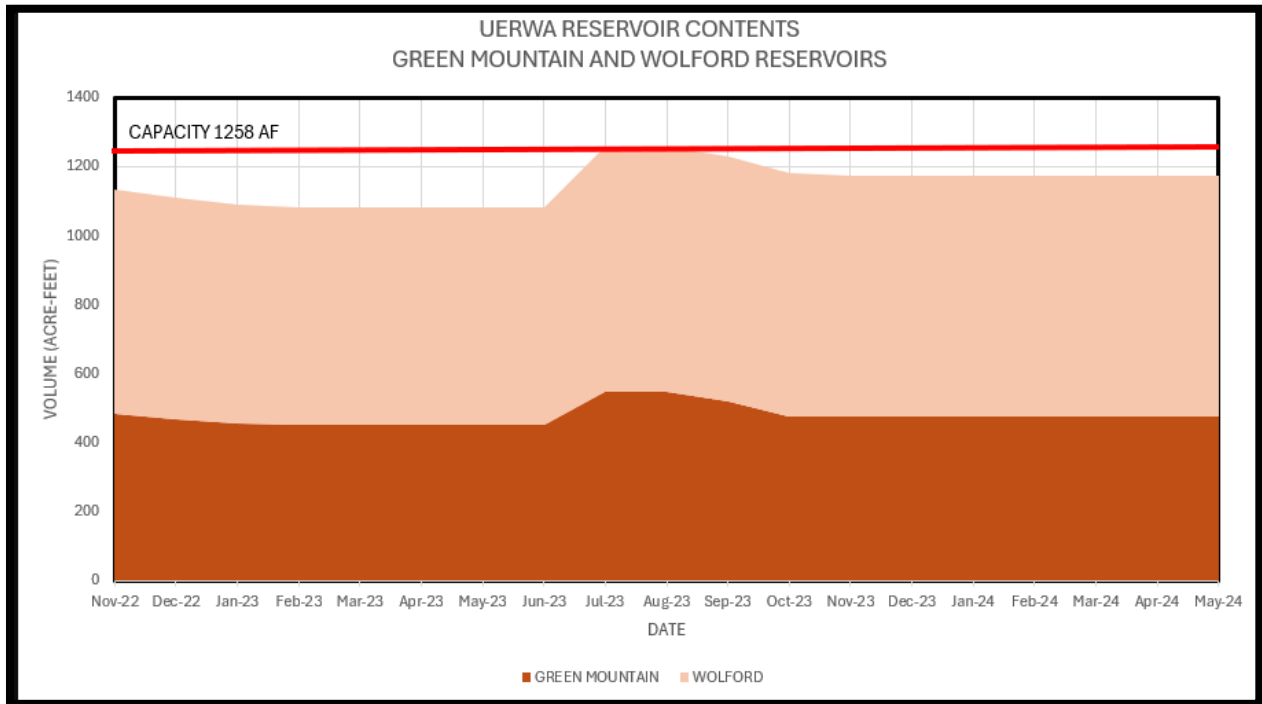


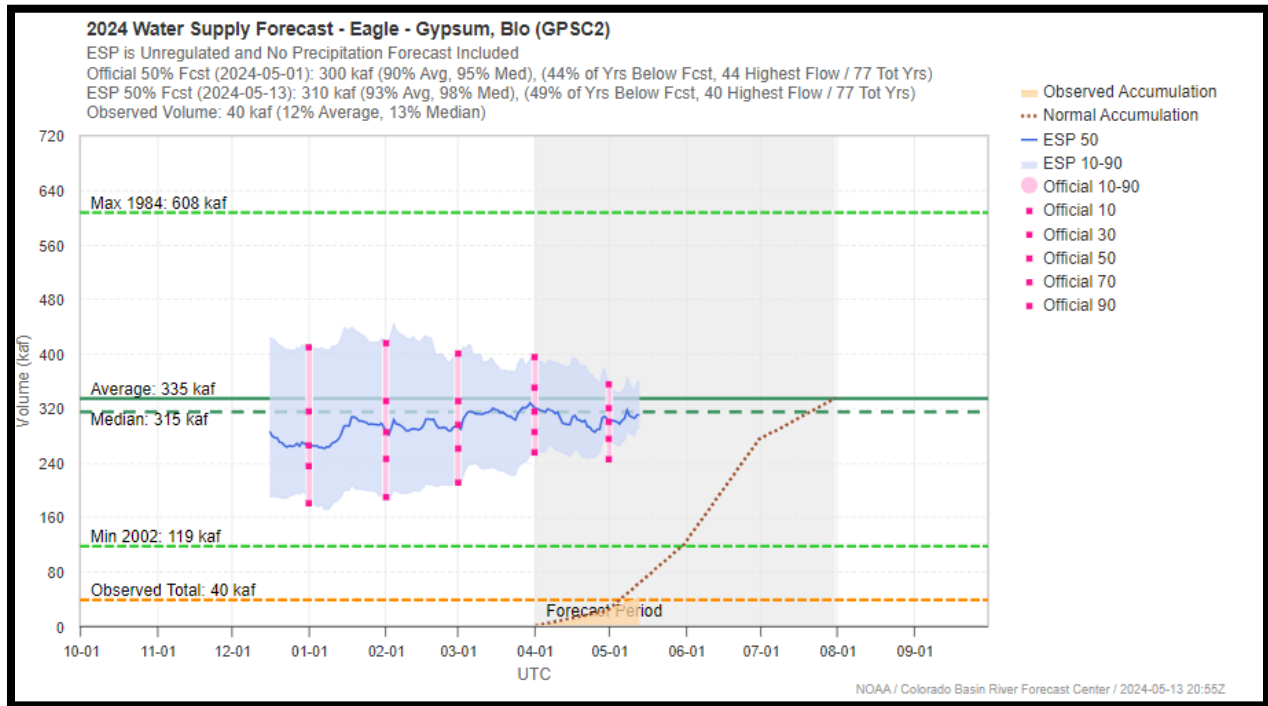
Figure 9: UERWA Green Mountain Reservoir and Wolford Reservoir Contents



Eagle River Basin Water Supply Forecast

The National Weather Service Colorado Basin River Forecast Center model predicts the water supply from the Eagle River Basin will be between 292,000 to 360,000 acre-feet. The 50% probability forecast is 310,000 acre-feet, 98% of the historical median. This forecast does not account for future weather, which can impact the runoff quantity.

Figure 10: 2024 Eagle River Basin Water Supply Forecast



Authority Unallocated In-Basin Storage Supply

Updated: 05/15/2024 by JEC

	In-basin Reservoir Storage, acft Affordable Housing Reserve ²	In-basin Reservoir Storage, acft Unrestricted ³
Available Unallocated In-Basin Storage¹	87.40	75.00
Dedication Requirements for New Projects		
State Land Board (Avon)	16.00	--
Eagle-Vail Presbyterian Church Employee Housing (Eagle County)	--	0.17
Eagle County Freedom Park Project (Berry Creek)	3.28	
Cairns Townhomes (Edwards)	--	1.08
Total Pending Dedications	19.28	1.25
Remaining Unallocated In-Basin Storage	68.12	73.75

Notes:

1) Available Unallocated In-Basin Storage based on modeling for February 2023 Water Rights Report using Buildout Demands with Conservation and 95th Percentile Dry Year Hydrology under Median Climate Change Scenario. Pending developments that were included in the buildout demands include the West End PUD, the Edwards River Park PUD, the Margaux PUD, and the Warner Building Redevelopment.

2) Affordable Housing Reserve In-basin Reservoir Storage is Eagle Park water transferred to UERWA by Eagle County for water rights dedication requirements of housing projects subject to the terms of the Eagle Park Reservoir Stock Agreement between the Authority and Eagle County. Projects utilizing this water are subject to approval by the Authority and Eagle County.

3) Unrestricted In-basin Reservoir Storage includes 25 acft option purchased from ERWSD and 50 acft lease from the Colorado River Water Conservation District.

4) Water dedication requirements and sources are based on best available information and are subject to change.



UERWA New Development Report, May 2024

Project Location	Type of Use	Water Source	SFEs Proposed	Augmentation Requirement (acre-feet)	Application Initiation Date	Development Approval Process Step:	Construction Approval Process Step:	
CMC Student Housing Building 3	Residential	TBD	36	TBD	May 7, 2023	1. Connection Application	1. Plan Review	
State Land Board Parcels Avon	Mixed	Eagle County Agreement	700 Units + 60,000 SF Com	16	August 7, 2023	2. Water Analysis	0. Conceptual	
Eagle River Presbyterian Church Housing Unincorporated ECO	Residential	Unallocated	2	0.17	June 20, 2023	3. Cond. Capacity Expires October 24, 2024	1. Plan Review	
West Riverview (formerly Cairns) Edwards	Residential	Unallocated	9	1.08	June 7, 2023	3. Cond. Capacity Expires May 13, 2025	0. Conceptual	
Eagle County - Freedom Park Project	Mixed	Eagle County Agreement	20 + Com	3.28	May 22, 2023	3. Cond. Capacity Expires January 12, 2025	1. Plan Approval	
Margaux PUD Edwards	Residential	Unallocated	32	3.56	October 11, 2021	3. Cond. Capacity Expires October 9, 2024	0. Conceptual	
Edwards River Park PUD Edwards	Mixed	Unallocated	440	60.85	December 2, 2016	3. Cond. Capacity Expires February 2025	0. Conceptual	
Projects not requiring or that have completed Water Rights Dedication								
Prime West Apartments	Residential	Traer Creek Water Service Agreement	242		May 13, 2024	1. Connection Application	1. Plan Review	
130 W BC BVLD Hotel Avon	Residential	Avon SFE Guarantee	80		March 20, 2024	N/A	0. Conceptual	
Gracious Savior Lutheran Church and Eagle County School District Housing Project	Residential	Edwards Metro District Water Rights	6		November 22, 2023	5. Ability to Serve Letter	N/A	
Vail Valley Foundation Childcare Center Traer Creek	Mixed	Traer Creek Water Service Agreement	TBD		October 13, 2023	1. Connection Application	0. Conceptual	
Slopeside Housing Avon	Residential	Avon SFE Guarantee	TBD		October 5, 2023	1. Connection Application	0. Conceptual	
140 W BC BVLD Hotel Avon	Residential	Avon SFE Guarantee	79		May 16, 2023	N/A	1. Plan Review	
Tract Y- Metcalf Road Avon	Residential	Avon SFE Guarantee	53		February 16, 2023	5. Ability to Serve Letter	3. Under Construction	
McGrady Acres Avon	Residential	Avon SFE Guarantee	24		August 5, 2021	5. Ability to Serve Letter	3. Under Construction	
Warner Building 2 Conversion Eagle-Vail	Residential	Unallocated	13.6	0.07	March 16, 2018	5. Ability to Serve Letter	N/A	
West End PUD Amendment Edwards	Residential	Unallocated	275	34.25	February 27, 2019	3. Cond. Capacity Reissued Nov. 15, 2023	1. Plan Review	
Fox Hollow Amended PUD Edwards	Mixed	Unallocated	108	14	February 28, 2017	5. Ability to Serve Letter	4. Construction Acceptance	
Projects Completing Construction Warranty Period								
CMC Student Housing , ECO School District Housing, Frontgate, Maverik Gas Station, NorthStar PUD, Piedmont Apartments, Avon Dual Brand Hotel Traer Creek - Tract J								
Development Approval Process Steps:	1. Connection Application			2. Water Demand Worksheet Analysis	3. Conditional Capacity to Serve Letter	4. Water Rights Allocation & Service Agreement		5. Ability to Serve Letter
Construction Approval Process Steps:	0. Conceptual			1. Plan Review	2. Plan Approval	3. Under Construction		4. Construction Acceptance



ERWSD New Development Report, May 2024

Project Location	Type of Use	SFEs Proposed	Augmentation Requirement (acre-feet)	Application Initiation Date	Development Approval Process Step:	Construction Approval Process Step:
Timber Ridge II Redevelopment	Residential	294 (195.4 net increase)	2.2	July 25, 2023	3. Conditional Capacity to Serve Letter	1. Plan Review
Maloit Park ECO School District Housing Minturn	Residential	138 (122 net increase)	N/A	July 21, 2023	N/A	1. Plan Review
Midtown Village PUD Minturn	Mixed	42 + Com	N/A	October 13, 2022	N/A	1. Plan Review
North Minturn PUD Minturn	Residential	36	N/A	October 10, 2022	N/A	3. Under Construction
Middle Creek Lot 4,5 Vail	Mixed	268	4.2	June 28, 2022	0. Conceptual	1. Plan Review
Wolcott PUD Wolcott	Mixed	360 + Com		May 11, 2022	0. Conceptual	0. Conceptual
Belden Place (1200 Block Main St) Minturn	Residential	39	N/A	December 23, 2020	N/A	2. Plan Approval
Highline (Double Tree Expansion) Vail	Residential	43.65	0.79	July 11, 2019	5. Ability to Serve Letter	2. Plan Approval
500 E Lionshead Circle - Legacy Vail	Residential	20	0.29	August 29, 2018	4. Water Rights Allocation & Service Agreement	3. Under Construction
Alura (Miradoro) Vail	Residential	10	0.405	May 29, 2018	4. Water Rights Allocation & Service Agreement	3. Under Construction
534 E Lionshead Circle - Elevation Vail	Residential	12	0.31	May 14, 2018	1. Connection Application	0. Conceptual
Projects Completing Warranty Period						
VVMC Phase II-East Wing, Vail Marriot Residence Inn, Residences at Main Vail						
Development Approval Process Steps:	1. Connection Application		2. Water Demand Worksheet Analysis	3. Conditional Capacity to Serve Letter	4. Water Rights Allocation & Service Agreement	5. Ability to Serve Letter
Construction Approval Process Steps:	0. Conceptual		1. Plan Review	2. Plan Approval	3. Under Construction	4. Final Acceptance



MEMORANDUM

TO: Boards of Directors
FROM: Diane Johnson, Communications & Public Affairs Manager
DATE: May 23, 2024
RE: Communications and Public Affairs Report

2024 Colorado Legislative Session

The session ended May 8 with several major bills wrapping up right at the end, along with a smaller one that could have had serious negative impacts on water and sanitation districts.

[House Bill 24-1379](#), Regulate Dredge & Fill Activities in State Waters, was intended to fill the gap left by last year's [U.S. Supreme Court ruling](#) on the [Waters of the US \(WOTUS\) Rule](#). The bill creates a new program in the Colorado Department of Public Health and Environment, which must promulgate rules by Dec. 31, 2025. The bill was sent to Governor Polis on May 16.

[Senate Bill 24-197](#), Water Conservation Measures, implements some of the recommendations of the [Colorado River Drought Task Force](#). Senator Roberts was prime sponsor. It was sent to Governor Polis on May 8.

[Senate Bill 24-081](#), Perfluoroalkyl & Polyfluoroalkyl Chemicals, modifies current law that prohibits the sale or distribution of products that contain intentionally added PFAS chemicals. It was signed May 1.

[House Bill 24-1362](#), Measures to Incentivize Graywater Use, authorizes the installation of graywater treatment works *in new construction projects* and the use of graywater statewide. Local governments may opt-out; it was previously opt-in. The bill was sent to Governor Polis on May 16.

[House Bill 24-1463](#), Restrictions on Tap Fees, originally proposed a variety of constraints concerning special district tap fees. It targeted one district in Lakewood but would have applied statewide. It was introduced Apr. 23 and its Apr. 30 Hearing primarily had opposing testimony. I testified in opposition, armed with information from Kristin, Jason, and Kathryn. At the end of the hearing, the prime sponsors offered amendments that gutted the bill and only left a provision that, "*...the board of a special district, within 30 days of receiving a written request from any local government within the boundaries of which the district operates or partly operates, provide the rate schedule for the district's tap fees, system development fees, or other fees and charges that contemplate future water or sanitation system usage, and, upon request of the local government, provide any professional analyses and a detailed written justification of the costs and methodologies used to calculate those fees.*" The amended bill passed both the House and Senate.

Eagle River Valley State of the River meeting

Eagle River Water & Sanitation District will again host the Eagle River Valley version of the Colorado River Water Conservation District's ["State of the River" meetings](#) that occur annually throughout their 15-county service area.

The meeting will be held at 5:15 p.m., Wednesday, May 29, at Colorado Mountain College in Edwards. The format will follow the previous ones, with information tables and food available at 5:15 p.m. to be

followed by a variety of speakers from 6 to 8 p.m. The Eagle River Valley State of the River meeting is FREE and open to the public, though space is limited. We strongly encourage people to [register online](#).

Representative Neguse meeting

Rep. Joe Neguse was in Eagle County on Apr. 24 (to [visit Gypsum’s wastewater treatment facility](#) among other things) and held “coffee with Joe” in Eagle. Siri and I attended the meeting to continue connecting with Rep. Neguse and his staff, especially about the Bolts Ditch Act and potential Bolts Lake funding.

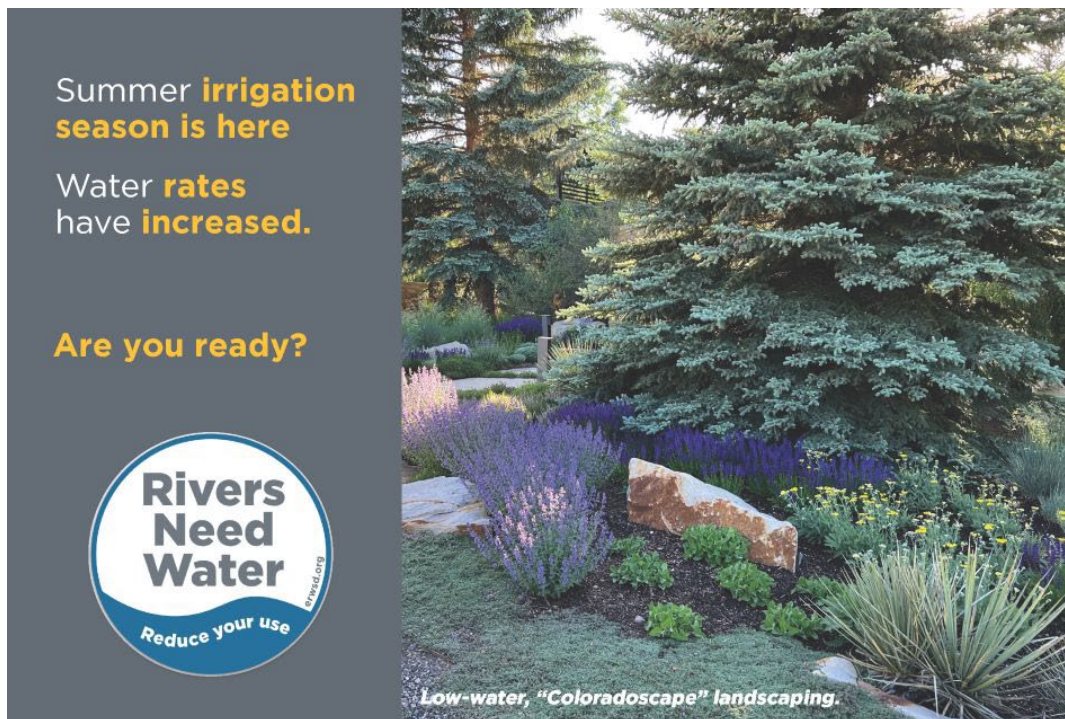
Water Use Regulations

The [Water Use Regulations brochure](#) was sent to every customer account with their May billing statement (also attached). This annual update serves as a general reminder to our customers about outdoor water use. This year’s brochure also emphasizes the updated water use rate structure to reinforce previous notifications. The brochure is in English on one side and Spanish on the other, which after last year’s first effort, will now be the norm for this piece. During the summer, the Vail Daily prints the outdoor water use schedule every day in the paper on the weather page, which started April 23. Our normal regulations are in effect year-round and are purposely “regulations” rather than “restrictions.” If needed, we would implement restrictions, but our goal is to keep customers within the normal regulations.

Rates and conservation outreach

Building on our communications about the change in the rate structure for individually metered residential and irrigation-only account types, we mailed an “Understanding Your Customer Bill” flyer to every customer account, which began arriving in mailboxes in mid-May. Some of the information highlighted the billing statement improvements that were presented to the boards during the April meetings, while other items sought to clarify basic information on customer bills. The flyer graphic can be found on our [Rate Change FAQs webpage](#) as well as the [New Customers webpage](#).

Additionally, to provide another reminder about the 2024 rate increase, we are sending a postcard that outlines the basic changes made to the individually metered residential and irrigation-only account types. (See graphics below.) Every customer account should receive the postcard shortly after Memorial Day.



The water use rate structure was updated for two account types.

These **changes primarily affect high-water users** and encourage customers to reduce outdoor water use.

- **Individually Metered Residential accounts.** The rate structure update equalized the amount of water in each usage tier, regardless of home size. Homes greater than 3,000 sq. ft. are no longer allotted more water in each tier which results in every individual residential customer moving to higher tier prices at the same water use thresholds.
- **Irrigation-Only accounts.** All accounts will be billed based on their irrigated area.

The rate structures for **all other account types remain unchanged**, with adjustments slated for 2025.

To **understand how the rate change will affect your monthly bill**, use the online bill forecasting tool at billforecaster.erwsd.org.

For information, visit erwsd.org
or contact conservation@erwsd.org
970.477.5451



Reducing outdoor use
helps us plan for a
secure water future.



Avon Wastewater Treatment Facility Open House

Save the date! We will celebrate last year's completion of the Nutrient Upgrade Project at the Avon wastewater treatment facility with an open house and tours on **Wednesday, July 24, from 1 to 2:30 p.m.** This is the day before the July board meeting so we hope all board members can attend. The event will be open to the community, and we'll reach out to Avon officials and staff who were involved with various project permits along with neighbors who were impacted by the three-year project. More details to come.

Attachments (or hyperlinks):

1. May 16, Colorado Sun: [Colorado lawmakers passed 10 new water measures this year. These are the biggest ones.](#)
2. May 7, Aspen Journalism newsletter: [The Runoff – New Colorado River water accounting](#) (concerning study published in Nature, below)
3. May 6, NPR: [How Colorado towns are trying to get some water certainty](#) (audio)
4. Mar. 28, Nature: [New water accounting reveals why the Colorado River no longer reaches the sea](#)
5. 2024 Water Use Regulations.



**EAGLE RIVER
WATER & SANITATION
DISTRICT**

We want to help you succeed in using water differently.



2024 WATER USE REGULATIONS

**Consulte la version en español detras de la carta.*

2024 WATER USE REGULATIONS

- Follow the outdoor water use schedule based on the last digit of your street address.
- Hoses must have shutoff nozzles to prevent water waste.
- Swimming pools may only be filled once per year, unless draining for repairs is necessary.
- Outdoor private water features, such as but not limited to, fountains, waterfalls, and artificial ponds are prohibited in new construction and redevelopment.
- Water is to be used for beneficial purposes only.
- Water shall not be wasted. Flagrant runoff or other water waste is a violation of the Rules & Regulations and may result in citations and/or fines.



OUTDOOR WATER USE SCHEDULE

Each property has a maximum of three designated watering days. If watering is necessary, it must occur on your property's designated day. These regulations are in effect year-round.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
EVEN	NO OUTDOOR WATER USE	ODD	EVEN	ODD	EVEN	ODD

Outdoor water use may only occur from **midnight to 8 a.m.** or from **6 p.m. to midnight** on your property's designated day.

2024 RATE CHANGES

The water use rate structure was updated to be more equitable. These changes primarily affect high-water users.

Individually Metered Residential accounts. The rate structure update equalized the amount of water in each usage tier, regardless of home size. Homes greater than 3,000 sq. ft. are no longer allotted more water in each tier which results in every residential customer moving to higher tier prices at identical water use thresholds.

Irrigation-Only accounts. All accounts will be billed based on their irrigated area. For tiered use allotments and price, go to erwsd.org/customers/rates.

The rate structures for **all other account types remain unchanged**, with adjustments slated for 2025.

To understand how the rate changes will affect your monthly bill, use the **online bill forecasting tool** at billforecaster.erwsd.org.

2024 Water Use Rates & Tiers For Individually Metered Residential Accounts

TIER	DESCRIPTION	GALLONS PER MONTH	PRICE PER 1,000 GALLONS	
			ERWSD	UERWA
1	Efficient Indoor Use	0 - 6,000	\$3.70	\$4.94
2	Efficient Outdoor Use	6 - 12,000	\$6.72	\$7.69
3	Peak Summer Outdoor Use	12 - 18,000	\$13.28	\$13.28
4	Excessive Use	18 - 30,000	\$20.15	\$20.15
5	Unsustainable Use	Greater than 30,000	\$28.21	\$28.21

To see rates for all six account types, visit erwsd.org.

REDUCE YOUR OUTDOOR WATER USE

Only ~25% of water used for outdoor irrigation returns to a local river or stream. **The biggest opportunity for water savings is to reduce your outdoor water use.**

Here are some ways you can help protect water resources, your community, and your wallet:

- **Water less and more efficiently.** Adjust your irrigation settings, talk with your landscaper, and water just enough for the plants in your landscaping.
- **Remove irrigated, non-functional lawn.** Replacing lawn with native or drought tolerant vegetation will beautify your yard, require less water, and save you money.

- **Pay attention to your water use and bill.** Use your free WaterSmart account to monitor use, track bills, and receive leak alerts at erwsd.watersmart.com.
- **Get a rebate.** ERWSD offers rebates for landscape transformation, Smart Irrigation Controllers, and irrigation system upgrades.
- **Request an irrigation evaluation.** Individually Metered Residential accounts are eligible for a free irrigation system evaluation conducted by our certified staff.

For more water conservation resources, visit erwsd.org or email conservation@erwsd.org.



**EAGLE RIVER
WATER & SANITATION
DISTRICT**

Queremos ayudarle a tener éxito utilizando el agua de manera diferente.



2024 WATER USE REGULATIONS

REGULACIONES SOBRE EL USO DEL AGUA PARA EL 2024

- Siga el horario de riego en exteriores según el último dígito de la dirección de su residencia.
- Las mangueras deben tener boquillas de cierre para evitar el desperdicio de agua.
- Las piscinas solo pueden llenarse una vez al año, a menos que sea necesario drenarlas por reparaciones.
- Los elementos privados de agua al aire libre, como fuentes, cascadas y estanques artificiales, están prohibidos en nuevas construcciones y reurbanizaciones.
- El agua debe utilizarse únicamente para fines beneficiosos.
- No se debe desperdiciar el agua. La fuga evidente de agua u otras pérdidas de agua son una violación de las Regulaciones sobre el Uso del Agua y pueden resultar en citaciones y/o multas.



HORARIO DE RIEGO EN EXTERIORES

Cada propiedad tiene un máximo de tres días designados para regar. Si es necesario regar, debe hacerlo en su día designado. Estas regulaciones están vigentes durante todo el año.

Domingo	Lunes	Martes	Miércoles	Jueves	Viernes	Sábado
PAR	NO SE USA AGUA PARA EXTERIORES	IMPAR	PAR	IMPAR	PAR	IMPAR

Solo puede usar agua al aire libre desde la medianoche hasta las 8:00 a.m. o desde las 6:00 p.m. hasta la medianoche en el día designado para su propiedad.

CAMBIO EN LAS TARIFAS PARA EL 2024

La estructura de tarifas de uso del agua se actualizó para ser más equitativa. Estos cambios afectan principalmente a los que usan agua en grandes cantidades.

Cuentas residenciales con medidores individuales. La actualización de la estructura de tarifas hizo que cada nivel de uso tenga la misma cantidad de agua, sin importar el tamaño de la casa. Ahora, las viviendas de más de 3,000 pies cuadrados no reciben más agua en cada nivel, lo que significa que todos los clientes residenciales pagan precios más altos por la misma cantidad de agua utilizada.

Cuentas de solo riego. Todas las cuentas se facturarán según su área de riego. Para asignaciones y precios de uso por nivel, visite erwsd.org/customers/rates.

Las estructuras de tarifas para todos los demás tipos de cuentas permanecen sin cambios, con ajustes programados para el 2025.

Para comprender cómo los cambios en las tarifas afectarán su factura mensual, **utilice la herramienta de pronóstico de facturación en billforecaster.erwsd.org.**

Tarifas y niveles de uso de agua en el 2024 Para cuentas residenciales con medidores individuales

NIVEL	DESCRIPCIÓN	GALONES POR MES	PRECIA POR 1,000 GALONES	
			ERWSD	URWA
1	Uso Eficiente en Interiores	0 - 6,000	\$3.70	\$4.94
2	Uso Eficiente en Interiores	6 - 12,000	\$6.72	\$7.69
3	Uso en Exteriores Pico en Verano	12 - 18,000	\$13.28	\$13.28
4	Uso Excesivo	18 - 30,000	\$20.15	\$20.15
5	Uso Insostenible	Greater than 30,000	\$28.21	\$28.21

Para ver las tarifas de los seis tipos de cuenta, visite erwsd.org.

REDUZCA SU USO DE AGUA AL AIRE LIBRE

Solo ~25% del agua utilizada para el riego en exteriores vuelve a un río o arroyo local. **La mayor oportunidad para ahorrar agua es reducir su uso al aire libre.**

Aquí hay algunas formas en que puede ayudar a proteger los recursos de agua, su comunidad y su bolsillo:

Use menos agua y de manera más eficiente. Ajuste la configuración de su riego, hable con su jardinero y riegue solo lo suficiente para las plantas en su jardín.

Elimine el césped irrigado, pero no funcional. Reemplace el césped con vegetación nativa o resistente a la sequía que embellecerá su patio, requerirá menos agua y le ahorrará dinero.

Preste atención a su consumo de agua y factura. Utilice su cuenta gratuita de WaterSmart para monitorear el consumo, hacer seguimiento de las facturas y recibir alertas de fugas en erwsd.watersmart.com.

Obtenga un reembolso. ERWSD ofrece reembolsos para transformación del paisaje, controladores de riego inteligentes y actualizaciones del sistema de riego.

Solicite una evaluación de riego. Las cuentas residenciales con medidores individuales son elegibles para una evaluación gratuita del sistema de riego realizada por nuestro personal certificado.

Para obtener más recursos de conservación del agua, visite erwsd.org o envíe un correo electrónico a conservation@erwsd.org.