

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

Held: Monday, the 11th day of March, 2024, at 8:30 A.M.

The meeting was conducted via teleconference.

ATTENDANCE

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

Tad Stout, President
Nels Nelson, Treasurer
Anne Hennen, Assistant Secretary
Matt Pettinger, Assistant Secretary
Director Cockroft, Secretary

Also present were Eric Reckentine, General Manager and Garrett Mick Operations Manager of the District; Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District General Counsel; Jamie Cotter, Esq., SPENCER FANE, LLP, Special Counsel; Richard Raines, Water Resources; Angeal Thompson, Slate Communications; Keith Meyer, Ditesco; Dave Wiggins, Stantec; and members of the public including, Todd Bean, Lindsey Radcliff-Coombs and Dave Bruin, of the Town of Severance.

ADMINISTRATIVE MATTERS

Call to Order

The meeting was called to order at 8:30 A.M.

Declaration of Quorum and Confirmation of Director Qualifications

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

Reaffirmation of Disclosures of Potential or Existing Conflicts of Interest

Mr. White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White reported that disclosures for those directors that provided WHITE BEAR ANKELE TANAKA & WALDRON with notice of potential or existing conflicts of interest, if any, were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. White inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest about any matters scheduled for discussion at the meeting. All directors reviewed the agenda for the meeting and confirmed

that they have no additional conflicts of interest in connection with any of the matters listed on the agenda.

Approval of Agenda

Mr. Reckentine presented the Board with the agenda for the meeting and suggested the removal of the Connel Resources Change Order – Eaton Pipeline Phase II from the consent agenda, and the addition of recognition of former employee Mr. Scott Kerr for his dedication. Upon motion of Mr. Nelson, seconded by Mr. Cockroft, the Board unanimously approved the agenda as amended.

PUBLIC COMMENT

Mr. Bruin from the Town of Severance Town Council addressed the Board regarding the letter from the District to the Town Council and stated he will be serving as the new liaison to the District and will be moving forward with open communication.

Mr. Bean addressed the Board regarding his comments made about the District and noted he sent a letter to the Board and legal counsel related to the same.

RECOGNITION OF FORMER EMPLOYEE SCOTT KERR

The Board acknowledged the valuable service of former employee Scott Kerr, who passed away after a difficult battle with cancer.

CONSENT AGENDA MATTERS

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

- a. Minutes from February 12, 2024 Regular Meeting and February 26, 2024 Work Session
- b. Invoices through March 11, 2024
- c. Kimberly Horn Work Order Amendment – Endor NEWT III
- d. Work Change Order Directive No 014 – Harmony Interconnect
- e. Larimer #2 Lateral Change Order 1
- f. Variance Request Tap Relocation and Divestment
 - I. BAE LLC – Divest 2 Water Allocations
 - II. Chad Woodrum – Allocation Transfer Request
- g. Easement Agreements
 - I. Waag Easement Agreements – NEWT III
 - II. K&M Possession for #8 Crossing

Discussion Regarding NEWT III Construction Update

Mr. Meyer presented an update to the Board regarding the NEWT III Construction. He noted the project is progressing on schedule despite delays related to the pipe being delivered.

Consider Adoption of Resolution 20240311-01:

Mr. Reckentine presented to the Board the Resolution Adopting a Second Amendment to the Amended and Restated Water

Resolution Adopting a Dedication Policy. He noted that the purpose for the resolution is to allow commercial tap holders who have not dedicated enough water to start dedicating water to the District in order to reduce their surcharge costs. Following discussion, upon a motion of Mr. Cockcroft and seconded by Mr. Nelson, the Board unanimously adopted the resolution as permissive rather than mandatory.

Discussion Regarding The Board engaged in a general discussion from the prior work session regarding the Regional Master Plan in executive session.

Executive Session: The Board reserves the right to enter into Executive Session for the following purposes: Upon a motion of Mr. Nelson, seconded by Mr. Pettinger, followed by an affirmative vote of at least two-thirds of the quorum present, the Board enter into executive session at 9:08 AM for the purpose of receiving legal advice on and discussion matters subject to negotiation and strategy pursuant to Section 24-6-402(4)(e), C.R.S. related to Regional Master Plan.

Receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(e), C.R.S. Related to Regional Master Plan Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of legal counsel to the District, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(e), C.R.S.

Following the Executive Session the Board took the following action:

The Board directed staff and legal counsel to discuss plant investment allocations to each of the Towns receiving service from the District and begin working on new water service agreements with each of the Towns. The Town will be offered the following plant investments:

- Ault – 22
- Eaton – 120
- Nunn – 6 or greater if needed
- Pierce – 35
- Severance – 120
- Windsor – 0
- NCWA – 3 or greater if needed

DISTRICT MANAGER'S REPORT

Tap Sales Mr. Reckentine reported to the Board there were 5 taps sold in February, and individual tap sales have opened up as of March 11, 2024. It is anticipated that all 25 available taps will be sold for this quarter.

Letter to Northern Colorado Water Utility Managers and Elected Officials Mr. Reckentine reported to the Board that the letter to the Northern Colorado Water Utility Managers and their Elected Officials have been prepared by Slate Communications and will be mailed on March 11, 2024.

Letter to Town of Severance Mr. Reckentine reported to the Board that the letter to the Town of Severance regarding communication will be mailed on March 11, 2024.

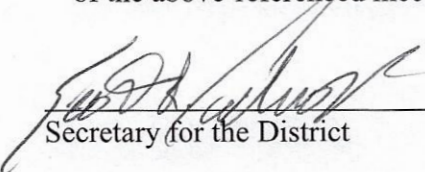
CWCB Grant Approved for Conservation Plan Mr. Reckentine reported to the Board that the grant has been approved and the conservation plan is currently being updated.

Customer Survey Lead and Copper Lines Mr. Reckentine reported to the Board that customers are being invited in their next water bill to participate in a survey regarding lead and copper water lines.

OTHER BUSINESS None.

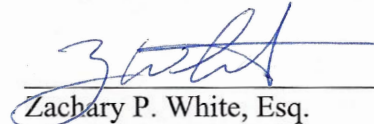
ADJOURNMENT There being no further business to be conducted, the meeting was adjourned.

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


Secretary for the District

**ATTORNEY STATEMENT
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing North Weld County Water District, I attended the executive session meeting of the North Weld County Water District convened at 9:08 A.M. on March 11, 2024 for the sole purpose of receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(e), C.R.S. related to Regional Master Plan. I further attest it is my opinion that a portion of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.



Zachary P. White, Esq.