

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

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

The meeting was conducted via teleconference.

ATTENDANCE

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

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

Also present were Eric Reckentine, General Manager of the District; Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Jamie Cotter, SpencerFane, District special counsel; Chris Otto and Patrick Shubitt; Plante Morane, District auditor; Richard Reins, Water Resources; Angela Thompson, Slate Communication; Dave Bruin, Town of Severance; and members of the public.

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. Upon motion of Mr. Nelson, seconded by Mr. Pettinger, the Board unanimously approved the agenda as presented.

PUBLIC COMMENT

None.

CONSENT MATTERS

AGENDA

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

- a. Minutes from June 10, 2024, Regular Meeting
- b. Unaudited Financial Statements June 2024
- c. Invoices through July 8, 2024
- d. Letter of Intent Single Lot
 - i. Shiner
- e. *Removed*
- f. City of Greeley Overland Ponds Amended Site Maintenance Agreement
- g. Slate Communications Letter of Termination of Services
- h. Authorization # 3 Greeley and NWCWD Harmony Interconnect

Consider Acceptance of 2023 Draft Financial Audit, Plante Moran

Mr. Otto and Mr. Shubitt presented to the Board the 2023 Audit and indicated the issuance of a clean, unmodified opinion. Following discussion, upon a motion by Mr. Nelson, seconded by Mr. Cockroft, the Board accepted the 2023 Audit.

FCWLD and NWCWD Buss Grove Interconnect IGA and FCLWD Capacity Issues

Mr. Reckentine presented to the Board a memo describing the current situation with Fort Collins-Loveland Water District's (FCLWD) use of the Buss Grove interconnect to meet oversold capacity demands. Mr. White and Mr. Reckentine informed the Board that the interconnect has been used historically, but the record does not reflect an IGA with FCLWD was ever executed. This was confirmed by counsel to FCLWD. The District has shut down use of the interconnect and Mr. Reckentine has discussed the issues with FCLWD.

The Board entered Executive Session to discuss potential liability issues.

Following the Executive Session and further discussion by the Board, the Board directed legal counsel and staff to notify FCLWD the District is willing to entertain an IGA with FCLWD for use of the interconnect which would include a high penalty rate for non-emergency use of the interconnect. The Board directed the District always serve its own customers before helping others solve their self-made problems.

Selection of Public Relations Firm and Approval of Engagement Letter

Mr. Reckentine presented proposals for new PR services from The Solution PR and Novitas. Mr. Reckentine has met with both firms and recommended engagement of The Solution PR. The Board discussed the District's PR needs with Mr. Pettinger stating he does not believe the District should engage in PR efforts with District funds. Following discussion, upon a motion by Mr. Nelson, seconded by Mr. Cockroft, the Board approved the engagement of The Solution PR. Mr. Pettinger opposed.

Consider Approval of Variance Proposals Related to NWCWD Development Review Policy

Saddler Development

The Board entered Executive Session to discuss a variance request from the Saddler Development. Ms. Cotter, District special counsel discussed the matter with the Board. Mr. White left the room due to a conflict of interest with the Saddler Development.

Following the Executive Session and further discussion by the Board, upon a motion by Mr. Nelson, seconded by Mr. Cockroft, the Board approved the variance request allowing the construction of a pump station.

Foss Dairy

Owners of the Foss Dairy presented a request for variance from the District's stop on development review. The owners requested development review to convert a residential tap to a commercial tap. The surcharge on the residential tap use is creating financial difficulty. Following discussion, upon a motion by Mr. Nelson, seconded by Mr. Cockroft, the Board approved the variance from the development review stop.

NWCWD Regional Master Plan Update and Growth Projection Analysis 2030 through 2040

The Board entered Executive Session to discuss Regional Master Plan and Growth Projection Analysis.

Following Executive Session, no action was taken.

Update re Litigation with Eagle View Farms, LLC and Litigation Issues

Ms. Cotter updated the Board regarding an order from the Court of Appeals in favor of Eagle View Farms.

The Board entered Executive Session to receive legal advice related to the implication of the Order.

Following Executive Session, the Board requested an analysis of potential damages the District may be liable for. No action was taken.

Executive Session: The Board reserves the right to enter into Executive Session for the following purposes: Receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(a)(b)(e) & (f), C.R.S. related to Regional Master Plan; Development Review Variance Requests; FCLWD and NWCWD Buss Grove Interconnect IGA and Usages; and Eagle View Farms, LLC Litigation.

Upon a motion of Ms. Hennen, 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 10:05 AM for the purpose of receiving legal advice on and discussion matters subject to negotiation and strategy pursuant to Section 24-6-402(4)(a)(b)(e)&(f), C.R.S. related to Regional Master Plan, Development Review Variance Requests, FCLWD and NWCWD Buss Grove Interconnect IGA and Usages; and Eagle View Farms, LLC Litigation.

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.

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

The Board reconvened in regular session at 12:08p.m.

DISTRICT MANAGER'S REPORT

Tap Sales

Mr. Reckentine reported to the Board there were 45 taps sold to date.

Line 1 Transmission Line Repair

Mr. Reckentine reported that repairs on Line 1 were completed 3 weeks ago.

September Meeting Date

The Board moved the September meeting to September 3 to accommodate travel schedules.

BPCCC Legislative Change July 1, 2024

Mr. Reckentine reported to the Board regarding a legislative change requiring backflow inspections to be completed by licensed plumbers. Ongoing discussions with the CDPHE and DORA will continue on this issue to try to seek a legislative fix or loophole.

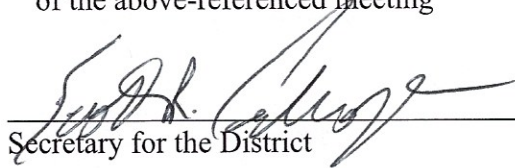
OTHER BUSINESS

None.

ADJOURNMENT

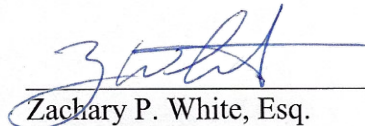
There being no further business to be conducted, the meeting was adjourned.

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 at the regular meeting of North Weld County Water District convened at 10:05 A.M. on July 8, 2024 for the sole purpose of discussing receiving legal advice on and discussion matters subject to negotiation and strategy pursuant to Section 24-6-402(4)(b)&(e), C.R.S. related to Regional Master Plan; Development Review Variance Requests; FCLWD and NWCWD Buss Grove Interconnect IGA and Usages; and Eagle View Farms, LLC Litigation. as authorized by Section 24-6-402(4)(b)&(e), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.


Zachary P. White, Esq.