

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

Held: Monday, the 14th day of November, 2022, 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
Scott Cockroft, Secretary
Matthew Pettinger, Assistant Secretary
Brad Cook, Assistant Secretary

Also present were Eric Reckentine, General Manager of the District; Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Garrett Mick, North Weld County Water District; Allison Gorsevski, Lyons Gaddis, special counsel; George Oamek, Headwaters Corp; Richard Reins, Water Resources; Kim Newcomber, Slate Communications; Stephen Gagliardi, Town of Severance Liaison; 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. Pettinger, seconded by Mr. Cook, the Board unanimously approved the agenda.

PUBLIC COMMENT

Mr. Bean addressed the Board regarding water acquisitions and water banking.

CONSENT AGENDA MATTERS

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

Upon motion of Mr. Pettinger, seconded by Mr. Cockroft, the Board approved the following:

- a. Minutes from October 10, 2022, Regular Meeting
- b. Approve Unaudited Financials for October 2022
- c. Approve Invoices through November 14, 2022
- d. Tri-Hydro Consulting MSA
- e. Providence Infrastructure Consultants Scope Design NEWT III Pipeline
- f. Survey Software (Nunc Pro Tunk)
- g. Element TO 5 Change Case opposition Support Greeley WSSC Case
- h. Eaton Pipeline Project Phase 2 – Connell Resources Pipe Acquisition Change Order 01
- i. Stantec Change Order – Knox Pit Title Review Support
- j. American West 74/33 Project Change Order 01
- k. 5258 Ranch LLC Tap Relocation Request

Water Supply and Storage Recharge Site Longs Peak Dairy

- a. Notice to Proceed
- b. Notice of Award
- c. Contract for Construction Quality Pump
- d. Purchase and Sale Agreement
- e. Recharge Pond Easement Agreement

Mr. Reckentine presented to the Board regarding bids for the Long's Peak Recharge Basin Project and the bids received. There were two bidders and Quality Well & Pump, LLC was the lowest bidder. Mr. Reckentine recommended awarding the contract to Quality Well & Pump, LLC.

Following discussion, upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the board approved awarding the contract to Quality Well & Pump, LLC, approved the Notice of Award and Notice to Proceed, approved the Purchase and Sale Agreement with Longs Peak Dairy, LLC, and Recharge Pond Easement Agreement with Longs Peak Dairy, LLC. Mr. Cook voted no.

Consider Approval of Water Rights Dedication - Lorson South Land Corp. Water Dedication Agreement Ridge 5

Mr. Reckentine presented the proposed Water Dedication Agreement to complete the required dedication for Ridge 5. Following discussion, upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Water Dedication Agreement for Ridge 5 was unanimously approved by the Board.

WATTER MATTERS

a. Commercial Sector Demand Analysis Discussion and Proposed Policies

Mr. Reckentine reported to the Board regarding continuing discussions with consultants to bring new policies to the Board for consideration to address issues raised in the reviewing the reviewing commercial sector demand. The Board expressed an interest in taking reasonable action to address the issues.

b. Plant Investment and Meter Sale Matters

The Board discussed the history of tap sales to former staff and board members in Executive Session.

Saddler Ridge Development

The Board discussed in Executive Session.

EXECUTIVE SESSION

Executive Session pursuant to § 24-6-402(4)(b) and (e), C.R.S. related to:

Upon motion of Mr. Cockroft, seconded by Mr. Pettinger, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session for the purpose of determining positions relative to matters that are subject to negotiation and receiving legal advice §§ 24-6-402(4)(b) and (e), C.R.S., related to Saddler Ridge Development.

Following the conclusion of the executive session, no action was taken regarding the Saddler Ridge Development.

Following the conclusion of the executive session, the Board directed legal counsel and staff to review the history of certain tap sales to former staff and board members and report back to the Board any findings.

Adopt Resolution No. 20221114-01: Certifying Delinquent Fees to the Counties for Collection (Weld County)

Mr. White presented regarding the certification of delinquent fees to the counties for collection. Mr. White noted that notice that the Board would consider certification of delinquent fees for collection was provided to the properties indicated in the proposed resolutions. No payments were received.

Following discussion, upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board unanimously adopted Resolution 20221114-01.

Adopt Resolution No. 20221114-02: Certifying Delinquent Fees to the Counties for Collection (Larimer County)

Mr. White indicated there are no accounts for certification in Larimer County. No action was taken.

Appointment of Director to Fill Vacancy

Mr. White discussed with the Board the process to appoint directors. Mr. White reported that notice of the vacancy on the Board was published and posted to the District's website with directions to complete an application.

The Board discussed and determined to hold director interviews at its December 12, 2022 meeting. All potential candidates are expected to complete the application and return it to Mr. Reckentine before the meeting packet deadline on December 7, 2022. Mr. Reckentine will communicate the deadline to the individuals who have expressed interest in being appointed.

DISTRICT MANAGER'S REPORT

a. Tap Sales

Mr. Reckentine reported 4 taps were sold in the last month.

b. Election Status Update

The Board discussed the election results and failure to approve the mill levy ballot issue.

c. NWCWD 2023 Budget Enclosure

The Board received an updated 2023 budget.

d. Tri-Districts Dinner November 17, Ptarmigan Country Club

Mr. Reckentine reported that the Tri-District Dinner is scheduled for November 17 and there is anticipated to be a Strata-ops discussion at that meeting.

e. Strata Operations Regional Planning Update

Mr. Reckentine noted that the Strata-ops discussion may include discussion about forming an authority. The Board may have interest in continued discussions, but is not ready to make any commitments.

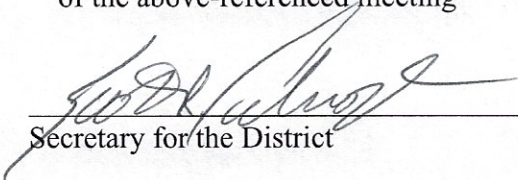
f. Christmas Party Eaton Country Club on December 16.

The Christmas party is scheduled for December 16.

ADJOURNMENT

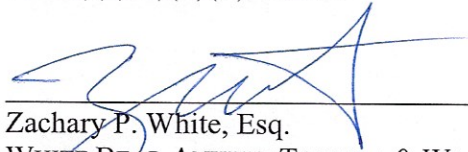
There being no further business to be conducted, the meeting was adjourned.

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


Secretary for the District

Attorney Statement
Regarding Privileged Attorney-Client Communication

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that in my capacity as the attorney representing the North Weld County Water District (the "District"), I attended the Executive Session on November 14, 2022, for the sole purposes of conferencing with the District's Board of Directors for the purpose of giving legal advice on specific legal questions and discussing negotiations with third parties as authorized by §§ 24-6-402(4)(b) and (e), C.R.S. I further attest that it is my opinion that all or a portion of the executive session discussion constituted attorney-client privileged communication as provided by § 24-6-402(4)(b), C.R.S., and based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S.



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