

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

Held: Monday, the 8th day of March 2021, at 1:00 P.M.

Due to Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders issued by the Colorado Department of Public Health and Environment and the threat posed by the COVID-19 coronavirus, and pursuant to Resolution No. 20201214-26 Declaration Emergency Procedures and Authorizing Teleconferencing for Regular and Special Meetings, the meeting was held via teleconferencing.

ATTENDANCE

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

Gene Stille, President
Scott Cockroft, Secretary
Ron Buxman, Treasurer
Brad Cook, Assistant Secretary
Tad Stout, Assistant Secretary

Also present were: Eric Reckentine, General Manager of the District; Leann Koons, Operations Manager; Jennifer Gruber Tanaka, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel (for a portion of the regular session); and Zachary White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Alyson Scott, Esq., Alyson Scott Law, LLC, District special water rights counsel; Paul Weiss, Williams & Weiss Consulting, LLC; Richard Raines, Water Resources Manager, Tri-Districts (for a portion of the regular session); and Darin Pytlik, P.E., Providence Infrastructure Consultants.

ADMINISTRATIVE MATTERS

Call to Order

The meeting was called to order.

Declaration of Quorum and Confirmation of Director Qualifications

Ms. Tanaka 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

Ms. Tanaka advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Tanaka 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. Ms. Tanaka inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to 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. Stout, seconded by Mr. Buxman, the Board unanimously approved the agenda as presented.

CONSENT AGENDA MATTERS

Mr. Reckentine presented the Board with the consent agenda items. Upon motion of Mr. Stout, seconded by Mr. Cockroft, the Board unanimously took the following actions:

- a. Approved Board Meeting Minutes from Special Meeting held on February 8, 2021;
- b. Approved Meeting Minutes from Work Session Meeting of the Board held on February 17, 2021;
- c. Accepted Unaudited Financial Statements as of February 2021;
- d. Approved Payment of Invoices as of March 8, 2021;
- e. Approved Engagement Letter with White Bear Ankele Tanaka & Waldron for General Counsel Legal Services;
- f. Approved Engagement Letter with Alyson Scott Law for Water Counsel Legal Services; and
- g. Approved Letters of Intent for
 - i. DJ Eaton, LLC;
 - ii. The Estate of Ronald Schmunk and Mary Ann Schmunk; and
 - iii. Legler Land Holdings, LLC.

INCLUSIONS

Public Hearing on Petition for Inclusion of Real Property into District and Consideration of Adoption of Resolution No. 20210308-01: Resolution and Order for Inclusion of Real Property - Trowbridge

Ms. Tanaka opened the public hearing on the Petition for Inclusion of Real Property Into the District. Ms. Tanaka reported that notice of the public hearing was published in accordance with Colorado law and no written objections were received prior to the hearing. There being no further public comment, Ms. Tanaka closed the public hearing.

Upon motion of Mr. Buxman, seconded by Mr. Cockroft, the Board unanimously approved the petition for inclusion of real property into the District and adopted Resolution No. 20210308-01.

REPORTS

Water Resource 2021
Operations Plan

Richard Raines, P.H., presented his report on the water resources 2021 operations plan, including an updated water supply projection and a proposed increase to the amount of the excess capacity agreement with the Bureau of Reclamation.

Upon motion by Mr. Stout, seconded by Mr. Cockroft, the Board unanimously authorized Mr. Reckentine to increase the amount of the excess capacity agreement with the Bureau of Reclamation from 250 to 400 acre-feet annually.

Williams & Weiss 2021
Water Supply Update

Paul Weiss, P.E., presented his updated report on the 2021 water supply.

EXECUTIVE SESSION

Upon motion of Mr. Cockroft, seconded by Mr. Buxman, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 2:27 P.M. for the purpose of receiving legal advice and instructing negotiators on matters regarding water supply, pursuant to §§ 24-6-402(4)(b) and (e), C.R.S.

Pursuant to § 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 the District's attorney, constitutes privileged attorney-client communication pursuant to § 24-6-402(4)(b), C.R.S.

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

Upon motion of Mr. Stout, seconded by Mr. Buxman, the Board unanimously exited executive session at 3:35 P.M.

REPORTS – CONTINUED

Agricultural Well Releases
Policy Update

Mr. Reckentine presented on policy updates to agricultural well releases.

PROJECTS

Line 1 Pipeline
Replacement Project Time
Extension Change Order

Mr. Pytlik presented on the Line 1 Pipeline Replacement Project, including the requested change order to extend the timeline for completion from March 31, 2021, to December 31, 2021. Upon motion of Mr. Cockroft, seconded by Mr. Buxman, the Board unanimously approved the change order for an extension of time to complete the Line 1 Pipeline Replacement Project.

DISTRICT MANAGER'S REPORT

Mr. Reckentine presented his Management Report to the Board, and provided the information set forth in this section below.

Larimer County Court Upheld County Commissioners Denial of Thornton 1041 Permit

Mr. Reckentine reported that the Larimer County Court upheld the County Commissioners Denial of the City of Thornton's 1041 Permit.

Larimer County Litigation by Activist Groups Related to NISP 1041 Commissioners Approval

Mr. Reckentine reported on Larimer County litigation by activist groups related to NISP 1041 Commissioners Approval.

10th Circuit WOTUS Opinion and Order

Mr. Reckentine reported on the 10th Circuit's WOTUS Opinion and Order.

Rehabilitation Project Tank 1A Update.

Mr. Reckentine reported and provided an update on the Rehabilitation Project Tank 1A.

Line 1 Replacement Project Update

Mr. Reckentine reported and provided an update on the Line 1 Replacement Project Update.

Legislative Update HB21-1008 and SB21-034

Mr. Reckentine reported and provided an update on HB21-1008 and SB21-034.

Cameron Peak Fire Update

Mr. Reckentine reported and provided an update on the Cameron Peak Fire.

Terry Ranch Project

Mr. Reckentine reported on the Terry Ranch Project.

Rule 11 Policy Stakeholder Comments

Mr. Reckentine reported on Rule 11 Policy Stakeholder comments.

River Bluffs Decree

Mr. Reckentine reported on the River Bluffs Decree.

PUBLIC COMMENT

None.

OTHER BUSINESS

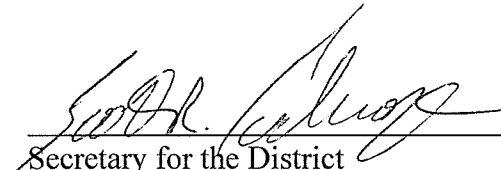
Next Meeting

The next regular meeting of the Board is scheduled for April 12, 2021, at 1:00 P.M.

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