

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

Held: Tuesday, the 7<sup>th</sup> day of September, 2021, at 1:00 P.M.

*The meeting was conducted electronically.*

**ATTENDANCE**

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

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

Brad Cook, Assistant Secretary was absent and excused.

Also present were: Eric Reckentine, General Manager of the District; Jennifer Tanaka and Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Richard Raines, Water Resources Manager, Tri-Districts; Aly Scott, Aly Scott Law (for a portion of the meeting); Kara Godbehere, Esq., and Scott Holwick, Esq., Lyons Gaddis, District special water rights counsel (for a portion of the meeting); Jamie Cotter, Esq., Spencer Fane, District special counsel (for a portion of the meeting); Casey Mahoney, and Darin Pytlik, Providence Infrastructure Consultants, District Engineers; Megan Graham, Slate Communications (for a portion of the meeting); Paul Weiss, Williams & Weiss Consulting, LLC; George Oamek, Headwater Co. (for a portion of the meeting).

**ADMINISTRATIVE MATTERS**

Call to Order

The meeting was called to order.

Declaration of Quorum and Confirmation of Director Qualifications

Mr. Stille 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. Stoutt, seconded by Mr. Buxman, the Board unanimously approved the agenda as amended to add an update from Slate Communications before the Consent Agenda.

Ballot Measure Feasibility Update

Ms. Graham updated the Board regarding the 2022 election and polling efforts. The Board discussed the type of questions that would be asked by pollsters. No action was taken.

**CONSENT AGENDA MATTERS**

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

Upon motion of Mr. Cockroft, seconded by Mr. Buxman, the Board unanimously took the following actions:

- a. Approval of Meeting Minutes from August 9, 2021 Board Meeting
- b. Approval of Payment of Invoices as of September 7, 2021
- c. Approval of Providence Infrastructure Consultants Task Order Amendment No. 40 for Task Order No. 9; & No. 41 for Task Order No. 5.
- d. Approval of Letters of Intent:
  - a. Miller Family
  - b. Woytassek

**PUBLIC HEARING ON PETITION FOR INCLUSION**

ABCD LANDCO, LLC  
Petition for Inclusion and Adoption of Resolution No. 20210907-01: Resolution and Order for Inclusion of Property

Mr. Stille opened the public hearing on the inclusion of property. Mr. White 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 public comment, Mr. Stille closed the public hearing.

Upon motion of Mr. Cockroft, seconded by Mr. Buxman, the Board unanimously approved the inclusion and adopted Resolution No. 20210907-01.

Saddler South Development  
Off-Site Infrastructure,  
Weld County, Colorado

Mr. Reckentine discussed with the Board the history of the Saddler South Development and the prior water service agreements. The Board discussed the 2017/2018 hydraulic model which is being verified by Providence. District staff believes that it would be

difficult to serve the area. The Board discussed that the developer needs to take care of costs an additional pump station.

Water Service Agreements  
and Intergovernmental  
Agreements

Approval of Dedication Agreement of 45 Units of CB-T for Ridge 5 Development

Mr. Reckentine discussed with the Board the costs, demand issues, and demand management associated with the Ridge 5 Development.

Upon a motion by Mr. Cockroft, seconded by Mr. Stout, the Board unanimously approved the Dedication Agreement.

Approval of Joint Defense Agreement to Opposition to HF2M Case No. 20CW3208

Ms. Scott discussed with the Board the HF2M change Case No. 20CW3208 with the Board, and the joint opposition to the case with ELCO, and Fort Collins-Loveland Water District. The Joint Defense Agreement will allow the sharing of information among the parties in opposition to the change case.

Upon a motion by Mr. Stout, seconded by Mr. Cockroft, the Board unanimously approved the Joint Defense Agreement.

Approval of Neukirch Purchase of 2.375 Shares WSSC Specific Performance Contract

Mr. Reckentine and Ms. Scott discussed with the Board the diligence summary for the potential acquisition. Based on inconsistent historical use information and lack of a dry up covenant, it was recommended that the Board not complete the Specific Performance Contract to purchase the 2.375 WSSC shares.

Upon motion of Mr. Stout, seconded by Mr. Cockroft, the Board unanimously determined to not complete the Specific Performance Contract.

**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 for the purpose of receiving legal advice and to determine positions relative to matters that are subject to negotiation related to Water Service Agreement, Intergovernmental Agreements, and Water Acquisition and Land Acquisition 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.

Headwaters Consulting Cost of Service Study Preliminary Draft Mr. George Oamek presented an update to the Board regarding the status of the Cost of Service Rate Study. Headwaters Consulting is moving ahead with completing the model and report, and anticipates completing the draft report at the end of September. Headwaters has reviewed functional and customer class allocations with Providence Infrastructure Consultants.

Consider Statement of Opposition Case # 21CW3131 – City of Fort Collins WSSC Diligence Application Mr. Holwick discussed with the Board the State of Opposition to Case # 21CW3131 to the City of Fort Collins WSSC Diligence Application.

Upon motion of Mr. Stout, seconded by Mr. Buxman, the Board unanimously approved the statement of opposition.

Back Flow and Cross Connection

Approval Variance Request for BPCCC Installation

McLaughlin  
SLW Ranch  
Lucky Quarter

Mr. Reckentine discussed with the Board requests for variances from the Districts policy requiring BPCCC Installation.

Upon a motion of Mr. Stout, seconded by Mr. Buxman, the Board approved the variances with the understanding that no connections can be made between the tap and the control device.

Customer Letter Notifications for Compliance

Mr. Reckentine discussed with the Board required customer notification for compliance violations. The Board directed the letters to be sent via Registered mail.

**DISTRICT MANAGER’S REPORT**

Mr. Reckentine presented his Management Report to the Board.

Regional Water Strategy Operations Meeting August 20, 2021

Mr. Reckentine discussed with the Board the Regional Water Strategy Operations Meeting will be held on August 20, 2021.

Conditional Water Storage Right for the Overland Tail Reservoirs Case No. 2019CW3239

Mr. Reckentine stated the conditional water storage right for the Overland Tail Reservoirs Case No. 2019CW3239 decree was issued by the Court

**PUBLIC COMMENT**

None.

**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 § 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 September 7, 2021, 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