

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

Held: Thursday, the 29th 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; Scott Holwick, Esq., Lyons Gaddis, District special water rights counsel; Leslie Farnsworth-Lee, Casey Mahoney, and Darin Pytlik, Providence Infrastructure Consultants, District Engineers; Megan Graham, Slate Communications.

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. Cockroft, seconded by Mr. Stout, the Board unanimously approved the agenda.

NEWT III Permitting and City of Fort Collins 1041 Implementation and Larimer County 1041 Proposed Regulatory Language

Mr. Reckentine discussed with the Board that in summer of 2021, the City of Fort Collins and Larimer County began studying and holding stakeholder meetings on implementing or modifying 1041 regulations. The changes they are considering may have an impact on North Weld County Water District's ability to serve future growth.

Upon a motion of Mr. Cockroft, seconded by Director Stout, the Board authorized Mr. Reckentine to negotiate with the City of Fort Collins and Larimer County regarding proposed 1041 regulations, and possible variances for the District.

Upon a motion by Mr. Buxman, seconded by Mr. Stout, the Board determined to implement a moratorium on the sale of taps and plant investments until the Board meets on October 25, 2021.

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 to NEWT III Permitting and City of Fort Collins 1041 Implementation and Larimer County 1041 Proposed Regulatory Language Changes 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.

Water Service Agreements and Intergovernmental Agreements

Water Service Agreement for Hidden Valley 6 Landhuis Company

Mr. Reckentine discussed with the Board that the developer of Hidden Valley 6 development is moving forward with construction prior to final approvals, including entering in to the water service agreement with the District. The proposed water service agreement has been updated by Mr. Holwick to include language regarding actions of third-party jurisdictions that impact the District ability to provide timely service under the water service

agreement, and a waiver of the developer's right to recourse against the District for failure to provide timely service as a result of actions by third-party jurisdictions.

Following discussion, the Board determined to table action on this item until the October 11, 2021 regular meeting.

**DISTRICT MANAGER'S
REPORT**

Mr. Reckentine presented his Management Report to the Board.

Regional Water
Strategy Operations
Meeting Leadership
Breakfast October 7,
2021

The Regional Water Strategy Operations Leadership Breakfast will be held on October 7, 2021. All directors are invited to attend.

Solider Canyon Water
Treatment Authority
Annual Dinner October
14, 2021 Ptarmigan
Country Club at 5:00
P.M.

Mr. Reckentine indicated that the Soldier Canyon Water Treatment Authority Annual Dinner will be held on October 14, 2021. The directors of the SCWTA board and the boards of the authority members are invited to attend in order to meet.

PUBLIC COMMENT

None.

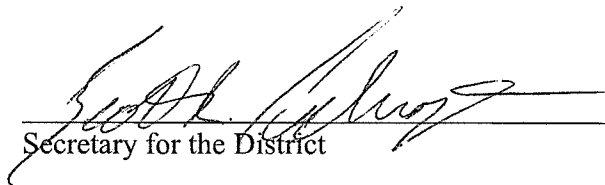
OTHER BUSINESS

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 29, 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