

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

Held: Monday, the 25th day of October, 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

Also present were: Eric Reckentine, General Manager of the District; Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Darin Pytlik, Daniel Rice, Casey Mahoney, Leslie Farnsworth-Lee, Providence Infrastructure Consultants, District Engineers; Scott Holwick, Esq., Lyons Gaddis, District special counsel; Matthew Fries, Stephen Gagliardi, Nicholas J. Wharton, Town of Severance.

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. Buxman, the Board unanimously approved the agenda.

CONSENT AGENDA MATTERS

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

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

- b. Minutes from October 11, 2021 Regular Meeting
- c. Approve invoices through October 25, 2021
- d. Town Of Pierce 6 AF Rental Agreement
- e. City of Thornton Access Agreement for Eaton Pipeline (Nunc Pro Tunc)
- f. Water Tap Reallocation for Mr. Leffler at 15756 County Road 66, Greeley
- g. Intergovernmental Agreement with the City of Greeley for 59 and O Street Pipeline Temporary Use and Cost Share Agreement

Discussion regarding City of Fort Collins and Larimer County 1041 Proposed Actions, NWCWD Development Issues and NEWT III Pipeline Permit

Mr. Reckentine presented to the Board regarding the events surrounding the proposed 1041 Regulations in the City of Ft. Collins and Larimer County and the potential impacts on the District. Ft. Collins City Council has decided to proceed with a moratorium and 1041 regulations, but such regulations only apply to projects in Ft. Collins open space and parks. The NEWT III Pipeline Project will not be impacted.

Mr. Reckentine also discussed with the Board that ELCO and the Districts are working with Larimer County and will be asking for exemptions to their 1041 regulations for small projects.

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 1:15 P.M. for the purpose of receiving legal advice and to determine positions relative to matters that are subject to negotiation regarding City of Fort Collins and Larimer County 1041 Proposed Actions, NWCWD Development Issues, and NEWT III Pipeline Permit matters 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.

The Board reconvened in regular session at 2:33 P.M.

Upon a motion by Mr. Cockroft, seconded by Mr. Buxman, the Board extended the moratorium until December 13, 2021 while the District works through 1041 Regulation language issues with Larimer County. Director Stout abstained.

The Board also directed that staff should develop policies related tap sales criteria based on results from the hydraulic model verification.

Consider Approval of Hidden Valley 6 Water Service Agreement

The Board considered approval of the Hidden Valley 6 Water Service Agreement. The Board tabled approval of the agreement and will reconsider again on November 8, 2021.

Consider Approval Town of Severance 1st Amendment to 2019 Water Service Agreement

Mr. Reckentine presented a 1st Amendment to 2019 Water Service Agreement with the Town of Severance which reallocates existing Plant Investments between master meter 1 and master meter 2.

Upon a motion by Director Cockroft, seconded by director Buxman, the Board approved the 1st Amendment to 2019 Water Service Agreement with the Town of Severance. Director Stout abstained.

PUBLIC COMMENT

Resident Derek Aaron asked the Board whether they might consider requests for variance from the moratorium. Mr. Reckentine indicated the Board would not consider variances at this time.

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