

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

Held: Monday, the 8<sup>th</sup> day of November, 2021, at 1:00 P.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:

Gene Stille, President  
Scott Cockroft, Secretary  
Brad Cook, Assistant Secretary

Director Buxman and Stout were absent and excused.

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, Providence Infrastructure Consultants, District Engineers; Scott Holwick, Esq., Lyons Gaddis, District special counsel; George Oamek, Headwaters Corp; Todd Bean, Property Owner; Greg Hughes, GLH Construction.

**ADMINISTRATIVE MATTERS**

Call to Order

The meeting was called to order at 1:10 P.M.

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. Cook, the Board unanimously approved the agenda, as amended to remove Item 10.b.

**CONSENT AGENDA  
MATTERS**

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

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

- a. Minutes from October 25, 2021 Special Meeting
- b. Approve invoices through November 8, 2021
- c. Easement Acquisitions:
  - i. WCR 66/41 Project Permanent Waterline Easement Agreement Tomoi Farms LLC
  - ii. WCR 66/41 Project Permanent Waterline Easement Agreement Five M Farm Co
  - iii. WCR 66/41 Project Permanent Waterline Easement Agreement Moro Farms
  - iv. WCR 66/41 Project Permanent Waterline Easement Agreement Hungenberg BOH Farms
- d. BWCWD BPCCC Variance Requests
  - i. Foss Dairy Farm LLP
  - ii. Perigee Land LLC

Consider Variance Request from Back Flow Prevention Device Testing Policy

- i. Todd Bean

Mr. Bean requested a variance from the District's Back Flow Prevention Device Testing Policy. The back flow prevention device on Mr. Bean's property was installed and is owned by the District. Mr. Bean does not want to undertake the testing of the device owned by the District. Mr. Reckentine discussed with the Board that the District's policy requires property owners to test their devices, and if they do not, the District will do it and charge the property owner for the cost of testing. Mr. Bean acknowledged that he does not have an issue paying for the District's cost to test the device. No action was taken.

**NWCWD Policies**

- a. Adoption of Resolution No. 20211108-01: Resolution Further Amending a Well Release Permit Policy
- b. Adoption of Resolution No.

Mr. Reckentine presented Resolution No. 20211108-01 to the Board and described the purpose for the amendment to the District's Well Release Policy. Mr. Reckentine described that during a time of moratorium, the amended policy allows individual property owners who would otherwise seek a single water tap from the District to obtain a well release permit from the District. Following discussion, upon motion by Mr. Cockroft, seconded by Mr. Cook, the Board unanimously adopted the Resolution.

- 20211108-02:  
Resolution  
Terminating Water  
Allocation Surcharge  
and Plant Investment  
Surcharge Policies
- Mr. Reckentine presented Resolution No. 20211108-02 to the Board and described the District's current surcharge allocation and plant investment policy that allow customers to use surcharge fees to purchase additional water allocations and plant investments. Mr. Reckentine described that the intent of the resolution is to terminate the policy allowing water allocations and plant investments from surcharge fees. Following discussion, upon motion by Mr. Cook, seconded by Mr. Cockroft, the Board unanimously adopted the Resolution.
- c. Adoption of  
Resolution No.  
20211108-03:  
Resolution Adopting  
a NWCWD  
Residential Drought  
Policy
- Mr. Reckentine presented Resolution No. 20211108-03 to the Board and described the proposed Residential Drought Policy. The policy provides for residential watering restrictions in the event of a drought, as determined by the Board. The Board reviewed the proposed policy and discussed how drought is triggered, and how the policy would be enforced. The Board requested additional time to review the policy and further feedback regarding drought triggers. The Board will review the policy again at a later date.
- d. Adoption of  
Resolution No.  
20211108-04:  
Resolution  
Establishing  
NWCWD Director  
Districts (Wards)
- Mr. Reckentine presented Resolution No. 20211108-04 to the Board and described the establishment of Director Districts (Wards) for the District. Mr. White described the requirements for the Wards, and Mr. Reckentine discussed the proposed Wards. Following discussion, upon motion by Mr. Cook, seconded by Mr. Cockroft, the Board unanimously adopted the Resolution.
- Preliminary NWCWD 2022  
Financial Budget and Cost of  
Service Study
- Mr. Reckentine presented the preliminary 2022 budget with the Board and the Board provided feedback. Mr. Reckentine anticipates requesting a rate increase in the final budget, and indicated that he will be working on financing the District CIP. No action was taken.
- Mr. Oamek discussed with the Board the status of the District Cost of Service Study. Mr. Reckentine recommended finalizing the study and holding meetings with stakeholders to review and explain the Cost of Service Study. No action was taken.
- Discussion regarding  
Larimer County 1041  
Proposed Actions
- Mr. Reckentine presented to the Board regarding the events surrounding the proposed 1041 Regulations by Larimer County and the potential impacts on the District. 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.

American Infrastructure Act  
Risk and Resiliency Program

Ms. Mahoney presented to the Board regarding the American Infrastructure Act Risk and Resiliency Program. Recommendations for security enhancements will be recommended to the Board at future dates.

**APPROVE WATER  
SERVICE AGREEMENTS  
AND  
INTERGOVERNMENTAL  
AGREEMENTS**

- a. Approve Hidden Valley 6 Water Service Agreement

Mr. Reckentine presented a Water Service Agreement with Hidden Valley 6. Following discussion, upon motion by Mr. Cockroft, seconded by Mr. Cook, the Board unanimously approved the Water Service Agreement.

**EXECUTIVE SESSION**

Upon motion of Mr. Cockroft, seconded by Mr. Cook, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session for the purpose of receiving legal advice and to determine positions relative to matters that are subject to negotiation regarding 1041 Proposed Actions, American Infrastructure Act Implementation Measures and Water Service Agreement 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.

Adopt Resolution No.  
20211108-05: Certifying  
Delinquent Fees to the  
Counties for Collection  
(Weld County)

Mr. White advised the Board that, pursuant to Title 32, water and sewer districts are permitted to collect unpaid and delinquent fees through property taxes upon meeting certain criteria. Mr. White noted that all property owners subject to the certification of fees were notified of today's meeting. Those property owners who subsequently paid their bills or made other arrangements for payment with the District prior to today's meeting will be removed from the certification. Upon a motion by Director Cockroft, seconded by Director Cook, the Board unanimously adopted the Resolution.

Adopt Resolution No.  
20211108-05: Certifying

Upon a motion by Director Cockroft, seconded by Director Cook, the Board unanimously adopted the Resolution.

Delinquent Fees to the  
Counties for Collection  
(Larimer County)

**DISTRICT MANAGER'S  
REPORT**

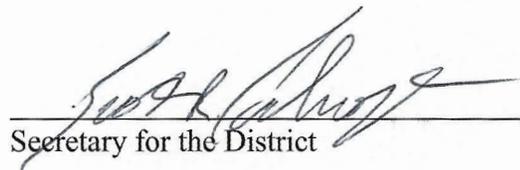
- a. City of Thornton Land Use Steering Committee      Mr. Reckentine reported to the Board regarding his participation in the City of Thornton Land Use Steering Committee. No action was taken.
  
- b. CSU Water Literate Leaders Presentation Panel      Mr. Reckentine reported to the Board regarding the CSU Water Literate Leaders Presentation Panel. No action was taken.

**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 November 8, 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.

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