

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 January, 2024, at 8:30 A.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:

Tad Stout, President  
Nels Nelson, Treasurer  
Anne Hennen, Assistant Secretary  
Matt Pettinger, Assistant Secretary  
Director Cockroft, Secretary

Also present were Eric Reckentine, General Manager of the District; Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Michelle Sell, Try-Hydro; Angela Thompson, Slate Communications; Aly Scott, Alyson Scott Law, District Special Council; and members of the public.

**ADMINISTRATIVE MATTERS**

Call to Order

The meeting was called to order at 8:30 A.M.

Declaration of Quorum and Confirmation of Director Qualifications

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

**PUBLIC COMMENT**

None.

**CONSENT AGENDA MATTERS**

Upon a motion of Mr. Nelson, seconded by Mr. Pettinger, the following items on the consent agenda were unanimously approved, ratified and adopted:

- a. Minutes from December 11, 2023, Meeting
- b. Unaudited Financials for December 2023
- c. Invoices through January 8, 2024
- d. Resolution No. 20240108-01: Designating Meeting Posting Location
- e. SCADA Hardware Upgrade Proposal TLECC
- f. Work Scope Phase III Tri-hydro GIS Management Project
- g. Easement Agreements
  - i. Larimer & Weld Crossing Agreement #8 Lateral – NEWT III

Consider Approval of Proposal for Master Meter Alternative Severance South Development

Mr. Chris Pickett presented to the Board a request for variance to use a master meter for the Severance South development and inquired with the Board about the information the District needs from him to be able to make a determination.

Mr. Reckentine reported to the Board that he has talked with Mr. Pickett about the potential impacts on the District’s revenue as a result of selling taps versus using a master meter. Mr. Reckentine reported he believes the District will lose revenue, but also acknowledged that the potential loss in revenue may be offset by the reduction in administrative and operations costs.

The Board determined to continue discussion of the matter in executive session.

Mr. Stout was not present in the meeting for this discussion due to a potential conflict of interest having previously served on the Severance Town Board.

Consider Approval to Join the Motion of Opposition HF2M INC Development

Mr. White noted a conflict of interest due to prior representation of HF2M, INC. and left the meeting for the following discussion.

Ms. Scott introduced a discussion regarding a motion of opposition to the Board. The Board discussed the matter in executive session.

Mr. White returned to the meeting.

Water Rights Acquisition and Amended Water Service Agreement

Amended and Restated Water Services Agreement with the Town of Windsor

Mr. Reckentine presented to the Board the Amended and Restated Water Services Agreement with the Town of Windsor. Mr. White noted the for is as generally approved by the Board in prior meetings. The Board reviewed the agreement in executive session.

Agreement for Sale and Purchase of CBT Units

Mr. Reckentine presented a purchase and sale agreement for 73 units of CBT. He noted that the proposed cost of \$65,000 is a little high now and requested authority to renegotiate for a lower cost. The Board authorized Mr. Reckentine to continue negotiating the cost and Mr. Reckentine will bring the agreement back to the next meeting.

Cost Share Agreement with the Town of Timnath (Timnath 36-inch Water Line Adjustment)

Mr. Reckentine reported to the Board that the Town of Timnath has reviewed the plans to lower the 36-Inch line. The Town is no longer willing to share in one-half of the cost of lowering the line as previously discussed. The Board tabled the matter until the project can be redesigned.

Review Proposals and Consider Award of Timnath 36-inch Water Line Adjustment (enclosures)

The Board tabled the matter until the project can be redesigned.

Executive Session: The Board reserves the right to enter into Executive Session for the following purposes:

Receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(b) & (e), C.R.S. related to Joining The Opposition Motion HF2M INC, Severance South Master Meter, and Amended and Restated Water Service Agreement with the Town of Windsor

Upon motion of Mr. Cockroft, seconded by Mr. Nelson, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 9:13 A.M. for the purpose of receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(b) & (e), C.R.S. related to Joining The Opposition Motion HF2M INC, Severance South Master Meter, and Amended and Restated Water Service Agreement with the Town of Windsor

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.

Following the Executive Session the Board took the following actions:

The Board discussed the Amended and Restated Water Service Agreement with the Town of Windsor. Following adjustments to the exhibits, upon a motion of Ms. Hennen, seconded by Mr.

Cockroft, the Board approved the Amended and Restated Water Service agreement, subject to any non-substantive comments from the Town of Windsor.

The Board discussed the Master Meter variance request. Following discussion, upon a motion of Mr. Nelson, seconded by Mr. Cockroft, the Board denied the request for variance. Mr. Stout was not present for these discussions and did not take part in the vote.

The Board discussed joining the Motion of Opposition to HF2M, Inc. Development. Upon a motion of Mr. Nelson, seconded by Ms. Hennen, the Board determined to join the motion. Mr. White was not present at the meeting for these discussions.

**DISTRICT MANAGER'S REPORT**

- Tap Sales Mr. Reckentine reported there were 125 taps sold in 2023.
- Knox Pit Contract Amendment Terminated by Poudre Fire Dept. Mr. Reckentine that the Poudre Fire Department terminated the Knox Pit Contract Amendment.
- Greeley IGA Customer Transition Letter Sent to JB Acres Mr. Reckentine reported to the Board regarding the transition of the JB Acres properties.
- Work Session Master Plan Dates Mr. Reckentine discussed with the Board a desire to hold special work sessions to discuss master planning matters. The Board agreed and Mr. Reckentine will send around some potential meeting times.


**OTHER BUSINESS**

- District Manager Performance Review The Board and Mr. Reckentine discussed the process for Mr. Reckentine's performance review. Mr. Stout and Ms. Hennen will coordinate his review.

**ADJOURNMENT**

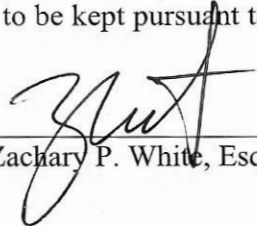
There being no further business to be conducted, the meeting was adjourned.

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 Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing North Weld County Water District, I attended the executive session meeting of the North Weld County Water District convened at 9:13 A.M. on January 8, 2024 for the sole purpose of receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(b) & (e), C.R.S. related to Joining The Opposition Motion HF2M INC, Severance South Master Meter, and Amended and Restated Water Service Agreement with the Town of Windsor. I further attest it is my opinion that a portion of the executive session discussion constituted a privileged attorney-client communication as provided by Section 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 Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.

  
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Zachary P. White, Esq.