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## RECORD OF PROCEEDINGS

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### **Minutes of the Special Meeting Of the Board of Directors Edwards Metropolitan District May 11, 2010**

The Special Meeting of the Board of Directors of the Edwards Metropolitan District, Eagle County, Colorado, was held on May 11, 2010 at 9:30 a.m., at the office of Robertson & Marchetti, PC, 28 Second Street, Suite 213, Edwards, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

**Attendance** The following Directors were present and acting:

- Bill Simmons
- Todd Williams
- Becky Bultemeier
- Tracy Erickson
- Terry Benedickt

Also in attendance were:

- Catherine Lundy, Community Relations Specialist, Eagle River Water & Sanitation District
- Cissy Olson, secretary for the meeting

#### **Call To Order**

The Special Meeting of the Board of Directors of Edwards Metropolitan District was called to order by Director Williams on May 11, 2010, at 9:38 a.m. noting a quorum was present.

#### **Conflicts of Interest**

It was noted that a Disclosure of Potential Conflict of Interest Statement had been executed by Tracy Erickson, and filed with the Board and Colorado Secretary of State at least seventy-two hours prior to the meeting in accordance with statute, indicating that he is General Manager of the Homestead Homeowners Association, which is the homeowners association for a community within the District's boundaries. After Director Erickson had summarily stated for the record the fact and nature of his private interests and had further stated that the determination to participate in voting or take any other action on any contract or other matter in which he may have a private interest would be made in compliance with Section 24-18-201(1)(b)(V), C.R.S., on an ad hoc basis, the Board turned their attention to the agenda items. Director Erickson's Disclosure of Potential Conflict of Interest Statement was incorporated into the record of the meeting.

#### **Oaths of Office**

Ms. Olson, a notary public, administered the oaths of office to Directors Benedickt, Simmons, and Williams.

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Edwards Metropolitan District May 11, 2010 Meeting Minutes

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### Opposition to Minturn Change

#### Cases

The Town of Minturn filed an Application for Changes of Water Rights seeking to change or enlarge upon Minturn's water rights in the Eagle River basin. In addition they have also filed an application for new Ground Water Rights seeking new water rights and the right to store additional water in the Eagle River basin. The Upper Eagle Regional Water Authority (UERWA), Eagle River Water and Sanitation District, Eagle Park Reservoir Company, Vail Associates, the District and others are objectors in the water court cases. The parties recently negotiated Settlement Agreements in all four pending cases and the Town of Minturn recently approved the settlement documents at their May 5<sup>th</sup> meeting. The four Settlement Agreements require approval and execution from all of the objecting parties.

Director Simmons, the District's UERWA representative, reviewed the water court cases and paid particular attention to the significance of each item outlined in Case No. 07CW225. The Board discussed the Agreements and by motion duly made and seconded it was unanimously

**RESOLVED** to approve and execute the Settlement Agreements of Case Nos. 05CW262, 05CW263, 06CW264, and 07CW225.

**Adjournment** There being no further business to come before the Board, by motion duly made and seconded it was unanimously

**RESOLVED** to adjourn the Special Meeting of the Edwards Metropolitan District Board of Directors this 11th day of May, 2010.

Respectfully submitted,



Secretary for the Meeting