



February 17, 2021
Regular Board Meeting Minutes

The regular board meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, February 17, 2021 commencing at 10:30 a.m. at 108 Swink Avenue, Rocky Ford, CO 81067 via Zoom.

Directors Present

Lynden Gill – Chairman
Melissa Esquibel – Secretary (Via Zoom)
Jim Valliant – Treasurer (Via Zoom)
Phillip Chavez
Reeves Brown (Via Zoom)
Anthony Nunez (Via Zoom)

Directors Absent

Leroy Mauch – Vice Chairman

District Staff Present

Jay Winner – General Manager (Via Zoom)
Brenda Fillmore – Finance/Water
Jessica Mills – Administrative Assistant
Jack Goble, P.E. – District Engineer (Via Zoom)
Mike Weber – Staff Engineer (Via Zoom)
Nate Finnell – Agriculture/Water (Via Zoom)
Peter Nichols – Special Counsel (Via Zoom)

District Staff Absent

Gerry Knapp – District Consultant
Lee Hancock – Conservation Easement Consultant

Guests Present (Via Zoom)

Rachel Duran – Kansas Division of Water Resources
Marty Lee – Rocky Ford Daily Gazette
Cathy Garcia – U.S. Congresswomen Boebert
Israel Ortega – Aurora Water

Chairman Gill announced a quorum is present with Director Mauch absent.

10:31 a.m. – Recess to Enter the Water Activity Enterprise

- Director Valliant moved to recess the regular board meeting to open the Water Enterprise meeting, Director Brown seconded the motion. It carried unanimously.
- The Enterprise meeting was adjourned with a motion by Director Nunez and seconded by Director Valliant. It carried unanimously.

10:33 a.m. – Reconvene the Regular Board Meeting

- *Introduction of Guests:* Chairman Gill welcomed the guests and asked them each to introduce themselves and whom they represent.



Approval of Routine Items

- All items listed in this portion are considered to be routine by LAVWCD and will be enacted by one motion. There will be no separate discussion of these items unless a Director so requests.
 - Regular Board Meeting Minutes – January 20, 2021
 - January 2020 Financials
- Director Valliant moved to approve all Routine Items, seconded by Director Nunez. Motion carried unanimously.

General Manager's Report

- General Manager Winner introduced Mike Weber to discuss the 319 Grant Terms and Conditions.
- General Manager Winner introduced Special Counsel Peter Nichols to discuss the Conflict of Interest Policy.
 - Directors discussed the policy with Special Counsel Nichols and General Manager Winner including adding some additional language.
 - Special Counsel Nichols believes it is unnecessary to add additional language due to the detail included in the original Policy, which is more detailed than what is required by law.
 - It was ultimately decided to table the Policy until Special Counsel Nichols can determine if additional language was needed for the Policy upon recommendations made by Director Esquibel.
- General Manager Winner discussed Soil Health with the Directors and the need to hire an individual to support and assist Mike Weber.

Committee Reports

- Personnel: None
- Acquisition: None
- Ethics: None
- Finance/Budget: None
- Executive: None
- Legal: None

Board Action

- Director Valliant moved to accept Special Counsel Nichols' Legal Services Agreement, seconded by Director Brown. Motion carried unanimously.

Legal Report

- Attorney Peter Nichols, Berg Hill Greenleaf & Ruscitti LLP: A copy of the legal report can be obtained by visiting the LAVWCD office.

Executive Session

- Director Chavez moved to recess the regular board meeting to open an Executive Session meeting, seconded by Director Esquibel. Motion carried unanimously.



- The purposes of the Executive Session are for discussing matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators [CRS 24-6-402(4)(e)] and for the purpose of conferences with an attorney for the purposes of receiving legal advice on specific legal questions [CRS 24-6-402(4)(b)].

Adjourn

- At 11:42 a.m., Director Nunez moved to adjourn the board meeting, seconded by Director Esquibel. Motion carried unanimously.

Lynden Gill

Chairman

~~Melissa Esquibel~~ Secretary

Jessica Mills Assistant Secretary