



**November 5, 2020
Special Board Meeting Minutes**

The special board meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Thursday, November 5, 2020 commencing at 10:30 a.m. at 801 Swink Avenue, Rocky Ford, CO 81067 and via Zoom.

Directors Present

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

District Staff Present

Jay Winner – General Manager (Via Zoom)
Brenda Fillmore – Finance/Water
Mike Weber – Staff Engineer
Jessica Mills – Administrative Assistant
Jack Goble, P.E. – District Engineer (Via Zoom)
Amber Weber – District Consultant
Bart Mendenhall – Legal Counsel
Matt Hobbs – Special Counsel (Via Zoom)

District Staff Absent

Gerry Knapp – District Consultant
Lee Hancock – Conservation Easement Consultant
Nate Finnell – Agriculture/Water
Peter Nichols – Special Counsel

Guests Present (Via Zoom)

Israel Ortega – Aurora Water
Jerry Pacheco – Pueblo Urban Renewal Authority
Dr. James Valenzuela – Pueblo Urban Renewal Authority
Mark Aliff – Pueblo Urban Renewal Authority
Betty Martinez – Pueblo Urban Renewal Authority

10:30 a.m. – Call to Order

- Chairman Gill introduced the Directors and Staff present along with the guests attending via Zoom.

Establish a Quorum

- Chairman Gill announced a quorum is present with no Directors absent.

General Manager – Pueblo Urban Renewal Authority

- General Manager Winner introduced Matt Hobbs, special counsel, who gave a brief update on the Pueblo Urban Renewal Authority (PURA) situation including PURA's unwillingness to negotiate.

- According to Special Counsel Hobbs, PURA has failed to comply to HB 15-1348 on several occasions.
- Director Esquibel asked about the value of pursuing litigation with Special Counsel Hobbs and General Manager Winner stating the benefits would exceed the costs of litigation.
- General Manager Winner stated he has had issues with PURA communicating with him and were unwilling to negotiate.
- Director Nunez asked Jerry Pacheco to speak, who then commented he disagreed with General Manager Winner and implied there was a racial issue while also stating General Manager Winner has failed to communicate with PURA.

(JAY WINNER (JW): Jerry will have to be unmuted

JERRY PACHECO (JP): Yes sir. I absolutely uhh categorically disagree with the General Manager, who has absolutely failed to even converse with me. I don't know if its a personal issue or a racial issue, but he has failed to...

AUDIENCE: (grumbling, disagreement, disgust)

JP: ...he has failed to even interact with me as the executive director and the Urban Renewal Authority's position is we have worked in good faith with your executive, with your general manager since day one and all of the taxing entities in Pueblo county including the school district, the southeastern water conservancy district and all other districts including the library district, which Mr. Winner is a very good friend of, have all agreed to this TIFF agreement. So, for the Lower Ark to take the position now which is contrary to the initial representation, in front of many people in the Pueblo community which will testify under oath that Mr. Winner said he would go along with this. We're we're prepared to to litigate this. We are not gonna back down. This is our position. Uhh, its unfortunate that its gotten to this point because we're all in to umm economic development in southern Colorado. I am a fourth generation farmer in Pueblo county. I live right next to Pueblo county high school. My grandparents were here before Pueblo county high school was ever built. So this whole issue...and I have a degree in urban and regional planning so if you want to talk about water quality issues, the water quality issues with resp..with respect to the to the improvements at the power plant are actually going to improve water quality and we are prepared to go to court to prove that.

JW: As everybody can see, please mute Jerry, as everybody can see they have not change their attitude. I'm quite offended that he like to use the word a racial problem. That's very immature.)

- Jerry Pacheco also stated that the EVRAZ project would benefit water quality.
- Director Nunez asked Jerry Pacheco to comment on the feasibility of litigation.
- Chairman Gill stated that there is no public comment on the agenda and that the Board is here to approve a resolution, with Vice Chairman Mauch reading said resolution.

Board Action – Resolution 2020-02

- Director Chavez moved to adopt Resolution 2020-02, seconded by Director Mauch.
 - Director Esquibel moved to amend the resolution to include individual Directors listed within the resolution and indicate their position within the resolution, seconded by Director Nunez. Motion carried unanimously.



- The amended resolution was passed by a vote of 5-0-2 with Chairman Gill, Vice Chairman Mauch and Directors Chavez, Brown, and Valliant voting for the adoption of the resolution and Directors Esquibel and Nunez voting against the adoption of the resolution.
- Legal Counsel Bart Mendenhall recommended Brenda Fillmore as assistant secretary to sign Resolution 2020-02.
 - Director Mauch moved to accept Brenda Fillmore as assistant secretary, seconded by Director Chavez. Motion carried unanimously.

Adjourn

At 10:59 p.m., Director Mauch moved to adjourn the board meeting, seconded by Director Valliant. Motion carried unanimously.

Lynden Gill

Chairman

~~Melissa Esquibel~~ Secretary
Assistant Secretary