



**April 21, 2021**  
**Regular Board Meeting Minutes**

The regular board meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, April 21, 2021 commencing at 10:36 a.m. at 801 Swink Avenue, Rocky Ford, CO 81067.

**Directors Present**

Lynden Gill – Chairman  
Leroy Mauch – Vice Chairman  
Melissa Esquibel – Secretary (Left at 11:46 a.m.)  
Jim Valliant – Treasurer (Via Phone)  
Phillip Chavez  
Reeves Brown  
Anthony Nunez (Left at 11:46 a.m.)

**Directors Absent**

**District Staff Present**

Brenda Fillmore – Finance/Water  
Lee Hancock – Conservation Easement Consultant  
Jessica Mills – Administrative Assistant  
Jack Goble, P.E. – District Engineer  
Mike Weber – Staff Engineer  
Nate Finnell – Agriculture/Water  
Peter Nichols – Special Counsel

**District Staff Absent**

Gerry Knapp – District Consultant

**Guests Present (Via Zoom)**

Rick Kienitz – Aurora Water  
Israel Ortega – Aurora Water  
Jolly Rose – Rocky Ford Citizen  
Marty Lee – Rocky Ford Daily Gazette

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

**Statement from Chairman Gill**

I am sorry to report that Jay Winner, the District's General Manager resigned, effective April 15<sup>th</sup>. Jay was a dynamic leader, who nurtured the District for over 16 years as it grew into a major player on water rights, water quality and land conservation in the Lower Arkansas Valley, and indeed the entire State of Colorado and western states.

Jay had a leading role in the District's most notable successes, including stopping out-of-basin water transfers; legislative changes that recognize the water quality impacts of changes of water rights; the creation of the Super Ditch; the restoration of credibility for conservation easements as a member of the Conservation Easement Oversight Commission; the successful demonstration of leasing-fallowing;



innovative approaches to help young farmers acquire land; preparation of the Arkansas Basin Water Implementation Plan as a member of the Arkansas Basin Roundtable; a far reaching exchange decree to facilitate leasing-fallowing; a settlement with Aurora that constrains future buy-and-dry out of basin transfers; preparation of Colorado's Water Plan as a member of the Interbasin Compact Commission; a settlement with Colorado Springs that will clean up stormwater and improve water quality in Fountain Creek and the Arkansas River; nationally trailblazing programs involving non-point source pollution control and pollutant trading; storage accounts in Pueblo Reservoir and hopefully soon John Martin Reservoir; leading-edge standards for revegetation and erosion control on formerly irrigated land; an innovative program that reduced the impact of the State Engineer's Irrigation Improvement Rules on farmers; and millions of dollars in grants and in-kind services; as well as many other accomplishments too numerous to adequately recognize, all of which furthered the mission of the District.

I, the Board and the District will miss his creative thinking, plain speaking, energy, and dedication. We wish him well in his future endeavors.

### **Executive Session**

- Director Esquibel moved to recess the regular board meeting to open an Executive Session meeting, seconded by Director Nunez. Motion carried unanimously
- The purpose of conferences with an attorney for the purposes of receiving legal advice on specific legal questions [CRS 24-6-402(4)(b)] and 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)].
- Special Counsel Nichols identified the subjects of the executive session would be discussion on the General Manager vacancy and the Colorado Springs Utilities exchange cases.

### **11:33 a.m. – Reconvene the Regular Board Meeting**

- Director Esquibel moved to amend the agenda to include Board Action to appoint an acting General Manager, move up Directors Discussion including the Conflict of Interest Policy, and to also move up the Legal Reports, seconded by Director Nunez. Motion carried unanimously.

### **Board Action**

- Director Esquibel moved to appoint District Engineer, Jack Goble, as interim General Manager, seconded by Director Mauch. Motion carried 4-1-1.
- Director Esquibel moved to accept the Conflict of Interest Policy as it has been prepared and proposed by Special Counsel Nichols, seconded by Director Valliant. 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.

- Special Counsel Nichols reported Colorado Springs Utilities has filed 2 cases and recommends that the board file statements of opposition.
  - Director Esquibel moved to file statements of oppositions for case numbers 21CW3009 and 21CW3015, seconded by Director Mauch. Motion carried unanimously.

**10:46 a.m. – Recess to Enter the Water Activity Enterprise**

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

**10:47 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 – February 17, 2021
  - Executive Session Minutes – February 17, 2021
  - February 2021 Financials
  - March 2021 Financials
- Director Valliant moved to approve all Routine Items, seconded by Director Brown. Motion carried unanimously.

**Committee Reports**

- Personnel: None
- Acquisition: None
- Ethics: None
- Finance/Budget: Director Valliant reported the Finance Committee met.
- Executive: None
- Legal: None

**Adjourn**

- At 11:50 a.m., Director Brown moved to adjourn the board meeting, seconded by Director Mauch. Motion carried unanimously.

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Lynden Gill

Chairman

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Melissa Esquibel

Secretary