

April 18, 2012
Minutes-Board Meeting

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, April 18, 2012 commencing at 10:46 A.M., at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Moore announced a quorum is present with all the Directors present.

DIRECTORS PRESENT:

Pete Moore-Chairman
Lynden Gill-Vice Chairman
Melissa Esquibel-Secretary
Wayne Whittaker –Treasurer
Leroy Mauch
Anthony Nunez
Reeves Brown

DISTRICT STAFF PRESENT:

Jay Winner-General Manager
Bill Hancock-Conservation Program Manager
Carla Aragon-Quezada-Office Manager
Brenda Fillmore-Finance/Water
Bart Mendenhall-Attorney
Peter Nichols-Attorney

MOTION TO ENTER INTO WATER ACTIVITY ENTERPRISE:

Director Nunez moved that the Board recess the regular Board Meeting and open the Water Activity Enterprise meeting, seconded by Director Gill. Motion unanimously carried.

At the conclusion of the Water Activity Enterprise meeting Director Gill moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:49 A.M., seconded by Director Esquibel. Motion unanimously carried.

INTRODUCTION OF VISITORS:

Chairman Moore welcomed each of the visitors to the meeting, asked them to introduce themselves and identify the organization which they represent.

VISITORS PRESENT:

Rick Kientz, Aurora Water; Scott Lorenz, AUGA; Jim Baldwin and Keith Goodwin, Commissioner's for Otero County; Jim Valliant, CSUAES; Bill Hancock, LAVWCD; Dan Henrichs, Highline Canal; Dave Mau, USGS; Clarice Ratzlaff, Congressman Tipton's office; Patrick Hancock and Andrew Froese, Hancock Froese & Company LLC; Henry Schnabel,

Commissioner for Prowers County; Chris Woodka, Pueblo Chieftain; Bette McFarren, La Junta Tribune; Dwight Gardner, US Senator Michael Bennet's office.

APPROVAL OF MINUTES:

- ❖ *March 21, 2012 Monthly Board Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the March 21, 2012 Board meeting and whether there were any corrections or additions. Director Mauch moved to approve the minutes for March 21, 2012, seconded by Director Brown. Motion unanimously carried.

- ❖ *March 20, 2012 and March 21, 2012 Work Session Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the March 20, 2012 and March 21, 2012 Work Session meeting and whether there were any corrections or additions. Director Esquibel moved to amend for approval of both work sessions for March 20, 2012 and March 21, 2012, seconded by Director Mauch. Motion unanimously carried.

TREASURER'S REPORT:

Chairman Moore reported that the financial report for the month of March was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported March total revenues \$191,673.54 and total expenditures \$176,905.34 with total net \$14,768.20. Director Whittaker moved to accept the March Financial Statement, seconded by Director Esquibel. Motion unanimously carried.

GM REPORT:

General Manager gave an update on Conservation Easements.

PRESENTATION:

General Manager Winner introduced Patrick Hancock, of Hancock Froese & Company LLC.

Mr. Hancock stated that all the Board Members had a copy of the December 31, 2011 Financial Statements. He stated that after the Board Members had time to review the document, if there were any questions, to contact him. Mr. Hancock briefly discussed each financial statement in the hand out and stated that the District was in complete compliance with their budget which is attached to the minutes as **Exhibit A**.

Attorney Peter Nichols gave an update on storm water issues. He stated that Colorado Springs is the second largest city and spent \$4.63 per capita on stormwater funding, less than 10% of the Front Range average. Pueblo is at half the average, at \$25.81 per capita.

The Lower Arkansas Valley Water Conservancy District had negotiated with Colorado Springs on several water issues but was unsuccessful in reaching an IGA (Intergovernmental Agreement).

Attorney Nichols stated our understanding of what they were going to do with storm water was that there would be about \$20 million per year in spending over time. We have found out that they spend less than a tenth of that.

Storm water fees:

	2010		
City	Population	Total Annual Funding	Annual Funding Per Capita
Denver	605,722	\$32,495,841	\$53.65
Colorado Spring	419,353	1,941,400	4.63
Aurora	327,020	19,547,104	59.77
Fort Collins	144,417	14,229,352	98.53
Lakewood	143,208	4,888,004	34.13
Pueblo	106,739	2,755,000	25.81
Arvada	106,643	9,016,908	90.65
Westminster	106,459	2,128,000	26.67
Boulder	97,948	6,435,755	82.10
Greeley	93,287	4,211,679	45.15

Director Esquibel stated, "It is irresponsible behavior by Colorado Springs, they owe the rest of the area a service." "It's unconscionable."

Director Nunez stated "I agree with what Director Esquibel said, and that Colorado Springs cannot be trusted."

Director Esquibel moved to have Attorney Nichols review Colorado Springs compliance with the EIS (Environmental Impact Statement), the record of decision and associated documents as they particularly relate to funding for Storm water mitigation, seconded by Director Nunez. Motion unanimously carried.

COMMITTEE REPORTS:

Personnel: None.

Acquisition: None.

BOARD ACTION:

Director Esquibel moved to accept and approve the December 31, 2011 Audit Report, seconded by Director Gill. Motion unanimously carried.

Director Esquibel moved to authorized Commissioner Henry Schnabel to use the balance of \$24,000.00 that was \$35,000.00 in support of the Tamarisk for future workshops and tamarisk project, seconded by Director Whittaker. Motion unanimously carried.

Director Brown moved to have an additional assessment for the participants on the Rule 10 Plan \$40.00 per acre feet, seconded by Director Nunez. Motion unanimously carried.

Attorney Nichols gave a report on the Substitute Water Supply Plan for the Super Ditch.

Director Esquibel moved to authorize Attorney Nichols to intervene in the States defense of the application for SWSP (Substitute Water Supply Plan) to support for the Super Ditch Company if it is ultimately approved, seconded by Director Mauch. Motion unanimously carried.

Director Esquibel moved to support \$125,000 for three recharge ponds for the Pilot Study Program, seconded by Director Nunez. Motion unanimously carried.

Attorney Mendenhall was given direction to get contract for recharge ponds.

LEGAL REPORT:

Director Esquibel stated that there will be a reception for outgoing Water Judge Dennis Maes at the end of May in Pueblo. The new Water Judge will be Judge Larry Swartz as of June 1, 2012.

Attorney Bart Mendenhall: Attorney Mendenhall's stated that a copy of his legal report is attached to the minutes as **Exhibit B.**

Trout, Raley, Montano, Witwer & Freeman, PC


Attorney Peter Nichols: A copy of Attorney Nichols' legal report is attached to the minutes as **Exhibit C.**

PUBLIC COMMENT: None.

ADJOURNED:

Chairman Moore asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Esquibel, seconded by Director Nunez. Motion unanimously carried. Meeting was adjourned at 11:25 A.M.


Pete Moore Chairman


Melissa Esquibel Secretary