

**August 15, 2012
Minutes-Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, August 15, 2012 commencing at 10:40 A.M, at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Gill announced a quorum is present with all Directors present.

DIRECTORS PRESENT:

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

At the conclusion of the Water Activity Enterprise meeting Director Esquibel moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:43 A.M., seconded by Director Mauch. Motion unanimously carried.

INTRODUCTION OF VISITORS:

Chairman Gill 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; Dan Henrichs, Rocky Ford Highline; Bill Tyner, Assistant Division Engineer; Bill Hancock, LAVWCD; Ann Lopkoff, CWPDA; Tammy Ivahmenko, USGS; Gloria Gutierrez, Senator Udall's office; Doris Morgan, Congressman Gardner's office; Bette McFarren, La Junta Tribune.

APPROVAL OF MINUTES:

- ❖ *July 18,, 2012 Monthly Board Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the minutes for the July 18, 2012 Board meeting and whether there were any corrections or additions. Director Esquibel moved to approve the minutes for July 18, 2012, seconded by Director Nunez. Motion unanimously carried.
- ❖ *July 18, 2011 Work Session Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the minutes for the July 18, 2012 Work Session meeting and whether there were any corrections or additions. Director Esquibel moved to approve the minutes for July 18, 2012, seconded by Director Nunez. Motion unanimously carried.

TREASURER'S REPORT:

Chairman Gill reported that the financial report for the month of July was included in the Board's Monthly Meeting Packet. Director Brown reported July total revenues \$47,128.44 and total expenditures \$151,466.42 with total net \$(104,337.98). Director Brown moved to accept the April Financial Statement, seconded by Director Nunez. Motion unanimously carried.

General Manger Winner stated that the board needed to elect a budget officer. Attorney Mendenhall stated per C.R.S. 29-1-104. Director Whittaker nominated Brenda Fillmore, Financial/Water as the budget officer, seconded by Director Esquibel. Motion carried unanimously.

GM REPORT:

General Manager gave an update on the article that he had written for the 50th Anniversary of the Fry-Ark Project that was published in the Pueblo Chieftain.

General Manager Winner directed board members to Tab (2) two of the board packets. He stated that the Public Trust Initiatives #3 and #45 the proponents have officially withdrawn.

General Manager Winner directed board members to Tab (3) three of the board packets. The Colorado Water Conservation Board (CWCB) has approved the application for funding for the amount of \$60,000 to complete the pond study.

Bill Tyner, Assistant Division Engineer stated that they are trying to finalize the scope of work for the pond study.

General Manager Winner directed board members to Tab (4) four of the board packets. He stated that LAVWCD were receiving thank you notes from the teachers that participated in the scholarships for CSU-Fort Collins. This is where teachers learn hands on how to farm, ranch etc.

General Manager Winner directed board members to Tab (5) five of the board packets. A letter was sent out to Jennifer Gimbel, Director of the Colorado Water Conservation Board (CWCB) for an Agricultural Emergency Drought grant application requesting reimbursement of the increased costs of purchasing replacement water as a result of the drought.

PRESENTATION: None

COMMITTEE REPORTS:

Personnel: None.

Acquisition: None.

Legal: None

BOARD ACTION:

Director Esquibel moved to send letter to Bureau of Reclamation (BOR) asking them to revoke the Record of Decision contract immediately and until Colorado Springs Utilities provides evidence that institutional mechanism, rather than empty political promises, will be used to implement stormwater improvements and maintenance, seconded by Director Nunez. Motion unanimously carried.

Director Nunez stated that Colorado Springs Utilities has always given Lower Ark and Pueblo County lip service about their stormwater. He stated they continue to stonewall not only Pueblo County, but the Lower Ark. Mayor Lionel Rivera on November 3, 2009 said that Tuesday night it does not affect the stormwater enterprise. He said it would be business as usual on Wednesday morning at the enterprise. And that statement has me up in arms over the fact that they knew it and they continue to be deceitful, they're not trustworthy. I feel we (LAVWCD Directors) should take the position not only for the Lower Ark but as Pueblo as well. Even councilman Scott Hente stated, "I have read the initiative about 100 times, I don't see anything in there that affects stormwater enterprise." Director Nunez stated, "You just can't trust these people."

Attorney Nichols will send a follow up letter to Reclamation on the legal aspect of it.

Director Esquibel moved to amend the motion to have General Manager Winner and Attorney Nichols travel to Washington D.C. to give the Department of Interior an update on the stormwater issue in the Lower Arkansas Valley.

LEGAL REPORT:

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

Berg Hill Greenleaf & Ruscitti LLP

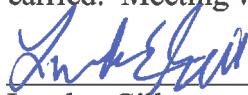
Peter Nichols: A copy of Attorney Nichols' legal report is attached to the minutes as Exhibit B.

PUBLIC COMMENT:

General Manager Winner gave an update on the Fry-Ark Celebration that will take place on August 18, 2012 from 9:00 – 2:00 p.m. at the Pueblo Reservoir.

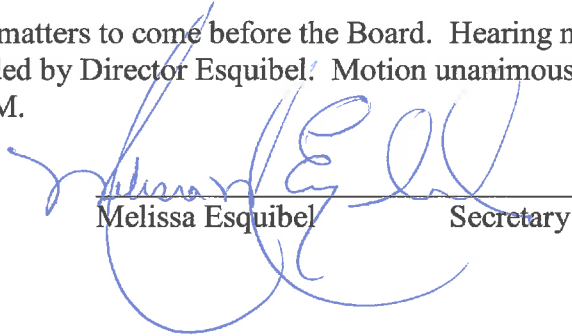
ADJOURNED:

Chairman Gill asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Nunez, seconded by Director Esquibel. Motion unanimously carried. Meeting was adjourned at 11:07 A.M.



Lynden Gill

Chairman



Melissa Esquibel

Secretary