

**August 16, 2017**  
**Regular Board Meeting Minutes**

The regular board meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, August 17, 2017 commencing at 10:34 A.M., at 801 Swink Ave., Rocky Ford, CO 81067.

**Directors Present**

Lynden Gill – Chairman  
Leroy Mauch – Vice Chairman  
Jim Valliant – Treasurer  
Melissa Esquibel – Secretary  
Anthony Nunez  
Reeves Brown  
Willard Behm

**Directors Absent**

None

**District Staff Present**

Jay Winner – General Manager  
Bill Hancock – Conservation Program Manager  
Jack Goble, P.E. – District Engineer  
Brenda Fillmore – Finance/Water  
Mike Weber – Staff Engineer  
Carla Aragon-Quezada – Office Manager  
Bart Mendenhall – Legal Counsel  
Peter Nichols – Special Counsel

**District Staff Absent**

None

**Guests Present**

Lane Simmons, Arkansas Valley Research Center  
Brett Gracely, Colorado Springs Utilities  
Betsy Brown, Director Brown's Wife  
Bill Tyner, Division of Water Resources  
Dave Donnell, Higbee  
Dwight Proctor, La Junta  
Bette McFarren, La Junta Tribune Democrat  
Fred Heckman, McClave  
Shawn Mobley, Otero County Sheriff  
Tom Grasmick, Prowers County Commissioner  
Alan Water, Pueblo Water  
Jolly Rose, Rocky Ford  
Vernon J. Proctor, Rocky Ford  
Clarice Navarro, State Representative  
Kimmie Lewis, State Representative

Chairman Gill announced a quorum is present with no directors absent.

**10:35 A.M. – Recess to Enter the Water Activity Enterprise**

Director Nunez moved that the Board recess the regular Board Meeting and open the Water Activity Enterprise meeting. The motion was seconded by Director Esquibel and carried unanimously.

**10:40 A.M. – Reconvene the Regular Board Meeting**

Director Nunez moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting. The motion was seconded by Director Esquibel and carried unanimously.

**Introduction of Visitors**

Chairman Gill welcomed each of the visitors to the meeting and asked each of them to introduce themselves and identify whom they represent.

**Approval of Minutes**

*Minutes of the June 21, 2017 Board Meeting:* Chairman Gill ask the board to review the minutes from the June 21, 2017 regular board meeting and would entertain a motion to accept the minutes. Director Nunez moved to accept the meetings from the regular board meeting on June 21, 2017. Director Esquibel seconded the motion which carried unanimously.

*Minutes of the August 8, 2017 Special Board Meeting:* Chairman Gill ask the board to review the minutes from the August 8, 2017 special board meeting, and would entertain a motion to accept the minutes. Director Brown moved to accept the meetings from the special board meeting on August 8, 2017. Director Valliant seconded the motion which carried unanimously.

**Treasurer's Report**

*June 2017 Financials:* Director Valliant reported that the financials for the month of June indicating that: revenues totaled \$385,440.06, expenses totaled \$377,475.70 giving a total net income of \$7,964.36. Director Valliant moved to accept the financials for the month of June which was seconded by Director Brown and carried unanimously.

*July 2017 Financials:* Director Valliant reported that the financials for the month of June indicating that: revenues totaled \$51,649.08, expenses totaled \$90,121.61, giving a total net income of -\$38,472.53. Director Valliant moved to accept the financials for the month of June which was seconded by Director Brown and carried unanimously.

**General Manager's Report**

*Agenda Addition*

General Manager, Jay Winner, indicated an alteration of the general managers' report on the agenda, by adding a conservation easement presentation by Bill Hancock after the North La Junta presentation by Mike Weber, along with the removal of Larkspur Donations by Willard Behm as the matter had already been resolved.

General Manager Winner introduced the first presenter Mike Weber to discuss the Water Quality Projects and North La Junta.

*Mike Weber – Water Quality and North La Junta*  
**See Exhibit A**

General Manger Winner introduced the second presenter, Bill Hancock, to discuss conservation easements. While Bill Hancock approached the podium General Manager Winner talked about the settlement of Zinno Subdivision Project stating that after a year of hard work, an agreement was made to connect 96 water taps to the St. Charles Water System. The cost per tap would be approximately \$88.00 per month as opposed the \$150.00 per month the residents were used to. The only hiccup in the project now is removal of the 96 septic systems.

*Bill Hancock – Conservation Easements*  
**See Exhibit B**

General Manager Winner introduced the final presenter, Jack Goble, to speak about Colorado Water Conservation Board Project and Grants.

*Jack Goble – CWCB Project and Grants*  
**See Exhibit C**

#### **Director's Discussion**

Director Behm addressed the board concerning transparency within the district stating, "everything we as a district do is public, and the public has the right to know what is going on." Director Behm proceeded to handout a draft proposal of requests that would help address the transparency issues in the eyes of Director Behm. **See Exhibit D**

Director Brown rose the question of changing information that is posted on the website and in the paper, might require a policy change.

Director Nunez would like to explore this matter further based on what other districts are currently doing.

Director Esquibel has concerns about posing things that might have legal or confidential repercussions.

Attorney Peter Nichols would like to review the proposal by Director Behm to ensure no legal or confidentiality rules are being broken.

Director Gill took the comments by Behm and stated, "the transparency issues need to be worked out in a work session before any formal motion can be made to ensure that no confidentiality is breached."

**Committee Reports**

*Personnel:* None

*Acquisition:* None

*Ethics:* None

*Finance/Budget:* None

**Board Action**

**Approval of a Budget Officer**

General Manager, Jay Winner, recommended Brenda Fillmore as the Budget Officer for 2017. Director Brown made a motion to appoint Brenda Fillmore the Budget Officer for 2017 with a second by Director Valliant. Motion carried unanimously.

**Legal Report**

*Legal Committee, Director Esquibel:* The legal committee had no comment.

*Attorney Bart Mendenhall, Mendenhall and Malouff:* A copy of the legal report can be found in the director's packets with nothing further added. A copy can be obtained by contacting Lower Arkansas Valley Water Conservancy District.

*Attorney Peter Nichols, Berg Hill Greenleaf & Ruscitti LLP:* A copy of the legal report can be found in the director's packets with nothing further added. A copy can be obtained by contacting Lower Arkansas Valley Water Conservancy District.

**Public Comment**

Dwight Proctor stood up addressing the board of the concerns that the District is not transparent, exclaiming that posting information on the website should not be that difficult and the staff can handle it.

Dave Donnell addressed the board with concerns about the targeting of specific board members and asked that these issues be resolved.

Vernon J. Proctor addressed the board with the comment, "transparency will put the tax payers at ease." Followed by this comment was a statement showing support of the letter drafted by Director Behm.

**11:43 A.M.- Enter into Executive Session**

Director Esquibel made a motion to enter into executive session for the purposes of conversation with the attorney to receive legal advice on a specific legal question regarding Colorado Revised Statue 24-6-402(4)(b), as well as determining positions relative to matters which might be subject to negotiations, developing strategy for negotiations, and directing negotiators pursuant to Colorado Revised Statue 24-6-402(4)(e).

**2:24 P.M. – Reconvene the Regular Board Meeting**

Chairman Gill said, "The participants at the executive session were Directors Mauch, Nunez, Valliant, Esquibel, Brown, Behm, and Gill, Counsel Mendenhall, special counsel Nichols. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not including the motion to go into executive session occurred during the executive session, or that that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record."

**Board Action**

Director Brown made the motion to place Carla Aragon-Quezada on administrative leave, with pay, with Attorney Nichols as the person to notify said employee. Motion was seconded by Director Valliant and no discussion followed. Directors Mauch, Brown, and Valliant voted in favor with Directors Nunez, Esquibel, and Behm in opposition. Chairman Gill broke the tie with a yes vote and the motion carried four to three.

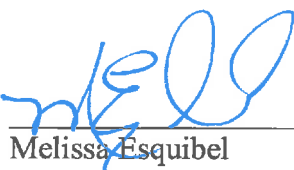
Director Esquibel moved that Attorney Nichols identify a list of three workplace investigators and obtain a resume and fee schedule to be disbursed to the executive committee for purposes of selecting an individual to complete a workplace investigation. Director Brown seconded the motion. Director Brown amended the motion to include a statement of availability. Director Esquibel seconded the motion and the amended motion passed unanimously.

Director Esquibel made a recommendation to have Attorney Nichols and the Board of Directors to draft correspondence to be provided to all the District employees regarding their obligation to comply with the process and their acknowledgement that whatever information they share would be shared in the form of investigation with the board, which should be signed by Director Gill.

**Adjourn**

At 1:50 P.M., Chairman Gill asked for any other business which should come before the board, and hearing none, Chairman declared the meeting adjourned.

  
\_\_\_\_\_  
Lynden Gill                                  Chairman

  
\_\_\_\_\_  
Melissa Esquibel                          Secretary