

**December 6, 2017**  
**Regular Board Meeting Minutes**

The regular board meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, December 6, 2017 commencing at 10:37 A.M., at 801 Swink Ave., Rocky Ford, CO 81067.

**Directors Present**

Lynden Gill – Chairman  
Leroy Mauch – Vice Chairman  
Jim Valliant – Treasurer  
Reeves Brown  
Willard Behm

**Directors Absent**

Melissa Esquibel – Secretary  
Anthony Nunez

**District Staff Present**

Jay Winner – General Manager  
Jack Goble, P.E. – District Engineer  
Bill Hancock – Conservation Manager  
Brenda Fillmore – Finance/Water  
Mike Weber – Staff Engineer  
Bart Mendenhall – Legal Council  
Peter Nichols – Special Council  
Jessica Rein – Temporary Staff

**District Staff Absent**

**Guests Present**

Cathy Garcia, U.S. Senator Gardner  
Marty Lee, Rocky Ford Gazette  
Dave Donnell, concerned citizen  
Dwight Proctor, Rocky Ford Farmer

**Chairman Gill announced a quorum is present with Directors Esquibel and Nunez absent.**

**10:38 A.M. – Recess to Enter the Water Activity Enterprise**

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

**10:40 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 Minutes**

- Minutes for the November 15 Regular Board Meeting were approved with a motion by Director Behm, seconded by Director Brown. Motion carried unanimously.
- Minutes for the November 15 Work Session Meeting were approved with a motion by Director Valliant, seconded by Director Brown. Motion carried unanimously.

**Treasurer's Report**

- The General Treasurer's report, given by Director Valliant states that the General Fund totals for November were:
  - Total Revenues - \$21,911.06
  - Total Expenses - \$83,420.03
  - Net Income – (-\$61,508.97)
- Financials were approved with a motion by Director Valliant, seconded by Director Mauch. Motion carried unanimously.

**General Manager's Report**

- General Manager Winner gave an update on Director Behm's Transparency Letter which included 9 points.
  - **SEE EXHIBIT A**
  - Special Counsel Nichols expand on point #2 and provided information on how to obtain a list of cases LAVWCD is involved in.
- Special Counsel Nichols and General Manger Winner proposed a new method to explore alternative compensation mechanisms to find the public value of Conservation Easements.
  - **SEE EXHIBIT B**
  - The Conservation Easement Budget from CSU of \$50,000 for two years was approved with a motion from Director Brown, seconded by Director Mauch. Motion carried unanimously.
- Finally, General Manger Winner gave an update and overview of the Water Quality Control Commission Policy 17-1.
  - **SEE EXHIBIT C**
  - General Manger Winner commented that the interesting pages were 15 and 16.

**Board Action**

- 2018 Budget – Resolution 2017-39: Director Valliant moved to accept Resolution 2017-39, seconded by Director Brown. Motion carried unanimously.

**Committee Reports**

Personnel: None

Acquisition: None

Ethics: None

Finance/Budget: Director Valliant reported that the Finance Committee met on November 15 to review the 2018 Budget and recommended approval of the budget.

Executive: None

Legal: None

**Legal Report**

- Attorney Bart Mendenhall, Mendenhall and Malouff: Legal Report is attached as **EXHIBIT D**
- Attorney Peter Nichols, Berg Hill Greenleaf & Ruscitti LLP: No legal report was provided due to the holidays and short time period between the November 15 and December 6 meetings

**Public Comment**

- Dwight Proctor asked about when each Director's term expires and if an announcement for new director application was published. Comments were provided about when terms expire and that the announcements were published in several papers.
- Dave Donnell thanked Director Behm for his work on the transparency letter.
- Dave Donnell commented about clarification on the Catlin Canal Pilot Project. Directors Brown and Gill, along with Special Counsel Nichols and District Staff Bill Hancock provided feedback and comments.
  - It was also mentioned that all information pertaining to the project could be found on the CWCB website and that more opportunities such as this project would be developed in the future.


**Executive Session**

- Director Mauch moved to recess the regular board meeting to open an Executive session meeting, seconded by Director Brown. It carried unanimously.
- The purposes of the executive session are for the purpose of discussing matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators under Colorado Revised Statute 24-6-402(4)(e).

**Adjourn**

At 12:26 p.m., Director Mauch moved to adjourn the board meeting, seconded by Director Brown. Motion carried unanimously.

  
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Lynden Gill Chairman

  
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Melissa Esquibel Secretary