

February 20, 2013
Minutes-Board Meeting

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, February 20, 2013 commencing at 10:43 A.M, at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Gill announced a quorum is present with Directors Mauch and Esquibel being excused.

DIRECTORS PRESENT:

Lynden Gill-Chairman
Wayne Whittaker-Treasurer
Anthony Nunez
Reeves Brown
Jim Valliant

DIRECTOR ABSENT:

Leroy Mauch-Vice Chairman
Melissa Esquibel-Secretary

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 Brown 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 Whittaker moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:47 A.M., seconded by Director Nunez. 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:

Gerry Knudsen, Agri-Tech; Better McFarren, La Junta Tribune; Jeff Davidson, CSU-AVRC; Keith Goodwin, Commissioner for Otero County; Tom Simpson, Aurora; Mark Pifher, CSU; Dan Henrichs, Rocky Ford Highline and Bill Hancock, LAVWCD.

APPROVAL OF MINUTES:

- ❖ *January 16, 2013 Monthly Board Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the minutes for the January 16, 2013 Board meeting and whether there were any corrections or additions. Director Nunez moved to approve the minutes for January 16, 2013, seconded by Director Valliant. Motion unanimously carried.
- ❖ *January 16, 2013 Work Session Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the work minutes for the January 16, 2013 Work Session meeting and whether there were any corrections or additions. Director Nunez moved to approve the minutes for January 16, 2013, seconded by Director Valliant. Motion unanimously carried.

TREASURER'S REPORT:

Chairman Gill reported that the financial report for the month of January was included in the Board's Monthly Meeting Packet. Director Whittaker reported January total revenues \$112,557.92 and total expenditures \$64,353.29 with total net \$48,204.63. Director Whittaker moved to accept the January Financial Statement, seconded by Director Brown. Motion unanimously carried.

GM REPORT: None

COMMITTEE REPORTS:

Personnel: None.

Acquisition: None.

Legal: None

BOARD ACTION: None

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:

Mark Pifher of, Colorado Springs Utilities asked if he could give information on a resolution. General Manager Winner stated we'll put the information in the next board packet which will be presented at the next board meeting on March 20, 2013.

Bette McFarren from the La Junta Tribune stood up and asked if any action will be taken in the executive session. Chairman Gill stated there will not be any board action taken.

At 10:50 a.m., Director Brown stated that the Lower Arkansas Valley Conservancy District Board of Directors will move into Executive Session for the following purposes;

Conferences with an Attorney for the purposes of receiving legal advice on specific legal questions [CRS 24-6-402(4)(b)].

Determining positions relative to matters that may be subject to negotiations: Developing strategies from negotiations; and instructing negotiators [CRS 24-6-402(4)(e)], relating to Rule 10 Plans, pending litigation and Super Ditch Lease Following arrangements, seconded by Director Valliant. Motion unanimously carried.

"In the opinion of Attorney Mendenhall, all or a portion of the discussion during the Executive session constituted a privileged attorney-client communication, and therefore no record or recording was kept of that part of the discussion."

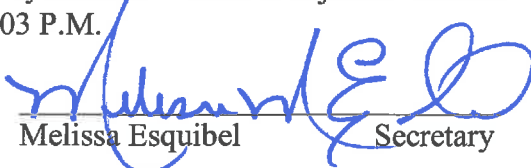
Director Whittaker moved that the Board conclude executive session and re-enter Regular Board Meeting 2:00 P.M., seconded by Director Nunez. Motion unanimously carried.

ADJOURNED:

Chairman Gill asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Whittaker, seconded by Director Nunez to adjourn. Motion unanimously carried. Meeting was adjourned at 2:03 P.M.



Lynden Gill Chairman



Melissa Esquibel Secretary