

**July 18, 2012**  
**Minutes-Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, July 18, 2012 commencing at 10:35 A.M., at 801 Swink Avenue, Rocky Ford, CO 81067.

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

**DIRECTORS PRESENT:**

Lynden Gill-Chairman  
Melissa Esquibel-Secretary  
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

**DIRECTORS ABSENT:**

Wayne Whittaker –Treasurer  
Leroy Mauch

**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 Esquibel. 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 10:41 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:**

Lane Simmons, Arkansas Valley Research Center; Jim Baldwin, Commissioner for Otero County; Rick Kientz, Aurora Water; Jolly Rose; Dan Henrichs, Rocky Ford Highline; Mark

Pifher, Colorado Springs Utilities (CSU); Doris Morgan, Congressman Gardner's office; Roy Vaughn, BOR; David Mau, USGS; Alan Ward, PBWW; Gloria Gutierrez, Senator Udall's office; Dwight Gardner, Senator Bennet's office; Bill Hancock, LAVWCD; Keith Goodwin, Commissioner for Otero County; Ann Lopkoff, CWPDA; Henry Schnabel, Commissioner for Prowers County; Dr. Scott Herrmann, CSU; Del Nimmo, CSU; Bette McFarren, La Junta Tribune; Chris Woodka, Pueblo Chieftain; John Schweizer, Super Ditch; Fred Heckman, McClave.

#### **APPROVAL OF MINUTES:**

- ❖ *April 18, 2012 Monthly Board Meeting Minutes*- Chairman Gill asked if the Board members had reviewed the minutes for the April 18, 2012 Board meeting and whether there were any corrections or additions. Director Esquibel moved to approve the minutes for April 18, 2012, seconded by Director Nunez. Motion unanimously carried.
- ❖ *June 20, 2012 Monthly Board Meeting Minutes*- Chairman Gill asked if the Board members had reviewed the minutes for the June 20, 2012 Board meeting and whether there were any corrections or additions. Director Esquibel moved to approve the minutes for June 20, 2012, seconded by Director Nunez. Motion unanimously carried.
- ❖ *April 18, 2012 and June 20, 2012 Work Session Meeting Minutes*- Chairman Gill asked if the Board members had reviewed the work session minutes for the April 18, 2012 and June 20, 2012 Work Session meeting and whether there were any corrections or additions. Director Esquibel moved to amend for approval of both work sessions for April 18, 2012 and June 20, 2012, seconded by Director Nunez. Motion unanimously carried.

#### **TREASURER'S REPORT:**

Chairman Gill reported that the financial report for the month of April was included in the Board's Monthly Meeting Packet. Director Brown reported April total revenues \$377,767.54 and total expenditures \$145,468.26 with total net \$232,299.28. Director Brown moved to accept the April Financial Statement, seconded by Director Nunez. Motion unanimously carried.

Chairman Gill reported that the financial report for the month of May was included in the Board's Monthly Meeting Packet. Director Brown reported May total revenues \$273,940.88 and total expenditures \$313,056.58 with total net \$(-39,115.70). Director Brown moved to accept the April Financial Statement, seconded by Director Nunez. Motion unanimously carried.

Chairman Gill reported that the financial report for the month of June was included in the Board's Monthly Meeting Packet. Director Brown reported June total revenues \$378,952.92 and

total expenditures \$135,434.39 with total net \$243,518.53. Director Brown moved to accept the April Financial Statement, seconded by Director Nunez. Motion unanimously carried.

#### **GM REPORT:**

General Manager gave an update on Conservation Easements. General Manager Winner said that the State of Colorado stated they could be looking at \$100 million in money owed to the state by the time everything is finalized.

#### **PRESENTATION:**

General Manager Winner introduced Roy Vaughn, Bureau of Reclamation (BOR).

Mr. Vaughn gave an update on Reclamation Managing Water in the West as of July 16, 2012, which is attached to the minutes as Exhibit A.

General Manager Winner introduced Lane Simmons of the Arkansas Valley Research Center.

Mr. Simmons presented to the board a power point presentation on a Lysimeter Project, which is attached to the minutes as Exhibit B.

General Manager Winner asked Mr. Simmons when will the Lysimeter Project be ready to use the farmers are getting anxious.

Mr. Simmons replied it could be 15-20 years before the study is finished.

#### **COMMITTEE REPORTS:**

Personnel: None.

Acquisition: None.

#### **BOARD ACTION:**

Director Brown moved to stop the support funding for Colorado State University. He felt the other partners involved should make their contributions, seconded by Director Esquibel. Motion unanimously carried.

#### **Resolution 12-02**

The Lower Arkansas Valley Water Conservancy District has been offered Temporary Water Storage Contracts #12XX6C0023, Amendment No. 1 (temporary storage for non-project irrigation water) Fryingpan Arkansas Project, Colorado by the United States Department of Interior, Bureau of Reclamation. Motion was made By Director Esquibel, seconded by Director Nunez, to adopt Resolution 12-02, motion unanimously carried.

Directors decided to table if needed. Resolution 12-03, Resolution Opposing Initiatives 3 and 45 until next month's meeting.

Director Brown moved Resolution 12-04 to 12-03. Resolution 12-03 the Lower Arkansas Valley Water Conservancy District has funds which should be invested at various financial institutions and whereas, said funds should be invested in a secure and safe place, and whereas, Brenda Fillmore, has been designated the Budget Officer of the District, and whereas, the signatories at said financial institutions has consisted of several Board members and staff, whereas, said restrictions have been found to be inefficient and cumbersome, Now, therefore, it is resolved as follows: The budget Officer is hereby authorized to remove any former Board members. The Budget Officer is authorized to include all Board members and Ralph Jay Winner as having the authority to sign on behalf of the Lower Arkansas Valley Water Conservancy District, Said Budget Officer shall change signatories as new appointments are made to the Board, seconded by Director Esquibel, motion unanimously carried.

#### LEGAL REPORT:

General Manager Winner stated that Special Counsel Peter Nichols will be transferring to a different law firm by the name of Berg Hill Greenleaf & Ruscitti LLP. Directors felt it would be best to stay with Attorney Nichols.

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

**Trout, Raley, Montano, Witwer & Freeman, PC**

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

#### PUBLIC COMMENT:

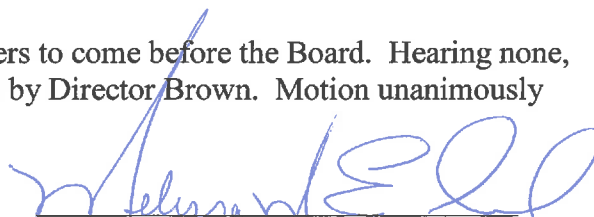
Gloria Gutierrez, Regional Director for Senator Mark Udall presented to the board of directors a certificate of Congressional Record – Senate Resolution 465- Recognizing that the Governor of the State of Colorado has Proclaimed 2012 as the "Year of Water", also a Certificate of Special Recognition is presented to Lower Arkansas Valley Water Conservancy District in recognizing their 10<sup>th</sup> Anniversary.

#### ADJOURNED:

Chairman Gill asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Esquibel, seconded by Director Brown. Motion unanimously carried. Meeting was adjourned at 11:37 A.M.

  
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Lynden Gill

Chairman

  
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Melissa Esquibel

Secretary