

## **OFFICIAL MEETING NOTICE**

**The Lower Arkansas Valley Water  
Conservancy District Regular Monthly  
Meeting of the Board will be held**

**Wednesday, November 16, 2016  
10:30 A.M. Enterprise and General Session**

**801 Swink Avenue  
Rocky Ford, CO 81067**

**LAVWCD Phone Number: 254-5115  
LAVWCD Fax Number: 254-5150**

## **Agenda November 16, 2016**

### **Call to Order Regular Monthly Board Meeting**

**Enterprise Meeting-**Approve Minutes for October 19, 2016

**Treasurer's Report-** Approve October Financial Statements

**Reconvene Regular Monthly Board Meeting and Introduction of Visitors**

**Approve Minutes-**Regular Board Meeting October 19, 2016

**Treasurer's Report-**Approve October Financial Statements

**General Manager Jay Winner**

- Dr. Tim Gates, CSU – Water Quality in the Lower Ark River Valley

**Directors' Discussion**

**Board Action**

- Sub-Contract Between SECWCD and Excess Capacity Storage Participant

**Legal Report**

- Legal-Director Esquibel
- Attorney Bart Mendenhall
- Attorney Peter Nichols

**Public Comment**

**Executive Session**

**Adjourn Regular Board Meeting**

*Lower Arkansas Valley* *Serving Bent, Crowley, Otero, Prowers and Pueblo counties*  
**WATER CONSERVANCY DISTRICT**



**November 16, 2016**  
**Minutes – Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, November 16, 2016 commencing at 10:35A.M. at 801 Swink Avenue, Rocky Ford, CO 81067.

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

**DIRECTORS PRESENT:**

Lynden Gill – Chairman  
Leroy Mauch – Vice-Chairman  
Melissa Esquibel - Secretary  
Wayne Whittaker – Treasurer  
Anthony Nunez  
Reeves Brown  
Jim Valliant

**DISTRICT STAFF PRESENT:**

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

**MOTION TO ENTER INTO WATER ACTIVITY ENTERPRISE:**

Director Whittaker 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 10:38 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:**

Roy Vaughan, BOR; Mike Holmberg, USGS; Alan Ward, Pueblo Water; Mike Weber, LAVWCD; Bill Hancock, LAVWCD; Scott Lorenz, CSU; Fred Heckman, McClave; Brenda Fillmore, LAVWCD; Dwight Gardner, Senator Bennet's Office; Lane Simmons, AVRC; Willard Behm, Rocky Ford; Dave Donnell, Higbee; John Schweizer, Super Ditch; Jack Goble, LAVWCD; Blake Osborn, CSU-Pueblo/Water Institute; Tim Gates, CSU-Fort Collins; Anthony Mestas, Pueblo Chieftain; Bill Tyner, Division II; Brian Lauritsen, Valley Ag.

**APPROVAL OF MINUTES:**

- ❖ *October 19, 2016 Monthly Board Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the minutes for the October 19, 2016 Board meeting and whether there were any corrections or additions. Director Esquibel moved to approve the minutes for October 19, 2016, seconded by Director Nunez. Motion unanimously carried.

**TREASURER'S REPORT:**

Chairman Gill reported that the financial reports for the month of October were included in the Board's Monthly Meeting Packet. Director Whittaker reported October total revenues were \$28,565.79 and the total expenditures were \$73,082.65 with the total net being <\$44,516.86>. Director Whittaker moved to accept the October Financial Statement, seconded by Director Mauch. Motion unanimously carried.

**GM REPORT:**

General Manager Winner shared his pictures where he and his wife had hosted the Up with People in August. Normally only 2 people per household, but we always had 10 or more. If the opportunity arises again to host them, we would love to do it again.

General Manager Winner introduced Dr. Tim Gates, CSU-Fort Collins. Dr. Gates gave a PowerPoint presentation on the Water Quality in the Lower Arkansas River Valley-Brief Overview of CSU findings, which is attached to the minutes as **Exhibit A.**

General Manager Winner introduced Roy Vaughan, BOR. Mr. Vaughan gave a PowerPoint presentation on the Reclamation Managing Water in the West as of November 13, 2016, which is attached to the minutes as **Exhibit B.**

**COMMITTEE REPORTS:**

Personnel: None.

Acquisition: None.

Legal: None

**DIRECTORS DISCUSSION:** None

**BOARD ACTION:**

Director Brown moved to accept the Subcontract between Southeastern Colorado Water Conservancy District and Excess Capacity Storage Participant (LAVWCD), seconded by Director Esquibel. Motion unanimously carried.

Director Esquibel moved to give authority to Special Counsel Nichols to intervene with the lawsuit with EPA against the City of Colorado Springs for ongoing violations of its Municipal Stormwater National Pollutant Discharge Elimination System Permit, seconded by Director Nunez. Motion unanimously carried.

**LEGAL REPORT:**

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

**Berg Hill Greenleaf & Ruscitti LLP Peter Nichols:** A copy of Attorney Nichols' legal report is attached to the minutes as Exhibit D.

**PUBLIC COMMENT:** None

11:36 a.m., Director Esquibel moved that we enter into Executive Session for the purpose of Conferences with an attorney for the purpose of Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators [CRS 24-6-402(4)(b)], Relating to Colorado Springs Utilities, seconded by Director Brown. Motion unanimously carried.

“In the opinion of Attorney Mendenhall, all 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.”

Present: Directors Mauch, Whittaker, Nunez, Esquibel, Brown, Valliant and Gill. Staff present: General Manager Winner, Jack Goble, Bill Hancock, Mike Weber, Special Counsel Nichols, In-house Counsel Mendenhall.

12:50 p.m., Director Esquibel moved that we enter back into the General session, seconded by Director Mauch. Motion unanimously carried.

