



October 14, 2020
Regular Board Meeting Minutes

The regular board meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, October 14, 2020 commencing at 10:32 a.m. at 108 Swink Avenue, Rocky Ford, CO 81067 via Zoom.

Directors Present

Lynden Gill – Chairman
Leroy Mauch – Vice Chairman
Melissa Esquibel – Secretary (Via Zoom)
Jim Valliant – Treasurer (Via Zoom)
Phillip Chavez
Reeves Brown
Anthony Nunez (Via Zoom)

Directors Absent

District Staff Present

Jay Winner – General Manager
Brenda Fillmore – Finance/Water
Mike Weber – Staff Engineer
Jessica Mills – Administrative Assistant
Jack Goble, P.E. – District Engineer
Amber Weber – District Consultant
Nate Finnell – Agriculture/Water
Peter Nichols – Special Counsel (Via Zoom)
Bart Mendenhall – Legal Counsel

District Staff Absent

Gerry Knapp – District Consultant
Lee Hancock – Conservation Easement Consultant

Guests Present (Via Zoom)

Marty Lee – Rocky Ford Gazette
Rachel Duran – Kansas Division of Water Resources
Cathy Garcia – Senator Cory Gardner
Jerry Pacheco – Pueblo Urban Renewal
Cleave Simpson – Candidate for Senate District 35
Matt Hobbs – San Luis Valley Law Firm
Dennis Flores – Pueblo Urban Renewal (In-Person)
Paul Benedetti – Pueblo Urban Renewal (In-Person)

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

10:33 a.m. – Recess to Enter the Water Activity Enterprise

- Director Mauch moved to recess the regular board meeting to open the Water Enterprise meeting, Director Brown seconded the motion. It carried unanimously.



- The Enterprise meeting was adjourned with a motion by Director Chavez and seconded by Director Mauch. It carried unanimously.

10:34 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 Routine Items

- All items listed in this portion are considered to be routine by LAVWCD and will be enacted by one motion. There will be no separate discussion of these items unless a Director so requests.
 - Regular Board Meeting Minutes – June 17, 2020
 - June 2020 Financials
 - July 2020 Financials
 - August 2020 Financials
- Director Brown moved to approve all Routine Items, seconded by Director Valliant. Motion carried unanimously.

General Manager's Report

- General Manager Winner first congratulated Mike Weber on his work with the Water Quality Control Commission.
- General Manager Winner introduced Brenda Fillmore who discussed the 2021 Draft Budget with the board.
 - Director Chavez moved to accept the 2021 Draft Budget, seconded by Director Reeves. Motion carried unanimously.
- General Manager Winner introduced Cleave Simpson, General Manager of the Rio Grande Conservation District, who introduced himself to the Board and discussed his candidacy for Senate District 35.
- General Manager Winner introduced Peter Nichols who discussed the EPA Settlement with Colorado Spring Utilities.
 - Director Nunez moved to have Chairman Gill, as Chairman of the LAVWCD Board, to sign the settlement with Peter Nichols, as the attorney, to attest to the agreement, seconded by Director Chavez. Motion carried unanimously.
- General Manager Winner introduced Mike Weber who gave a projects update.
 - EXHIBIT A
- General Manager Winner introduced Amber Weber who gave a projects update.
 - EXHIBIT A
- General Manager Winner gave the Board and audience members a 5 minute break to grab lunch.
- General Manager Winner introduced Jack Goble who gave a projects update.
 - EXHIBIT B

- General Manager Winner introduced Dennis Flores and Paul Benedetti who thanked General Manager Winner and the Board for allowing Pueblo Urban Renewal (PURA) to be in-person and speak with the board.
 - Mr. Flores discussed the EVRAZ Project while Mr. Benedetti stated that PURA is the main financial source for the EVRAZ Project.
 - General Manager Winner stated that the taxing entities are just as important as PURA because without the taxing entities, there would be no PURA.
 - Director Brown asked Mr. Flores and Mr. Benedetti what would happen if LAVWCD did not sign off on the project, to which Mr. Flores stated that the project would indeed go forward with or without LAVWCD.
 - Director Esquibel commented that the board should sign off on the project and she stated she must leave the meeting due to court.
 - General Manager Winner stated he only did what the board advised him to do, which was to negotiate with PURA.
 - The Board thanked Mr. Flores for visiting while Mr. Flores thanked the Board for their time.

2: 14 p.m. – Executive Session

- Director Chavez moved to recess the regular board meeting to open an Executive Session meeting, seconded by Director Brown. Motion carried unanimously.
- The purposes of the Executive Session are for discussing matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators [CRS 24-6-402(4)(e)] and for the purpose of conferences with an attorney for the purposes of receiving legal advice on specific legal questions [CRS 24-6-402(4)(b)].

3:10 p.m. – Reconvene the Regular Board Meeting

- Executive Session was adjourned with a motion by Director Mauch and seconded by Director Brown. It carried unanimously.

Director's Discussion

- General Manager Winner discussed PURA further with board and stated he is only doing what the LAVWCD Board of Directors have told him to do.
 - Director Chavez moves to send a demand letter to PURA, seconded by Director Brown. Motion passed 5-0-1.

Committee Reports

- Personnel: None
- Acquisition: None
- Ethics: None
- Finance/Budget: None
- Executive: None
- Legal: None



Legal Report

- Attorney Bart Mendenhall, Mendenhall and Malouff: A copy of the legal report can be obtained by visiting the LAVWCD office.
- Attorney Peter Nichols, Berg Hill Greenleaf & Ruscitti LLP: A copy of the legal report can be obtained by visiting the LAVWCD office.

Adjourn

At 3:18 p.m., Director Mauch moved to adjourn the board meeting, seconded by Director Brown. Motion carried unanimously.

Lynden Gill

Chairman

Melissa Esquibel

Secretary