

April 15, 2009 WORK SESSION MEETING MINUTES

A Work Session meeting of the Lower Arkansas Valley Water Conservancy District was held on Wednesday, April 15, 2009 at 9:00 AM., at the District office located at 801 Swink Avenue, Rocky Ford, Colorado 81067.

DIRECTORS PRESENT:

Pete Moore-Chairman
Melissa Esquibel-Secretary
Wayne Whittaker-Treasurer
Leroy Mauch
Anthony Nunez

DISTRICT STAFF:

Jay Winner-General Manager
Bart Mendenhall-Attorney
Peter Nichols-Attorney
Bill Hancock-Cons. Program Mgr

DIRECTOR EXCUSED:

Lynden Gill-Vice Chairman

DISTRICT STAFF EXCUSED:

Kim Chavez-Financial Officer

Chairman Moore called the meeting to order at 9:00 A.M. and announced a quorum was present with Director Gill being excused.

Chairman Moore stated the Lower Arkansas Valley Water Conservancy District received a letter of resignation from Director John Singletary on April 15, 2009.

Chairman Moore turned it over to General Manager Winner.

General Manager Winner suggested that the board should form a committee to determine who should or shouldn't receive money in the grant process.

Director Esquibel replied Mr. Winner the board has always trust your judgment and the board feels confident with your ability to know who needs help and who doesn't. Also there are other entities that could get involved.

The Directors discussed the money for tamarisk and all agreed this would be worth helping \$10,000.00, since there are more entities involved in this project.

General Manager Winner gave an update on forming a Water Authority which was brought to my attention by Director Whittaker and Bill Hancock. There will be 29 entities involved and should be a long process that maybe the Lower Arkansas Valley Water Conservancy can be involved in.

General Manager Winner stated Financial Officer Kim Chavez brought a letter that she received from her water provider. Drink that water and you have a choice to get cancer or kidney failure. The conduit is very important to this valley.

Director Esquibel stated "I don't think most people in the state would think that there community is where you couldn't drink the water. When you think about water quality bringing drinkable water to African kids and Somalia that's what you think about. You don't think about people in Rocky Ford drinking out of there faucets. We focus on alternatives making sure the water in the valley is good, but what good is water that is useless. I think for too long people have ignored the issues of water quality. The people have been fighting over possession and not fighting over quality. We as a group need to do something about the drinking water in this valley.

TO ENTER INTO EXECUTIVE SESSION:

Director Esquibel moved that the Board convene into Executive Session 9:16 A.M., seconded by Director Whittaker. Motion unanimously carried.

Director Esquibel requested that the Board enter into Executive Session for the purpose of:

§24-6-402(4) (b) C.R.S., "Conferences with an attorney for the public entity for the purposes of receiving legal advice on specific legal issues."

§24-6-402(4)(e) C.R.S., "Determining positions relative to matters that may be subject to negotiations; Developing strategy for negotiations; and instructing negotiators as it relates to negotiations with Berau of Reclamation (BOR)."

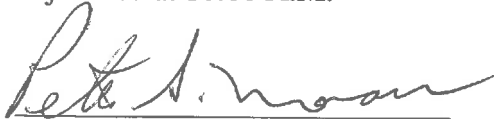
Director Esquibel requested that the Board reconvene into the Work Session 9:40 A.M., seconded by Director Whittaker.

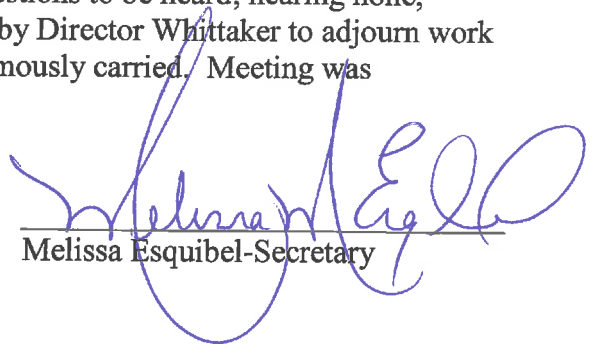
Attorney Nichols stated two things we talked about in Executive session are attorney-client privilege related to; the status of litigation advice from counsel regarding the allegation on giving redirection to the board for strategy.

Attorney Nichols stated the Pueblo Chieftain has printed some of the articles to benefit them. They said we agreed not to contest Aurora's ongoing lease agreement with Highline Canal. Well not exactly. We agree not to contests the agreement with the board the underline leases provides that Aurora committed lease water from the Super Ditch Co, on reliable bases of the market value. Something else the Pueblo Chieftain forgot, talking about the discussion they report the talks break down in December 2007, actually it was 2006.

Chairman Moore, General Manager Winner and I went to Washington DC on behalf of the Lower Arkansas Valley Water Conservancy District. But the Pueblo Chieftain has made much of Congressman Salazar who has claimed that he was caught off guard on the LAVWCD/Aurora settlement. General Manager Winner was briefing Congressman Salazar's office weekly on what was taking place in this settlement. Whether information was getting to him, we will never know. If you all recall on January of 2005 Senator Ken Salazar convene a meeting down here in the valley and told us all to figure this out.

Chairman Moore asked if there were any other questions to be heard; hearing none, motion was made by Director Esquibel, seconded by Director Whittaker to adjourn work session into regular board meeting. Motion unanimously carried. Meeting was adjourned at 10:00 A.M.


Pete Moore-Chairman


Melissa Esquibel-Secretary