

December 14, 2009
Minutes-Board Meeting

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Monday, December 14, 2009 commencing at 10:05 A.M, at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Moore announced a quorum was present with Director Esquibel being excused.

DIRECTORS PRESENT:

Pete Moore-Chairman
Lynden Gill-Vice Chairman
Wayne Whittaker -Treasurer
Leroy Mauch
Anthony Nunez
Reeves Brown

DISTRICT STAFF PRESENT:

Jay Winner-General Manager
Carla Aragon-Quezada-Office Manager
Brenda Fillmore-Finance/Water

DIRECTOR ABSENT:

Melissa Esquibel-Secretary

STAFF ABSENT:

Bill Hancock-Conservation Program Manager
Bart Mendenhall-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 Gill. Motion unanimously carried.

At the conclusion of the Water Activity Enterprise meeting Director Nunez moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:10 A.M., seconded by Director Whittaker. Motion unanimously carried.

INTRODUCTION OF VISITORS:

Chairman Moore welcomed each of the visitors to the meeting, asked them to introduce themselves and identify the organization which they represent.

VISITORS PRESENT:

Mike Bartolo, CSU-AURL; Del Nimmo, CSU; Dr. Scott Hermann, CSU; Alan Ward, PBWW; Brenda Fillmore, LAVWCD; Ken Weber, Pueblo; Susan Pieper, Rocky Ford; Loretta Kennedy, Congressman Salazar's Office; Dwight Gardner, Senator Bennet's office.

APPROVAL OF MINUTES:

- ❖ *November 18, 2009 Monthly Board Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the November 18, 2009 Board meeting and whether there were any corrections or additions. Director Brown moved to approve the minutes for November 18, 2009, seconded by Director Whittaker. Motion unanimously carried.

- ❖ *November 18, 2009 Work Session Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the November 18, 2009 Work Session meeting and whether there were any corrections or additions. Director Gill moved to approve the minutes for November 18, 2009, seconded by Director Whittaker. Motion unanimously carried.

TREASURER'S REPORT:

Chairman Moore reported that the financial report for the month of November was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported November total revenues \$58,500.59 and total expenditures \$378,459.41 with total net <\$319,958.82>. Director Whittaker moved to accept the November Financial Statement, seconded by Director Brown. Motion unanimously carried.

2009 FINAL BUDGET RESOLUTION:

Director Whittaker moved to adopt the Resolution and Order 09-12 passed and adopted in a regular meeting of the Board of Directors of the Lower Arkansas Valley Water Conservancy District to accept the 2010 Final Budget, seconded by Director Gill. Motion unanimously carried.

Resolution 09-11

Director Whittaker moved to adopt Resolution 09-11, giving Brenda Fillmore, Budget Officer, authorization to deposit funds in any eligible public depository, as defined Title 11, Article 10.5, Colorado Revised Statutes, as determined by the Budget Officer. The Budget Officer shall give preference to eligible public depositories having their principal place of business located within the boundaries of the Lower Arkansas Valley Water Conservancy District, seconded by Director Nunez. Motion unanimously carried.

Resolution 09-13

The Lower Arkansas Valley Water Conservancy District has been offered Temporary Water Storage Contracts #10XX6C0020 (temporary storage for non-project irrigation water) and contract #10XX6C0019 (temporary storage of non-project municipal and or domestic water) – Fryingpan Arkansas Project, Colorado by the United States Department of Interior, Bureau of Reclamation. Motion was made By Director Whittaker, seconded by Director Mauch, to adopt Resolution 09-13, motion unanimously carried.

GM REPORT:

General Manager Winner directed Board Directors to Tab (1) one of the board packets. He stated that Lower Arkansas Valley Water Conservancy District has purchased 7,714,009 shares of the Larkspur Ditch for 2009.

General Manager Winner directed Board Directors to Tab (2) two of the board packets. He stated that the South Arkansas gage equipment at Tenassee has been installed.

General Manager Winner directed Board Directors to Tab (3) three of the board packets. He stated that George Oamek of Honey Creek Resources, Inc has a proposal for economic threshold/tipping point analysis.

LEGISLATIVE REPORT: None

DIRECTORS' DISCUSSION: None

COMMITTEE REPORTS:

Personnel: None.

Acquisition: None.

LEGAL REPORT:

Melissa Esquibel: None

Attorney Bart Mendenhall: Attorney Mendenhall's legal report, a copy of which is attached to the minutes as Exhibit A.

Trout, Raley, Montano, Witwer & Freeman, PC

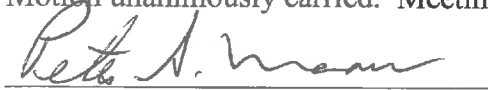
Attorney Peter Nichols: Attorney Nichols legal report, a copy of which is attached to the minutes as Exhibit B.

BOARD ACTION: None

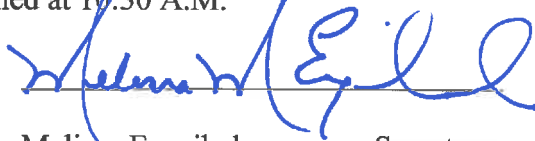
PUBLIC COMMENT: Dr. Scott Hermann, CSU thanked General Manager Winner for writing a support letter to the National Foundation on Fountain Creek.

ADJOURNED:

Chairman Moore asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Nunez, seconded by Director Mauch to adjourn the meeting. Motion unanimously carried. Meeting was adjourned at 10:30 A.M.



Pete Moore Chairman



Melissa Esquibel Secretary