

1 **RECORD OF PROCEEDINGS**
2 SAN JUAN WATER CONSERVANCY DISTRICT
3 JULY 20, 2020 SPECIAL MEETING
4
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6 **Attendance**

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8 In accordance with the CDC and CDPHE recommendations regarding COVID – 19,
9 Board Members and attendees present participated both in person and via the District's
10 Zoom account.

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12 The following Directors were present: Al Pfister, Susan Nossaman, John Porco,
13 Candice Kelly, Bill Hudson, and Doug Secrist.

14
15 Also present were: Jeff Kane, Renee Lewis, Justin Ramsey, and Chris Mannara.

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17 **Call to Order**

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19 The Special Meeting for the San Juan Water Conservancy District (SJWCD) was called
20 to order by Chairman Al Pfister at 5:07 p.m.

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22 **Revisions to Agenda**

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24 There were no revisions to the agenda.

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26 **Declaration of Conflicts of Interest**

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28 The Board considered Declarations of Conflicts of Interest. No conflicts were declared.

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30 **Public Comment**

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32 Chairman Pfister opened the meeting to public comment. No comments were offered.

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34 **Treasurer's Report**

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36 The Board considered Treasurer's Report (copy attached). Director Kelly presented the
37 Treasurer's Report, stating the highlights of the deposits, expenses, and ending
38 balances. Chairman Pfister noted the report would again be considered under the
39 Consideration of 2020 Budget Amendment and Consideration of Draft Request for
40 Proposals – Consulting Services to Study Alternative Uses for West Fork Reservoir and
41 Canal Water Rights agenda items.

42
43 **Consideration of Draft Strategic Plan**

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45 The Board considered Draft Strategic Plan (copy attached). Renee Lewis presented
46 Consideration of Draft Strategic Plan, stating that all of the sections of the draft Strategic

47Plan have been preliminarily approved by the Board with the exception of the Colorado
48Water Law, Colorado River Compact, and Water Resources section. With no additional
49revisions, the Board agreed to preliminarily approve the Colorado Water Law, Colorado
50River Compact, and Water Resources section. The Board also agreed to have the final
51draft Strategic Plan ready for posting on the District’s website by August 5, 2020, and to
52disseminate for comment to representatives from Pagosa Area Water and Sanitation
53District (PAWSD), Town of Pagosa Springs, Archuleta County Commissioners,
54Southwestern Water Conservation District, and Colorado Water Conservation (CWCB).
55Comments will be accepted by the SJWCD Secretary, John Porco, at
56jporco.sjwcd@gmail.com until 5:00 p.m. on September 7, 2020.

57

**58Consideration of Draft Request for Proposals – Consulting Services to Study
59Alternative Uses for West Fork Reservoir and Canal Water Rights**

60

61The Board considered Draft Request for Proposals – Consulting Services to Study
62Alternative Uses for West Fork Reservoir and Canal Water Rights (copy attached).
63Chairman Pfister presented Consideration of Draft Request for Proposals – Consulting
64Services to Study Alternative Uses for West Fork Reservoir and Canal Water Rights
65(RFP), stating the draft being presented was developed by the Executive Committee per
66the June 15, 2020 meeting and was reviewed by Jeff Kane. Director Hudson stated he
67would like abandonment of said water rights to be an option the consultants considered
68and for more research to be conducted regarding the budget for such a project.
69Following a lengthy discussion regarding the scope of work and funding for the project,
70a motion was made by Director Porco and seconded by Director Secrist to authorize
71Jeff Kane to revise, without a second presentation to the Board prior to publication, the
72RFP to include coordination with the District’s attorney and the possibility of
73abandonment of the West Fork Reservoir and Canal water rights. The motion passed 5
74– 1 with Director Hudson opposed.

75

76Consideration of Director Duties and Conflicts of Interest Memo

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78The Board considered Director Duties and Conflicts of Interest Memo (copy attached).
79Jeff Kane presented Consideration of Director Duties and Conflicts of Interest Memo,
80providing an overview of the discussion had during the June 15, 2020 meeting
81regarding fiduciary duties and Board Members writing articles for public dissemination.
82Following a lengthy discussion in which the Board and Mr. Kane discussed their various
83positions on the matter, a motion was made by Chairman Pfister and seconded by
84Director Nossaman to authorize Mr. Kane to draft a resolution summarizing the Board
85Members fiduciary duties specifically as they pertain to Board Members’ articles for
86public dissemination and particularly in light of the Board’s agreement during the
87December 4, 2019 meeting to “consult with the Board as a whole prior to speaking or
88writing with regard to District matters.” The motion passed 4 – 1 with Director Hudson
89opposed. Director Porco left the meeting early prior to the vote.

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91Consideration of Request for Information – Future Uses of Running Iron Ranch

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93The Board considered Request for Information – Future Uses of Running Iron Ranch.
94Director Secrist presented Consideration of Request for Information – Future Uses of
95Running Iron Ranch, stating that he and Chairman Pfister toured the property and had a
96positive meeting with representatives from Colorado Parks & Wildlife, PAWSD, and the
97Weber family regarding the future uses of Running Iron Ranch. The Weber family
98representative indicated an interest in continuing to lease the property in some capacity,
99and Colorado Parks & Wildlife indicated an interest in participating in future discussions.

100

101**Discussion Regarding Basin Implementation Plan Update**

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103The Board considered Discussion Regarding Basin Implementation Plan Update.
104Chairman Pfister presented Discussion Regarding Basin Implementation Plan Update,
105stating Harris Engineering, Inc. is in the process of updating the Southwest Basin
106Implementation Plan per its contractual agreement with the Colorado Water CWCB.
107Representatives from Harris Engineering are also planning to travel the area served by
108said plan to discuss with individual water organizations the original identified projects
109and priorities. Chairman Pfister further stated there is a cost estimating tool from
110CWCB to assist in these discussions.

111

112**Consideration of 2020 Budget Amendment**

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114The Board considered 2020 Budget Amendment. Chairman Pfister presented
115Consideration of 2020 Budget Amendment stating there are two items to consider for
116possible amendment, the Support Services line item with regard to the agreement with
117Renee Lewis, RGL Consulting, LLC and potential funding for the Request for Proposal -
118Consulting Services to Study Alternative Uses for West Fork Reservoir and Canal Water
119Rights. Ms. Lewis stated that in accordance with the April 20, 2020 meeting, she is
120providing an expenditure update on the consulting agreement she has with the District
121and as previously discussed the expenditures for the Support Services line item are
122close to 100 percent of the amount budgeted for 2020. Jeff Kane, SJWCD attorney,
123stated the District could continue to fund the contractual obligations with Ms. Lewis by
124either moving additional funds from the Contingency line item or paying future 2020
125invoices from the Contingency line item directly. The Board requested Ms. Lewis
126present an estimate for additional funding for the Support Services line item at the
127August 17, 2020 meeting, and any invoices submitted in the interim be paid directly
128from the Contingency line item. Chairman Pfister proposed a similar discussion
129regarding the Request for Proposal - Consulting Services to Study Alternative Uses for
130West Fork Reservoir and Canal Water Rights funding be had at the August 17, 2020
131meeting as those expenditures would likely need to come from several different line
132items. A motion was made by Director Hudson and seconded by Director Kelly to have
133Ms. Lewis coordinate with the Treasurer on the Treasurer's Report for the August 17,
1342020 to provide an estimate for the additional funds needed to meet contractual
135obligations through the end of 2020, and for the Treasurer to provide possible line items
136that could be used to fund the Request for Proposal - Consulting Services to Study
137Alternative Uses for West Fork Reservoir and Canal Water Rights. The motion passed
1385 – 0 as Director Porco had left the meeting early.

139

140 **Other Business**

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142 Jeff Kane stated he anticipates the final decrees in the next month regarding the
143 settlement with PAWSD and Boot Jack, LLC on the following water rights cases:
144 17CW3030; 17CW3041; 17CW3043; 17CW3050, and 18CW3051; as such, he does not
145 anticipate any further expenditures on this matter.

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147 There being no further business to come before the Board, the meeting was adjourned
148 at 8:13 p.m.

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150 Respectfully submitted,

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152

153 Renee Lewis

154 Recording Secretary

155 For the Board of Directors

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Draft