**RECORD OF PROCEEDINGS**

SAN JUAN WATER CONSERVANCY DISTRICT

APRIL 15, 2019 REGULAR MEETING

**Attendance**

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

Also present were: Renee Lewis, Justin Ramsey, and Chris Mannara.

**Call to Order**

The Regular Meeting for the San Juan Water Conservancy District (SJWCD) was called to order by Secretary Al Pfister at 5:01 p.m.

**Revisions to Agenda**

The Board considered revisions to the April 15, 2019 Regular Meeting agenda (copy attached). A motion was made by Director Hudson and seconded by Director Pfister to approve the April 15, 2019 agenda as presented. The motion passed unanimously.

**Consideration of Legal Representation Agreement - Southwest Water and Property Law LLC - Jeffrey Kane**

The Board considered Legal Representation Agreement - Southwest Water and Property Law LLC - Jeffrey Kane (copy attached). Jeffrey Kane, SJWCD attorney, presented Consideration of Legal Representation Agreement - Southwest Water and Property Law LLC - Jeffrey Kane, stating the reasons necessitating the negotiation and execution of a new legal representation agreement as he has left the firm under which the original agreement was executed. Following a lengthy discussion in which the Board expressed its concern regarding costs to date versus amounts budgeted and capacity for representation on issues broader than water, property, and contract, Mr. Kane agreed to make some revisions regarding costs to the legal representation agreement and present said revised agreement at the June 17, 2019 Regular Meeting. Director Hudson expressed concern regarding the confidentiality of the agreement and the Board agreed to waive the attorney-client privilege on the June presentation. Director Hudson agreed to draft a letter to Mr. Kane’s previous firm, Newbold, Chapman & Geyer PC to notify them of the Board’s intention to retain Mr. Kane while retaining their firm for matters outside of Mr. Kane’s specialty of water, property, and contract law. A motion was made by Director Hudson and seconded by Director Secrist to retain Mr. Kane as the primary attorney for SJWCD while retaining Newbold, Chapman & Geyer PC for matters outside of Mr. Kane’s specialty of water, property, and contract law, and to execute a new legal representation agreement that captures the concerns discussed above at the June 17, 2019 Regular Meeting. The motion passed unanimously.

**Consideration of BLM Application for Substitute Water Supply Plan for Treasure Pass Diversion Ditch**

The Board considered BLM Application for Substitute Water Supply Plan for Treasure Pass Diversion Ditch (copy attached). Mr. Kane presented BLM Application for Substitute Water Supply Plan for Treasure Pass Diversion Ditch, stating SJWCD has an interest in providing comments regarding any claim of injury or terms or conditions that should be imposed to the State Engineer’s Office. A motion was made by Director Secrist and seconded by Director Hudson to direct Mr. Kane to draft comments regarding Substitute Water Supply Plan for Treasure Pass Diversion Ditch on behalf of the SJWCD. The motion passed unanimously.

**Consideration of Public Comment Policy**

The Board considered Public Comment Policy. Director Hudson presented Consideration of Public Comment Policy, stating his concern regarding the current policy as being unnecessarily restrictive and offered to propose a revised policy. The Board requested Director Hudson propose a revised Public Comment Policy at the June 17, 2019 Regular Meeting.

**Public Comment**

Secretary Pfister opened the meeting to public comment. Justin Ramsey, Pagosa Area Water and Sanitation District (PAWSD) District Manager offered comments regarding the most recent PAWSD press release on snowpack (copy attached).

**Approval of March 18, 2019 and March 21, 2019 Meeting Minutes**

The Board considered Approval of March 18, 2019 and March 21, 2019 Meeting Minutes (copy attached). The Board had the following revisions for the March 18, 2019 Special Meeting Minutes: Paragraph #1 - Director Pfister is the Secretary not the Vice President; paragraph #6 - add “other than water rights” to the end of the first sentence; paragraph #8 - add a statement regarding the lack of data available to Gabe Preston on area lodging; paragraph #8 - add “for” in the first sentence following “action item to allow” and before “the formal approval”; paragraph #9 - replace “projected payment in the” with “projected payment for the” in the second sentence. There were no revisions made to the March 21, 2019 Special Meeting Minutes. A motion was made by Director Kelly and seconded by Director Secrist to approve the March 18, 2019 Meeting Minutes as revised above and March 21, 2019 Meeting Minutes as presented. The motion passed unanimously.

**Treasurer’s Report**

The Board considered the Treasurer’s Report (copy attached). Director Kelly presented the Treasurer’s Report, stating the highlights of the deposits, expenses, and ending balances. She also confirmed the closing of the Impact Fee Account at TBK Bank and the transfer of those funds to the Impact Fee Account with Colotrust.

**Consideration of Posting Board Meeting Materials to the SJWCD Website**

The Board considered Posting Board Meeting Materials to the SJWCD Website. Director Hudson presented Consideration of Posting Board Meeting Materials to the SJWCD Website, stating that in his experience the posting board meeting materials on websites is common practice for governmental entities in Colorado. Director Porco expressed his concern regarding posting draft meeting minutes prior to formal approval by the Board. A motion was made by Director Hudson and seconded by Director Kelly to post all appropriate and available board meeting materials to the website prior to the meeting. The motion passed unanimously. The Board also agreed to have when possible board meeting materials available for dissemination to the full Board three business days prior to the meeting date.

**Consideration of Growing Water Smart Workgroup Letter of Intent**

The Board considered Growing Water Smart Workgroup Letter of Intent (copy attached). A motion was made by Director Hudson and seconded by Director Kelly to execute Growing Water Smart Workgroup Letter of Intent with Director Pfister as the lead Board Representative and Director Porco as the alternate. The motion passed unanimously.

**Consideration of Establishing Executive Committee**

The Board considered Establishing Executive Committee. Mr. Kane presented Establishing Executive Committee, stating that an Executive Committee functions as the authorized representatives of the Board to operate with the authority of the President and is often helpful in addressing time-sensitive issues that arise. Following a lengthy discussion in which the Board expressed various opinions on the matter, the item was tabled to the June 17, 2019 Regular Meeting.

**Discussion Regarding Town of Pagosa Springs Ordinance 662 - 2006 - Impact Fees**

The Board considered Discussion Regarding Town of Pagosa Springs Ordinance 662 - 2006 - Impact Fees (copy attached). Director Hudson presented Discussion Regarding Town of Pagosa Springs Ordinance 662 - 2006 - Impact Fees, stating he would be interested in getting an opinion from Mr. Kane regarding both the ability of SJWCD to spend the impact fees collected thus far and the refund provision on said fees. The Board directed Mr. Kane to provide an opinion on both questions.

**Consideration of Strategic Plan Section 1 - Geography, Population, and Economy**

The Board considered Strategic Plan Section 1 - Geography, Population, and Economy (copy attached). The Board agreed to forward individual questions and comments to Director Hudson as author for consideration and incorporation.

**Consideration of Strategic Plan Section 2 - Description and Accomplishments of the District**

The Board considered Strategic Plan Section 2 - Description and Accomplishments of the District (copy attached). The Board agreed to forward individual questions and comments to Director Porco as author for consideration and incorporation.

**Consideration of 2019 Earth Day Events**

The Board considered 2019 Earth Day Events. Director Kelly presented Consideration of 2019 Earth Day Events, stating that she would be willing to host a SJWCD booth at the Earth Day events, but would like input from the Board as to what has been done in the past. Directors Nossaman and Porco provided input regarding materials presented in the past and provided guidance on different handouts and materials available.

**Discussion Regarding SW Basin Roundtable Meeting**

The Board considered Discussion Regarding SW Basin Roundtable Meeting. Director Pfister presented Discussion Regarding SW Basin Roundtable Meeting, stating the highlights of said meeting. He emphasized that all seven Colorado River Basin States approved their drought contingency plans (DCP). The DCPs were written to ensure all states had developed mechanisms to use their allocation of the Colorado River under the Colorado River Compact of 1922 in a ‘call environment’ or conditions similar to 2018 and the previous two decades. The details of each plan are being worked on.

There being no further business to come before the Board, the meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Al Pfister

Secretary