

RECORD OF PROCEEDINGS
SAN JUAN WATER CONSERVANCY DISTRICT
JUNE 21, 2021 REGULAR MEETING

Attendance

All Board Members and attendees present participated via the District's Zoom account in accordance with the CDC and CDPHE recommendations regarding COVID-19.

The following Directors were present: Al Pfister, Susan Nossaman, John Porco, Bill Hudson, Doug Secrist, Joe Tedder, and Merlin Wheeler.

Also present were: Sally High and Renee Lewis.

Call to Order

The Regular Meeting for the San Juan Water Conservancy District (SJWCD) was called to order by Chairman Al Pfister at 4:04 p.m.

Revisions to Agenda

Director Pfister requested Consideration of American Rescue Plan Survey be added to the agenda. A motion was made by Director Hudson and seconded by Director Nossaman. The motion passed unanimously.

Declaration of Conflicts of Interest

The Board considered Declarations of Conflict of Interest. No conflicts were declared.

Public Comment

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

Consideration of the Attorney Report

Attorney Jeffrey Kane provided a written report and will be presenting on three (3) individual agenda items.

Consideration of Resolution 2021-03 – Decision Not to Seek Diligence for West Fork Water Rights

The Board considered the decision not to seek diligence for West Fork water rights (copy attached). Director Hudson moves to approve Resolution 2021-3 and Director Wheeler seconds. Resolution 2021-3 is approved unanimously.

Consideration of Revisions to SJWCD Bylaws

The Board considered Revisions to SJWCD Bylaws (copy attached).

Section 4(b). The Board considered revising the wording that Directors represent a specific geographic region within SJWCD boundaries. Director Pfister moved that the proposed revision include that the Board consider applicants who possess knowledge of water issues and consider applicants who own property within SJWCD boundaries, adding that the Board strive for diversified geographic representation. Director Tedder seconded. Revision to 4.b. was approved unanimously.

Section 7(b). The Board considered revision of 7(b). Attorney Kane advised that Section 6(b) already covers “emergency actions” and that the Directors should define a board member’s authority to contact an attorney, as a matter of policy. No action is taken.

Section 7(h). The Board considered adding 7(h) to Bylaws. This addition would require any director to obtain approval from other directors before seeking legal advice for SJWCD. Directors’ considerations summarized as follows: 7(h) could require a Director to discuss any need for legal counsel with the full board before contacting the attorney. There are situations that require legal advice without prior discussion by full board. The elected leadership of the SJWCD Board could be authorized to confer with the attorney when a need is perceived. The expense incurred could be limited. Director Secrist moved that it is not necessary to add the proposed 7(h) to the Bylaws. Director Porco seconded. Six Directors voted in favor. Director Hudson voted No. The motion passed with a 6 to 1 vote.

Director Nossaman suggested that a policy be created whereby two board members review legal bills. Attorney Kane clarified that Bylaws are required to fit within the parameters set by statute, but policy is not. Director Nossaman moved that a policy be established to require two board members to review and clarify past attorney bills. Director Hudson seconded. The motion failed, 5 to 2, with Directors Porco, Tedder, Wheeler, Secrist and Pfister voting No. Directors Nossaman and Hudson voted Yes.

Sections 8(i) and (j). Director Hudson moved to approve the revision to separate the Secretary and Treasurer Board positions, changing wording to “The Secretary shall be responsible for ensuring that the records of the District....” Director Nossaman seconded. Unanimous approval.

Director Wheeler left meeting.

Section 11. The Board considered Disclosure of Conflict of Interest, whether a change in wording was necessary, whether the change could result in future revision, whether the Director in question could make clarifications if asked, and the public’s perception of Board ethics. Director Tedder moved to accept revision. Director Secrist seconded. The motion passed with five Yes votes. Director Pfister voted No.

Consideration of Attorney Attendance at District Meetings

The Board considered the necessity of the presence of the attorney for the entire meeting and the possibility of placing agenda items requiring legal advice toward the top of the agenda. Greater scrutiny of agenda is desirable, but a specific policy is not needed. Attorney Kane was excused from meeting.

Consideration of Treasurer's Report

The Board considered report (copy attached). No problems were identified. The 2022 budget discussion is to begin in the suggested July meeting/work session, including projections.

Consideration of Approval of April 19, 2021 Regular Meeting, May 13, 2021 Special Meeting, and June 3, 2021 Special Meeting Minutes

Director Pfister moved to accept all three meeting records. Director Hudson seconded. Unanimous approval.

Consideration of Scheduling July Special Meeting

The Board considered scheduling a July meeting/work session to discuss the 2021 Strategic Plan and budget. Director Tedder moved that an in-person July work session be scheduled for July 19 at 1 pm. Director Porco seconded. Unanimous approval.

Consideration of Upper San Juan Watershed Enhancement Partnership (WEP) Presentation – Phases II and III

The Board considered a presentation by Mandy Eskelson of Mountain Studies Institute about the Watershed Enhancement Partnership's completion of Phase II and progress in Phase III. Director Pfister will confer with Mandy about her ability to present by Zoom or in person at the Regular Meeting in August.

Update Regarding Southern Ute Draft Water Quality Standards and Clean Water Act Section 401 Certification Procedures

The Board considered SJWCD's future involvement in the Southern Ute Tribe's status regarding their Water Quality Standards and Clean Water Act Section 401. Director Pfister agreed to contact Southwestern Water Conservation District Director Steve Wolff and to express SJWCD's intention to work in conjunction, while avoiding financial commitments. No action was taken.

Update Regarding Water Information Program (WIP)

Director Tedder will provide the recent WIP meeting minutes to Board when available. He described SJWCD's Strategic Plan, hiring an Executive Assistant, and the Growing Water Smart project to WIP.

Update Regarding Growing Water Smart Workgroup

Director Tedder described effective collaboration among Pagosa Springs/Archuleta members to write four (4) local strategic goals which parallel SJWCD's Strategic Plan. The presentation of accurate demand/supply data to the public is key to reaching shared understandings of future water needs. (copy attached) A July 15 meeting may be scheduled with the agriculture-focused San Juan Water Conservation District, which is so far under-represented in the process. The GWS group intends to schedule a meeting with WEP (and related SJWConservationDistrict) in the short term and to continue to track the changing population growth rate in our community.

Update Regarding State Park Nomination for San Juan River Headwaters Project

Director Secrist reminded Board of PAWSD's approval to proceed. He will be taking new photographs and finding old photographs/video of site. The old video may be on laptop computer in office. Director Pfister has conferred with CWCB about project.

Consideration of the American Rescue Act survey.

Director Pfister explained that the purpose of the survey is to uncover financial losses to special districts due to Covid. No losses are identified, but Director Pfister will contact other water organizations to determine that SJWCD is not missing an opportunity.

The Board considered effects on SJWCD by calls for water downstream. Clarification of Drought Contingency Plan forthcoming.

There being no further business to come before the Board, the meeting was adjourned.

SAN JUAN WATER CONSERVANCY DISTRICT

By /s/ Sally High

For Board of Directors

DISTRICT SEAL