

RECORD OF PROCEEDINGS
SAN JUAN WATER CONSERVATION DISTRICT
FEBRUARY 21, 2022 REGULAR MEETING

Attendance

A regular meeting was held in person at the SJWCD office at 46 Eaton Drive, Suite #5. A Zoom link was also provided.

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

Also present in person were: Sally High (SJWCD Executive Assistant), Justin Ramsey (PAWSD), and Josh Pike (Pagosa Sun).

Attending by Zoom were: Jeffery Kane (Attorney), Joe Crabb (CO District 29 Water Commissioner), Mandy Eskelson (WEP), Terri House and Randi Pierce (Pagosa Sun).

Call to Order

The Regular Meeting for the San Juan Water Conservancy District was called to order by Chairman Al Pfister at 4:03 pm.

Revisions to Agenda

The Board considered Revisions to Agenda and one item was added: Consideration of a Change in the Project Designation for the SJWCD Budget Allocation. An AIR form was sent to Directors before the meeting today. The late agenda item was added at #9.5 after the Treasurer's Report.

Declaration of Conflicts of Interest

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

Public Comment

Chairman Pfister opened the meeting to Public Comment. No comments were offered.

Consideration of Election of Officers for 2022 and 2023

Directors considered the election of officers to serve for the next two years. Director Hudson nominated Joe Tedder for President and Al Pfister for Vice President. The motion died from lack of a second.

It was established that Director Nossaman was willing to remain as Vice President and Director Pfister was willing to remain as President. Director Secrist moved to re-elect

the present Board for two more years. Director Porco seconded. Director Hudson expressed his opinion that Director Pfister had engaged in divisive, mean-spirited, and aggressive behaviors and should step down. When called to a vote, the motion passed five votes to one. Director Hudson voted no.

Consideration of Attorney Report

Directors considered Attorney Kane's explanations of developments in the BLM Treasure Pass Ditch Water Rights Cases. Status Conferences have been held on the BLM's requests in Division 7 and Division 3. Lists of opposers in both the San Juan River Basin Case (Div 7) and the Rio Grande River Basin Case (Div 3) were provided. No action by the Directors was needed at this time.

Attorney Kane advised the Board about an open-meetings law consideration underway regarding the Douglas County School Board communications controversy. Email communications and "daisy-chain meetings" are presently under court review. The SJWCD Board was advised to be careful with email communications and understand that decisions must be discussed and made in public meetings.

Consideration of CEGR Law Firm Proposal

Directors considered continuing Attorney Evan Ela's service to SJWCD. Due to a perceived conflict of interest, Evan Ela has served as SJWCD's attorney representing the old Piano Creek Ranch case and its East Fork water rights (now in Conservation Easement). Jeff Kane formerly represented the owner, a conflict of interest. Evan Ela is now with a different law firm, CEGR. A letter was received asking whether or not SJWCD wanted to continue his services at a rate of \$350 per hour. Director Pfister moved to retain CEGR. Director Secrist seconded. Unanimous approval. Evan Ela will be asked to submit a written summary of the status of the case. Director Hudson moved to ask Ela for a written summary. Director Secrist seconded. Unanimous approval.

Consideration of Approval of Records of Proceedings for December 13, 2021 Regular Meeting

Director Hudson moved to accept the minutes as presented. Director Nossaman seconded. Unanimous approval.

Consideration of Treasurer Report

A brief discussion resulted in no questions from Directors. Director Pfister requested that Director Tedder be added as a signatory with TBK Bank, so that each Director can sign checks if the need arises. No objections surfaced.

Consideration of Reallocation of Granted SJWCD Funds in 2022

Directors considered reallocating the funds already granted to WEP for 2022. Mandy Eskelson presented a request to move SJWCD funds from the Pagosa Gateway Project to the Yamaguchi South Project. Director Secrist moved to approve moving \$2,000 to the Yamaguchi South Project. Director Hudson seconded. Unanimous approval.

Consideration of Hiring Consultant for Water Demand Analysis / WWS

Directors considered a proposed Wilson Water Group analysis of supply and demand for both SJWCD and Growing Water Smart purposes. Director Pfister reviewed the Wilson Water Group's proposal to perform measurements/analyses of supply and demand for Municipal, Agricultural, Environmental, and Recreational water uses for SJWCD and Growing Water Smart. The \$13,080 expense could come from SJWCD's Engineering budget, but other partners will be sought for funding. Discussion included issues of population growth, the necessary appropriate volume of the Headwaters Project reservoir, the need for GWS to find additional funders, and climate change effects on agricultural water supply and significantly increasing demand. The study would contribute to SJWCD's required due diligence re: Headwaters Project later in 2022. Director Pfister will invite WWG to the SJWCD March 10 Special Meeting for further discussion.

Discussion of Pagosa Area Water and Sanitation District Ballot Initiative

Justin Ramsey, PAWSD District Manager, described the May 2022 election, changes in PAWSD's regulatory requirements, and Resolution 2022-03. The resolution will ask voters to de-TABOR PAWSD's funding through grants and will not raise taxes.

Update on Water Year from CO District 29 Water Commission

Joe Crabb, local Water Commissioner, reviewed his 2022 Winter Update and Diversion Summary already distributed to Board. Archuleta's Snow Water Equivalent is at 93% and the forecast storm this week should raise that number. The Transbasin and Diversion Summaries and Lake Levels were included in Commissioner Crabb's report.

Discussion of SJWCD Strategic Plan

Directors considered reviewing the 2021 Strategic Plan, with consideration of ample future funds in mind. Director Pfister asked that the Annual Review consider the hiring of an Administrator/Manager and Executive Assistant as employees. Grant writing would be in the list of duties assigned to the new employees. Directors will discuss their review of the Strategic Plan at the March 10 Special Meeting.

Dry Gulch Development Ideas were presented by Director Hudson using a handout with maps of the Headwaters/Dry Gulch property. Director Hudson's ideas included a smaller reservoir, possible sale of property, and an affordable housing development.

Directors' discussion points included parameters of SJWCD's mission, the necessity to include PAWSD in discussion, obligations to CWCB, and the State Park idea. Attorney Kane reminded Directors that CWCB retained a Right of First Refusal applied to any proposed sale of the property.

Consideration of Hiring a Community Engagement Specialist

Directors considered hiring a Community Engagement Specialist and the results of the interviews of three applicants. Director Tedder reviewed his AIR form recommending hiring Project Resource Studio of Carbondale. Advantages of hiring PRS included their experience with other Western Slope municipalities and water entities, strategies to interview the five water groups and six SJWCD Board members, intentions to collaborate with local water experts and to reach SJWCD's goals with community understanding. Director Porco moved to hire PRS. Director Pfister seconded. Motion passed five votes to one. Director Hudson abstained.

Consideration of Final Revisions to Bylaws

Directors considered finalizing the revisions to SJWCD's. Director Pfister requested that Section 4.b. wording of "knowledge of water issues" be changed from "must" to "preferred to possess knowledge of water matters." Director Kane reminds Directors that the wording comes from the Water Conservancy Act. The change will be made. Director Hudson motioned and Director Porco seconded the adoption of revised bylaws (with the repair of a minor typo in Section 11). Unanimous approval.

Consideration of SJWCD Involvement in Gravel Pit Decisions

After reviewing Archuleta County's staffing report, the Board stated that Gravel Pit Decisions were outside the mission of SJWCD. No action was taken.

Consideration of Reappointment of Directors Hudson and Nossaman

Director Nossaman mailed her letter, asking to be reappointed to the SJWCD Board, to the Court. Director Hudson was reminded that he should do the same. The Board decided to take no action regarding the court's reappointment process.

Update on 2022 Water Congress and Water 22

Director Pfister attended the CO 2022 Water Congress. He learned of Governor Polis's Water22 and knowledge of the ample funds to be made available to water projects in Colorado. Director Pfister will provide the Board with his notes when compiled. CWCB will provide to the public recordings of the main sessions. Directors Tedder and Porco expressed an interest in attending the August 2022 conference in Steamboat Springs.

Consideration of Notice of Location of Meetings in 2022 – Resolution 2022 – 01

Director Nossaman moved to approve Resolution 2022-01. Director Hudson seconded. Unanimous approval.

There being no further business to come before the Board, the meeting was adjourned at 6:47 pm.

Respectfully submitted,

Sally High
Executive Assistant SJWCD
For the Board of Directors

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