

RECORD OF PROCEEDINGS

**UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING
WEDNESDAY, SEPTEMBER 20, 2023 (12:00 PM)
MOUNTAIN VALLEY BANK COMMUNITY ROOM
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO
ONLINE MEETING:**

<HTTPS://US06WEB.ZOOM.US/J/89844327425?PWD=AWLZOXRRRAFJRN1PZEGGXDTZNUDZYZZ09>

MINUTES

Chairman Doug Monger called the meeting to order and declared a quorum present. In addition to Chairman Monger, the Board Members present were Ken Brenner, Jim Haskins, John Redmond, Lyn Halliday, Webster Jones and Nicole Seltzer. General Manager Andy Rossi, District Engineer Emily Lowell, Public Information and External Affairs Manager Holly Kirkpatrick, Business Manager Deb Bastian, Finance Manager Karina Craig and General Counsel Bob Weiss were also present. Special Counsel Scott Grosscup was present over Zoom for a portion of the meeting. Members of the public present for some portion of the meeting included Erin Light, Mendi Figueroa and Brian Romig, Division of Water Resources; Rebecca Briesmoore, Colorado River District; Dan Burke, Tri-State Generation; Eli Nykamp, Stagecoach Property Owners Association; Marci Valicenti, The Group Real Estate; Kimberly Rogers and Craig Preston, Colorado Parks & Wildlife; Geovanny Romero, Morrison Creek Water & Sanitation District; Jeff Comstock, Natural Resources Department of Moffat County; Lisa Brown, Wilson Water Group; Mike Robertson and Tom Gray, Friends of the Yampa; Tim Wohlgenant, Yampa Valley Community Foundation; Bear Ackerman, ESMI

This meeting was held in person and by videoconference utilizing Zoom. The meeting agenda included instructions to the public describing the process to participate in the meeting and comment on agenda items.

The following agenda was proposed:

AGENDA

- (1) **12:00 PM** Establishment of Quorum and Call to Order
- (2) **12:00 PM** Approval of Agenda for Meeting **Action item**
- (3) **12:05 PM** Public Input and Comment
The Board will make no decision nor take action, except to direct the General Manager. Those addressing the Board are requested to identify themselves by name, organization, if any, and address. Comments shall not exceed three (3) minutes.
 - a. Update from Colorado River District
- (4) **12:15 PM** Board Member Reports
 - a. RCCD Toolkit
 - b. YWG Basin Round Table Report
 - c. Board Governance/Strategic Planning Committee meeting update
 - i. Approval of minutes – August 30, 2023, Board Governance and Strategic Planning Committee Meeting **Action item**
 - d. Request from Director Brenner

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- e. Disbursements
- (5) **1:00 PM** Consent Agenda Action item
 - a. Approval of the minutes – July 12, 2023, Board Meeting
 - b. Corrected Resolution 2023-3
 - c. Financials
 - i. Approval of Disbursements
 - ii. Budget Comparison
- (6) **1:10 PM** Report of General Manager
 - a. Augmentation Plan Updates
 - b. Stagecoach Area Property Updates
 - i. UYWCD-CPW Stagecoach State Park Lease Action Item
 - ii. Request for Property Vacation from Tri-State Generation and Transmission Association and Stagecoach Property Owner’s Association (Represented by The Group Real Estate) Action Item
 - c. Determination of Auditor Action Item
 - d. Employee Handbook Revisions Action item
 - e. Holiday Party Update
 - f. Presentation of First Draft of 2024 UYWCD Budget
- (7) **3:40 PM** District Engineer Report
 - a. Update on Reservoir Water Status
- (8) **4:00 PM** Public Information Updates
 - a. Grant Disbursements
- (9) **4:05 PM** Report of General Counsel
 - a. Moffat County Augmentation Plan MOU Request Action Item
- (10) **4:15 PM** Pending Water Cases
 - a. Water Resumes
 - b. Status of Other Water Cases
- (11) **4:30 PM** New Business (Limited to emergency matters that came up During the course of the meeting) Action item
- (12) **4:35 PM** Executive Sessions:
 - a. Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and _____(insert description). Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.
 - b. Executive session under CRS § 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to _____(insert brief description). This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (13) **5:10 PM** Board Actions in Regard to Executive Session
- (14) **5:15 PM** Determination of Next Meeting Agenda – UYWCD Board Retreat, October 12, 2023, Draft Agenda
- (15) **5:30 PM** Adjournment.

Chairman Monger informed the Board that Director Murphy resigned his position on the Board and thanked him for his service. Chairman Monger established a quorum and called the meeting to order at 12:01 PM.

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Meeting Agenda. General Manager Andy Rossi noted an amendment to the title of item 6.b.ii. to include Stagecoach Property Owner's Association. Director Redmond moved to approve the agenda. Director Seltzer seconded the motion which was unanimously approved.

Public Input and Comment. Chairman Monger invited members of the public to comment on items not otherwise scheduled on the agenda. Mendi Figueroa, Water Commission for the Division of Water Resources, updated the Board on the progress of the telemetry project and thanked them for their support.

Update from Colorado River District. Rebecca Briesmoore of the Colorado River District (CRD) introduced herself and provided an overview of her role as the water quality point person for the District and the Yampa, White & Green basin representative for the CRD.

Board Member Reports.

RCCD Toolkit – Director Halladay informed the Board that the toolkit is complete and has been distributed. She thanked them for their support of the project.

YWG Basin Round Table Report – Director Brenner provided an overview of the recent YWG Basin Round Table (BRT) and Interbasin Compact Committee (IBCC) meetings. In addition, he informed the Board that the election of officers and confirmation of BRT representatives will be on the BRT agenda in November. The Board discussed. General Manager Rossi stated that staff will review and provide further details at the Board Retreat on October 12, 2023.

Request from Director Brenner – Director Brenner reviewed his request for reimbursement for attendance at water resource industry events with the Board. The Board discussed. The Board agreed that meetings/seminars related to a Board Member representation of UYWCD should be reimbursed for travel, lodging, meals and registration. Other events should be open to all Board Members for consideration and paid for by UYWCD. General Manager Rossi confirmed with the Board that Director Brenner will be reimbursed for expenses to the Colorado River District seminar, C9 BRT Summit and the Sustaining Colorado Watersheds conference. The Board agreed.

Board Governance/Strategic Planning Committee – Director Seltzer updated the Board on the progress of the committee. The minutes of the August 30, 2023, were reviewed. Director Jones moved to approve the Board Governance/Strategic Planning Committee meeting minutes as presented. Director Haskins seconded the motion which was unanimously approved by the Board Governance/Strategic Planning Committee. Director Monger moved to approve the acceptance the Board Governance/Strategic Planning Committee meeting minutes. Director Redmond seconded the motion which was unanimously approved.

Disbursements – The Board reviewed the current disbursement of payments to Board Directors.

Consent Agenda. Director Brenner moved to approve the consent agenda as presented. Director Jones seconded the motion which was unanimously approved.

Report of General Manager.

Augmentation Plan Updates. The Board reviewed the current augmentation plans contract summary document.

Stagecoach Area Property Updates – State Park Lease. The Board reviewed and discussed the proposed Stagecoach State Park Lease as presented. Representatives of Colorado Parks and Wildlife were present to answer questions for the Board. Director Jones moved to approve the lease as presented and to authorize

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Director Monger to sign the lease on behalf of the UYWCD. Director Haskins seconded the motion which was unanimously approved.

Stagecoach Area Property Updates – Tri-State Generation & Transmission and Stagecoach Property Owner’s Association – Representative of Tri-State Generation & Transmission and Stagecoach Property Owner’s Association (SPOA) provided an overview of a proposed right-of-way vacation and history of the property. The Board reviewed and discussed the proposed vacation. Director Jones noted that as a member of the SPOA he will abstain from any discussion or voting on the item. General Manager Rossi noted to the Board that staff does not see any impact on our facilities operations in Stagecoach due to this proposal. Director Monger discussed the addition of a dedicated turnaround. Director Redmond moved to approve the request by Tri-State and SPOA to vacate the unimproved platted portion of Uncompahgre Road in concept with the dedicated turnaround and for District Manager Andy Rossi the authority to sign the petition. Director Halliday seconded the motion which was approved. Director Jones abstained from the vote.

Determination of Auditor. Finance Manager Karina Craig presented the Board with an engagement letter from Watson Coons Ryan to provide auditing services for the UYWCD 2023 fiscal year. The Board reviewed. Director Jones moved to approve the acceptance of Watson Coons Ryan’s proposed services and fees as outlined in their September 7, 2023, engagement letter. Director Redmond seconded the motion which was unanimously approved.

Employee Handbook Revisions. Business Manager Deb Bastian provided an overview of the recommended changes to the Employee Handbook. Director Jones requested that the wording “The District” be used in place of “We may” in the Inspections section on Page 29. Staff will make the change. Director Monger moved to approve the 2024 Employee Handbook as presented with the change requested by Director Jones. Director Redmond seconded the motion which was unanimously approved.

Holiday Party Update. General Manager Rossi informed the Board that the holiday party is being planned for Thursday, November 16, 2023. More details will be provided in the near future.

Presentation of First Draft of 2024 UYWCD Budget. General Manager Rossi reviewed the budget process and provided the Board with a draft budget and two budget alternatives for discussion. The Board reviewed and discussed. The Board directed staff to submit the draft budget as presented as the preliminary budget. Additionally, the Board requested staff to meet with the Yampa River Fund to discuss the potential for the District to have an annual line item in the budget that is designated for contributions to the Yampa River Fund.

District Engineer Report. District Engineer Emily Lowell provided an update on the reservoir water status and provided an update on ongoing construction projects.

Public Information Updates - Grant Distributions. Public Information and External Affairs Manger Holly Kirkpatrick provided a written update to the Board on grant disbursements.

Report of General Counsel. General Manager Rossi provided an overview of the Moffat County Augmentation Plan and process and their request for a Memorandum of Understanding (MOU) from the District. Special Counsel Scott Grosscup provided further details to the Board and stated he had no concerns with the District providing a letter of support or MOU as the District can still reserve the right to participate in the case if there are any issues in the future. The Board discussed. Director Brenner moved to authorize the Board President to sign an MOU between Moffat County and the District regarding the proposed Moffat County augmentation plan subject to revisions by District General Counsel and Special Counsel to include the right to file a statement

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of opposition and to add provisions to not preclude the District from offering augmentation services within our District and other legal matters as legal counsel deems appropriate. Director Jones seconded the motion which was unanimously approved.

Pending Water Cases.

Water Resumes. Special Counsel Grosscup commented that there were no water court applications filed in the month of July or August of concern to the District.

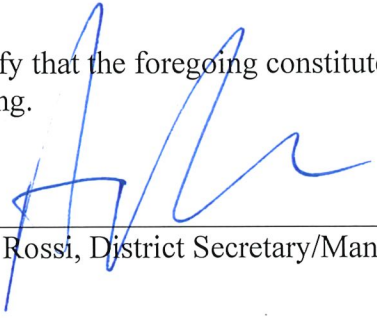
Status of Other Water Cases. Special Counsel Grosscup provided a review and update of Water Court **Case No. 20CW3019 and 20CW3020** (diligence application filed by Public Service Company of Colorado for 52.5 cfs decreed to the Wessels Canal Hinman Park Reservoir and the Saddle Mountain Pump Station), **Case No. 21CW3046** (Tri-State's diligence application for the Crag Station Ditch and Pipeline), **Case No. 22CW3002** (Yamcolo Reservoir Second Filling), **Case No. 22CW3018** (Pleasant Valley Reservoir Rights at Yamcolo Reservoir) and **Water Horse Resources.**

New Business. There was no new business.

Determination of Next Meeting Agenda. The agenda for the October 12, 2023, Board Retreat was reviewed.

The meeting was adjourned at 4:09 PM.

I certify that the foregoing constitutes a true and correct summary of the proceeds at the above referenced meeting.



Andy Rossi, District Secretary/Manager

Date: _____

11/15/23