

# RECORD OF PROCEEDINGS

---

---

UPPER YAMPA WATER CONSERVANCY DISTRICT  
BOARD OF DIRECTORS MEETING  
THURSDAY, SEPTEMBER 22, 2022 (12:00 PM)  
MOUNTAIN VALLEY BANK COMMUNITY ROOM  
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO  
ONLINE MEETING:

[HTTPS://US06WEB.ZOOM.US/J/89781422837?PWD=NGNEQTVFL1G1ENHAEThxWHHTQMc5UT09](https://us06web.zoom.us/j/89781422837?pwd=NGNEQTVFL1G1ENHAEThxWHHTQMc5UT09)

## 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, Ron Murphy, Lyn Halliday, Tom Sharp and Webster Jones. General Manager Andy Rossi, District Engineer Emily Lowell, Public Information and External Affairs Manager Holly Kirkpatrick, Business Manager Deb Bastian, 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 and Mendi Figueroa, Division of Water Resources.

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 Erin Light
- (4) **12:10 PM** Consent Agenda **Action item**
  - a. Approval of the Minutes July 20, 2022, Board of Directors Meeting and August 22, 2022, Special Board and Governance Committee Meeting
  - b. Financials
    - i. Approval of Disbursements
    - ii. Budget Comparison and Amendment
    - iii. Determination of Auditor
- (5) **12:15 PM** Report of General Manager
  - a. UYWCD Strategic Plan Update
  - b. Presentation of First Draft of 2023 UYWCD Budget
  - c. Morrison Creek Diversion Project Analysis Update
  - d. UYWCD Employee Handbook and District Policy Updates **Action item**

## RECORD OF PROCEEDINGS

---

- e. Colorado Paid Family and Medical Leave Insurance (FAMLI) Program
- f. Augmentation Plans Contract Updates
- (6) **2:45 PM** District Engineer Report
  - a. Update on Reservoir Water Status
  - b. Union Ditch
- (7) **3:00 PM** Public Information Updates
  - a. Grants
    - i. Disbursements
    - ii. New applications **Action item**
  - b. Scholarships
- (8) **3:15 PM** Board Member Reports
- (9) **3:30 PM** Report of General Counsel
  - a. Board of Directors Appointment(s) Schedule and Procedures for 2023
- (10) **3:45 PM** Pending Water Cases
  - a. Water Resumes
  - b. Status of Other Water Cases
- (11) **4:00 PM** New Business (Limited to emergency matters that came up **Action item**  
During the course of the meeting)
- (12) **4:05 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) **4:35 PM** Board Actions in Regard to Executive Session
- (14) **4:45 PM** Determination of Next Meeting(s) Agenda(s)
- (15) **5:00 PM** Adjournment.

Chairman Monger established a quorum and called the meeting to order at 12:09 PM.

**Meeting Agenda.** Director Brenner moved to approve the agenda. Director Redmond 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. There was no comment.

Erin Light, Division Engineer, Division of Water Resources introduced Mendi Figueroa, the new District 58 Water Commission, who replaced Scott Hummer. Erin also provided the Board with an update and status of the measurement rules, abandonment filings and over appropriation and the extension provided to property owners to apply for well permits.

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



## RECORD OF PROCEEDINGS

---

---

***Report of General Manager.*** General Manager Andy Rossi summarized the current and ongoing activities of the District.

UYWCD Strategic Plan Update. General Manager Andy Rossi reviewed the 2023 UYWCD Strategic Plan and the proposed new UYWCD work tasks for consideration by the Board. The Board will continue to review and discuss the 2023 Strategic Plan at the Board Retreat on October 19, 2022.

Presentation of First Draft of 2023 UYWCD Budget. The Board reviewed and discussed the first draft of the 2023 UYWCD budget. General Manager Rossi stated that mill levy and tax revenue projections will be reviewed in more depth at the October Board Retreat. Additionally, staff will present information regarding the cost of developing the UYWCD augmentation plans at the retreat.

Morrison Creek Diversion Project Analysis Update. General Manager Rossi provided an update to the Board and noted that a new assessment of water availability will be conducted and then staff will review for the next steps. An initial analysis of engineering and hydrologic components of the proposed project should be available by early October.

UYWCD Employee Handbook and District Policy Updates. The Board reviewed and discussed the recommended revisions/updates to the Employee Handbook and the Drug & Alcohol Testing Policy. Director Brenner moved to approve the revised Employee Handbook and Drug & Alcohol Testing Policy as reviewed by the Employers Council and recommended by staff. Director Redmond seconded the motion. Director Sharp voiced concern that the employee handbook may include provisions which are contractually binding on the District and negate employment at will in Colorado. General Counsel Weiss was asked to obtain an independent legal review by an employment attorney, other than the Employers Council, to determine if the context of the proposed employee handbook language doesn't create the argument that the intention was to create a binding contract with employees, notwithstanding the at-will disclaimer, and report back to the Board. Director Brenner amended his motion to authorize General Counsel Weiss to seek a second review by an attorney other than the Employment Council to confirm if the revisions to the employee handbook affect the employment at will. Director Redmond approved the amended motion. The motion passed unanimously.

Colorado Paid Family and Medical Leave Insurance (FAMLI) Program. The Board reviewed and discussed staff recommendations regarding the District's participation in the FAMLI program. The Board directed staff to prepare the required notifications for publication on the intent of the Board to consider a Resolution to opt-out of all participation in the FAMLI program at the November 16, 2022, Board of Directors meeting.

Augmentation Plans Contract Updates. The Board reviewed the Augmentation Plans Contract Summary document.

### ***District Engineer Report.***

Reservoir Water Status. District Engineer Emily Lowell provided an update on the reservoir water status for review by the Board.

Union Ditch. District Engineer Emily Lowell reviewed with the Board the extent of the headgate project and recommended bid and construction process.

### ***Public Information Updates.***

Grants. Public Information and External Affairs Manager Holly Kirkpatrick provided an update on the diversion infrastructure improvement project and community grant programs.

## RECORD OF PROCEEDINGS

---

---

New Applications. Public Information and External Affairs Manger Holly Kirkpatrick reviewed the grant application request from the Bear River Reservoir Company. Director Redmond gave a presentation on the repair costs and hydraulic upgrades to the Stillwater Reservoir. Director Brenner moved to support staff's recommendation of funding for \$50,000 to the Bear River Reservoir Company for the necessary repairs and upgrades to the Stillwater Reservoir and to prepare a Memorandum of Understanding for the Board's consideration to specify the communication and operational issues that may arise from this relationship. Director Haskins seconded the motion. Chairman Monger wanted it noted that a budget amendment of \$5,000 may be required. Director Redmond recused himself from the vote due to his association with the Bear River Reservoir Company. The motion passed.

Scholarships. Public Information and External Affairs Manger Kirkpatrick notified the Board of the 2022-2023 John Fetcher Scholarship winners.

***Board Member Reports.*** Director Brenner provided an update on the Airborne Snow Observatory, Yampa Youth Festival, Co River District State of the River seminar and Basin Roundtable. Director Jones informed the Board about the upcoming open house on October 6<sup>th</sup> for the Brown Ranch development. Director Halliday updated the Board on the work by the Watershed Group and the Saving Tomorrow's Agricultural Resources (STAR) program.

***Report of General Counsel.*** General Counsel Weiss noted that Directors Monger, Jones and Seltzer terms expire in 2023 and provided the Board of Directors with an overview of the appointment schedule and procedures.

***Pending Water Cases.***

Water Resumes. Special Counsel Grosscup noted that there were no applications filed in the months of July and August to be of concern to the District.

Status of Other Water Cases. Special Counsel Grosscup provided an update on the current water court cases and reviewed his memorandum regarding the reallocation of storage pools between Yamcolo Reservoir and Stagecoach Reservoir.

***New Business.*** General Manager Rossi discussed the status of the negotiations with Bill Gay for the Sickles Springs purchase.

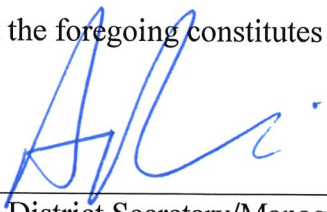
***Executive Session.*** There was no Executive Session.

***Board Action Regarding Executive Session.*** None.

***Determination of Next Meeting Agenda.*** The agenda for the October 19, 2022, Board Retreat was reviewed.

The meeting adjourned at 4:45 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: 11/17/22