

RECORD OF PROCEEDINGS

UPPER YAMPA WATER CONSERVANCY DISTRICT
SPECIAL BOARD OF DIRECTORS MEETING AND RETREAT
WEDNESDAY, OCTOBER 19, 2022 (9:00 AM)
CATAMOUNT RANCH AND CLUB
30215 WATERS EDGE TRAIL
ONLINE MEETING:

[HTTPS://US06WEB.ZOOM.US/J/81633922814?pwd=WmJAT1JtWVZQVmRQBTVDMMpNnNj6Zz09](https://us06web.zoom.us/j/81633922814?pwd=WmJAT1JtWVZQVmRQBTVDMMpNnNj6Zz09)

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, Webster Jones and Nicole Seltzer. General Manager Andy Rossi, Public Information and External Affairs Manager Holly Kirkpatrick, Business Manager Deb Bastian, Chief Accountant Karina Craig, Dam & Hydroelectric Power Plant Operators Eddie Rogers and Neal Obray, Ditch Rider and Dam On-Call Operator John Nelson and General Counsel Bob Weiss. Members of the public present for some portion of the meeting included Nicole Stjernhom, Employers Council Attorney; Jackie Brown, Colorado Water Conservation Board; Erin Light, Division of Water Resources; Alyson Gould and Blake Mamich, Colorado Water Trust; David Graf, Fish and Wildlife Services; Don Meyer and Jerry Smith.

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) **9:00 AM** Establishment of Quorum and Call to Order
- (2) **9:00 AM** Approval of Agenda for Meeting **Action item**
- (3) **9:05 AM** 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.
- (4) **9:10 AM** Employee Handbook Review by General Counsel
- (5) **9:25 AM** Yampa River Basin Data and Analysis Review
 - a. Yampa Basin Irrigation Patterns
 - i. Bear River and Yampa Above Stagecoach

10:00 – 10:15 AM Break

- b. Update on Colorado Water Conservation Board Activities
- c. Coordinated Reservoir Release Options Study and Discussion

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11:15 AM – 12:15 PM Lunch Break

- (6) **12:15 PM** UYWCD 2023 Budget and Work Plan Discussion
- a. Identified 2023 Work Efforts and Additional Work Efforts Discussion
 - b. Yampa River Basin Water User Financial Support Options
 - c. 2023 Budget Review
 - i. UYWCD Tax Revenue Discussion
 - ii. 2023 Budget Review
- (7) **2:30 PM** New Business (Limited to emergency matters that came up during the course of the meeting) **Action item**
- (8) **2:40 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.
- (9) **2:50 PM** Board Actions in Regard to Executive Session
- (10) **2:55 PM** Determination of Next Meeting(s) Agenda(s)
- (11) **3:00 PM** Adjournment

Chairman Monger established a quorum and called the meeting to order at 9:03 AM.

Meeting Agenda. Director Jones 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. There was no comment.

Employee Handbook Review by General Counsel. General Counsel Weiss introduced Employer Council attorney Nicole Stjernholm to address the Board concern as to whether or not the provisions in the Employee Handbook could be interpreted as a contractual obligation of the District notwithstanding the at-will employment disclaimer provided in the Employee Handbook. Employer Council attorney Stjernholm stated that she reviewed the Employee Handbook and did not have any concerns with the language or policies in the Employee Handbook. She further noted that there is never no risk, but the District's Employee Handbook is very typical and the areas where there is concern of contractual obligation have been carefully reviewed and appropriately limited. The Board had no further questions.

Yampa River Basin Data and Analysis Review

Yampa River Irrigation Patterns – Bear River and Yampa Above Stagecoach. General Manager Andy Rossi discussed the area above Stagecoach with the District field staff providing an overview of the water order and water release process. General Manager Rossi presented the analysis of the intra-seasonal irrigation patterns for the Bear River and Yampa above Stagecoach sections of the Yampa River system prepared by Wilson Water Group. The Board reviewed and discussed. General Manager Rossi noted that the maps may be expanded and requested the Board to provide him with any suggestions for items to be added to the maps.

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Update on Colorado Water Conservation Board Activities. Jackie Brown of the Colorado Water Conservation Board (CWCB) provided the Board with an update on the various activities being undertaken by the CWCB.

Coordinated Reservoir Release Options Study and Discussion. General Manager Rossi provided an overview of the study and modeling results. The Board reviewed and discussed. Public comment was provided.

UYWCD 2023 Budget and Work Plan Discussion.

Identified 2023 Work Efforts and Additional Work Efforts Discussion. General Manager Rossi updated the Board on the proposed new UYWCD work tasks for 2023 for their consideration. The Board provided direction to staff to finalize the new work plan items for inclusion in the 2023 UYWCD Budget to be presented for adoption by UYWCD BOD at the November 16, 2022, Board meeting.

Yampa River Basin Water User Financial Support Options. The Board discussed this issue during the review of the strategic plan and proposed new work efforts.

UYWCD Tax Revenue Discussion. Chief Accountant Karina Craig provided the Board review of the implications to the UYWCD and its finances that may occur as a result of changes to UYWCD property tax revenues occurring over the next few years.

2023 Budget Review. The Board reviewed and discussed the preliminary 2023 budget. A final 2023 budget will be presented to the Board at the November 16, 2022, Board meeting.

New Business. Director Redmond provided an update on the status of the Stillwater Reservoir.

Executive Session. There was no Executive Session.

Board Action Regarding Executive Session. No action required.

Determination of Next Meeting Agenda. The agenda for the November 16, 2022, Board Meeting was reviewed.

The meeting adjourned at 2:50 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

