

RECORD OF PROCEEDINGS

UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING
DAY, NOVEMBER 16, 2022 (12:00 PM)
MOUNTAIN VALLEY BANK COMMUNITY ROOM
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO
ONLINE MEETING:

<HTTPS://US06WEB.ZOOM.US/J/87995099756?PWD=MEXYK055VLI0RNVTWLR1EDZ5R1VIUT09>

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, District Engineer Emily Lowell, Public Information and External Affairs Manager Holly Kirkpatrick, Business Manager Deb Bastian, Chief Accountant 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 Lisa Brown, Wilson Water Group; Erin Light and Mendi Figueroa, Colorado Division of Water Resources; Jeff Comstock, Moffat County Natural Resources Director; Frank Alfone, Mt. Werner Water; Claire Sollars, Esq., Colorado Water Matters, PLLC; Todd Hagenbuch and Margaret Hagenbuch, ME Hagenbuch Trust; Kristen Jespersen, Yampatika.

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 of the September 22, 2022, Board Meeting and October 19, 2022, Board Retreat
 - b. Financials
 - i. Approval of Disbursements
 - ii. Budget Comparison
- (5) **12:15 PM** Report of General Manager **Action item**
 - a. UYWCD 2023 Proposed District Meeting Schedule

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- b. Update on Winter Holiday Party 02/16/23
- c. Update on Lower Yampa Basin Augmentation Water Planning
- d. Update on Reservoir Firming Projects
- e. UYWCD 2023 Budget (Including Resolutions) **Action item**
- f. Augmentation Plans Contract Updates
- g. Resolution to Opt-Out of Colorado Family Medical and Leave Insurance program **Action item**
**Time will be allocated for public comment if any.*
- (6) **2:30 PM** District Engineer Report
 - a. Update on Reservoir Water Status
- (7) **2:45 PM** Public Information Updates
 - a. Grants
 - i. Disbursements
 - ii. New Applications **Action item**
- (8) **3:00 PM** Board Member Reports
- (9) **3:15 PM** Report of General Counsel
 - a. General Manager Review Procedure **Action item**
- (10) **3:30 PM** Pending Water Cases
 - a. Water Resumes
 - b. Status of Other Water Cases Including UYWCD Diligence Filings
- (11) **3:45 PM** New Business (Limited to emergency matters that came up During the course of the meeting) **Action item**
- (12) **4:00 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) **4:15 PM** Board Actions in Regard to Executive Session
- (14) **4:25 PM** Determination of Next Meeting(s) Agenda(s)
- 4:30 PM** Adjournment.

Chairman Monger established a quorum and called the meeting to order at 12:00 PM.

Meeting Agenda. General Manager Rossi noted that item (3) a. will be removed as there will be no update from Erin Light. Director Halliday moved to approve the agenda as amended. 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.

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

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Report of General Manager

UYWCD 2023 Proposed District Meeting Schedule. The Board reviewed and discussed the proposed 2023 meeting schedule and agreed to set the January 18, 2023, and March 15, 2023, meeting dates. General Manager Rossi and Chairman Monger will present a revised proposed meeting schedule at the January 18th Board meeting.

Update on Winter Holiday Party 02/16/2023. The Board was provided a “Save the Date” for the holiday party on February 16, 2023.

Update on Lower Yampa Basin Augmentation Water Planning. Jeff Comstock, Natural Resource Director of Moffat County provided an overview and Lisa Brown of Wilson Water Group presented the Board with information on the completed Lower Yampa Basin Augmentation Water Supply analysis.

Update on Reservoir Firming Projects. General Manager Rossi updated the Board on the recently completed Upper Yampa River Basin water storage firming projects analyses for Coal Creek and the Morrison Creek to Little Morrison Creek Diversion. General Manager Rossi stated that the next steps will be to look at the potential downstream impacts to both Morrison Creek and the historical irrigation practices.

UYWCD 2023 Budget (including resolutions). Chief Accountant Karina Craig provided an overview of the 2023 budget and addressed inquiries from the Board. Director Redmond moved to approve the 2023 budget, Resolution 2202-5, Appropriate Sums of Money, Resolution 2022-6, Set Mill Levies and Resolution 2022-7, Adopt Budget and Salary Range Schedule. Director Murphy seconded the motion which was unanimously approved.

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

Resolution to Opt-Out of Colorado Family Medical and Leave Insurance Program. Business Manager Deb Bastian provided an overview of the Colorado Family Medical and Leave Insurance Program (FAMLI) and staff’s recommendation that the Board vote to decline all participation in FAMLI, via Resolution, and approve a District administered Paid Family Medical Leave (PFML) policy that will be effective January 1, 2024. Chairman Monger requested that staff present the PFML policy separately from the request to opt out of the FAMLI program. Staff will present the PFML policy to the Board for approval at a future Board meeting. Director Redmond moved to approve Resolution 2022-8, Opt-Out of the Colorado FAMLI program, as presented. Director Halliday seconded the motion which was unanimously approved.

District Engineer Report. District Engineer Emily Lowell provided an update on the reservoir water status.

Public Information Updates. Public Information and External Affairs Manger Holly Kirkpatrick shared a video of the Yampa Youth Water Festival and updated the Board on grant disbursements.

Grants – New Applications. Public Information and External Affairs Manger Holly Kirkpatrick informed the Board that Yampatika is requesting \$40,000 over the next two years (\$20,000 in 2023 and \$20,000 in 2024) in UYWCD Community Grant Funding. Kristen Jespersen, Executive Director of Yampatika, provided the Board with an overview of how the requested funds would be in the Water Education Program. Director Seltzer moved to approve the grant application for \$40,000 over 2 years to Yampatika. Director Redmond seconded the motion which was unanimously approved.

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Board Member Reports. Board Member Seltzer informed the Board that the Basin Roundtable approved a grant of \$95,000 to be used toward the dashboard that is being developed in coordination with the District, Colorado Water Trust and the Friends of the Yampa. The grant request will be sent, with a letter of recommendation, to the CWCB for review in January.

Director Brenner notified the Board that the dates for the upcoming Colorado Water Congress (CWC) Annual Conference are January 25 - 27, 2023.

General Manager Rossi and Chairman Monger provided a recap of the Lower Basin Tour they attended in early November.

Report of General Counsel. General Counsel Weiss provided the Board with an overview of the General Manager annual review process. Business Manager Deb Bastian will send the annual review survey form to the Board and the General Manager in early December to be completed. Results of the survey will be provided to the Board prior to the January 18, 2023, meeting.

Pending Water Cases.

Water Resumes. Special Counsel Grosscup reviewed the water resumes and noted that the State Engineer filed Case No. 2022CW3012 seeking approval of the Rules and Regulations for the water measurement rules that have been proposed in Water Division 6 and have decided to follow this rule-making process through the water court. The Board discussed. Director Sharp moved to authorize Special Counsel to file a statement of opposition in Case No. 22CW3012 prior to the end of the year. Director Brenner seconded the motion which was unanimously approved.

Status of Other Water Cases including UYWCD Diligence Filings. Special Counsel Grosscup provided an update of the current water cases. The Board discussed. Director Sharp moved to authorize Special Counsel to file, on a timely basis, the due diligence applications for the Morrison Creek diversion into Little Morrison Creek and for the Umbrella Augmentation Plan. Director Murphy seconded the motion which was unanimously approved.

New Business. There was no new business.

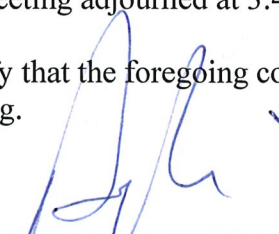
Executive Session. There was no Executive Session.

Board Action Regarding Executive Session. None.

Determination of Next Meeting Agenda. The agenda for the January 2023 Board Meeting was reviewed. An item will be added to the *Report of General Manager* regarding the 2023 Board meeting schedule.

The meeting adjourned at 3:49 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: 1/19/23