

RECORD OF PROCEEDINGS

UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING
WEDNESDAY, NOVEMBER 17, 2021 (12:00 PM)
MOUNTAIN VALLEY BANK COMMUNITY ROOM
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO
ONLINE MEETING:

[HTTPS://US06WEB.ZOOM.US/J/86846901429?pwd=QKLCRWMwOUVsQTBWM1ow
A183L2ZlZz09](https://us06web.zoom.us/j/86846901429?pwd=QKLCRWMwOUVsQTBWM1owA183L2ZlZz09)

MINUTES

Chairman Ken Brenner called the meeting to order and declared a quorum present. In addition to Chairman Brenner, the Board Members present were Doug Monger, 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. Members of the public present included David Torgler, Town of Oak Creek; Tom Holliday, Town of Oak Creek; Alyson Gould, Colorado Water Trust; Erin Light, Colorado Division of Water Resources; Steve Jamieson, W.W. Wheeler & Assoc., Inc.; 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) **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.
- (4) **12:10 PM** Consent Agenda **Action item**
 - a. Approval of the Minutes September 15, 2021, Board Meeting, October 14, 2021, Board Governance Committee Meeting, October 20, 2021, Board Retreat and Special Board Meeting and October 26, 2021, Board Governance Committee Meeting.
 - b. Financials
 - i. Approval of Disbursements
- (5) **12:15 PM** Report of District Engineer
 - a. Update on Reservoir Water Status
 - b. Update on Capital Projects
- (6) **12:30 PM** Report of General Manager

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- a. Sheriff Reservoir Project Update
- b. Stagecoach Reservoir Storage Contracts
 - i. Existing Stagecoach Reservoir Municipal Contracts
 - ii. CWT-UYWCD 10-Year Stagecoach Reservoir Contract **Action Item**
- c. UYWCD Employee Handbook **Action Item**
- d. Proposed 2022 UYWCD District Meeting Schedule **Action Item**
- e. UYWCD 2022 Strategic Plan
- f. UYWCD 2021 Budget Amendment **Action Item**
- g. UYWCD Board of Directors Compensation **Action Item**
- h. UYWCD 2022 Budget **Action Item**
- (7) **3:30 PM** Public Information Updates
 - a. Grant Update
- (8) **3:40 PM** Board Member Reports
 - a. UYWCD Board of Directors Self Evaluation Survey
 - b. UYWCD General Manager Annual Review
 - c. Letter of Support **Action Item**
- (9) **4:00 PM** Report of General Counsel
 - a. Utah Counsel change of Employer
- (10) **4:05 PM** Pending Water Cases
 - a. Water Resumes
 - b. Status of Other Water Cases
- (11) **4:10 PM** New Business (Limited to emergency matters that came up During the course of the meeting) **Action item**
- (12) **4:15 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) **4:50 PM** Board Actions in Regard to Executive Session
- (14) **4:55 PM** Determination of Next Meeting(s) Agenda(s)
- (15) **5:00 PM** Adjournment

Chairman Brenner established a quorum and called the meeting to order at 12:03 PM. Chairman Brenner turned the chairmanship over to Vice President Monger because Chairman Brenner was participating in the meeting via Zoom.

Meeting Agenda. Director Brenner moved to approve the agenda. Director Jones 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. Erin Light, Division of Water Resources (DWR), provided an update on the stakeholder meetings held by the DWR regarding the measurement rules and the over appropriation designation. General Manger Rossi commented that he will prepare a memo, for review by the Board at the

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January 2022 Board meeting, to the DWR regarding the measurement rule making process and how it affects the District.

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

District Engineer Report. District Engineer Emily Lowell provided an update on reservoir water status and capital projects.

Report of General Manager.

Sheriff Reservoir Project Update. General Counsel Weiss disclosed that he is the attorney for the Town of Oak Creek and that if the District went into negotiations with the town he would recuse himself and have Special Counsel Grosscup handle any negotiations. David Torgler, Oak Creek Town Administrator provided a brief overview of the concerns and issues with the Sheriff Dam and requested the District consider putting funds in their 2022 budget to assist the town with the design, construction and engineering costs. David would like to come back to the January Board meeting to present the scope of services for the design and engineering and to have a more detailed discussion on what the needs are for the town. Steve Jamieson, consulting engineer for the Town of Oak Creek, gave a presentation on the recent analyses, repair and planned future activities for the repair of Sheriff Dam.

Stagecoach Reservoir Storage Contracts

1. **Existing Stagecoach Reservoir Municipal Contracts.** General Manager Rossi provided an update on the progress of distributing the proposed amendment to and discussion with existing Stagecoach Reservoir municipal contractors and commented that only the Stahl's have not been contacted since they have 2 contracts that have different terms, and they are the only private party. The Board provided direction that they want to offer the Stahl's the same amendment provided to the other parties.
2. **Colorado Water Trust (CWT)-UYWCD 10-Year Stagecoach Reservoir Contract.** General Manager Rossi provided an overview and presented a final draft version of the proposed CWT 10-Year Stagecoach Reservoir contract. Alyson Gould, Colorado Water Trust, was present and commented that the Colorado Water Conservation Board also reviewed the proposed contract and had no concerns or issues. The Board discussed. Director Sharp stated that he would support the contract if it was a 3 year contract and not a 10 year contract. Director Brenner moved to approve the 10-year Stagecoach Reservoir Environmental, Instream, and Recreational Water Storage Contract with the CWT as presented. Director Seltzer seconded the motion. Directors Brenner, Monger, Halliday, Haskins, Murphy, Seltzer, Jones and Redmond voted in favor. Director Sharp voted against. The motion passed.

UYWCD Employee Handbook. Business Manager Deb Bastian and General Manager Rossi provided an overview of the process to update and revise the District's Employee Handbook. Director Seltzer disclosed that her partner is employed by the District and asked if the Board is comfortable with her continuing in the discussion. The Board was comfortable with her continued participation. The Board discussed. The Board requested that the floating holidays be removed from the Holidays section which would provide 12 holidays with no restrictions and add 3 days to Personal Time section and remove the "in case of emergency" wording. Director Redmond moved to approve the UYWCD Employee Handbook with the requested amendments. Director Haskins seconded the motion which was unanimously approved.

Proposed 2022 UYWCD District Meeting Schedule. General Manager Rossi presented a proposed 2022 Board of Director's meeting schedule. The Board reviewed. Director Sharp moved to accept the 2022 UYWCD

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District Board Meeting dates and the discretionary dates for Executive Committee meetings as presented. Director Redmond seconded the motion which was unanimously approved.

UYWCD 2022 Strategic Plan. General Manager Rossi provided the current version of the 2022 UYWCD Strategic Plan for Board review.

UYWCD 2021 Budget Amendment. Chief Accountant Karina Craig provided an overview of the budget comparison and budget amendment. The Board reviewed and discussed. Director Sharp moved to approve the budget comparison report, the 2021 budget amendment and Resolution 2021-5-Resolution for Amended Budget as presented. Director Murphy seconded the motion which was unanimously approved.

UYWCD Board of Directors Compensation. General Manager Rossi presented a draft revision to **Section 4 – Compensation** of the District Bylaws to address the request from the Board to increase Director compensation. The Board discussed. Director Sharp moved to approve the recommendation to revise **Section 4 – Compensation** of the District Bylaws as presented. Director Brenner seconded the motion which was unanimously approved.

UYWCD 2022 Budget. General Manager Rossi provided an overview of the 2022 Budget and addressed inquiries from the Board. Director Sharp moved to approve the 2022 budget, Resolution 2021-6 Appropriate Sums of Money, Resolution 2021-7 Set Mill Levies and Resolution 2021-8 Adopt Budget and Salary Range Schedule as presented. Director Jones seconded the motion which was unanimously approved.

Public Information Updates. Public Information and External Affairs Manager Holly Kirkpatrick provided reports to the Board on the Diversion Infrastructure Improvement Grant and Community Grant Funding programs.

Board Member Reports.

UYWCD Board of Director's Self-Evaluation Survey. Director Brenner provided an overview of the Governance Committee's process in developing the Director's Self-Evaluation. The Board reviewed and discussed the draft survey. The survey will be voluntary, and Director Sharp informed the Board that he will not participate in the survey process. The Board directed staff to send the survey to the remaining Board members and request all respond by December 1st. Additionally, staff, as a collective, will also complete the survey. The results of the survey will be presented at the January 2022 Board meeting.

UYWCD General Manager Annual Review. Director Brenner reviewed the process and Director Jones discussed how he developed the draft review. The Board discussed. Business Manager Deb Bastian will send the document to the Board and General Manager Rossi. General Counsel Weiss will collect all responses and forward them to Director Brenner and Monger to compile the results. Results will be provided to the Directors in advance as confidential materials for discussion during an Executive Session at the January 2022 Board meeting.

Letter of Support. Director Brenner discussed the Colorado Airborne Snow Observatory (CASO) program and their request for the District to write a letter of support for the CASO grant proposal. The Board reviewed the draft letter of support and the briefing on the Water Plan Grant. Director Redmond moved to approve the letter of support for CASO as presented. Director Murphy seconded the motion which was unanimously approved.

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Report of General Counsel. General Counsel Weiss informed the Board that Water Horse Utah counsel Graham Gilbert has left Snell & Wilmer LLP as of November 2, 2021, and has joined Parson, Behle & Latimer. Counsel Gilbert requested the Board's authorization to take the District files regarding the Water Horse case with him and allow him to continue to represent the District in this matter. The Board discussed. Director Brenner moved to authorize the transfer of representation on an interim basis and revisit the matter at the January 2022 Board meeting. Director Haskins seconded the motion which was unanimously approved.

Pending Water Cases.

Water Resumes. General Counsel Weiss stated there were no resumes for Division 5 and 6.

Status of Other Water Cases. Counsel Weiss provided an update of the water court cases.

New Business. There was no new business.

Executive Session. There was no Executive Session.

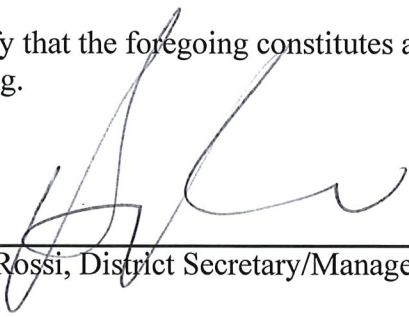
Board Action Regarding Executive Session. There was no Executive Session.

Determination of Next Meeting Agenda. The agenda for the January 2022 Board Meeting was reviewed. General Manager Rossi stated that he will add the following to the agenda:

- Update on Sheriff Reservoir
- Update on the CDWR rule making and a potential official statement from Upper Yampa on the matter to be submitted to the state
- Coordinate with Erin Light of DWR to provide her a spot on the agenda on a regular basis
- Financial audit schedule

Chairman Monger adjourned the meeting at 4:17 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: 1/19/22