

AGENDA
UPPER YAMPA WATER CONSERVANCY DISTRICT
EXECUTIVE COMMITTEE MEETING
WEDNESDAY, MARCH 18, 2020 (11:00 AM)
ONLINE MEETING: [HTTPS://BLUEJEANS.COM/411279117](https://bluejeans.com/411279117)

- (1) Call to Order;
- (2) Approval of Meeting Agenda;
- (3) Discussion of process and timeline for the recruitment of a new GM
- (4) Scheduling of emergency BOD meeting for bylaw amendment Re: emeetings
- (5) Adjournment.

RECRUITMENT OF A NEW GENERAL MANAGER





BOARD COMMUNICATION FORM

From: _ Kevin McBride _____

Date: _ 3/17/2020 _____

Item: _ GM recruitment process and timeline _____

_____ DIRECTION
 _____ INFORMATION
 _____ MOTION
 _____ RESOLUTION

I. Request/Issue and Background Information:

At the 3/11/2020 BOD meeting the direction was given to have an executive committee meeting to establish a process and timeline for recruitment of a new GM for the UYWCD.

II. Summary and Alternatives:

N/A

III. Staff Recommendation:

N/A

IV. Legal Issues:

N/A

V. Consistency with Board Goals and Policies:

Succession planning 10.1

Attachments:

Packets from last Board meeting



BOARD COMMUNICATION FORM

From: __ Kevin McBride, G.M. _____

Date: __ 3/5/2020 _____

Item: __ **G.M. Succession Planning** _____

X_____ DIRECTION
_____ INFORMATION
_____ MOTION
_____ RESOLUTION

I. Request/Issue and Background Information:

See attached letter

II. Summary and Alternatives:

III. Staff Recommendation:

IV. Legal Issues:

V. Consistency with Board Goals and Policies:

Attachments:

Letter from Kevin McBride

Upper Yampa Water Conservancy District

POSITION TITLE: General Manager

FLSA STATUS: Exempt

SUMMARY OF POSITION:

The General Manager directs the day to day operations of Upper Yampa Water Conservancy District (UYWCD) through the policies and directions of the Board of Directors of UYWCD (Board) and is responsible for the efficient management of the business and concerns of the District. Represents the District on water policy matters and is directly involved in water rights issues and other legal matters. Supervises operation of two reservoirs including the hydroelectric plant.

ESSENTIAL FUNCTIONS:

- Coordinate activities of the District to ensure that the District's Goals are achieved, and to ensure the follow through of the policies and the direction of the Board.
- Coordinate the annual budget and Mill Levy Certification. Bring critical budget issues to Board for discussion. Present final budget to Board for approval.
- Ensure expense and revenue budgets are managed properly. Enforce cost control measures, eliminate redundant systems, and establish and implement District Cost measurements.
- Responsible for hiring and termination of District employees and for their performance as well as oversight of employee benefits, such as health care, insurance, retirement plan, etc.
- Prepares, submit to the Board, and revise as necessary annual budget of District. Contract for and review annual audit of District and draft Management report for inclusion in Audit. Brings significant financial, accounting, budgeting, and audit issues to the timely attention of Board at its regular meetings and to the Executive Committee between meetings.
- Ensure that all District activities comply with applicable District policies (purchasing, personnel, motor pool, etc.).
- Active in finding and developing grant opportunities.
- Communicate with various entities (governmental and non-governmental) that work with the District.
- Direct the development and implementation of technical and administrative strategies, policies, and programs of the District.
- Represent the Board as primary contact on water policy matters with state and federal agencies and other parties involved in Colorado Water Issues.
- Assist Board with annual goal setting.
- Implement planning, engineering, permitting, and other activities related to capital improvements.
- Follow legislation that affects District affairs. Work with Board to develop responses to legislative proposals.

General Manager
Page Two

- Has oversight responsibilities for the Operational activities of the District.
- Works closely with the District's General Counsel, who reports directly to the Board, and coordinates the legal activities of the District.
- Other Duties as assigned

OTHER RESPONSIBILITIES:

- Ensure that Board meeting minutes are properly recorded.
- In conjunction with the Board President, is responsible for the development of the Board meeting agendas.
- Perform other duties as appropriate and assigned by the Board.

EDUCATION, TRAINING AND EXPERIENCE LEVEL:

Masters or Bachelors degree in engineering, administration, management or a related technical field, and at least five years of direct, progressive experience in managing a local governmental or similar entity, or an equivalent combination of education, training and experience which provides the knowledge, skills and abilities required for the position.

LICENSES AND CERTIFICATIONS:

- Valid Colorado Driver's License.

TECHNICAL SKILLS:

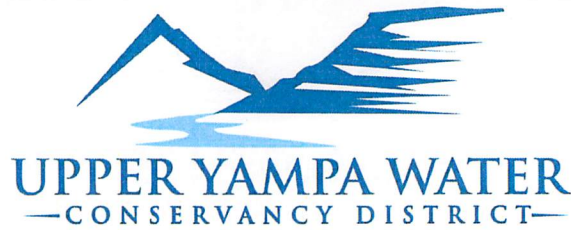
- Must possess strong organizational leadership abilities and demonstrated skill in administration, personnel, team building and finance.
- Must be an excellent communicator who knows how to set and accomplish goals and priorities.
- Must work well with people in a variety of settings, including individuals representing federal and state agencies.
- Must understand water law, water rights and water policy.

ORGANIZATIONAL RELATIONSHIPS:

Report to the Board Directors. Supervise the District employees.

SALARY RANGE

The top of the hiring range will be the midpoint of the salary range. The District provides a medical plan and retirement benefits to full time employees.



Date, March 3, 2020

Board of Directors
Upper Yampa Water Conservancy District
2220 Curve Plaza Suite 201
POB 772592
Steamboat Springs, CO 80477
Hand and email delivered

RE: Retirement

Dear Board of Directors,

I am writing to let you know of my decision to retire from the full time General Manager position, effective May 31 of this year. I would be willing to work through a transition with the new General Manager over the following three months. For example, $\frac{3}{4}$ time in June, $\frac{1}{2}$ in July, and $\frac{1}{4}$ in August could work for me, should that help. I am flexible on this schedule, at a current pay rate, if health care is included through September.

It is an excellent time for a transition for both me and the District. Should your search include someone with a family, early summer is a good time to consider a move. The District will hopefully be finished with most of the current contract negotiations and there will be a new strategic plan and board manual to implement. My plan to is stay involved in water after a short sabbatical, however as some have joked, it's too late to retire early. For me this decision is based solely on the desire for some additional free time with family and friends.

Over the last nearly fourteen years working at the District we have accomplished many things. Completed the enlargement of Stagecoach Reservoir, freed the District from cumbersome past agreements with landowners, and created a master plan that explores the scientific, legal, and engineering realities of the District. We obtained diligence of the Districts portfolio of water rights and used those water rights to benefit customers, both consumptive and non-consumptive. We continue to be involved in discussions at the local and State level on the future water in Colorado, and importantly our District. We eliminated debt, gave and received grants, explored enterprise

Mailing Address
P.O. Box 775529
Steamboat Springs, CO 80477-5529

Location
Fish Creek Filtration Plant
3310 Clear Water Trail

Telephone
(970) 871-1035
Fax (888) 519-3464



business planning and use of tax revenues, and made great headway in renegotiating many of the District's water allotment contracts. Internally we improved Board reporting from "scrap paper" agendas to electronic packets and notifications to the public, all while developing a staff with the expertise to take the District into the next decade of challenges.

It is in the spirit of the new strategic plan that I inform you of my decision to retire. The Board will need some time to discuss a job description, advertise, interview and hire a new GM. Again, my offer is to help with this succession should you want. I plan to be out of the full-time position by June 1 of this year and would be willing to help in some agreed upon capacity, if necessary, beyond that time.

Being your General Manager has been the job of a lifetime and a spectacular experience for me personally.

Regards,

Kevin

Kevin McBride, P.E.
General Manager
Upper Yampa Water Conservancy District
P.O. Box 775529
Steamboat Springs, CO 80477
kmcbride@upperyampawater.com
970-871-1035

SCHEDULING AND NOTICE OF BOARD MEETINGS



Karina Craig

From: Bob Weiss <bweiss@wvsc.com>
Sent: Monday, March 16, 2020 11:36 PM
To: Kevin McBride; Ken Brenner; Ryan Golten; Bob Woodmansee; Webster Jones (hwebster@frii.com); Jim Haskins (haskywild@mail.com)
Cc: Holly Kirkpatrick; Andy Rossi; Karina Craig; john redmond; Doug Monger; Ron Murphy (rmurphy100bc@gmail.com); LynHalliday (lhalliday@environmentalsolutionllc.com); Thomas R. Sharp (tom@tomsharp.com)
Subject: RE: General Manager job descriptions

Dear Board and staff (and Ryan):

I have looked at the Water Conservancy Act and the Open Meetings Law on the questions of meeting notice and whether meetings can occur entirely by video conference, telephone call or other electronic means without anyone being physically present at a meeting location. The Water Conservancy Act says only that meetings are subject to the Open Meetings Law. The Open Meetings Law, as you know, broadly requires meetings to be open to the public. A meeting is defined as “any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.”

I see nothing to require the meeting to occur at a physical location. Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public.

Until last year the notice of the meeting had to be posted at the designated posting place. However, in 2019 the legislature amended the Open Meeting Law to allow and, in fact encourage, local public bodies to give notice by posting the notice of the meeting on their website. Posting in a designated posting place is still allowed but no longer required.

Meetings which occur entirely by e-mail are declared to be meetings subject to the Open Meetings Law, which I interpret to mean that the relevant e-mails would be available for public inspection since it is hard to conceive of the public participating in an e-mail meeting unless the e-mails were made available in real time.

Given COVID-19 circumstances, and the statutory provisions cited above, it seems to me the District may hold a meeting entirely on-line without anyone present at a physical meeting location accessible to the public if the meeting notice describing how the meeting will occur is given describing arrangements for the public to participate in the meeting.

I recommend the District’s Bylaws be amended to specifically allow such a meetings and to make the District’s website the official place to post notice of meetings. A physical posting place may also be included but it is no longer required. By the way, the Bylaws already allow special meetings entirely by telephone.

Bob

Robert G. Weiss
Weiss and Van Scoyk, LLP
1625 Mid Valley Drive, Suite 1, PMB 82
Steamboat Springs, CO 80487
(970) 846-8637 cell

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From: Kevin McBride [mailto:kmcbride@upperyampawater.com]
Sent: Monday, March 16, 2020 8:20 PM
To: Ken Brenner <kpbrennersteamboat@gmail.com>; Ryan Golten <rgolten@cbi.org>; Bob Weiss <bweiss@wvsc.com>; Bob Woodmansee <robert.woodmansee@icloud.com>; Webster Jones (hwebster@frii.com) <hwebster@frii.com>; Jim Haskins (haskywild@mail.com) <haskywild@mail.com>
Cc: Holly Kirkpatrick <HKirkpatrick@upperyampawater.com>; Andy Rossi <arossi@upperyampawater.com>; Karina Craig <kcraig@upperyampawater.com>; John Redmond <redmondjv@gmail.com>; Doug Monger <DMonger@co.routt.co.us>; Ron Murphy (rmurphy100bc@gmail.com) <rmurphy100bc@gmail.com>; LynHalliday (lhalliday@environmentalsolutionllc.com) <lhalliday@environmentalsolutionllc.com>; Thomas R. Sharp (tom@tomsharp.com) <tom@tomsharp.com>
Subject: RE: General Manager job descriptions

Ken,
We will not have anyone at the office. We will post a notice for how people can attend online, if they wish. I think it would be irresponsible to encourage the public to gather in person, especially as we will have alternatives to attending in person.

Kevin

From: Ken Brenner <kpbrennersteamboat@gmail.com>
Sent: Monday, March 16, 2020 5:08 PM
To: Ryan Golten <rgolten@cbi.org>; Bob Weiss <BWeiss@wvsc.com>; Bob Woodmansee <robert.woodmansee@icloud.com>; Webster Jones (hwebster@frii.com) <hwebster@frii.com>; Jim Haskins

(haskywild@mail.com) <haskywild@mail.com>; Kevin McBride <kmcbride@upperyampawater.com>

Subject: Fwd: General Manager job descriptions

Hi Ryan,

I still expect to receive the UGRWCD job description soon but here is another one for us to consider. May I suggest that we start out with the general categories (education, experience...) and build on that for a draft document? I do plan to be at the District office for our meetings Wednesday, in case someone from the public attends. We only need one person at the office, me, and the rest can use teleconference. Let me know what you think would be the best strategy to finish the job description draft and the Board Manual draft.

Ken Brenner
Upper Yampa Water Conservancy District, Board President
FIS Alpine Technical Delegate
PO Box 772631
Steamboat Springs, Co 80477
970-819-6178

----- Forwarded message -----

From: **Frank Kugel** <fkugel@swwcd.org>
Date: Mon, Mar 16, 2020 at 4:59 PM
Subject: Re: General Manager job descriptions
To: Ken Brenner <kpbrennersteamboat@gmail.com>

Hi Ken,

Attached is the SWCD Executive Director job description. I have emailed the UGRWCD and will let you know when I hear back.

Please let me know if you have any questions.

Frank

On Mon, Mar 16, 2020 at 4:30 PM Ken Brenner <kpbrennersteamboat@gmail.com> wrote:

Good afternoon Frank,

If you have a few minutes could you please send me copies of the job description for the GM at the Southwest District and Gunnison District as well?

Thanks for your assistance.

Ken Brenner
Upper Yampa Water Conservancy District, Board President
FIS Alpine Technical Delegate
PO Box 772631
Steamboat Springs, Co 80477
970-819-6178

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*Frank Kugel, Executive Director
Southwestern Water Conservation District
(970) 247-1302*