

# RECORD OF PROCEEDINGS

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UPPER YAMPA WATER CONSERVANCY DISTRICT  
BOARD OF DIRECTORS MEETING  
JUNE 18, 2020 12:00 PM  
ONLINE MEETING: [HTTPS://BLUEJEANS.COM/411279117](https://bluejeans.com/411279117)

## MINUTES

Chairman Ken Brenner called the meeting to order and declared a quorum present. In addition to Chairman Brenner, the Board members present were Bob Woodmansee, Doug Monger, Jim Haskins, John Redmond, Ron Murphy, Lyn Halliday, Tom Sharp, and Webster Jones. Acting General Manager/District Engineer Andy Rossi, Marketing/Communication Manager Holly Kirkpatrick, Chief Accountant Karina Craig, Business Manager Deb Bastian, General Counsel Bob Weiss and Special Counsel Scott Grosscup were also present. Members of the public present for some portion of the meeting included Tim Mayberry, Mayberry & Company, LLC; Jon Snyder and Kelly Romero-Heaney, City of Steamboat Springs; Erin Light, Colorado Division of Water Resources; Mickey O'Hara, Colorado Water Trust; Jackie Brown, Tri-State Generation & Transmission Association; John Kuosman, Nicole Seltzer and Kevin McBride.

This meeting was held entirely by videoconference utilizing the BlueJeans platform. 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) **12:05 PM Approval of Agenda for Meeting** **Action item**
- (3) **12:10 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) **12:15 PM Consent Agenda;** **Action item**
  - a) Approval of the minutes of May 21, 2020 meeting
- (5) **12:20 PM Audit** **Action item**
- (6) **12:30 PM Report of General Manager**
  - a) Stagecoach contract water pricing **Action item**
  - b) Budget Amendment **Action item**
- (7) **2:00 PM Committee Reports**
- (8) **2:05 PM Report of General Counsel**
  - a) Bylaws Amendment
- (9) **2:20 PM District Engineer Report**

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- a) Water Quality Sampling @ SC 2020
- b) USGS Report and Cost Share Summary
- (10) 2:35 PM Board Member Reports**
  - a) Update on GM search and acceptance of minutes of the May 13, 2020, **Action item**  
May 20, 2020, May 27, 2020 and June 4, 2020 Search Committee Meetings.
- (11) 2:50 PM Discussion of Pending Legislation**
  - a) Water Resumes;
  - b) Status of other Water Cases, if any;
- (12) 3:10 PM New Business**
- (13) 3:15 PM Executive Sessions:**
  - a) Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases and Contract Negotiations. 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.
- (14) 3:45 PM Determination of Next Meeting Agenda**
- (15) Adjournment.**

Chairman Brenner established a quorum and called the meeting to order at 12:03 PM.

**Approval of Agenda for Meeting.** Chairman Brenner requested item **(13) (b) Board actions in regard to Executive Sessions** be added to the agenda. Director Woodmansee made a motion to approve the meeting agenda with the addition of item (13) (b). Director Jones seconded the motion, which was unanimously approved.

**Public Input and Comment.** Chairman Brenner invited the members of the public present to comment on items not otherwise scheduled on the agenda. There were no comments.

**Consent Agenda.** Director Sharp requested that the spelling of Linda Bassi's name be corrected in the May 21, 2020 minutes. Director Redmond moved to approve the minutes with the correction as noted by Director Sharp. Director Woodmansee seconded the motion, which was unanimously approved.

**Audit.** Auditor Tim Mayberry of Mayberry & Company, LLC provided an overview of the audit process and findings and noted that there were no issues encountered. Chairman Brenner requested that for future audits staff work with the auditor to develop a proposed schedule and timeline for the audit process and to include an initial meeting with the Board and auditor in the timeline. Director Woodmansee made a motion to approve the audit report as presented. Director Redmond seconded the motion, which was unanimously approved.

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### ***Report of the General Manager***

#### Stagecoach contract water pricing

The materials provided in the packet were reviewed and the Board discussed ERC pricing. Director Monger moved to price 2020 ERC water at the same price as the Colorado Water Trust water in 2019. Director Jones seconded the motion. There was further discussion to clarify the price to be set for 2020 ERC water. Director Monger amended the motion to set the 2020 ERC price at the 2018 price plus the CPI increase since then. Director Jones accepted the amendment. The motion passed with a vote of eight in favor and one opposed. Director Sharp did not support the motion.

The Board further discussed the pricing for Yamcolo raise pool and original municipal pool recommended by staff. Director Sharp made a motion to adopt staff recommendations to price 2020 Yamcolo raise water and original municipal pool water at \$13/AF. Director Murphy seconded the motion. Andy Rossi noted that one of the details of the recommendation is that the water out of original municipal pool be offered to agricultural users first who were not able to purchase out of the raise water. Directors Sharp and Murphy agreed with the amendment. The motion was unanimously approved.

Chairman Brenner asked if staff had enough direction to move forward. Andy Rossi stated that he will take the input received from the Board on the subject of water pricing for Stagecoach Reservoir and work with UYWCD staff to provide a proposal of categories and potential base price methodology calculations for those categories at a future Board meeting.

#### Budget Amendment

The committee reviewed the staff recommendation for a budget amendment. Director Monger moved to approve the budget amendment as presented. Director Sharp seconded the motion. The motion passed with a vote of eight in favor and one opposed. Director Brenner did not support the motion as he wants to wait until the July board meeting where the actuals for the first 6 months will be presented and then it could be determined if there is enough appropriated in the budget to support the requests from staff.

***Committee Reports.*** No reports were provided. Director Monger requested staff to investigate the ability to have an in-person Board meeting for July.

### ***Report of General Counsel***

#### Bylaws Amendment

Counsel Weiss presented a memo describing potential Bylaw amendments. The Board reviewed amendments a through f (except d) and indicated its support. Director Monger noted that he would like to see that item a (New Business) allow for the Board to provide staff direction. Item d (Term of Board President) was separately discussed. Director Sharp moved to amend the Term of the Board President to provide that effective 2020 the maximum consecutive number of years that a Board president can serve is 2 years, unless in any year there are no candidates for President other than the incumbent President. The existing Bylaw provisions providing for the annual election of the Board President and allowing a Board President to serve again after a two year break in service are not changed. Director Jones seconded the motion. The motion passed with a vote of seven in favor, one opposed and one abstention. Director Woodmansee did not support the motion and Director Brenner abstained. Counsel Weiss will draft Bylaw amendments consistent with Board direction for the July Board meeting.

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

#### Water Quality Sampling at SC 2020

The water quality sampling was discussed.

#### USGS Report and Cost Share Summary

The report and summary were discussed.

### ***Board Member Reports***

#### Update on GM Search/acceptance of minutes

The current status of the General Manager search was discussed, and memo reviewed. Director Monger moved to accept the Search Committee Meeting minutes as presented. Director Woodmansee seconded the motion which was unanimously approved.

### ***Discussion of Pending Legislation***

#### Water Resumes

Special Counsel Grosscup discussed the application filed by Catamount Development, Inc. and the Catamount Metropolitan District. Director Sharp moved for the District to file a statement of opposition to the Catamount refill. Director Monger seconded the motion which was unanimously approved.

Director Monger requested a short analysis be drafted to assist in explaining and analyzing the potential effects of the impacts of the Catamount Application on the District's water rights. Special Counsel Grosscup will provide for the July meeting.

#### Status of other Water Cases

The cases were reviewed. The Board requested an update at the July meeting on the Army Corp of Engineers 404 permitting process.

***New Business.*** There was no new business.

***Executive Session.*** After discussion, it was determined there was no need for an Executive Session.

***Determination of next meeting agenda.*** The scheduled date for the next Board meeting was confirmed, being Thursday, July 16, 2020 at 12:00 PM. Staff was requested to provide the report on Findings of Risk Study Analysis of Yampa Doctrine and Equitable Apportionment as soon as possible before the July board meeting. Director Sharp requested that the opinion piece from State Engineer regarding Colorado River Compact curtailment be provided to the Board before the next meeting.

Director Sharp moved to adjourn the meeting at 3:39PM. The motion was seconded by Director Woodmansee which was unanimously approved.

I certify that the foregoing constitutes a true and correct summary of the proceedings at the above referenced meeting.

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*Andy Rossi*

Andy Rossi, Acting District Secretary/Manager

Date: Jul 17, 2020






# 2020 0618 Board Meeting Minutes-final

Final Audit Report

2020-07-17

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