

**Southwestern Water Conservation District
Board of Directors Regular Board Meeting
SWCD Office, 841 E 2nd Avenue
Durango, Colorado
October 11 & 12, 2023**

Present: Dagan Chadd (10/12*) JR Ford
Kenny Heldman Rusty Hinger
Amy Huff Jenny Russell
Gerald Koppenhafer Charlie Smith

Absent: David Guilliams, Dagan Chadd (10/11)

Staff: Mo Rock, Programs Coordinator
Steve Wolff, General Manager

Consultants: Pete Foster, Wright Water Engineers
Carrie Padgett, Harris Water Engineering (10/11)
Beth Van Vurst, Van Vurst Law, General Counsel
Skyler Zilliox, Wright Water Engineers
Garin Vorthmann, Colorado Legislative Strategies

Guests: Becky Mitchell, DNR (10/11) Chuck Riehm, SJWCD (10/11*)
Laura Spann, CWCB (10/11) Ed Millard (10/11*)
Emily Zmak, CWCB (10/11) Ken Curtis, DWCD (10/11*)
Jackson Sparkman, (10/11) Mickey O'Hara, TNC (10/11*)
Pete Nylander, SUIT (10/11*)

**Asterisk indicates participation via Zoom.*

Wednesday, April 12, 2023

1.0 Call to Order – Roll Call and Verification of Quorum

President Jenny Russell called the meeting to order at 12:01 p.m. Roll was taken and a quorum was established.

2.0 There was board consensus to approve the agenda as revised [*certain draft minutes were removed from the consent agenda, see below*].

3.0 Consent Agenda

Jenny Russell reviewed the consent agenda and clarified that the board would be approving all prior minutes (except for July 12th & 13th, September 13th, September 28th, and October 5th), and accepting the Treasurer's Report (08/30/2023). Minutes being approved included February 2nd, March 30th, and June 13th.

seconded the motion. The motion passed unanimously.

Beth Van Vurst provided an overview of a draft agreement to renew SWCD's office lease at 841 E. 2nd Ave. in Durango, Colorado for an additional 5-year term. The lease agreement provides SWCD with the option to leave after 2 years. **Rusty Hinger Motioned to approve the lease, and Kenny Heldman seconded. The motion passed unanimously.**

6.0 Executive Session

Beth Van Vurst recommended that the board move into executive session for the purpose of discussing agenda items;

- 6.1 Colorado River Compact Interstate and Intrastate matters, including, including re-negotiation of the interim guidelines and operation of the system conservation pilot program in 2024
- 6.2 Settlement negotiations regarding the Applications of the U.S. Bureau of Land Management for Change of Water Right, Appropriative Rights of Exchange and Junior Water Right, Case Nos. 21CW3014 (Division 3) and 21CW3029 (Division 7) (Treasure Pass Diversion Ditch)
- 6.3 Settlement negotiations regarding the Amended Application of Navajo Development Co., Inc., Rio Grande Water Conservation District, and Special Improvement District No. 2 of the Rio Grande Water Conservation District for Appropriative Right of Exchange and to Change Purpose of Use, Case No. 20CW3016, Division 3 (Williams Creek-Squaw Pass TMD)
- 6.4, Settlement negotiations regarding the Application of the San Luis Valley Water Conservancy District for Appropriative Rights of Substitution and Exchange, Case No. 21CW3004, Division 3 (Pine River-Weminuche Pass Ditch)
- 6.5 SWCD Personnel Matter – General Manager's Annual Review.

The statutes permitting discussion of agenda items 6.1-6.4 in this executive session are § 24-6-402(4)(b) and § 24-6-402 (4)(e), C.R.S., and the discussion of agenda item 6.5 is authorized under § 24-6-402 (4)(f).

Beth recommended that the board invite Pete Foster to participate in the discussion of agenda items 6.2-6.4 as he serves as SWCD's consulting engineer in these matters, and Michelle Magruder, who serves as special counsel on employment law matters, to participate in a portion of the discussion for 6.5. **Charlie Smith moved the board go into executive session. Gerald Koppenhafer seconded. The motion passed unanimously.**

7.0 Summary and Action Items from the Executive Session

At 5:25 p.m. Beth Van Vurst gave an overview of the Executive Session. In the executive session, no action was taken, and nothing to follow up on.

Steve Wolff stated that agenda item 8.0 (2024 Board Calendar) will be moved to tomorrow's agenda.

Mo Rock announced that dinner would be at Public House 701 at 6:15 pm, where three or more board members may attend.

Bennet's Good Samaritan Bill. SWCD wrote a support letter last year and we need to know if the Board would like us to write another support letter for this year. Charlie Smith stated that he would look over the bill and would like to review the letter. Lastly, Steve updated the board that Helen Katich (Hickenlooper) moved back to DC to run their Federal Funding Program, and we have a new staff member in Senator Hickenlooper's local office, Lisa Poole.

Garin Vorthmann gave an update on state affairs. In her memo, she summarized the last session with a lot of conversation on the Colorado River Drought Task Force. The executive committee chose the Langdon Group as the facilitators of the Task Force, and the first meeting was held on July 31st. Additionally, Garin spoke to stakeholder meetings about potential legislation regarding dredge and fill (WOTUS) regulations. Please refer to Garin's memo for more information.

15.0 Director Updates and Issues for Discussion

Each Director in attendance provided an update on hydrologic conditions, and issues in their respective counties. Overall, most counties had little precipitation and if they did it came late, fires that were burning have settled down.

Some highlights from the Director's discussion are that Gerald Koppenhafer (Montezuma County) stated that the MVIC Ground Hog Ditch repair was nearly finished, and the total cost will come in under a million dollars. Unfortunately, with this repair, and putting in a guard gate last year, MVIC has experienced a lot of strain on its budget, but they have a loan through CWCB. Kenny Heldman (Montrose County) stated that the Gurley Reservoir near Norwood is waiting for some engineering reports. He also mentioned that there is a push to put a National Monument designation on a portion of the Dolores River. Additionally, Charlie Smith (San Juan County) stated that Silverton used to only have 15 frost-free days, and this year they had 75, Jenny Russell (San Miguel County) said that Telluride reached 90 degrees on multiple days.

16.0 Staff Reports

Mo Rock gave an update on the 2024 Health Plans, recommending that no changes be made from the plans offered to SWCD employees last year, but there was an increase in the premium rate by 3.5%. That increase would be covered by the employee if it exceeds SWCD's maximum monthly contribution. **JR Ford motions to approve the recommended health plans, Rusty Hinger seconds. The motion passes.**

Steve Wolff gave an update on the proposed SWCD Water Conservation Program. The main update is that we have been talking to potential partners, and working to identify how best to help where the needs are. Please refer to the board packet for more information. Steve also talked about the federal funding (IIJA and IRA) and the rollout of the "bucket 2" funding package, and our request to the Bureau of Reclamation that some funds should be earmarked to be sent directly to local entities. Steve stated that we should know more by the end of the year, but we do not know a lot of details at this time. Mo Rock also spoke to the Community Navigator role and how to determine how much money one person can handle, working with Stacy Beagh, and meeting with Micheal Regan from DNR. Jenny asked about the need for the Board to meet again in November to discuss. Steve Wolff said we can tie these items into our scheduled meeting in early December to discuss the Drought Task Force recommendations.



Charlie Smith, Secretary/Treasurer

Approved on 4/10/2024