

**Southwestern Water Conservation District
Board of Directors Meeting—Teleconference
March 20, 2019**

Present:	JR Ford† Jenny Russell† Doug Stowe†	David Williams Charlie Smith Bob Wolff	Rusty Hingert Don Schwindt†
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Absent: Monte Naslund

Staff: Laura Spann, SWCD Programs Coordinator

Guests: Ken Beegles, Animas La Plata Water Conservancy District
Ken Curtis, Dolores Water Conservancy District†
Marcel Gatzambide, San Juan Citizens Alliance†
Ann McCoy-Harold, U.S. Senator Cory Gardner
Ed Millard, Southwest Basin Roundtable†
Carrie Padgett, Harris Water Engineering†
Mike Preston, Dolores Water Conservancy District†
Beth Van Vurst, Fairfield and Woods†

†Participated by phone.

1.0 Call to Order

(time: 00:01:00)

Robert Wolff called the meeting to order at 9:00 a.m. Roll was taken and a quorum was established. Beth Van Vurst clarified that after the executive session is complete, the line will be open at 9:30 a.m. for the public to call back in and hear the report out from executive session. Beth also proposed adding discussion of Colorado River matters, specifically Upper and Lower Basin drought contingency planning, to the topics for executive session.

2.0 Executive Session

(time: 00:02:50)

Beth Van Vurst recommended that the board go into executive session for the purpose of discussing Colorado River matters, specifically Upper and Lower Basin drought contingency planning, coverage of executive director duties during the transition period, including the potential for performance of additional consulting services, the proposed instream flow appropriations on Disappointment Creek, and the SWCD-ALPWCD cost share agreement. The statutes covering this session are § 24-6-402(4)(b), C.R.S., "conferences with an attorney for the district for the purpose of receiving legal advice on specific legal questions," and § 24-6-402(4)(e), C.R.S., "determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators." Charlie Smith moved that the board go into executive session. Don Schwindt seconded. The motion passed.

Beth Van Vurst announced that the board was out of executive session at 9:31 a.m., during which no action was taken. The board discussed Colorado River matters, specifically Upper and Lower Basin drought contingency planning, coverage of executive director duties during the transition period, including the potential for performance of additional consulting services, and the proposed instream flow appropriations on Disappointment Creek. The SWCD-ALPWCD cost share agreement was not discussed.

3.0 Questions/Comments from Audience

(time: 00:05:15)

Marcel Gatzambide, San Juan Citizens Alliance, thanked the SWCD board for their support of HB 1113 (Protect Water Quality Adverse Mining Impacts), which recently passed both the House and Senate and awaits the governor's signature.

Ed Millard, Southwest Basin Roundtable, asked if Disappointment Creek was on the agenda for open session, which it was.

4.0 Old Business

4.1 Legislative Update & Position on Bills

(time: 00:07:15)

Don Schwindt moved that SWCD oppose HB 1218 (Loaned Water for Instream Flows to Improve Environment) as written. Rusty Hinger seconded. Charlie Smith and Jenny Russell abstained. The motion passed.

SWCD's State Affairs representatives relayed the current status of state water-related legislation that SWCD has supported or monitored. The following bills were also discussed: HB 1006 (Wildfire Mitigation Wildland-urban Interface Area), SB 181 (Protect Public Welfare Oil and Gas Operations), SB 184 (Authority Colorado Water Institute Study Blockchain Technology), and SB 186 (Expand Agricultural Chemical Management Program Protect Surface Water). Colorado Water Trust is also working with Representative Arndt to put forward a bill clarifying CWCB's authority to seek an instream flow right augmentation plan. The proposed language is not yet available.

4.2 Colorado River Discussions – Upper & Lower Basins Drought Contingency Planning

(time: 00:27:00)

Beth Van Vurst reported that the Colorado River basin states have been working urgently to finalize the DCP before the March 19th deadline for providing comments on alternatives to the drought contingency plan (DCP). Imperial Irrigation District recently met and confirmed that they absolutely would not participate in the DCP without the requested funding to mitigate Salton Sea issues. California voted to adopt the DCP despite this objection, putting the seven states in position to pursue implementation of the DCP. Colorado, along with the other six basin states, signed a letter asking Congress to pass legislation implementing the DCP. Congressional committee hearings will be held on March 26 and March 27

4.3 Proposed Instream Flow Appropriations on Disappointment Creek

(time: 00:31:20)

Beth Van Vurst reported that CWCB has declared its intent to appropriate two instream flows on Disappointment Creek, which together span approximately 60 miles. Dolores County sent a comment letter to the CWCB on March 12 expressing their concerns and requests, including regarding historical un-decreed uses on Disappointment Creek. CWCB will discuss these two proposed instream flow appropriations at their March 20-21 board meeting. Doug Stowe moved to direct legal counsel to speak in support of Dolores County's comments to the CWCB. Don Schwindt seconded. The motion passed.

4.4 Coverage of Executive Director duties during the transition period, including the potential for performance of additional consulting services

(time: 00:35:50)

Beth Van Vurst reported that this item was discussed in executive session. Jenny Russell moved to direct legal counsel to execute two consulting services agreements to cover Executive Director duties during the transition period. David Guilliams seconded. The motion passed.

4.5 SWCD Resolution 19-02 Bank Account Signatories

(time: 00:37:35)

David Guilliams moved to adopt Resolution 19-02 updating SWCD's bank account signatories. Charlie Smith seconded. The motion passed.

4.6 April 4-5 Board Meeting Format, Agenda, Logistics

(time: 00:39:20)

There was significant discussion by staff and the board regarding the meeting format and agenda for April 4 and 5. Jenny will develop a draft executive director job description to mail out with the board packet. There was consensus that the strategic planning discussion be held first thing in the morning, with the climate change presentations and discussion to follow. Then the afternoon would focus on development of the job description.

Charlie Smith moved to retain Marsha Porter-Norton for the specific agenda item of strategic plan/mission discussion. Jenny Russell seconded. The motion passed 4-3.

4.6.1 SWCD Resolution 19-03 April 5 Meeting Location

Charlie Smith moved to adopt Resolution 19-03 April 5 Meeting Location, which establishes the meeting venue as the DoubleTree Hotel. Jenny Russell seconded. The motion passed.

5.0 Adjournment.

President Bob Wolff adjourned the meeting at 10:20 a.m.

Next Meetings

April 4-5, 2019 Regular Board Meeting



Robert Wolff, Board President