

**Southwestern Water Conservation District
Board of Directors Special Meeting via Teleconference
June 11, 2020**

Present: JR Ford David Guilliams Rusty Hinger
Jenny Russell Don Schwindt Charlie Smith
Doug Stowe Robert Wolff

Absent: Monte Naslund

Staff: Frank Kugel, Southwestern Water Conservation District (SWCD) Executive Director
Laura Spann, SWCD Programs Coordinator

Consultants: Michelle Magruder, Robinson Waters & O’Dorisio
Beth Van Vurst, Van Vurst Law

Guests: Marcie Demmy Bidwell, Mountain Studies Institute
Ken Curtis, Dolores Water Conservancy District
Steve Harris, Harris Water Engineering
Ed Tolen, La Plata Archuleta Water District

1.0 Call to Order

Robert Wolff called the special board meeting via teleconference to order at 3:00 p.m. Roll was taken and a quorum was established.

2.0 Review and Approve Agenda

(time: 00:01:00)

There was unanimous board consent to approve the agenda as noticed.

3.0 Questions and Comments from Audience

(time: 00:01:40)

Several members of the public (Steve Harris of Harris Water Engineering, Ken Curtis of the Dolores Water Conservancy District, and Ed Tolen of the La Plata Archuleta Water District) spoke in support of the work, and in particularly outreach, Frank Kugel has performed as SWCD’s Executive Director. These individuals also spoke of Frank’s positive reputation within the water community.

4.0 Executive Session

(time: 00:04:45)

Beth Van Vurst recommended that the board move into executive session for the purpose of having a follow-up discussion of a personnel matter regarding interim review of the Executive Director’s performance, and confer with counsel to receive legal advice on legal questions related to interim performance review. 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)(f)(1) “personnel matters.” Beth spoke with Frank Kugel, who confirmed it was okay for the board to discuss this matter in executive session. JR Ford moved that the board go into executive session. Don Schwindt seconded. The motion passed by unanimous consent.

Marcie Demmy Bidwell, Mountain Studies Institute, arrived to participate in public comment on Frank Kugel’s performance.

5.0 Report Out of Executive Session

Beth Van Vurst announced that the board was out of executive session at 4:51 p.m. The board had a follow-up discussion of a personnel matter regarding interim review of the Executive Director’s performance and received legal advice from counsel on legal questions related to the interim performance review. No action was taken during the executive session.

Marcie Demmy Bidwell, Mountain Studies Institute (MSI), expressed appreciation for the opportunity to engage in SWCD meetings and the board’s dedication to transparency. Marcie extended the opportunity for District review of MSI’s people and programs. Marcie spoke highly of Frank’s work. Marcie also noted that Frank has proactively sought out and led discussions among partners and the broader community, including those that led to establishing the USGS Hermosa Creek streamgage.

6.0 Personnel Matter – Follow Up of Interim Review of Executive Director’s Performance

(time: 00:13:00)

JR Ford stated that despite prior communication with Frank Kugel about his unsatisfactory work performance, his job performance remains unsatisfactory and fails to meet the District’s performance expectations. JR Ford moved that effective June 11, 2020, Frank’s Kugel employment with SWCD be terminated due to unsatisfactory job performance and failure to meet performance expectations. Bob Wolff seconded. A roll call vote was taken. The motion passed unanimously.

The process for closing out Frank’s employment was then discussed, including issuing a final paycheck and PTO payout.

7.0 Adjournment

Robert Wolff adjourned the meeting at 4:59 p.m.

Next Meeting

June 30, 2020 Time TBD Regular Board Meeting via Zoom



Robert Wolff, Board President