

**Southwestern Water Conservation District  
Board of Directors Special Meeting by Teleconference  
January 4, 2021**

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

**Absent:** Monte Naslund

**Staff:** Laura Spann, Programs Coordinator

**Consultants:** Chris Treese, Consultant  
Beth Van Vurst, Van Vurst Law

**Guests:** Marcel Gaztambide, San Juan Citizens Alliance  
Ed Millard, Interbasin Compact Committee

### **1.0 Call to Order – Roll Call and Verification of Quorum**

President Bob Wolff called the meeting to order at 3:01 p.m. Roll was taken and a quorum established.

### **2.0 Review and Approve Agenda**

*(time: 00:01:00)*

There was unanimous consent to approve the agenda as noticed.

### **3.0 Questions & Comments from the Audience**

*(time: 00:01:15)*

Ed Millard asked if SWCD had selected a contractor or had issued a Request for Proposals for the services listed for discussion in executive session. He also asked if SWCD could describe the other services the contractor might be providing and if they included Colorado River matters, specifically negotiation of the 2026 Interim Guidelines. Beth Van Vurst suggested that these questions would be better discussed after the Board had an opportunity to discuss the proposed scope of consulting service agreement(s) in executive session.

### **4.0 SWCD Personnel Policies: Treatment of Excess 2020 PTO Hours**

*(time: 00:03:00)*

While the board does not yet have a written paid-time-off policy, Laura Spann understood there to be a verbal directive that employees not carryover more than 80 PTO hours from year to year. At year end 2020, Laura had accrued 104.802 PTO hours and asked for board direction regarding how to treat the additional 24.802 hours over 80. JR Ford moved to pay out excess PTO hours over 80. Don Schwindt seconded. The motion passed unanimously. There was board discussion regarding potential considerations for the development of a PTO policy at a future date.

### **5.0 Executive Session**

*(time: 00:10:00)*

Beth Van Vurst recommended that the board move into executive session for the purpose of discussing agenda item 5.1, the general manager hiring process, specifically continued deliberations regarding candidates for the general manager position, and agenda item 5.2, proposed consulting services agreement(s) for facilitation of SWCD's strategic plan, representation on state legislative matters, and other services. The statutes covering agenda item 5.1 are § 24-6-402(3.5), C.R.S., § 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," and § 24-6-402(4)(f)(1), C.R.S., "personnel matters." The statutes covering agenda item 5.2 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." Chris Treese, who has been retained as a

consultant to assist with the general manager hiring process, joined the executive session for discussion of agenda item 5.1 only. Don Schwindt moved that the board go into executive session. Rusty Hinger seconded. The motion passed.

## 6.0 Report from Executive Session

(time: 00:12:30)

Beth Van Vurst announced that the board was out of executive session at 4:20 p.m. The board discussed agenda item 5.1, the general manager hiring process, specifically continued deliberations regarding candidates for the general manager position, and agenda item 5.2, proposed consulting services agreement(s) for facilitation of SWCD's strategic plan, representation on state legislative matters, and other services. No action was taken during executive session.

Regarding agenda item 5.1, Beth reported that that due in part to the coronavirus pandemic, SWCD is still in the middle of the hiring process and has not identified a finalist for the position. Doug Stowe moved to reopen the application process for the general manager position and accept applications on an ongoing basis until the position is filled. JR Ford seconded. The motion passed by unanimous consent.

JR Ford moved to amend the general manager job description to note the anticipated salary range of \$100,000-\$150,000. Don Schwindt seconded. The motion passed by unanimous consent.

The anticipated hiring timeline will also be updated accordingly on SWCD's website.

Regarding agenda item 5.2, Beth reported on two potential consulting services agreements. Charlie Smith moved to direct general counsel to draft and negotiate a consulting services agreement with Chris Treese for state legislative representation and other services. JR Ford seconded. The motion passed by unanimous consent.

Charlie Smith moved to direct general counsel to draft and negotiate a consulting services agreement with Jacob Bornstein to facilitate the development of SWCD's strategic plan in 2021. Rusty Hinger seconded. The motion passed by unanimous consent. These draft consulting service agreements will be further considered at the next board meeting.

## 7.0 Adjournment

President Bob Wolff adjourned the meeting at 4:28 p.m.

  
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Jenny Russell, Secretary-Treasurer (2020)