

**RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING
May 28, 2020 at 9:00 A.M.
By Zoom Teleconference Only**

Present: Greg Higel, President; Armando Valdez, Vice-President; Dwight Martin, Secretary/Treasurer; Steve Keller, Director; Peggy Godfrey, Bill McClure Director; Mike Kruse, Director; Cory Off, Director; and Zeke Ward, Director.

Staff and Consultants: David Robbins, Hill & Robbins P.C.; Pete Ampe, Hill & Robbins, P.C.; Cleave Simpson, General Manager; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Michael Carson, Data Base Administrator; Clinton Phillips, Davis Engineering; and April Mondragon, Administrative Assistant.

Guests: Rio De la Vista, Heather Dutton.

CALL TO ORDER

President Greg Higel called the meeting to order at 9:04 a.m.

APPROVE AGENDA

President Higel asked for any changes or additions to the agenda. A motion was made by Dwight Martin to approve the agenda as presented. The motion was seconded by Armando Valdez and unanimously approved.

PUBLIC COMMENT:

President Higel asked for public comment. Director Bill McClure reported receiving a letter dated April 20, 2020 from Tim Lovato regarding questions he has in connection with Subdistrict No. 5. Director McClure stated he forwarded the letter to Cleave Simpson who in return would forward to the Board of Directors. Mr. Simpson reported the letter from Mr. Lovato would be a part of the hearing to consideration of adopting the Plan of Water Management of Subdistrict No. 5 and a response to the letter would be drafted. David Robbins stated for the record that there was no stated objection in the statements contained in the letter from Mr. Lovato.

Rio de la Vista reported working with the Water Education Committee on a potential 2020 symposium that may take place in July, she stated she would update the Board when the date was firm.

SWEARING IN OF NEW MINERAL COUNTY DIRECTOR MR. ZEKE WARD

President Higel asked for the swearing in of the new Mineral County Director Mr. Zeke Ward. David Robbins swore in Zeke Ward as the new Board of Director from Mineral County and welcomed him to the Board.

REVIEW AND CONSIDER FUNDING REQUEST-MOXICRAN MEDIA (CHRISTI BODE) WITH SUPPORT FROM THE SALAZAR RIO GRANDE DEL NORTE CENTER AT ADAMS STATE UNIVERSITY-RIO DE LA VISTA

President Higel asked for the review and consider funding request Moxicran media (Christi Bode) with support from the Salazar Rio Grande Del Norte Center at Adams State University. Cleave Simpson provided the background information as well as how the funding request came to him and the funding amount being requested. Mr. Simpson stated he provided the Board with a list of the intentions to produce as well as a letter of support from the Colorado Film Commission. Rio de la Vista reported being approached by the Colorado Film Commission to produce a documentary on the threat of water exportation in the valley. Ms. De la Vista provided the other funding sources and stated the film would be a fairly balanced production. David Robbins clarified the production is a journalistic piece and not a marketing piece, a portion of the discussion may not represent the position of the Board. Peggy Godfrey stated she would have a nay vote based on all past videos of the valley. Armando Valdez provided his supportive comments and asked that Grizzly Video Production be utilized going forward. Mike Kruse added to Director Godfrey's comments and questioned funding from PBS as well as his concern regarding the final outcome.

A motion was made by Cory Off to approve the funding request for the Moxicran Media film. The motion was seconded by Dwight Martin, Peggy Godfrey opposed, the motion was approved.

REVIEW AND CONSIDER ADOPTION OF DISTRICT RECORDS RETENTION POLICY

President Higel asked for the review and consideration to adopt a District Records Retention Policy. Cleave Simpson reported the District does not have a current formal policy in place therefore staff have been working with Matt Montgomery at Hill and Robbins office and the State archivist to put together a formalized policy. The policy is lengthy and contains what the District has been practicing for decades. Mr. Simpson provided the Board with his concerns with the meeting recordings. Mr. Robbins provided his legal perspective of the importance of adopting a Records Retention Policy. Mr. Robbins stated public records cannot be destroyed without a records retention policy approved by the State Archivist. He suggested the meeting recordings be retained for an agreed amount of time and then be destroyed and said there is no legal requirement that you either keep them or destroy them. Mr. Robbins provided the minimum requirement of the state archivist. Armando Valdez questioned the Subdistrict farm plan documents. Rose Vanderpool provided an explanation of how farm plans are handled. Mr. Simpson reiterated that the proposed records retention policy is a lengthy document and action does not need to take place today. Discussion was held on the length of time the records should be retained as well as the historical value.

President Higel suspended the Director reports at this time and declared a recess at 9:55 a.m. in order to conduct the Public Hearings to consider adoption of the Plan of Water Managements for subdistrict 4 and subdistrict 5. The meeting was called back into order at 10:46 a.m.

Mr. Robbins continued to explain and provided clarity surrounding the record retention policy. Further discussion was held on how long records should be retained.

A motion was made by Cory Off to table the adoption and consideration to adopt a District Records Retention Policy in order to have further discussion at the next District quarterly meeting. The motion was seconded by Peggy Godfrey and unanimously approved.

GENERAL MANAGER REPORT-DISCUSSION AROUND REAL PROPERTY ACQUISITIONS

President Higel asked for the General Manager's report. Cleave Simpson updated the Board on the discussions the Subdistricts have been having around real property acquisitions. Mr. Simpson also updated Zeke Ward and Steve Keller on the requirements and the role of the District in property acquisitions on behalf of the Subdistricts. Mr. Simpson explained the District has the financial ability that could be made available to the Subdistricts as loans. Mr. Simpson told the Board he just wanted them to be aware of the conversations and to begin looking at the District's role. Armando Valdez reported the Subdistricts are seeking permanent water sources which are important and valuable to them. Mr. Simpson reminded the Board that purchases must go through the District. David Robbins updated the Board on the State budget and stated it currently eliminated the Water Education Fund. Peggy Godfrey commented on the Districts statute limitations on how much indebtedness they can take on, on behalf of the Subdistricts. David Robbins commented on the difference between borrowing money and using cash reserves, he also explained the requirements of an enterprise borrowing money as well as operating by the rules of Tabor. Mr. Simpson reported each Subdistrict is responsible for its debt as they look to advance their Plans of Water Management and asked the Board to think about what their options are and what the District's role is when they do not have a revenue source.

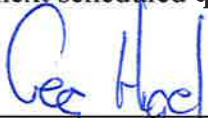
Cleave Simpson provided an update on the direction staff gave him at the February meeting to engage with a property on their willingness to sell the property based on an appraisal. Mr. Simpson reported the owner of the property gave the go ahead to appraise the property but said they remain firm on the price regardless. Mr. Simpson further reported the owner reached out to him again and asked to advance the discussion. Mr. Simpson asked the Board for their feedback and discussion if they would like to move forward with a full market appraisal for about \$10,000.00. Discussion was held on potential cost sharing, the proper way to purchase with the buyer and seller agreed purchase price. Mike Kruse, Peggy Godfrey and Bill McClure reported why they would vote no and voiced their concerns with the potential purchase. Mr. Simpson highlighted the property would be a benefit to all Subdistricts, Mr. Robbins further explained the benefits. Mr. Simpson thanked the Board for their perspective and the direction they provided.

Cleave Simpson reported Subdistrict No. 1 may submit a supplemental budget and stated the office continues to operate under the governor's safer at home orders.

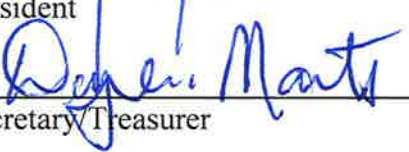
ADJOURN

The meeting was adjourned at 11:55 a.m.

The next scheduled quarterly meeting will be held on July 21, 2020 at 10:55 a.m.



President



Secretary/Treasurer