

**QUARTERLY MEETING OF THE BOARD OF MANAGERS
OF SPECIAL IMPROVEMENT DISTRICT #5
OF THE RIO GRANDE WATER CONSERVATION DISTRICT
October 16, 2024 at 5:00 p.m.
Rio Grande Water Conservation District Conference Room
And by Zoom/Teleconference**

Present: David Schmittel, President; George Whitten, Vice-President/Secretary/Treasurer; and Kit Caldon, Manager.

Absent : Dale Gerstberger, Manager; Corey Hill, Manager; Doug Gunnels, Ex Officio Member.

Staff and Consultants: Pete Ampe, Hill & Robbins, P.C.; Chris Ivers, Program Manager; Rose Vanderpool, Program Assistant; Michael Carson, Database Administrator; and Wylie Keller, Water Resource Specialist.

Guests: William Myers, Tim Lovato, Deb Sarason, Wesley Ensz, Ryan Unterreiner.

Meeting Called to Order

President Schmittel called the meeting to order at 5:05 p.m. A quorum was present for the meeting. The Pledge of Allegiance was recited.

Approval of the Consent Agenda

President Schmittel asked for changes, additions or a motion to approve the consent agenda items:

- Agenda
- July 17, 2024-Quarterly Meeting Minutes
- July 17, 2024-Executive Session Minutes
- August 28, 2024-Special Meeting Minutes
- August 28, 2024-Executive Session Minutes

A motion was made by Kit Caldon to approve the consent agenda as presented. The motion was seconded by George Whitten and unanimously approved.

Public Comment

President Schmittel asked for public comment. There was none.

Attorney's Report

President Schmittel asked for the attorney's report. Pete Ampe gave an update on the current business of the other Subdistricts and the District. He provided the date of the District's budget work session and hearing. Mr. Ampe reported on the upcoming Subdistrict No. 1 court case and the SWAG trial.

Engineers Report

President Schmittel asked for the Engineers report. Chris Ivers presented the Engineers report. He gave an update on the monitoring wells by model layer in the Saguache area. He reported on the positive outlook of Subdistrict No. 5 in connection with sustainability.

Program Manager's Report

President Schmittel asked for the Program Manager's report. Chris Ivers presented the financial report. He went over the remaining formation costs owed to the District, checking account balance, accounts receivable, total assets and loan payable. Mr. Ivers presented the Profit and Loss Statement. He highlighted the salaries, water permits/leases, engineering fees and utilities for the augmentation well.

A motion was made by Kit Caldon to approve the financial report as presented. The motion was seconded by George Whitten and unanimously approved.

Update and Discussion on Future Stream Remedies

President Schmittel asked for update and discussion on future stream remedies. Chris Ivers reported on the approval by the Board of Directors for the Sheppard easement. He reported working with Wylie Keller, Taylor Chick and Clinton Phillips on future stream remedies in connection with the

new response functions. Pete Ampe reported on the anticipated release date of Phase 7 of the model and the potential changes in response functions. Mr. Ivers updated the Board on his discussion with CWCB regarding acquiring an additional/new loan in connection with the Sheppard project. He highlighted the CWCB policy changes to include water rights as collateral. Mr. Ivers also reported on the requirement to obtain an appraisal of the water rights and provided the estimated interest rate, application deadline and when funds would be available on the new loan. He highlighted the estimated new payment amount of \$436,693.50 for both loans combined and the Subdistricts ability to make the payment without having to increase fees.

Executive Session to Receive Legal Advice Concerning the Potential Purchase of Real Property

President Schmittel asked for executive session to receive legal advice concerning the potential purchase of real property. A motion was made by Kit Caldon to enter into executive session. The motion was seconded by George Whitten and unanimously approved.

Mr. Ampe stated the Board was entering into executive session pursuant to section 24-6-402(4)(a) to receive legal advice concerning the potential purchase of real property. The Board would take no formal action or position during the executive session.

Possible Action from Executive Session

President Schmittel asked for possible action from executive session. There was none.

Direction for Staff

President Schmittel asked for direction for staff. Staff was directed to continue working on negotiations on a potential purchase of interest in real property.

New Business

President Schmittel asked for new business. There was none.

Next Meeting

A special meeting was scheduled for November 19, 2024 at 5:00 p.m.

The next quarterly meeting is scheduled for January 15, 2025 at 5:00 p.m.

Adjournment

The meeting was adjourned at 6:20 p.m.



President

Vice-President/Secretary/Treasurer