

## **Center of Colorado Water Conservancy District**

### **Meeting of the Board of Directors**

**March 10, 2021**

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, March 10, 2021 at the water district offices located at 548 Front Street in Fairplay. Briggs Cunningham called the meeting to order at 3:03 PM.

The member present in the office was Chris Fuller and Briggs Cunningham. Members of the Board who were present by telephone conference were Lynne Buchanan, Lisa McVicker and Craig Steinmetz. Dan Drucker and Nola Knudsen were present in the office. Legal counsel David Shohet was present by telephone conference. Corrine Spellman, patron, also attended.

#### **APPROVAL OF THE AGENDA**

Dan Drucker proposed an addition of Patron's Comments. Patron's Comments was added as a number 6. Chris Fuller moved to approve the agenda as amended. Lynne Buchanan seconded and the motion carried unanimously. Lynne Buchanan made a motion to approve the February minutes as amended. Lisa McVicker seconded and the motion carried unanimously.

#### **ADMINISTRATIVE MATTERS**

2.1 Administrator's report on accounts: Nola Knudsen reviewed the month's expenses with the Board. March's warrants and invoices totaled \$10,593.75. Total cash assets after payment of March's invoices is \$1,596, 589.91.

Nola reported the audit is underway and reconciliations are being sent to legal and banks.

2.2 Treasurer's Review: The Treasurer has reviewed all warrants/invoices and cash assets. The Board was advised treasurer fees were \$155,667.77. Centennial also paid the Center \$14,023.00 for water lease revenue.

2.3 Approval of Invoices and Warrants: Chris Fuller moved to approve the invoices and warrants as presented. Lisa McVicker seconded and the motion carried unanimously.

#### **OPERATIONS MANAGER'S REPORT**

Prior to the meeting, Dan Drucker emailed the Operations Manager's Report to all Board members. In lieu of the traditional report, Dan sent a memo regarding project discussions. It seems to follow David Shohet and Chris Fuller's comments. It does go on to discuss project selection periods and how much money we should allow for grants when we look at projects. Dan feels the easiest way to proceed is to let someone look into projects they want and if they need matching funds, they come to us and we will consider providing it. This prevents us from having to provide engineering, legal work, and the actual construction or servicing the project. If in the future we decide on a project specifically for us, it will be an in-house project. Additionally, he proposed naming a selection officer to be Lynne Buchanan.

Lisa McVicker thinks many of these suggestions are excellent, however, she was not prepared today to vote on possible projects. She would like to see what is on the table in April. She also thinks the time period will work for some projects. The project Lisa was going to bring to the Board is one that Chris Fuller recommended that has to do with the immediate need for funds to save a road that was impacted by the Weston Pass fire. There is a deluge of sediment going into the South Fork or South Platte. If we wait until July to get funds, that's not going to help. Lisa said as we go forward discussing this, maybe in terms of a project, we may need to have a full Board for the project selection. Lisa invited Dan to explain further his thoughts about what a project selection officer does, but as of last month, our problem is having too much money and not enough projects to spend it on.

Chris Fuller said July is late for most people to know they have support for a project. They often are already working on their project in May or June. Dan said he can go along with date changes; he was making proposed comments.

3.1 Update on Chatfield Reallocation Project: Dan Drucker said basically this project is all done. We are still fighting on Mortenson for the work they didn't do or pay other contractors they didn't pay.

## **OLD BUSINESS**

4.1 Discussion on possible projects memo: Lisa McVicker said she wanted to make a proposal regarding the proposed project criteria in terms of moving forward between now and April. She proposes that Dan's outline and his points of emphasis are absolutely critical and this is a place we need to start. At our April meeting, those of us who might be shepherding special projects to ask the Board to consider, send them to the Board by April 1<sup>st</sup> for the board members to investigate, study, and understand and be ready to ask questions at the April meeting. After all is carefully considered, we could make a decision in May. If it is decided we are going to fund a project, for this year only, we will need to present our projects on behalf of our constituents in April. Lisa made the point that sub-contractors need to be hired and they need to know if they will have money to secure materials.

Chris Fuller said the Board needs to agree on some criteria. We need to have an application form for the basic information and one Board member can review the information received to determine if we are receiving enough information and if the requestor is eligible. Chris said we can't figure out this criterion at this moment but she would like to propose sending to all Board members within a week things to look at in those areas. Then when the projects do come, we have the basic rules formulated.

Dan will get a copy of an application from another source, as will Chris Fuller, and they can look at these and design a personal form for CCWCD. Briggs asked where it is written in the Colorado Water Rights that CCWCD is allowed to spend money on projects that are not for the purchase of water or storage rights. David Shohet said the statute is very broad. One of the checks we need to make is to make sure any project does fall within statutes of the District. Briggs was concerned there was nothing suggesting a project to maintain a road was appropriate. David Shohet did point out a section he thought the road repair project was appropriate for.

Craig Steinmetz said he felt if there is a question, it could be sent somewhere for an opinion. Lynne Buchanan asked Board members if they are certain this is a direction in which to go. Chris said it is an important distinction that we are offering monetary support to supplement money already in a project, not providing a grant specifically. Chris provided an example where NRCS granted a rancher on the Tarryall money to do some diversion. The rancher has to put in his funds, NRCS has funds; this is their project. If we decided to be part of it and decided it benefited Park County and benefited the water, we would only be allocating matching funds. This is something we need to be part of. None of these projects need to be our grant. We just need to be able to monetarily support things that benefit our mission and our Park, but it is not our project.

Dan Drucker said one of the first things we need to do is look at a map and make sure any project falls within our service area. Then we can look to see if it falls within our pervue that allows a lot of construction. Briggs Cunningham reiterated he wants to see within the statutes where CCWCD is allow to provide support money to other organizations. Dan said CCWCD has provided scholarship funds to Park County residents and Chris said legal counsel has advised CCWCD is allowed to participate in certain projects that fall within the legal criteria of the statutes. The Board will review the legality of any application and vote on whether or not to approve the request.

Chris Fuller asked the Board members to think about ways to “put the word out”. Chris asked Dave Shohet if a public notice would be required. He does not believe CCWCD would need to post a public notice, however, project discussion should be noted in the posted agenda. He said expenditure of public funds should be done in public session. Dan Drucker suggested those individuals/entities that would normally be our partners could be advised that we may have matching funds to assist with projects. Chris suggested using CCWCD’s web-site to advise of the funds assistance.

Briggs Cunningham asked about the project Lisa McVicker was discussing. Chris Fuller said the request would come from the HOA and that CUSP would likely help them. Lisa McVicker said she thought her suggestion would be a good pilot run for the District before it was opened up to the whole public. Lisa will send videos to the Board about what the project is. She thinks the Board review and approval is a good idea, Briggs’ focus on the Statutory requirements is excellent, and she thinks the project she will present is a good pilot run and is absolutely within CCWCD’s mission.

Chris Fuller will send Lisa McVicker information about budgeting for projects. Lisa has information from the HOA and she will compile and present the information for review at the April meeting. Dan Drucker asked if the information to be discussed in April could be made available one to two weeks in advance to provide opportunity to review. He suggested an additional meeting may be beneficial if needed after the regular Board meeting.

David Shohet said we certainly have the authority to purchase water rights. David and Dan have not done a great deal lately finding new water and he asked the Board if the members want them to spend the money having David and Dan seek out additional water and water storage. The Board consensus was to actively seek out purchasing water and storage capabilities. Briggs asked how much effort has been put into finding water for purchase or storage. Other board members

explained efforts that have been made and why or why not the efforts may have not been successful.

4.2 Scholarship Program: The Board discussed methods to advertise the availability of scholarships from CCWCD. Talking with a school counselor to be placed on their web-site was suggested. Also, placing another article in the Flume was suggested.

## **NEW BUSINESS**

None

## **PATRONS COMMENTS**

The patron Corrine said she liked the idea of having parameters for spending tax payer's money and staying within legal guidelines and she particularly liked the idea of water education and water rights. She said many people come to the community and have no idea what it is like to live in a semi-arid area.

There were additional ideas such as contacting HOAs, Facebook pages, other web pages, attending schools with presentations.

## **UPDATE ON LEGAL ISSUES:**

David Shohet reviewed legal issues with the Board.

**Case 16CW3184 Bureau of Land Management:** We just entered into a stipulation with the BLM that has been approved by the court.

**Case 19CW3154 Opposer Mountain Mutual:** We are in the process of providing comments back and forth.

**Case 19CW3257 Opposer Centennial Water and Sanitation District:** David said we are very close to recommending to the Board that we stipulate out of this case.

## **Other Legal Matters**

**Item A. Storage of the County's 5 acre feet of Randall Water in JTR:** There is nothing in the 1041 permitting transcript that the County was given storage for free but nothing indicating there is a cost discussed. The County believed the 5 acre feet of water included storage in the JTR. We have always stated no it does not include storage.

**Item B –HASP Applications:** At the last HASP meeting, Board members discussed an application filed by Magness Land Holdings and approved going forward with this large application. HASP also has received two new applications in the last 30 days. One is for a home with lawn and garden in Conifer and the second is for augmentation of two household use only wells for two lots within the Elk Creek drainage basin tributary to the North Fork of the South Platte River.

**C. Deer Creek Measurement Device:** We are finally done with CPW and now need to put together a committee from Deer Creek gauge participants to discuss funding issues associated with ongoing O&M for the gauge.

**Elk Horn HOA:** HASP held a telephone conference with Elkhorn in February. At HASP's March board meeting, we plan to discuss various options regarding Elkhorn with the HASP Board.

**E. Purchase of Water Stored in Spinney Mountain:** David Shohet has a client that is not using that water. David is representing the seller in this situation so all questions need to be directed to Madoline Wallace-Gross.

### **DIRECTORS ISSUES**

Chris Fuller asked if the District has a particular logo to use on the Grant forms. There is one used on the agenda form. Lynne Buchanan asked if the Board is planning to start earlier than 3:00 next week; the board agreed to start at 2:00 PM.

David Shohet informed the Board he is having back surgery on 1-25-21 and his availability is limited for a while.

Chris Fuller made a motion to adjourn the CCWCD Board of Director's meeting. The motion was seconded by Lynne Buchanan and the meeting adjourned at 4:00 pm.