

**Record of Proceedings**  
**Minutes of the Meeting of the La Plata Archuleta Water District**  
**Held May 11, 2023**

The regular meeting of the Board of Directors (“Board”) of the La Plata Archuleta Water District, Sundance/Farraday Subdistrict No. 1 and Fox Fire Subdistrict, La Plata County, Colorado, (“District”) was held on May 11, 2023, at 9:00 a.m., at 255 Ute Street, Ignacio Colorado 81137.

**Attendance:**

**Directors in Attendance Were:**

Dick Lunceford  
Dan Lynn  
Ron Dent  
Kent Curtis  
Mark Williams

**In Attendance, Also, Were:**

Ed Tolen, La Plata Archuleta Water District Manager  
Yvonne Brunson, La Plata Archuleta Water District Customer Service Representative  
Steve Harris, Harris Water Engineering  
Dave Henry, Harris Water Engineering  
Barb Prose, FredrickZink and Associates  
Karmen King, Grayling  
Cheryl Lynn, Secretary to the Board

**In Attendance, Also, via Telephone, Were:**

David Greher, Cockrel Ela Glesne Greher & Ruhland

**Call to Order**

Chairman Lunceford called the meeting to order at 9:00 a.m.

**Disclosure of Potential Conflicts of Interest**

Disclosure of potential conflicts of interest will be a topic of discussion at every Board meeting to address potential conflicts of interests that may arise as new agenda items are introduced. District Directors who have disclosed potential conflicts of interest can vote as issues arise. Directors present reported no conflicts of interest.

**Results of Election of Officers**

Counsel Greher reported that the May 2 election was cancelled due to not having more candidates than seats up for election and that Directors Curtis, Dent and Lunceford were deemed elected. Upon motion duly made by Director Dent, seconded by Director Lynn, and unanimously carried the Board elected officers as follows: Chairman: Director Lunceford; Vice Chairman: Director Lynn; Secretary to the Board: Cheryl Lynn; Treasurer: Mark Williams.

**Public Comments**

There were no public comments.

## **Approval of Minutes**

Upon motion duly made by Director Dent, seconded by Director Lynn, and unanimously carried, the Minutes of the April 13, 2023, Regular Board Meeting were approved as presented.

## **Financial Report**

### **Approval and Payment of Invoices**

Directors reviewed the May 10, 2023, Accounts Payable Report and the May 2023 Accountant's Compilation Reports. Director Williams moved that payment of the invoices as shown on the attached Accounts Payable Statement dated May 10, 2023, be approved. Director Lynn seconded the motion. Ms. Prose reported that a payment to Gibbons was not included on the Accounts Payable Statement dated May 10, 2023, as the invoice was received after the Statement was developed. She asked that the payment to the vendor be approved now so the vendor does not have to wait an additional month for payment. Director Williams amended his motion to reflect that the Gibbons account would be paid now and the payment made would be reflected in the June financial statements; Director Lynn amended his seconding of the motion per the above. The motion was unanimously approved.

## **Finance Committee Report.**

### **Audit**

Ms. Prose reported that she is working with the auditor on the 2022 La Plata Archuleta Water District Audit, the 2022 Fox Fire Subdistrict audit, and the 2022 Sundance/Farraday Subdistrict No. 1 audit. As she had advised the Board earlier, adjustments are being made to accommodate the auditor's process. The audit should be available sometime in June.

## **Public Relations/Communications Committee Report**

Mr. Tolen reported that there was nothing new to report.

## **Legal Report**

Counsel Greher advised the Board that Mr. Tolen will discuss ongoing legal issues pertaining to Phase 2C during his Manager's Report.

## **Engineer Report**

Mr. Harris told the Board that his office, as the address of record, had received information related to water rights regarding diligence on the Animas and Piedra Rivers. He made the appropriate address correction.

### **Fox Fire Pipeline**

Mr. Henry reported that he is finishing specifications for the sizing of the pumps and hydraulics of the system in an effort to protect the system without being too complicated. Because it is necessary to request a loan from Colorado Water Resources and Power Development Authority and possibly a grant from the Department of Local Affairs which will likely take three (3) months to approve, he anticipates the pipeline will be ready to go to bid in late 2023 or early 2024. He clarified that there will be two (2) redundant pumps to pump water into pneumatic tanks. The pumps will be timed so that they run in longer cycles to avoid excessive wear and tear on the pumps.

### **Phase 2D Pipeline**

Mr. Tolen reminded the Board that this section of the pipeline is located along Highway 172 from the Baptist Church on the curve at County Road 509A to County Road 311 in Oxford.

## **Environmental Report**

Ms. King told the Board that a Final Ruling has been issued regarding Waters of the U.S. The ruling essentially keeps the waterway designations the same as they were prior to 2015.

## **GENERAL MANAGER REPORT**

### **Phase 2C Pipeline/Easements**

Mr. Tolen reported that he met with Jim Davis, La Plata County Engineer, to discuss the alignment for the CR 509 Pipeline Project. One item of discussion were the Minutes from a 1906 La Plata County Commissioner meeting as well as Right of Way documentation from 1908 and 1909 showing that La Plata County owns subsurface rights on County Road 509. District counsel, have provided a letter to the Board regarding the legality of the right of way on County Road 509. Mr. Davis will talk with the La Plata County Attorney to ensure her legal opinion is also that the County has subsurface rights on County Road 509. In addition to the Colorado State Statutes that specify that a Water District can place a line in a county road, Mr. Gibbons has provided a survey map of the designated road alignment established in 1909 to Mr. Tolen.

### **SB23-303**

The Colorado State legislature passed legislation on Saturday, May 6, 2023, that could adversely impact LAPLAWD revenue. This legislation is currently on track to be on the November, 2023 ballot. Counsel Greher will write a Resolution for the June, 2023, meeting, possibly later but before September, 2023, opposing this legislation.

### **Building Quotes**

Mr. Tolen advised the Board that he has received one proposal for development of a site plan on the LAPLAWD property on County Road 311. The information received was thorough and includes all of the County requirements but is expensive. Mr. Henry and Mr. Tolen will confer regarding other options for development of a site plan.

Please see the May 2023 General Manager's Report for additional information.

## **Executive Session**

An Executive Session was not conducted.

## **Any Other Matter Which May Come Before the Board**

### **Check from CEBT**

The District's Health and Life Insurance provider, CEBT, has issued a refund from health insurance in the amount of \$1,695. This refund can be split and paid to the employees or can be used to pay the employees' portion of the employees' health insurance premium. Upon motion duly made by Director Lynn, seconded by Director Curtis, and unanimously carried the Board decided to use this refund to pay the employees' portion of the employees' health insurance premium.

### **LPEA Election and Ballot**

The Board unanimously decided there were problems with the LPEA Ballot Issue as presented and instructed Chairman Lunceford to vote against the ballot issue which, if passed, would require an inordinately high number of member signatures to challenge an LPEA Board action.

## **Adjournment**

The meeting adjourned at 9:39 a.m. The next regular meeting of LAPLAWD is scheduled for Thursday, June 8, 2023, at 9:00 a.m. at 255 Ute Street, Ignacio, Colorado, unless it is necessary to meet in another matter to satisfy governmental requirements.

## **Prepared By**

Cheryl Lynn  
Secretary for the Meeting

## **Approved**

Richard T. Lunceford

Daniel R. Lynn, III

Mark Williams

Ron Dent

Kent Curtis