

RECORD OF PROCEEDINGS  
MINUTES OF THE MEETING OF THE  
LA PLATA ARCHULETA WATER DISTRICT  
HELD  
November 11, 2021

The regular meeting of the Board of Directors (“Board”) of the La Plata Archuleta Water District and Sundance/Farraday Subdistrict No. 1, La Plata County, Colorado, (“District”) was held on November 11, 2021, at 9:00 a.m.

ATTENDANCE:

Directors in Attendance Were:

Dick Lunceford  
Mark Williams  
Ron Dent

Directors in Attendance by Telephone Were:

Dan Lynn  
Gregg Johnson

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 & Associates

In Attendance, Also, via Telephone, Were:

Micki Mills, Collins Cockrel and Cole  
David Greher, Collins Cockrel and Cole  
Evan Ela, Collins Cockrel and Cole  
Karmen King, Grayling LLC  
Cheryl Lynn, Secretary to the Board

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 and by telephone reported no conflicts of interest.

PUBLIC COMMENTS

No members of the public were present.

APPROVAL OF  
MINUTES

Upon motion duly made by Director Dent, seconded by Director Lynn, and unanimously carried, the Minutes of the October 14, 2021 Regular Board Meeting were approved.

FINANCIAL REPORT

Approval and Payment of Invoices – Directors reviewed the October 2021 Accounts Payable Report and October 2021 Accountant’s Compilation Report. Directors clarified expenditures as necessary. Upon motion duly made by Director Dent, seconded by Director Williams, and

unanimously carried the Board approved payment of invoices as shown on the attached Accounts Payable statement dated November 10, 2021.

FINANCE COMMITTEE  
REPORT

Draft 2022 District Budget - Mr. Tolen reminded the Board to continue to review the 2022 District budget as the 2022 District Budget Hearing will be held in December.

Bond Payment - Director Lynn will accompany Mr. Tolen to the bank to make the bond payment due by December 15, 2021.

PUBLIC RELATIONS  
/COMMUNICATIONS  
COMMITTEE REPORT

Mr. Tolen advised the Board that he is working on a District newsletter.

LEGAL REPORT

Water Rights, Priorities, and Diversions – Legal Counsel Ela discussed with the Board the District’s water rights on the Los Pinos River and water right priorities as it pertains to the Town of Bayfield. Counsel Ela’s discussion with the Board was preceded by a discussion by him with the Bayfield water attorney. The Town of Bayfield is requesting that their water rights remain senior to those of the District if the District were to request a change of diversion instead of filing for a new water right.

Notice of Transition – Collins Cockrel and Cole – Legal Counsel Greher explained that effective January 1, 2022, the lawyers of Collins Cockrel and Cole, PC will no longer practice together. The Board expressed an interest in working with the newly formed law firm of Cockrel Ela Glesne Greher & Ruhland. A Resolution and a Letter of Engagement will be provided at the December Board meeting to formalize an agreement.

Water Plan Grants – Mr. Tolen initially learned that no grants for domestic water projects will be forthcoming from the sports betting arena. Mr. Tolen’s discussed with Russ Sands (CWCB) that some of the priorities in southwest Colorado are for the construction of domestic water distribution systems and requested that CWCB consider creating a grant category for that purpose. Domestic water grants are usually made through the Water and Power Authority, but they don’t have access to funds generated by the taxes on sports betting..

Director Williams confirmed contacts should another water user group such as irrigators want to request sports betting funding.

ENGINEER REPORT

Phase 2C - Mr. Henry reported that several mismatches in alignment of easements became apparent through additional exploration and research. These mismatches are being aligned and every attempt is being made to get the project underway before irrigation water is released.

ENVIRONMENTAL REPORT – Ms. King is currently reviewing Phase 2C for private party easements. Though there are minimal wetlands in the form of cattails no private properties were traversed in those areas.

Clean Water Act Certification Program – Ms. King said she has received assurances that there should be no change in the certification cycle of this program, thus allowing projects to proceed in a timely manner.

GENERAL MANAGER REPORT

Consider Request for Access Easement to 189 Big View Lane – The Board again reviewed and considered the request of Catherine Marx for easement across District property. After a lengthy discussion the Board delayed a decision until the December Board meeting to allow time for conditions of potential access to be developed and reviewed. Mr. Tolen will consolidate the discussion and develop a list of Conditions as they were discussed at the November Board meeting. These Conditions will be discussed at the December Board meeting.

Please refer to the November General Manager's Report for additional detail regarding District operations.

EXECUTIVE SESSION – Upon motion duly made by Director Dent, seconded by Director Lynn, and unanimously carried the Board moved into Executive Session to discuss personnel matters, except if the employee who is the subject of the session has requested an open meeting, (Section 24-6-402(4)(f), C.R.S.). The issue discussed was the General Manager Annual Performance Review. The Board adjourned to its regular meeting at 10:20 a.m.

GENERAL MANAGER CONTRACT

Upon return to the regular meeting the Board applauded the work done by Mr. Tolen and offered him a 4% cost of living adjustment, a \$5,000 bonus, and an additional contract extension of one year which Mr. Tolen graciously accepted.

ANY OTHER MATTER WHICH MAY COME

BEFORE THE BOARD – Director Lynn and Secretary to the Board, Cheryl Lynn, called in to the meeting today due to a possible COVID-19 exposure.


ADJOURNMENT

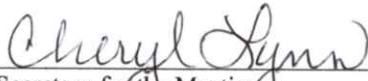
The meeting adjourned at 10:25 a.m. The next regular meeting of LAPLAWD is scheduled for Thursday, December 9, 2021, at 9:00 a.m. at 255 Ute Street, Ignacio, Colorado, unless it is necessary to meet in another matter to satisfy governmental requirements.

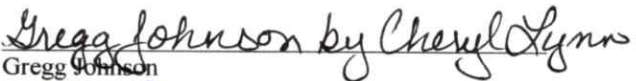
APPROVED

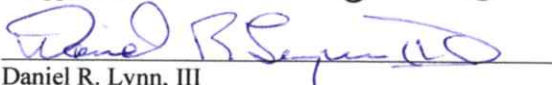
  
Richard T. Lunceford

  
Mark Williams

  
Ron Dent

  
Secretary for the Meeting

  
Gregg Johnson

  
Daniel R. Lynn, III