

**RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING
September 15, 2023 at 8:30 A.M.
Rio Grande Water Conservation District Conference Room
And By Zoom Teleconference**

Present: Greg Higel, President; Armando Valdez, Vice-President; Zeke Ward, Secretary/ Treasurer; Peggy Godfrey, Director; Elliott Salazar, Director; Cory Off, Director; and, Mike Kruse, Director.

Absent: Mark Deacon, Director; and, Doug Gunnels, Director.

Staff and Consultants: David Robbins, Matt Montgomery, and Pete Ampe, Hill & Robbins, P.C.; Amber Pacheco, Deputy General Manager; Chris Ivers, Program Manager; Taylor Chick, Program Manager; Clinton Phillips, Davis Engineering; Angelo Bellah, Program Manager; Wylie Keller, Water Resource Specialist; Rose Vanderpool, Program Assistant; Kylie Gregg, Office Manager; Linda Ramirez, Program Assistant; Michael Carson, Database Administrator; and, April Mondragon, Administrative Assistant.

Guests: David Hofmann, Michelle Lanzoni, Chris Lopez.

CALL TO ORDER

President Greg Higel called the meeting to order at 8:38 a.m. There was a quorum present for the meeting.

INTRODUCTION OF STAFF AND GUESTS

President Higel welcomed all those present and asked for introductions.

APPROVE AGENDA

President Higel asked for changes or additions to the agenda. A motion was made by Cory Off to approve the agenda as presented. The motion was seconded by Peggy Godfrey and unanimously approved.

PUBLIC COMMENT

President Higel asked for public comment. There was none.

REVIEW AND POSSIBLE ACTION REGARDING SIGLER COMMUNICATION'S REQUEST FOR ADDITIONAL FUNDING

President Higel asked for review and possible action regarding Sigler Communications. Amber Pacheco reported on the request for additional funding from Lisa Sigler. She reminded the Board of the importance of Ms. Sigler's role in the Protect Our Water campaign. Ms. Pacheco reported the prior agreement ended in August, and her recommendation was approval of the additional funding.

A motion was made by Cory Off to approve the funding request from Sigler Communications. The motion was seconded by Elliott Salazar and unanimously approved.

Discussion was held on the number of social media posts being made weekly to what platforms and the need to consider making the funding a line item in the budget going forward.

POSSIBLE ACTION TO APPROVE WINNING BIDS FOR EQUIPMENT ON SUBDISTRICT NO. 3'S ALPHA HAY FARMS PROPERTY

President Higel asked for possible action to approve winning bids for equipment on Subdistrict No. 3's Alpha Hay Farms property. Amber Pacheco reported providing copies of the winning bids to the Board prior to the meeting. She explained the bid process and reported on Subdistrict No. 3's acceptance of the winning bids. Ms. Pacheco went over the equipment and the dollar amounts of the winning bids.

A motion was made by Elliott Salazar to approve the winning bids for equipment on Subdistrict No. 3's Alpha Hay Farms property. The motion was seconded by Cory Off and unanimously approved.

POSSIBLE ACTION TO APPROVE THE SALE OF A PORTION OF SUBDISTRICT NO. 3'S ALPHA HAY FARMS PARCEL TO CONEJOS WATER CONSERVANCY DISTRICT

President Higel asked for possible action to approve the sale of a portion of Subdistrict No. 3's Alpha Hay Farms parcel to Conejos Water Conservancy District (CWCD). Angelo Bellah presented a map of the property. He highlighted the portion of land CWCD would like to purchase. Mr. Bellah reported on the updated Purchase and Sale Agreement (PSA) and the goal of CWCD to swap land with another land owner in order to construct a reservoir on the San Antonio River. He explained the benefits to the Subdistrict including the option to store up to 50% of available storage space in the reservoir. Elliott Salazar commented on the amount of storage in Platoro Reservoir and the amount to be available in the new

reservoir. Mr. Salazar also explained how the new reservoir would be connected to the Conejos River. Armando Valdez suggested the reservoir be formally identified in the PSA.

A motion was made by Cory Off to approve Subdistrict No. 3's PSA for a portion of Alpha Hay Farms property with the edits discussed and to be provided with a final draft of the PSA. The motion was seconded by Armando Valdez and unanimously approved.

REVIEW AND POSSIBLE ACTION REGARDING AN XCEL EASEMENT ON SUBDISTRICT NO. 3'S ALPHA HAY FARMS PROPERTY

President Higel asked for review and possible action regarding an Xcel easement on Subdistrict No. 3's Alpha Hay Farms property. Angelo Bellah presented a map provided by Xcel. He highlighted the location of the proposed easement and overhead transmission line. Mr. Bellah reported on the confidentiality of the purchase price for negotiation purposes and presented the Electric Transmission Line Easement Agreement. He provided an overview of the agreement. Mike Kruse reported why he believes the public has the right to know the price and does not think a public entity should keep the price private. Cory Off explained the importance of supporting updates to infrastructures.

A motion was made by Cory Off to approve the Xcel easement on Subdistrict No. 3's Alpha Hay Farms Property.

David Robbins provided clarification on the Board's authority to conduct negotiations in private without publicly disclosing dollar amounts and in time would become part of the public record. Discussion was held on the purpose and size of the easement.

The motion was seconded by Peggy Godfrey and unanimously approved.

REVIEW AND POSSIBLE ACTION TO ALLOW SUBDISTRICT NO. 1 TO REQUEST BIDS FOR THE SALE OF EQUIPMENT FROM LACY PROPERTY

President Higel asked for review and possible action to allow Subdistrict No. 1 to request bids for the sale of equipment from the Lacy property. Taylor Chick presented photos of the equipment and reminded the Board when the Subdistrict acquired the property. He described the natural vegetation on the property and the Subdistrict Board's desire to sell the equipment before it deteriorates any further. Mr. Chick explained the equipment would be divided into three (3) packages and would be put out for bid with no minimum.

A motion was made by Elliott Salazar to accept the sale of the Lacy property equipment. The motion was seconded by Cory Off.

Armando Valdez asked for clarification on not having a minimum bid. Mr. Chick explained the equipment could become an economic burden to the Subdistrict. He also highlighted the possibility to use one of the wells as a monitoring well.

The motion was voted on and unanimously approved.

Mr. Chick updated the Board on the discussions held at the Subcommittee meeting to incentivize the Senate Bill 22-028 program.

DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM SAGUACHE COUNTY TO WAIVE DELINQUENT TAXES ON THE WHITE EAGLE VILLAGE PROPERTY

President Higel asked for discussion and possible action regarding a request from Saguache County to waive delinquent taxes on the White Eagle Village property. Amber Pacheco reported on an email she received from Commissioner Tom McCracken requesting the Board consider waiving the delinquent taxes on the White Eagle Village property. She presented a map of the property and highlighted potential new opportunities from the EPA to assist the County with the property. Ms. Pacheco reported on the benefit to the community if the Board agrees to waive the delinquent taxes and allow the County to take over the property. Peggy Godfrey commented on the old age of the building and other issues with the property.

A motion was made by Cory Off to waive the delinquent taxes on the White Eagle Village property. The motion was seconded by Peggy Godfrey and unanimously approved.

EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE CONCERNING POTENTIAL LITIGATION

President Higel asked for an executive session to receive legal advice concerning potential litigation. A motion was made by Armando Valdez to enter into executive session. The motion was seconded by Elliott Salazar and unanimously approved.

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

POSSIBLE ACTION FOLLOWING EXECUTIVE SESSION

President Higel asked for possible action following executive session.


A motion was made by Cory Off to direct the attorneys to write a letter to the Saguache County Commissioners stating the District Board's position and invite them to the next meeting. The motion was seconded by Elliott Salazar and unanimously approved.

Amber Pacheco provided an update on the current audit process. Elliott Salazar commented on audit internal controls. Ms. Pacheco highlighted the added levels of controls in place as well as the financial management policy being developed. David Robbins commented on the importance and adequacy of internal controls.

ADJOURN

The meeting was adjourned at 10:31 a.m.

The next quarterly meeting is scheduled for July 18, 2023, at 10:00 a.m.



President



Secretary/Treasurer