

# **RECORD OF PROCEEDINGS MINUTES OF THE MEETING OF THE LA PLATA ARCHULETA WATER DISTRICT HELD NOVEMBER 14, 2024**

The regular meeting of the Board of Directors (“Board”) of the La Plata Archuleta Water District, Sundance/Farraday Subdistrict, and Fox Fire Subdistrict, La Plata County, Colorado, (“District”) was held on November 14, 2024, at 9:00 a.m., at 255 Ute Street, Ignacio Colorado 81137.

## **ATTENDANCE**

### **Directors in Attendance**

Dick Lunceford

Ron Dent

Dan Lynn

Mark Williams

### **Director In Attendance by Telephone**

Kent Curtis

### **Also In Attendance**

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

Michelle Sainio, MBE CPA’s

Cheryl Lynn, Secretary to the Board

### **In Attendance via Telephone**

David Greher, Cockrel Ela Glesne Greher & Ruhland

Micki Mills, 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 interest 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 present via telephone reported no conflicts of interest.

## **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 October 10, 2024, Regular Board Meeting were approved as submitted.

## **FINANCIAL REPORT**

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

Michelle Sainio, MBE CPAs, reported to the Board that she had no customary monthly financial reports for Board review at this meeting. Ms. Sainio said she would have September, 2024, and October, 2024 financial statements available the week of November 18, 2024, for Mr. Tolen to review and that November, 2024, financial statements will definitely be available for the Board to review when they meet December 12, 2024. Board members clarified the purposes of specific expenditures from the Posted Invoice Register dated November 13, 2024. Per Counsel Greher's suggestion, payment of current invoices will be made by Mr. Tolen and Director Dent and Director Williams signing checks for payments due, withholding checks about which they have questions or concerns, and ratifying September, 2024, October, 2024, and November 2024 payments at the December, 2024, District Board meeting.

## **FINANCE COMMITTEE REPORT**

### **La Plata Archuleta Water District Draft 2025 Budget**

Mr. Tolen will have the final proposed 2025 La Plata Archuleta Water District Budget available for Directors to review at the December, 2024 Board meeting, Director Williams clarified portions of a prior draft of the budget about which he had specific questions. The 2025 Budget hearing will be conducted at the December 12, 2024 Board meeting.

## **PUBLIC RELATIONS/COMMUNICATIONS COMMITTEE REPORT**

Mr. Tolen said there was nothing new to report from the Public Relations/Communications Committee. Director Dent suggested that a quarterly newsletter could be an important aspect of District operations.

## **LEGAL REPORT**

Ms. Mills reminded the Board that in December she will begin preparation of documents related to the 2025 Director election during which Directors Lynn and Williams will be up for re-election. Counsel Greher had no specific issues to report to or discuss with the Board.

## **ENGINEER REPORT**

### **Steve Harris, Harris Water Engineering,**

Mr. Harris reported that Southwest Water Conservation District has accumulated grant requests for 17 projects to compete for \$25 million in grant funding for Ecological Enhancements provided by the Inflation Reduction Act (I.R.A.). The next round of grant funding will specifically address Water Conservation projects. Contact Carrie Padgett for more information.

The Southern Ute Indian Tribe and Ute Mountain Ute Tribe submitted a request to Reclamation to be paid for not using water in Lake Nighthorse but was rejected. However, the Tribes are still pursuing the request because their ALP water is a "project reserved water right" with special provisions described in the Settlement Act. For instance, the Tribe's project reserved water rights cannot be abandoned. The Tribe's are also attempting to obtain funding to construct delivery facilities from Lake Nighthorse in order to utilize their water which will be very costly and take years to fund and construct. As a side note, Lake Nighthorse was sized to provide for the various uses before the dry year 2002 which resulted in the reservoir being too small to provide a full supply to all of the users in a similar dry year.

### **Fox Fire Pipeline/ Fox Fire Distribution System**

Mr. Henry advised the Board that, with the exception of easements, the pre-construction aspects of the Fox Fire Pipeline/Fox Fire Distribution System are finished. Mr. Tolen is prepared to submit loan and grant requests to DOLA in late December, 2024, when the engineering is completely finished.

### **Phase 2D Pipeline**

Mr. Henry reported that the Phase 2D pipeline survey has been completed. Location of the water line will be coordinated with location of utilities. Those decisions will be made as the utility locations are discovered. Utility locations and specifics have not been well documented and the District does not want to co-mingle utilities with their water line. Various property owners have offered to locate water lines on their properties but there are not enough of these offers to make their offers practical in providing a long run of pipe.

### **Phase 2E Pipeline**

Mr. Henry advised the Board that he and Mr. Tolen will walk the location of Phase 2E on November 21, 2024.

## **ENVIRONMENTAL REPORT**

No environmental report was presented.

## **GENERAL MANAGER REPORT**

### **Phase 2C Pipeline Project**

Mr. Tolen reported that this pipeline is undergoing pressure testing. Seventeen services were installed there – from the top of the hill to 509A, everyone requested service.

Further, Mr. Tolen met with the new City of Durango Assistant Utilities Manager, Matt Holden, who owns property on County Road 509 and will request a water tap.

### **County Road 311 Storage Building Project**

Mr. Tolen reported that the steel for the building has been erected and the storage parking has been graded. The insulation liner was not delivered with the insulation which is causing a progress delay while waiting for the insulation liner.

### **Animas La Plata Water Payment Is Due**

Director Lynn and Mr. Tolen will meet at TBK Bank on November 15, 2024, to sign paperwork to complete payment for the purchase of ALP water.

Please see Mr. Tolen's November 2024 General Manager Report for additional information.

## **EXECUTIVE SESSION**

Upon motion made by Director Lynn, seconded by Director Dent, and unanimously approved the Board adjourned to executive session at 9:45 a.m. 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 Board returned to the regular meeting at 10:25 a.m.

## **ANY OTHER MATTER WHICH MAY COME BEFORE THE BOARD**

The Board resumed its regular meeting following the annual performance evaluation of La Plata Archuleta Water District Manager, Ed Tolen. In discussing Mr. Tolen's performance evaluation with him, Director Williams noted that all Board members had found Mr. Tolen's performance to be exemplary in all aspects. Therefore, the Board offered Mr. Tolen a 3% Cost of Living Adjustment, a \$5,000 bonus, and a contract extension of one year. Director Curtis will need to submit his written evaluation of Mr. Tolen's performance. Director Dent reiterated the necessity of a quarterly newsletter as the District moves forward.

## **ADJOURNMENT**

The meeting was adjourned at 10:30 a.m. The next regular meeting of LAPLAWD is scheduled for December 12, 2024.

**PREPARED BY**

Cheryl Lynn  
Secretary for the Meeting

**APPROVED**

Richard T. Lunceford

Daniel R. Lynn, III

Mark Williams

Ron Dent

Kent Curtis