

LA PLATA WEST WATER AUTHORITY

BOARD of DIRECTORS

Meeting Minutes for February 10, 2016

1. Call to order- Paul called the meeting to order at 6:34pm. Board members in attendance were Roy Horvath, Paul Gray, Kevin Mallow, Jeanette Haas, Priscilla Blackhawk-Rentz, Mardi Gebhardt, Ken Spence, Barb McCall, and Frank Smith. Others in attendance were Bernadette Cuthair with UMUT, Celene Hawkins, and Amy Huff of Colorado Water and Land Law via phone call 7:10pm to approximately 7:45pm.
2. Approve Agenda-Frank made a motion to approve the agenda as presented, Mardi seconded the motion which was approved.
3. Review minutes from January 13, 2016 meeting- Ken made a motion to approve the minutes with the correction to item number 5 to add the second on the motion was made by Barb. Kevin seconded the motion which was approved.
4. Comments and communications- Roy received a call from Jerry Schmitt and returned the call but had to leave a message. Mardi spoke with Joanne Schmitt about her refund check and she did not receive it so Mardi re-issued the check. Mardi also checked with Mr. Furnari who did not receive his check, so Mardi re-issued the check, sent it certified mail and it got lost again. Barb was still trying to get in touch with Tom Richardson but has been unsuccessful. Lori Wickes stated that they close on their loan on March 10th and will finalize the payment at that time. Jeanette heard from someone that stated she could not finalize payment at this time, asked the board for consideration.
5. Treasurer's update & current invoices- Mardi reported that she and Gene were working together on some information so she does not have the financials prepared for this meeting. Open invoices for subscribership is \$59k for second half payments. We discussed the subscribers who have not paid their balance and the options we have to charge interest, discuss payment options if any. The next invoice will include a note detailing the Board's decision to charge interest on past due balances. Roy moved that the board act to assess a late fee on the outstanding subscriptions and direct the treasurer to send out an additional invoice which details the late fee calculated from the first of January 2016, until paid at an 18% annual rate, applied daily on the unpaid balance. Frank seconded the motion. Motion carried.
Bernadette suggested placing the calculation factor at the bottom of the invoice.
Mardi received one invoice from Colorado Water and Land Law in the amount of \$87.50 to review comments on letter of amendment, and entire project costs of \$1,347.50 for correspondence for easements, operating agreements, BOR meeting, revise operating agreement, etc.
WIN Colorado invoice for \$55
Kevin made a motion to pay the invoice to Colorado Water and Land Law, Ken seconded the motion which was approved.

Old Business

1. Phase 0 status updates-
 - a) BOR License Agreement-Kevin asked Amy if the board could take action to pre-authorize Roy to sign the license and operating agreements once all parties are satisfied with the document. Amy thought that was a prudent and efficient approach. The BOR license agreement will not be finalized until they can put the numbers from the EA in the agreement. Kevin made the motion to give Roy the authority to sign the license agreement once it is approved. Barb seconded the motion. Motion carried. The operating agreement has been reviewed by the committee, legal counsel for all parties and all believe it is complete. Kevin made a motion to approve the operating agreement as it is written. Barb seconded the motion,

during discussion-the motion was amended to give Roy the authority to sign the operating agreement once LPWWA has conferred with LDWA and provided that no changes are made. All in favor. Motion carried.

- b) Roy showed the email from Jeff concerning the Right of Way issue- We are considering the County right of way for the pipeline instead of trying to take the time to come to agreements with each and every property owner along CR141. The county road option would still leave the Tribes the ability to upsize the line at a later date as long as the easement agreement includes language to this effect. The design committee meeting will discuss the options presented by Jeff on Thursday, February 18th at 9am at B&W office.
 - c) Roy reported that we got the notice to proceed from CWCB for the upsizing the line.
2. Phase 1 status updates- Roy showed the email for Phase 1 from Jeff. Roy, Mardi, Paul, Mae, and Jeff met to discuss pipeline routes and adjustments that may need to be made. The archaeological and environmental survey cannot be finished until the snow melts. Roy stated to Jeff that we want to be well in front of the easement issue on Phase 1 so we do not run into the same thing as the raw water line.
- Jeff is still planning on a April 1st PER submission to USDA.
Jeanette asked if we can identify a date to start the phase 1 easement discussions with the property owners. We will discuss this with Jeff next week.

New Business

1. Committee Reports- Legal- open meetings law. Amy stated that the law doesn't state what public business is. The statute applies to policy making functions that affect the public. Amy suggested that committees bring back several options for the board to decide upon and not just one option that the board would be 'rubber stamping'. Kevin asked the question about the number of options needed or a yes or no vote on a single option. The committee could make a recommendation but not direct the board to take action. The nuance is that the board reviews the recommendation and considers what action to take approve or disapprove or send it back for revisions or more information. The legal committee will draft standard operating procedures for the committees to adhere to. Part of these procedures may detail that the committees cannot take and will not take action because it is not a regular noticed meeting with a quorum.
Mardi would like a future agenda item to consider rate sheet changes as compiled by the committee.
PR-Ken asked if we want to use the google calendar to keep track of our appointments and meetings? Ken would like to see the committee chairs add things to the calendar or at least update him with the information and he can put it on there. Kevin and Mardi prefer to send the meeting date info to Ken for him to post. The committee is also working on a Facebook account.
Timeline-some having trouble with viewing because they cannot download the viewer. Roy has sent the information to Sue Ullom for posting in the next newsletter.
Finance- Mardi has been working with Gene Bradley on cleaning up some things prior to the audit in April. We got the \$25k from ALP so that has been deposited in our account.
Archive and Documents-Roy showed the MyCloud Board Drive information on the projector and explained the options available for filing in the Board files and your own personal folder. We discussed the naming convention for files to use on the Board Drive but no decision was made.
2. Next LPWWA Board meetings – March 9 & April 13, 2016
3. Adjourn-9:04pm
Minutes as reported by Frank Smith, LPWWA Secretary Frank Smith
Approved on March 9, 2016