

# LA PLATA WEST WATER AUTHORITY

## BOARD OF DIRECTORS

### Meeting Minutes for August 6, 2014

The minutes for the meeting are as follows:

1. Call to order- Roy Horvath called the meeting to order at 6:32pm. Board members in attendance were: Roy Horvath, Kevin Mallow, Mardi Gebhardt, JT Coyne, Barb McCall, and Frank Smith. Others in attendance were Jeff Shamburg with Bartlett and West, Celene Hawkins with UMUT, Linda Ricketts, Ken Spence, and Paul Gray. Kathy Condon Legal Counsel for the SUIT arrived at 7:00pm. Board member Mae Morley arrived at 7:35pm.
2. Approve Agenda- Agenda was amended to add discussion about the LPWWA and Tribes funding agreement for Phase 0.
3. Review minutes from July 23, 2014 meetings (5 minutes)- Roy asked that the meeting date for the next design and engineering meeting be corrected to read August 21, 2014. He also asked if we covered the topic of the draft acknowledgement letter, Mardi believed it carried over to this meeting. KM moved to accept the minutes as amended, JT seconded the motion which was approved.
4. Comments and communications (5 minutes)-Mardi received a letter from Bill and Nancy Leal requesting for a refund of their commitment as they are in phase 5. Mardi made a motion to approve the refund and JT seconded the motion which was approved. Mardi received a newsletter back that was sent out in 2012. Roy attended a meeting for the Club20 which is an organization for the 20 western Colorado county representatives. Frank made a motion to approve the request for reimbursement made by Barb for \$10.79; JT seconded the motion which was approved with one abstention.
5. Treasurer's update, invoices, monthly financial review (10 minutes)- Colorado Water and Land Law invoice in the amount of \$988.20 which includes the 10% discount. Barb made a motion to approve the invoice, JT seconded the motion which was approved. Mardi sent out the financial statements via email prior to the meeting. No items were brought up for discussion regarding the financial statements.

#### Old Business

1. Conflict of Interest Policy review/approval (5 minutes)-We received comments back from the SUIT- One question was; what would you do if there is a violation of the policy? Another question was asked; if we are required to notify the Secretary of State? The point was made that we would certainly want to notify our founding agencies. Do we need to add language to allow discipline of the offending Board member? Roy proposed to have Mardi forward the Conflicts of Interest Policy to Amy for review, and to mention that there are provisions in our by-laws and formation agreement that allow the board to act.
2. Procurement Policy review/approval (5 minutes)- Celene pointed out the timeline for published notice seemed excessive. Jeff mentioned that two days of publication 30 days in advance of the deadline is standard. Revisions were made to the policy to define the publication period. Barb motioned that we approve the Procurement Policy as amended, Kevin seconded the motion: discussion was held to review all of the changes made. The motion was carried.
3. Engineering Contract review/approval (10 minutes)-only minor changes have been sent back and forth. RPR services were added with mention of a not to exceed number. They are not entitled to

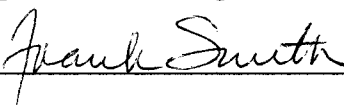
payment for services rendered after the not to exceed number is reached. Kevin made a motion to accept the engineering contract and scope of work with Bartlett & West for Phase 0; Mardi seconded the motion. The motion was approved.

4. Advisory input/review of Final Rules & Regulations; and Water User Agreement (10 minutes)-Jeff will send out examples of draft backflow prevention policies. We reviewed the changes to the policy. Mae made a motion to approve the Rules and Regulations; Kevin seconded the motion which was approved. Mardi reviewed and revised the Water User Agreement to ensure it is consistent with the revisions to the Rules and Regulations. Mardi reviewed the changes that were made. JT made a motion to approve the revisions to the Water Users Agreement; Mae seconded the motion which was approved.
5. Review Water Dock update (10 minutes)-Roy, Mardi and Mae met to discuss the water dock potential location. Roy has identified who owns the property and will contact the owners about our project, and what we would like to do with the land. Mardi has done some research on 'Waterhoods' and has identified four potential waterhoods. Mardi identified two additional commitment holders that lie outside of our service area that we will refund their money and send them a letter. We talked about the options of having a water hauler and provide water. Jeff brought up the point that the dock station can be fairly rudimentary and not cost a lot. He recently did one for a tribe in Oklahoma that cost \$30k.
6. Geotechnical Award approval (10 minutes)- Roy and Jeff met with Trautner today and brought up items that we wanted addressed. They agreed that the concerns could be handled through striking out certain areas of the scope. Slope stability was addressed and Trautner will provide recommendations for slope stabilization or design recommendations to alleviate the slope concerns. Trautner wanted to separate the bores for the intake structure areas and mainline. B&W would prefer to accommodate this request as it may help them as well. Jeff will award the contract tomorrow.
7. Fair Booth overview & sign-ups, set-up & tear-down (10 minutes)- JT stated that the booth is set up, thanks to Mae and Barb for their contributions. Mae recommended that we get the information on the USDA loan for low income applicants and make it available. Mardi had provided this information to Frank at a previous meeting; he will scan it and send it to the Board.

#### New Business

8. Linda Ricketts – (20 minutes)- Linda was here to discuss the proposed pipeline routes near her home. Jeff stated that the lines in phase 2 are really preliminary at this point and will be revised as we get closer to design of that phase.
9. Tribes/LPWWA Funding Agreement discussion-Kevin updated us on where the group is that has been working on the agreement. One of the comments brought up by Amy was the PDPA limit. Mardi has looked into this type of account and the PDPA does not limit the amount covered in this type of account. The account would be a separate account set up in LPWWA's name, with protection for the funds. The agreement will be written to recognize that the three party agreement will not be able to be met in its entirety. Frank made a motion to allow Roy, Kevin, Kathy, Celene, Mardi and Amy to work out the final agreement revise it and approve it. Mardi seconded the motion. Further discussion; Roy asked if we needed an official letter from a bank defining the banks security plan under the PDPA. Mardi mentioned that we will need a resolution to identify signatories for the Authority. The motion was approved.
10. Public meetings in September – school available September 9, 18, 23, and 25 – notice in Family Center newsletter (10 minutes)-Roy will get with Sue to set meeting dates.
11. Review draft Acknowledgement statement for refund (10 minutes)-No action taken on this item.
12. Next design/engineering meeting- August 19, 2014 8-10 AM
13. Next Board Meeting dates - regular Board meetings –August 20, 2014, September 3 & 17, 2014
14. Adjourn-9:15pm.

Minutes as reported by Frank Smith, LPWWA Secretary  
Approved on August 20, 2014

  
\_\_\_\_\_