

**Teleconference Meeting of the Board of Directors of the Republican River Water
Conservation District
RRWCD Special Board Zoom Meeting
April 7, 2022 Teleconference/Zoom**

The Board of Directors of the Republican River Water Conservation District convened a special meeting, pursuant to notice required by statute and the District's By-Laws, utilizing teleconference/Zoom technology.

Present were:

Board Members:

Rod Lenz, President
Greg Larson, Vice-President
Gil Anderson, Secretary
Aaron Sprague, Treasurer
Wil Bledsoe
Kevin Penny
Kristen Schneider
Brooke Campbell
Jim Hadachek
Kenny Helling
Steve Kramer
Don Brown
Rod Mason
Steven Meakins
Tim Pautler
Roger Seedorf
Josh Lechman

Deb Daniel, RRWCD General Manager
Payton Liming, RRWCD Administrative Assistant
David Robbins, RRWCD General Counsel, Hill & Robbins, P.C.
Pete Ampe, RRWCD General Counsel, Hill & Robbins, P.C.
Matt Montgomery, RRWCD General Counsel, Hill & Robbins, P.C.
Landon Gates, RRRWCD State Lobbyist, Capitol Focus LLC

Announcement of Guests:

Nate Midcap, Manager of the "Big 4" GWMDs.

A telephone was provided at the District office for interested members of the public to participate.

STATEMENT OF QUORUM

President Rod Lenz started with a prayer and then called the meeting to order at 3:00 PM. Board Secretary Gil Anderson conducted a roll call of the Board members and declared that a quorum of the Board was present.

Gates advised there is a safety clause on the bill which means the bill requires the Governor's signature and the last possible date for that would be June 10. There was further discussion about what qualifies as an expenditure and how the payment schedules may need to be altered. Lenz requested the meeting be a discussion that will not endanger the funds the District hopes to receive through SB 22-028 and stated if anyone not on the Budget committee wanted to join the meeting they could.

Landon Gates and Nate Midcap left the meeting as the board prepared to enter executive session.

- At 3:56 p.m. there was a motion to go into executive session. There was a second and the vote to enter executive session was unanimous.

Executive Session —Board entered Executive Session pursuant to section 24-6-402(4), C.R.S. to discuss and determine positions, develop strategies, and instruct negotiators concerning the potential purchase of real property and to receive legal advice thereto and regarding potential litigation.

- A 4:46 p.m. there was a motion to exit Executive Session. Seconded and approved unanimously. No adoption, rule or motion was made during executive session.
 - Kevin Penny read the “now therefore” portion of the public notice:
The Republican River Water Conservation District hereby informs all water users assessed by the RRWCD that the annual water use fee may include a fee based on the annual acre-feet of water usage, commencing in 2022 and subsequent years, as one component in the calculation of the Water Use Fee assessed by the RRWCD in future years. No final decision or formal action has been taken at this time, but this notice is intended to allow a decision or formal action to occur in the future.
 - Lenz asked for discussion of the public notice, there was discussion of how this proclamation will be shown in papers.
 - Penny made a motion to approve public notice 22-01 concerning giving notice that the water commencing in 2022 and subsequent years water usage may be a component in the water use fee assessed including the recitals and the notice completed as everyone has received. There was a second. President Lenz asked for additional discussion.
 - Don Brown asked how this is notifying the public when people have already started irrigating for the year. He continued stating it was his understanding this would only give notice about potential to change the fee structure, not being so direct about how it will be formatted (it addresses a specific component). Penny responded this is giving notice as best the committee can. Further discussion was held on the format of the fee evaluation structure. Sprague stated nothing has been decided on at the committee level yet, and out of current options, the variable

addressed is the only *new* variable to users, that is why giving notice is important. Further discussion was held on the fee assessment that could possibly occur and how the public notice does not fit if something else changed. The current conversation is the committee trying to do the morally right thing by notifying the public. President Lenz stated this is a response to a request from last year that if pumping records are to be included aspect not being in arrears. This is what the board *knew* was an issue last year.

- Greg Larson suggested amending the public notice to state “informs all water users assessed by the RRWCD that the annual water use fee may include and then add **but is not limited to**” in the public notice. There was further discussion, and Brooke Campbell stated it is important to give producers notice of things they can control.
- Larson moved to add “but is not limited to” into the public notice
 - Example: *informs all water users assessed by the RRWCD that the annual water use fee may include and then add **but is not limited to** a fee based*
- There was a second and President Lenz asked for any discussion. The vote for the amendment to the public notice was unanimous. The vote for the main motion was as follows: 13 to 3, disapprovals being Roger Seedorf, Rod Mason and Don Brown


Negotiating Committee

- There was discussion of the Dryden property transaction during executive session. No decision was made during executive session. Larson proposed the following motion: Authorize the signing and closing on the Dryden property, dry up provision and water leaseback provision, as presented to the board. Also allow, myself, Greg Larson, and Roger Seedorf to help with details of the final documents. There was a second and the vote was unanimous in favor of the real property transaction and giving the negotiating committee the authority to proceed.

Public Notice:

- Deb asked for direction on how to publicize the public notice. Lenz stated that using the newspapers was enough, there is no need for a mailer to each landowner. Seedorf requested the public notice be put on the website.

There was a motion to and a second and unanimous vote to adjourn the meeting at 5:14p.m.


Secretary

5/17/2022
Date