

**RIO GRANDE WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS SPECIAL MEETING  
September 27, 2021 at 10:00 A.M.  
Rio Grande Water Conservation District Conference Room  
And By Zoom Teleconference**

**Present:** Greg Higel, President; Armando Valdez, Vice-President; Dwight Martin, Secretary/Treasurer; Peggy Godfrey, Director; Steve Keller, Director; Zeke Ward, Director; Mike Kruse, Director; and Cory Off, Director.

**Absent:** Bill McClure, Director.

**Staff and Consultants:** David Robbins and Pete Ampe, Hill & Robbins, P.C.; Cleave Simpson, General Manager; Amber Pacheco, Program Manager; Chris Ivers, Program Manager; Marisa Fricke, Program Manager; Wylie Keller, Water Resource Specialist; Rose Vanderpool, Program Assistant; Linda Ramirez, Program Assistant; Clinton Phillips, Davis Engineering; and Michael Carson, Database Administrator.

**Guests:** David Hofmann, Deb Sarason, Karla Willschau, Lillian Adams.

**CALL TO ORDER**

President Greg Higel called the meeting to order at 10:00 a.m. There was a quorum present for the meeting.

**INTRODUCTION OF STAFF AND GUESTS**

President Greg Higel welcomed all those present and asked for introductions.

**APPROVE AGENDA**

President Higel asked for amendments or a motion to approve the agenda. A motion was made by Dwight Martin to approve the agenda as presented. The motion was seconded by Cory Off and unanimously approved.

**PUBLIC COMMENT**

President Higel asked for public comment. There were none.

**DISCUSSION AND CONSIDER APPROVAL OF THE DISTRICT 2020 FINANCIAL AUDIT PRESENTED BY WALL, SMITH AND BATEMAN**

President Higel asked for discussion and consider approval of the district 2020 financial audit presented by Wall, Smith and Bateman. Karla Willschau introduced herself and Lillian Adams and provided a high-level overview of the independent auditor's report. Ms. Willschau reported gathering a large amount of audit documentation and stated the financials were fairly presented. Lillian Adams highlighted the numbers beginning with the net position. NOTE: Page 12 of the audit contained an error, it read Subdistrict No. 5 was approved by the Court in 2018 rather than the correct year of 2017. The Board corrected the date in their books rather than having the page reprinted.

A motion was made by Dwight Martin to approve the district 2020 financial audit as presented. The motion was seconded by Peggy Godfrey and unanimously approved.

**DISCUSSION AND CONSIDER APPROVAL OF CONTRACT WITH JOHN BAXTER AND SUBDISTRICT #5**

President Higel asked for discussion and consider approval of contract with John Baxter and Subdistrict No. 5. Cleave Simpson gave a brief overview of the discussions that have led up to the contract being considered. Chris Ivers further explained the details of the potential contract and answered questioned. Peggy Godfrey read her comments (copy attached).

A motion was made by Dwight Martin to approve the Subdistrict No. 5 contract with John Baxter. The motion was seconded by Cory Off. Peggy Godfrey voted no. The motion passed.

**DISCUSSION AND CONSIDER APPROVAL OF THE JOINT FUNDING AGREEMENT FOR FISCAL YEAR 2022 WITH THE UNITED STATES GEOLOGICAL SURVEY**

President Higel asked for discussion and consider approval of the joint funding agreement for fiscal year 2022 with the United States Geological Survey. Cleave Simpson highlighted the number of years

the district has been a part of the joint funding agreement and what changed within the last couple of years. Mr. Simpson provided the costs associated including the slight increase from 2021. A motion was made by Cory Off to approve the joint funding agreement for fiscal year 2022 with the United States Geological Survey. The motion was seconded by Peggy Godfrey and unanimously approved.

**GENERAL MANAGER UPDATE**

President Higel asked for General Manager update.

- Continued use of Zoom meeting platform for District and Subdistrict meetings

Cleave Simpson reported a few of the Subdistrict Boards were discussing suspending the Zoom option when holding meetings and asked for the Boards direction. Discussion was held on the convenience and added participation when the Zoom platform is an option. Mr. Simpson highlighted the District Board’s position was supportive of Zoom meetings and encourages in person participation whenever possible.

- Subdistrict No. 1 potential to sell portion of the real estate purchased on their behalf

Cleave Simpson reported Subdistrict No. 1 subdivided the Medano property and asked if the District Board would have any reason not be in favor of them moving forward with liquidating a portion of the property. David Robbins explained the process of ratifying the subdivision and authorizing the general manager to put the property up for sale or vacate the subdivision. Mike Kruse asked about the water rights on the property.

A motion was made by Mike Kruse to give Cleave Simpson authorization to ratify the Subdivision. The motion was seconded by Cory Off and unanimously approved.

Mike Kruse suggested offering potential buyer’s additional acres when offers to purchase the house are made. Marisa Fricke highlighted how the process started.

- Groundwater only position on the Subdistrict No. 1 Board of Managers and how to properly notice

Cleave Simpson reported on the confusion surrounding the appointment of the groundwater only position on Subdistrict No. 1 Board of Managers. Discussion was held on the qualifications of potential candidates and how the position is appointed. Mr. Simpson highlighted the challenges and asked for direction. Marisa Fricke reported how the process to fill the position was handled in the past. Amber Pacheco explained the straw poll method and the success she has had in one of her Subdistricts.

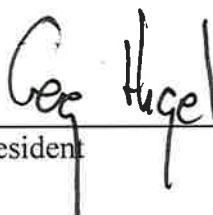
Cleave Simpson provided an update on the potential meeting he was trying to arrange with the regional manager of the Closed Basin Project.

Mike Kruse commented on the importance of Subdistrict No. 1 following their timeline according to the Judge’s ruling and asked if the Board of Directors could approve Subdistrict No. 1’s budget alone at the October meeting. Cleave Simpson reported he would engage with David Robbins and Pete Ampe regarding the ruling on the timelines for Subdistrict No. 1 budget.

**ADJOURN**

The meeting was adjourned at 12:25 p.m.

The next scheduled quarterly meeting will be held on October 19, 2021.

  
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President

  
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Secretary/Treasurer