

**RIO GRANDE WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING
DECEMBER 9, 2022 at 9:00 A.M.
Rio Grande Water Conservation District Conference Room
And By Zoom Teleconference**

Present: Greg Higel, President; Armando Valdez, Vice-President; Peggy Godfrey, Director; Steve Keller, Director; Zeke Ward, Director; and, Mike Kruse, Director.

Absent: Dwight Martin, Secretary/Treasurer; Cory Off, Director and Doug Gunnels, Director.

Staff and Consultants: David Robbins and Pete Ampe, Hill & Robbins, P.C.; Cleave Simpson, General Manager; Amber Pacheco, Acting Deputy General Manager; Wylie Keller, Water Resource Specialist; Rose Vanderpool, Program Assistant; Rob Phillips, Program Manager; Linda Ramirez, Program Assistant; Kylie Gregg, Office Manager; Michael Carson, Database Administrator; and April Mondragon, Administrative Assistant.

Guests : Deb Sarason, Michelle Lanzoni, Willie Hofner.

CALL TO ORDER

President Greg Higel called the meeting to order at 9:09 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

Cleave Simpson asked for an amendment to the agenda to remove the appointment of SD 6 Board of Manager Member for the Commonwealth-Austin Miller from Item No. 6.

A motion was made by Steve Keller to approve the agenda as amended. The motion was seconded by Zeke Ward and unanimously approved.

PUBLIC COMMENT

President Higel asked for public comment. There was none.

REVIEW AND CONSIDER FOR ACTION

President Higel asked to review and consider the following for action:

- *Appointment of SD 1 Board of Managers Member for Rio Grande Canal-Brett Hemmerling*

Cleave Simpson reported on a formal notice received by the District from the Rio Grande Canal. The notice appointed Brett Hemmerling as their representative on the Subdistrict No. 1 Board of Managers due to the passing of Carla Worley.

A motion was made by Steve Keller to appoint Brett Hemmerling to the Subdistrict No. 1 Board of Managers. The motion was seconded by Mike Kruse and unanimously approved.

- *Consider Selection of a State Lobbyist for the District*

Cleave Simpson explained the District had been entertaining requests for proposals for a State Lobbyist to represent the District at the Capital following the retirement of Becky Brooks. He reported he received two (2) responses and would provide copies of the bids to the Board. Mr. Simpson provided the costs of each bid in comparison to Stealey II. David Robbins described Colorado Legislative Strategies as a well-regarded firm at the capital. He highlighted the possibility of potential conflict of interest issues and explained how they would proceed/manage if issues arise. Mr. Simpson recommended the Board allow him to enter into a one (1) year contract with Colorado Legislative Strategies.

A motion was made by Mike Kruse to approve Colorado Legislative Strategies as State lobbyist for the Rio Grande Water Conservation District for one year. The motion was seconded by Steve Keller and unanimously approved.

REVIEW AND CONSIDER APPROVAL OF BANKING RESOLUTION

President Higel asked to consider approval of the Banking Resolution. Cleave Simpson reported on the need to have all signature cards and names on bank accounts updated for new Board Members. Kylie Gregg stated the banks have requested new resolutions for their files.

A motion was made by Mike Kruse to adopt the Banking Resolution. The motion was seconded by Zeke Ward and unanimously approved.

REVIEW AND CONSIDER RESOLUTION TO ADOPT RECORDS RETENTION POLICY

President Higel asked to consider the Resolution to Adopt Records Retention Policy. Cleave Simpson reminded the Board of the need to formalize the adoption of the records retention policy.

A motion was made by Mike Kruse to adopt the Records Retention Policy. The motion was seconded by Zeke Ward and unanimously approved.

REVIEW AND CONSIDER RESOLUTION DECLINING PARTICIPATION IN THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

President Higel asked for discussion and consider Resolution Declining Participation in the Colorado Paid Family and Medical Leave Insurance Program. Cleave Simpson highlighted the District's option to opt out. He described what is covered under the Colorado Paid Family and Medical Leave Insurance Program and the coverages under the current long-term disability policy in place. Mr. Simpson explained how the current policy is more beneficial to employees. Amber Pacheco highlighted the matter would need to be reconsidered every eight (8) years.

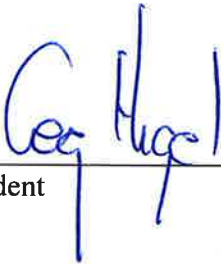
A motion was made by Mike Kruse to adopt the Resolution Declining Participation in the Colorado Paid Family and Medical Leave Insurance Program. The motion was seconded by Zeke Ward and unanimously approved.

Mr. Simpson reported on the resignation of Brian Brownell from the Subdistrict No. 1 Board of Managers and how much he will be missed. He also provided an update on the continued effort to develop criteria for funding under SB22-028.

ADJOURN

The meeting was adjourned at 9:46 a.m.

The next quarterly meeting was scheduled for January 17, 2023.



President



Secretary/Treasurer



Rio Grande Water Conservation District

8805 Independence Way • Alamosa, Colorado 81101

Phone: (719) 589-6301 • Fax: (719) 992-2026

Protecting & Conserving San Luis Valley Water

RESOLUTION

Whereas, the Rio Grande Water Conservation District does banking with all local banks in the San Luis Valley, and

Whereas, the position of General Manager for the Rio Grande Water Conservation District is held by Cleave A. Simpson, and

Whereas, the Rio Grande Water Conservation District Board of Directors desire to have Cleave A. Simpson as signatory for all bank accounts held by the District, and

Whereas, the Board of Directors of the Rio Grande Water Conservation District desire to have the President, Greg Higel, the Vice-President, Armando Valdez and the Secretary/Treasurer, Dwight Martin as signatories on all bank accounts held by the District, and

Therefore, be it resolved, that the Rio Grande Water Conservation District Board of Directors request that the subject banks change the signatories to Cleave A. Simpson - General Manager, Greg Higel.- President, Armando Valdez -Vice-President and Dwight Martin-Secretary/Treasurer to discharge the banking business of the District.

Signed on this ninth day of December, 2022, at a special meeting of the Rio Grande Water Conservation District.

Greg Higel, President

Dwight Martin, Secretary/Treasurer

**RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
RIO GRANDE WATER CONSERVATION DISTRICT**

ADOPTING RECORD RETENTION POLICY

WHEREAS, the Rio Grande Water Conservation District recognizes that Article 80 of Title 24 of C.R.S. established the Office of State Archives and Public Records, and designates a chief administrative officer over state archives and public records. The records of every state agency and political subdivision thereof are to be evaluated, kept, stored, and maintained pursuant to rules and guidelines developed in cooperation with the Director of the State Archives.

WHEREAS, the Colorado State Archives has developed a state-wide record retention schedule in cooperation with the Colorado Special Districts Association, The Colorado Attorney General's Office, and the State Auditor's Office for special districts to use, and,


WHEREAS, the Rio Grande Water Conservation district recognizes a need for a comprehensive records retention schedule for the District's non-permanent records and the retention of those records that have long-term administrative, fiscal, and historical value.

RESOLUTION

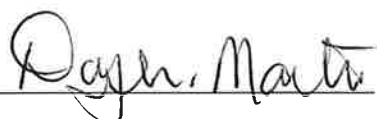
NOW, THEREFORE, be it resolved by the Board of Directors of the Rio Grande Water Conservation District that:

1. The Board of Directors adopted a Record Retention Policy on July 21, 2020, that follows the guidelines and schedule that the Colorado State Archives and their Director has set forth.

RESOLVED this 9 day of Dec., 2022.



President



Attest: Secretary/Treasurer

**A RESOLUTION DECLINING PARTICIPATION IN THE COLORADO PAID
FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM**

WHEREAS, in November of 2020, Colorado voters approved Proposition 118, codified in Part 5, Article 13.3 of Title 8, Colorado Revised Statutes (C.R.S.), establishing the Family and Medical Leave Insurance (“FAMLI”) Program, a state insurance plan providing paid leave for Colorado workers during certain life circumstances; and

WHEREAS, under the FAMLI Program, employers and their employees are both responsible for funding the program and may split the cost 50/50; the premiums are set at 0.9% of the employee’s wage, with 0.45% paid by the employer and 0.45% paid by the employee, except employers with fewer than 10 employees will not pay an employer premium; and

WHEREAS, the premiums required for FAMLI will be collected starting January 1, 2023, and benefits will begin January 1, 2024; and

WHEREAS, as a local government as defined by C.R.S. §§ 8-13.3-503(14) and 29-1-304.5(3)(b), the Rio Grande Water Conservation District (“District”) may decline to participate in FAMLI following a public hearing and vote of its governing body pursuant to C.R.S. § 8-13.3-522; and

WHEREAS, should the District decline to participate in the FAMLI Program, its employees will still have the option to participate in the program and remit premiums to the State; and

WHEREAS, at a public meeting held December 9th, 2022, the Board of Directors held a public hearing on the decision whether to participate in FAMLI; and

WHEREAS, because the District already offers benefits, including short-term disability insurance, that meet or exceed the benefits offered under the FAMLI Program, the District has concluded that any benefits of the FAMLI Program are outweighed by the costs.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Rio Grande Water Conservation District as follows:

1. The Board of Directors finds and determines that, with regard to the public hearing on the decision of whether to decline participation in FAMLI, notice was given as required by law, and the hearing was conducted in accordance with the regulations adopted by the Colorado Department of Labor and Employment codified at 7 CCR 1107-2.
2. The Board of Directors, acting by and on behalf of the District, declines any and all participation in the FAMLI Program.
3. The Board of Directors further directs its staff to bring the matter of revisiting the decision to decline participation in FAMLI before a future Board by no later than eight years from the date of the vote on this Resolution.

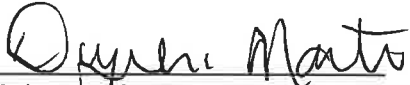
Dated this 9th day of December, 2022.

RIO GRANDE WATER CONSERVATION
DISTRICT

By: 

Greg Higel, President

ATTEST:

By: 

Dwight Martin, Secretary/Treasurer